

Centre guidance: Dealing with malpractice and maladministration

2023

Who and what is this guide for:

This guide is for all Pearson approved centres delivering qualifications to use as a basis for their own internal malpractice policies. It includes advice on how to prevent malpractice and maladministration and what action we will take where there is alleged or suspected malpractice and maladministration.

Pearson Education Ltd – Our Mission and Values

At Pearson, our purpose is simple: to add life to a lifetime of learning. We believe that every learning opportunity is a chance for a personal breakthrough. That's why our c.20,000 Pearson employees are committed to creating vibrant and enriching learning experiences designed for real-life impact. We are the world's leading learning company, serving customers in nearly 200 countries with digital content, assessments, qualifications, and data. For us, learning isn't just what we do. It's who we are. Visit us at www.pearsonplc.com

We are regulated by the UK qualifications regulators Ofqual (England), SQA Accreditation (Scotland), CCEA Regulation (Northern Ireland) and Qualifications Wales (Wales). Our regulatory policies are integral to our approach and articulate how we meet regulatory requirements. These policies are designed to support centres and students and set out clearly our approach to the design, delivery, and award of Pearson qualifications and services.

Contents

Pearson Education Ltd – Our Mission and Values	2
1. What does this guide cover?	4
2. What are the aims of this guide?	4
3. Definitions of malpractice and maladministration	5
4. Ways you can reduce malpractice and maladministration	6
5. What to do when you suspect malpractice or maladministration	8
Suspected learner malpractice relating to internally and externally assessed units.....	8
Suspected centre staff malpractice	9
6. How Pearson investigates malpractice and maladministration	9
7. Sanctions applied by Pearson.....	10

8.	Appeals.....	11
9.	Regulatory references.....	11
10.	Review date.....	11
11.	Useful information.....	12

1. What does this guide cover?

- 1.1** This guide applies to all our general and vocational qualifications including GCSE, International GCSE, AS/A Level, International AS/A Level, Pearson English International Certificate (PEIC), BTEC, Higher National (HN), T Level, End Point Assessment (EPA), International Certificate, Functional Skills, NVQ, SVQ, ESOL and Self-Regulated Framework qualifications.
- 1.2** This guide is for all Pearson approved centres and should be read alongside the latest issue of the [JCQ Suspected Malpractice Policies and Procedures](#).

2. What are the aims of this guide?

- 2.1** A condition of centre approval is that you have a published malpractice policy in relation to Pearson qualifications. You may use this guide as a basis when developing your own policy. Your policy should detail your centre's process for dealing with maladministration, learner, and staff malpractice and how incidents will be escalated to us.
- 2.2** For those considering reporting suspected malpractice or maladministration at a centre, further guidance can be found in the [JCQ Public Interest Disclosure Act \(Whistleblowing\) document](#). If you want to report an incident of suspected malpractice or maladministration, or would like to discuss your concerns, please contact our Investigations team by email at pqsmalpractice@pearson.com. You can report your concerns anonymously if you wish - if requested, we will not disclose your identity unless legally obliged to do so.
- 2.3** Maintaining the integrity of our qualifications is important to us and incidents of malpractice and maladministration can adversely affect learners and undermine public confidence in the delivery and award of our qualifications. For this reason, we take malpractice and maladministration incidents very seriously and we will investigate all allegations we receive as fully as possible. Incidents of proven malpractice or maladministration may result in sanctions being imposed on those found responsible (see section 7.1 below).
- 2.4** There are regulatory criteria set by the UK qualifications regulators (Ofqual, SQA Accreditation, Qualifications Wales and CCEA Regulation) that govern how we investigate and manage the effects of malpractice and maladministration. Our Investigations team will investigate instances of:
- non-compliance with JCQ regulations;
 - non-compliance with our qualification specifications and delivery requirements; and
 - other alleged or suspected instances which may constitute maladministration and malpractice.

- 2.5 Our Investigations team is independent and objective in their work and has the authority to review matters throughout Pearson and within any Pearson approved centre.
- 2.6 It is important for you to respond effectively and openly with us while we manage an investigation into an incident or suspected incident of malpractice or maladministration.

