

Student and Centre Malpractice

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1. Malpractice

This procedure provides staff and students with information about the steps which will be taken when it is suspected that academic malpractice or maladministration has occurred. This procedure will be applied on all occasions where it is suspected that malpractice or maladministration has occurred on Further Education (FE) programmes.

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of awarding body assessment requirements including any act, default or practice which:

- a) Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any awarding body qualification or the validity of a result or certificate; and/ or
- b) Damages the authority, reputation or credibility of an awarding body or any officer, employee or agent of an awarding body.

Malpractice/maladministration can arise for a variety of reasons:

- a) Some incidents of malpractice are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance);
- b) Some incidents of maladministration arise due to unfamiliarity of awarding body requirements, carelessness, or neglect in applying the requirements (maladministration).

Malpractice can include both maladministration in the assessment and delivery of awarding body qualifications and deliberate non-compliance with awarding body requirements.

Whether intentional or not, it is necessary to investigate and act upon any suspected instances of malpractice, to protect the integrity of the qualification and to identify any wider lessons to be learned.

For HN malpractice (SCQF levels 7 & 8) please see UHI guidance at [Malpractice and Conflict of Interest \(sharepoint.com\)](#)

2. Student Malpractice

2.1. Definition of student malpractice

Malpractice by a student can occur, for example, in:

- a) The preparation and authentication of coursework
- b) The preparation or presentation of practical work
- c) The compilation of a portfolio of assessment evidence
- d) The completion of an examination paper, or the controlled write-up stage of externally assessed coursework; and conduct during or after an assessment
- e) Conduct during or after an assessment

Examples of candidate malpractice include, but are not limited to:

Collusion with others when an assessment must be completed by an individual.

Copying from another candidate (including using ICT to do so) and/or working collaboratively with other candidates on an individual task.

Frivolous content — producing content that is unrelated to the assessment.

Misconduct — inappropriate behaviour in an assessment room that causes disruption to others. This includes talking, shouting and/or aggressive behaviour or language, and having a prohibited electronic device that emits any kind of sound in the assessment room.

Offensive content — content in assessment materials that includes vulgarity and swearing that is out with the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidates' rights to freedom of expression.

Personation — assuming the identity of another candidate or a candidate having someone assume their identity during an assessment.

Plagiarism — failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own (this could be another person's work or work taken from a generative AI source).

Prohibited items — physical possession of prohibited materials (mobile phones, electronic devices and handwritten notes etc) during a controlled assessment.

Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment.

Breaching the defined conditions of assessment – for example completing work outside controlled conditions.

2.2. Reporting suspected student malpractice

Staff and students should report suspected malpractice by a student to the Curriculum Manager responsible for the student as soon as they are aware of an incident occurring.

2.3. Communication

The Curriculum Manager will notify the Vice Principal Academic of any suspected malpractice as soon as possible and within 1 working day of being made aware that an incident has occurred.

2.4. Establishing responsibility for investigation

2.4.1. Non SQA awards

Where UHI NWH has identified potential malpractice, within 2 working days, the Vice Principal Academic (or a nominated alternative) will;

1. Notify the awarding body of all cases of suspected malpractice.
2. Read the awarding body policy/guidance and implement in line with this procedure.

Typically, the awarding body will require to be notified within a set period of time and either the policy or contact at the awarding body will advise as to whether UHI NWH or the awarding body will investigate. Should the awarding body ask UHI NWH to carry out the investigation on their behalf, the Vice Principal Academic (or a nominated alternative) will provide a report of findings, recommended actions and relevant documents to the awarding body once complete.

Where the awarding body flags potential malpractice to UHI NWH, we will follow the steps above, reading the awarding body policy/guidance and confirming with the awarding body who will carry out the investigation.

Where UHI NWH investigates suspected malpractice the outcome will be discussed with the awarding body prior to UHI NWH providing the outcome to the subject of the investigation. UHI NWH will not provide any malpractice outcome without conducting and being satisfied with our own investigation.

2.4.2. SQA awards

UHI NWH will automatically be delegated to investigate suspected malpractice related to assessments which are internally marked. Investigations should be conducted in line with SQA guidance *Malpractice: information for centres*.