3. Definitions of malpractice and maladministration

- 3.1 JCQ defines 'Malpractice', as any act, default or practice which is:
- a breach of the Regulations; and/or
 - a breach of awarding body requirements regarding how a qualification should be delivered; and/or
 - a failure to follow established procedures in relation to a qualification, which:
 - gives rise to prejudice to candidates; and/or
 - compromises public confidence in qualifications; and/or
 - compromises, attempts to compromise, or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or
 - damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.
- 3.2 For Pearson centres offering SQA Accreditation accredited qualifications, please note that SQA Accreditation defines 'Maladministration' and 'Malpractice' as:
- **Maladministration:** Any actions, neglect, default, or other practice that compromises the accreditation or quality assurance process including the integrity of accredited qualifications, the validity of any certificates, or the reputation and credibility of SQA Accreditation.
 - **Malpractice:** Any deliberate actions, neglect, default, or other practice that compromises the accreditation or quality assurance process including the integrity of accredited qualifications, the validity of any certificates, or the reputation and credibility of SQA Accreditation.
- 3.3 We are required to report cases of malpractice/maladministration to the qualifications regulators where we believe an Adverse Effect may have occurred. An Adverse Effect includes situations in which learners are disadvantaged; an awarding organisation is unable to develop, deliver or award its qualifications appropriately; the standards of an awarding organisation's qualifications are adversely affected; or public confidence in qualifications is undermined.

- 3.4** For Pearson centres offering SQA Accreditation accredited qualifications, we are also required to report all alleged, suspected, or actual incidents of malpractice or maladministration to SQA Accreditation. It is therefore important that such centres have a malpractice policy which provides clear instructions on reporting malpractice and maladministration incidents to us immediately.

4. Ways you can reduce malpractice and maladministration

- 4.1** Ensuring that all staff involved in the delivery and assessment of qualifications have the appropriate skills and experience and have received appropriate training.
- 4.2** Ensuring that your centre has a culture in which all staff and learners are aware that malpractice will not be accepted and that any concerns of malpractice or other wrongdoing can be freely and confidently reported.
- 4.3** Ensuring that your centre has a malpractice policy in place which clearly sets out the centre's expectations of staff and learners regarding malpractice, including plagiarism, AI misuse¹, misconduct in assessments, copying and collusion, access to unauthorised items (such as mobile phones), etc. The policy should detail the steps to be taken by the centre where learner malpractice is suspected in internal assessments before the declaration of authentication has been signed (see section 5.5). The policy should also reference the JCQ Suspected Malpractice Policies and Procedures and make it clear to learners and centre staff that incidents of malpractice will need to be reported to the relevant awarding body and evidence shared (see section 5).
- 4.4** You must take steps to ensure that learners' work is their own. Steps could include the following steps:
- For internally assessed units, internal assessors are responsible for checking the validity and authenticity of each learner's work. This may involve the use of similarity index software (to check for plagiarism), artificial intelligence (AI) use detection software, consideration of the learner's usual standard of work and understanding demonstrated in classes and other work, and verbal discussions regarding the content of the work.
 - For internal assessments, learners must complete a declaration of authentication when submitting their work for assessment.

¹ AI misuse is deemed by Pearson and the other JCQ awarding organisations to be a form of plagiarism. AI misuse can involve plagiarising content produced by AI tools and/or incomplete or poor acknowledgement of AI use. More information can be found in the JCQ AI Use in Assessments guidance here: [AI Use in Assessments: Protecting the Integrity of Qualifications - JCQ Joint Council for Qualifications](#)

- For NVQs/SVQs and competence-based qualifications, a centre and its learners must provide a written declaration that the evidence is authentic and that the assessment was conducted under the requirements of the assessment specification.
- You must have appropriate processes in place to verify the identity of a learner before they take an examination.
- Where assessment is to be conducted in a language other than English, centres must ensure that provision is made for such work to be verified and authenticated.

4.5 It is the Head of Centre's responsibility to ensure that measures have been taken to prevent and identify learner malpractice in internally assessed units and that work submitted is the learner's own and has been accurately assessed.

4.6 There are lots of ways you can reduce learner malpractice such as:

- Using the induction period and the student handbook to tell learners about your policy on malpractice (including AI misuse) and the sanctions for attempted and actual incidents of malpractice.
- Showing learners, the appropriate formats to record cited texts and other materials or information sources including websites and AI tools. Learners should not be discouraged from conducting research; indeed, evidence of relevant research often contributes to the achievement of higher grades. However, the submitted work must show evidence that the learner has interpreted and understood appropriate information and has acknowledged any sources used. Further guidance on plagiarism can be found in the assessors. Guidance on AI use can be found in the JCQ document [AI Use in Assessments: Protecting the Integrity of Qualifications](#).
- Checking that access controls are installed to stop learners from accessing and using another person's work.
- Checking that learners do not take prohibited materials into an exam and, if appropriate, have facilities for learners to store mobile phones, bags, and other materials. Prohibited materials include web-enabled communication devices such as mobile phones, iPads and smartwatches, and materials which might provide an advantage such as calculators, notes, and revision materials.
- Having procedures for assessing work in a way that reduces or identifies malpractice such as plagiarism (including AI misuse), collusion, or cheating. These procedures may include:
 - Periods of supervised sessions during which evidence for assignments/tasks/coursework is produced by the learner.
 - Altering assessment assignments/tasks/tools on a regular basis.
 - The assessor assessing work for a single assignment/task in a single session for the complete cohort of learners.
 - Using oral questions with learners to check their understanding of the work.
 - Assessors getting to know their learners' styles and abilities.

- Using a plagiarism/similarity index tool and/or AI detection tools to help identify potential plagiarism/AI misuse.
- 4.7** Further guidance on ways malpractice and maladministration can be prevented is given in section 3 of the JCQ Suspected Malpractice Policies and Procedures.

5. What to do when you suspect malpractice or maladministration

- 5.1** If you discover or suspect a learner or member of staff of having committed malpractice, you must make the individual fully aware (preferably in writing) at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven.
- 5.2** You must immediately report any incident of:
- Alleged, actual or attempted malpractice by centre staff.
 - Maladministration by centre staff.
 - Malpractice or attempted malpractice by learners.
- 5.3** Incidents should be reported to us using the following email addresses:
- Learner malpractice: candidatemalpractice@pearson.com
 - Centre/centre staff malpractice or maladministration: pqsmalpractice@pearson.com.

Suspected learner malpractice relating to internally and externally assessed units

- 5.4** Cases of suspected learner malpractice in external assessments must be reported to Pearson immediately. Heads of Centre should complete JCQ Form M1 and submit this along with all supporting documentation to our Investigations Processing team at candidatemalpractice@pearson.com.
- 5.5** Cases of suspected learner malpractice in internal assessments must be reported to Pearson if the learner has signed the declaration of authentication. Heads of Centre should complete JCQ Form M1 and submit this along with all supporting documentation to our Investigations Processing team at candidatemalpractice@pearson.com. Where learners have not completed a declaration of authentication the incident does not need to be reported and centres should follow their internal malpractice/academic misconduct policy in resolving the matter.

Suspected centre staff malpractice

- 5.6** Heads of Centre are required to inform our Investigations team of any alleged, actual, or suspected malpractice by centre staff, before any investigation is undertaken. Heads of Centre need to contact our Investigations team by submitting a [JCQ Form M2](#) with supporting documentation to pqsmalpractice@pearson.com. Where we receive allegations of malpractice from other sources (for example Pearson staff or anonymous informants), our Investigations team will conduct the investigation directly or may ask the Head of Centre to assist.
- 5.7** Heads of Centre or their nominees need to inform learners and centre staff of suspected malpractice of their responsibilities and rights, as detailed in section 5.33 in the [JCQ Suspected Malpractice Policies and Procedures](#).