For externally marked assessment (e.g. Higher/Nat 5) where evidence has not yet been submitted to SQA, UHI NWH will automatically be delegated to investigate suspected malpractice, in line with SQA guidance *Malpractice: information for centres*. Where evidence has already been submitted to SQA the Vice Principal Academic (or a nominated alternative) will notify SQA of the concern raised promptly by emailing investigation.enquiries@sqa.org.uk

For qualifications subject to regulation by SQA Accreditation or Ofqual the Vice Principal Academic (or a nominated alternative) will notify SQA of the concern raised promptly by emailing candidate.malpracticeHNVQ@sqa.org.uk.

The Vice Principal Academic (or a nominated alternative) will liaise with the SQA Coordinator to ensure SQA are notified immediately of the following circumstances;

1. There has been a breach/suspected breach to the security and integrity of assessment materials
2. Results relevant to the suspected malpractice/investigation have already been submitted
3. The student has appealed the outcome of the investigation and now wishes to also appeal to the awarding body.
4. There are exceptional circumstances which the centre believes the awarding body should be aware of, for example a criminal act.

2.5. Investigation of suspected student malpractice

If UHI NWH have been tasked with investigating on behalf of the awarding body, the investigation will be actioned in line with our student conduct and disciplinary policy and procedures, including the communication of the outcome.

Individual awarding body guidelines regarding the conduct of investigations should also be consulted.

Students who are under investigation will be provided with;

- a) Information about the allegation made against them and information about the evidence there is to support that allegation

- b) Information about the possible consequences should malpractice be established
- c) The opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- d) The opportunity to consider their response to the allegations (if required)
- e) The opportunity to submit a written statement
- f) Information on the applicable appeals procedure, should a decision be made against them

Results relevant to an investigation should not be submitted during the course of the investigation. Any other steps to mitigate further impact as a result of any incident should be taken as appropriate.

2.6. Student malpractice appeals

2.6.1. Investigations conducted by the UHI NWH

Appeals must first be actioned in line with our student conduct and disciplinary policy and procedures.

After having exhausted the UHI NWH appeals process, students may have the right to appeal directly to the relevant awarding body (please refer to current awarding body guidance).

Where the awarding body is SQA, such appeals must be submitted in accordance with SQA guidance Appeals: information for centres.

For qualifications subject to regulation by SQA Accreditation or Ofqual (for example SVQ's) students may request the regulator reviews the awarding body process in reaching their decision.

2.6.2. Investigations conducted by the awarding body

Students can appeal the outcome of an investigation carried out by the Awarding Body (please refer to current awarding body guidance).

Where the awarding body is SQA, such appeals must be submitted to an SQA director, be clearly marked as an appeal and sent to The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ. Such appeals can be presented by the students, the centre or an authorised representative of the student.

SQA Appeals must be;

- a) Submitted in writing within 15 working days of being notified of the outcome of the centre appeal.
- b) Provide an account of why the student/centre think that the investigation decision is incorrect.
- c) Address the reason for the original decision given by the awarding body.

For qualifications subject to regulation by SQA Accreditation or Ofqual (for example SVQ's) students may request the regulator reviews the awarding body process in reaching their decision.

3. Centre Malpractice

3.1. Definition of centre malpractice

Examples of centre malpractice include, but are not limited to:

- a) Managers or others exerting undue pressure on staff to pass students who have not met the requirements for an award.
- b) Excessive direction from assessors to candidates on how to meet national standards.
- c) Failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards.
- d) Failure to apply specified assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments.
- e) Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions.
- f) Insecure storage of assessment instruments, materials and marking instructions.
- g) Failure to comply with requirements for accurate and safe retention of candidate evidence, assessment and internal verification records.
- h) Failure to comply with the awarding body procedures for managing and transferring accurate student data.
- i) Deliberate falsification of records in order to claim certificates.
- j) Failure to notify, investigate and report to the awarding body allegations of suspected centre malpractice.