6. How Pearson investigates malpractice and maladministration

- 6.1** We may need to carry out an investigation directly in some circumstances, for example if the alleged malpractice or maladministration relates to centre management, and it is important that you support us with the investigation.
- 6.2** When dealing with alleged malpractice or maladministration in a centre our Investigations team will deal mostly with the Head of Centre. We may require full access to a centre for investigation purposes.
- 6.3** As part of the investigation, we retain the right to:
- Involve the learner and others in the investigation process.
 - Contact the learner (and/or the learner's representative) directly.
 - Contact staff members directly.
- 6.4** The above may occur, for example, when a learner's account of events is different with that of the centre. Learners under the age of 18 who are involved may wish to be assisted by centre staff, parents, or guardians.
- 6.5** During an investigation, we may release results and certificates or:
- Refuse learner registrations/entries.
 - Withhold the release of results/certificates.
 - Modify results/ certificates.
 - Recall or invalidate certificates that have been issued.
 - Withhold test/examination papers if the security of a test/examination is considered at risk pending the outcome of the investigation.

- Arrange for additional quality assurance measures to be implemented before assessment activities (e.g. registration or certification of learners) can take place, either on a cohort or individual learner level.

6.6 If malpractice or maladministration is suspected by a Pearson representative (for example Standards Verifier (SV), Senior Standards Verifier (SSV), examiner, moderator) or has been reported directly to us by a third party, we will investigate it in a form appropriate to the nature of the alleged malpractice/maladministration. Such an investigation will require the full support of the Head of Centre, centre management and all staff linked to the allegation.

6.7 We may need to access any documents you store in relation to alleged malpractice or maladministration. In some incidents, such as centre staff malpractice, we may be required to:

- Report the incident to the regulators including the action that has been taken by the Head of the Centre, governing body, or the responsible employer.
- Notify or share information with fellow awarding organisations or other organisations (further information relating to notifications can be found in the [JCQ Suspected Malpractice Policies and Procedures](#)).

7. Sanctions applied by Pearson

7.1 Where malpractice/maladministration is proven, we will consider whether the integrity of our assessments has been compromised or might be at risk if the centre/staff member/learner in question were to be involved in future Pearson assessments. We will act to protect the integrity of our qualifications. This action may include:

- Refusing to accept assessment/examination entries from a centre.
- Withdrawing programme/centre approval.
- Refusing to issue certificates.
- Recalling/invalidating certificates.
- Debarring a centre staff member from involvement in the delivery of Pearson qualifications for a number of years/life.
- Disqualifying a learner from the qualification.
- Debarring a learner from taking Pearson qualifications for a number of years.

8. Appeals

- 8.1 There are procedures for appeals against sanctions resulting from malpractice/maladministration. Appeals against a decision made by us will normally be accepted only from Heads of Centre (on behalf of learners and/or members of staff) and from individual members of centre staff (in respect of a decision taken against them personally). For further information on appeals please refer to the JCQ document 'A Guide to the Awarding Bodies' Appeals Processes'.

9. Regulatory references

- 9.1. UK regulators require all awarding organisations to establish and maintain their compliance with regulatory conditions and criteria. As part of this process, policies and guides that relate to Pearson's status as an awarding organisation will reference any conditions and criteria that they address.
- 9.2. This guide addresses the following regulatory criteria and conditions:

Qualification regulator or relevant governing body	Regulatory rule or guidance document	Regulatory condition, criteria, or principle
Ofqual	<u>General Conditions of Recognition</u>	A8
Qualifications Wales	<u>Standard Conditions of Recognition</u>	A8
CCEA Regulation	<u>General Conditions of Recognition</u>	A8
SQA Accreditation	<u>Regulatory Principles (2021)</u>	18
ESFA	<u>Conditions for being on the register of end point assessment organisations</u>	2.4
JCQ	-	All sections

10. Review date

- 10.1. This guide will be reviewed in December 2024.

11. Useful information

11.1. For further guidance, reference can be made to the following publications:

- [BTEC Managing Quality Guides](#)
- [JCQ A Guide to Awarding Bodies' Appeals Processes](#)
- [JCQ Plagiarism in assessments](#)
- [AI Use in Assessments: Protecting the Integrity of Qualifications](#)
- [JCQ Public Interest Disclosure Act \(Whistleblowing\)](#)
- [Withholding results and certificates from learners policy](#)
- [Policy on the removal of programme and centre approval](#)
- For specific queries or matters which are not addressed in the above, our Investigations team can be contacted via email at pqsmalpractice@pearson.com.