- k) Failure to take action as required by the awarding body or to co-operate with an awarding body investigation in relation to concerns of malpractice.
- l) For qualifications subject to regulation by SQA Accreditation or Ofqual, failure by to notify, investigate and report allegations of suspected candidate malpractice.
- m) Deliberately withholding information about circumstances which may compromise the integrity of any awarding body qualification and/or credibility of the awarding body.
- n) Failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements.
- o) Failing to register candidates within a qualification's accreditation period.
- p) Making late registrations to the awarding body for qualifications in their lapsing period.
- q) Requesting late certification of learners after the certification end date.
- r) failure to comply with SQA requirements in the preparation, quality assurance and submission of estimated grade information
- s) failure to recognise and apply appropriate measures to manage potential conflict of interest in assessment or quality assurance
- t) failure to comply with SQA requirements in relation to appeals processes
- u) failure to promptly notify SQA of a finding of centre malpractice, maladministration or an equivalent or similar finding by another awarding organisation
- v) failure to notify SQA promptly if another awarding body removes approval from the centre, regardless of the reason given for this withdrawal

3.2. Reporting suspected centre malpractice

Staff and students should report suspected malpractice by a staff member to the Curriculum Manager or Line Manager responsible for the member of staff as soon as they are aware of an incident occurring.

3.3. Communication

The Curriculum Manager or Line Manager will notify the Vice Principal Academic of suspected malpractice within 1 working day of being made aware of an incident.

Within 2 working days, the Vice Principal Academic (or a nominated alternative) will;

1. Carry out initial screening of the situation
2. Notify the awarding body of all cases of suspected malpractice.
3. Read the awarding body policy/guidance and implement in line with this procedure.

The awarding body will advise if UHI NWH or the awarding body will carry out an investigation into the suspected malpractice.

3.4. Investigation of suspected centre malpractice

If UHI NWH have been tasked with investigating on behalf of the awarding body, the investigation will be actioned in line with the Staff Disciplinary Policy referring to awarding body guidelines/requirement, including the communication of the outcome.

Individuals who are under investigation for suspected malpractice should be provided with:

- a) Information about the allegation made against them and information about the evidence there is to support that allegation
- b) Information about the possible consequences should malpractice be established
- c) The opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- d) The opportunity to consider their response to the allegations (if required)
- e) The opportunity to submit a written statement
- f) Information on any applicable appeals procedure

3.5. Centre malpractice appeals

3.5.1. Investigations conducted by UHI NWH

Appeals must first be actioned in line with the Staff Disciplinary Policy, where UHI North Highland have investigated the suspected malpractice.

3.5.2. Investigations conducted by the awarding body

UHI NWH can appeal the outcome of an investigation carried out by the Awarding Body (please refer to current awarding body guidance).

Where the awarding body is SQA, the Head of Centre must first contact the relevant SQA manager to discuss the appeal, within 10 working day of receiving written notification of the decision. If following this UHI NWH wishes to pursue the appeal further, the appeal must be submitted to a SQA director, be clearly marked as an appeal and sent to The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ. Such appeals must be presented by the Head of Centre.

SQA Appeals must;

- a) Be submitted in writing within 15 working days of discussing the matter with the SQA Manager.
- b) Provide an account of why the Head of Centre thinks that the investigation decision is incorrect.
- c) Address the reason for the original decision given by the awarding body.

For qualifications subject to regulation by SQA Accreditation or Ofqual (for example SVQ's) the centre may request the regulator reviews the awarding body process in reaching their decision.

4. Learning from student and centre malpractice

Following the closure of any proven case of candidate or centre malpractice, appropriate staff or managers will meet to discuss any actions which need to be taken to prevent any future occurrence of a similar case of malpractice.

5. Record retention

Where UHI NWH have investigated suspected malpractice on behalf of the awarding body, records will be retained in line with the UHI NWH Record Retention Policy.

6. References & further guidance

7. Student Conduct Policy and associated disciplinary procedures
8. Staff Disciplinary Policy (see HR sharepoint)
9. Record Retention Policy
10. [SQA Malpractice: Information for Centres](#) (April 2023)
11. [SQA Appeals Process: Information for Centres](#) (April 2023)
12. [SQA standards for devolved investigations](#) (April 2023)
13. [EAL Malpractice and Maladministration Policy](#) (v6 October 2020)
14. [EAL Appeals Policy](#) (v5.1 July 2018)

15. [City and Guilds Managing cases of suspected malpractice in examinations and assessments](#) (version 8.1 December 2022)
16. [AAT Policy and Supporting guidance on preventing, investigating and dealing with malpractice and maladministration](#) (V2.1 August 2023)
17. Lantra guidance – see provider handbook which can be obtained from Quality