

## Scottish Gymnastics Education Malpractice Policy October 2023

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

- Compromises, attempts to compromise, or may compromise the process of the assessment, the integrity of any SQA qualification, or validity of a result or certificate,
- and/or
- damages the authority, reputation, or credibility of SQA or any officer, employee or agent of SQA.

Malpractice can arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance)
- some incidents arise due to ignorance of SQA requirements, or carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both deliberate non-compliance with SQA requirements and maladministration in the assessment and delivery of SQA qualifications. It is necessary to investigate any suspected instances of malpractice, whether they are intentional or not, to protect the integrity of the qualification and to identify any wider lessons to be learned.

Some instances occur because of ignorance of SQA's criteria and procedures, or because of carelessness or forgetfulness in applying them. As this may constitute malpractice, this document covers both misconduct and maladministration.

Candidate malpractice:

- the preparation and authentication of coursework
- the presentation of practical work
- the compilation of portfolios of internal assessment evidence
- conduct during an internal assessment

Centre malpractice:

- Misuse of assessments, including inappropriate adjustments to assessment decisions.
- Insecure storage of assessment instruments and marking guidance.
- Failure to comply with requirements for accurate and safe retention of candidate evidence, assessment and internal verification records.
- Failure to comply with SQA's procedures for managing and transferring accurate candidate data.
- Excessive direction from assessors to candidates on how to meet national standards.
- Deliberate falsification of records in order to claim certificates.

Reporting suspected malpractice:

- Centre staff and workforce can report suspected malpractice by candidates or other members of staff or workforce by contacting the education programme manager in writing.
- Candidates can report suspected malpractice by other candidates or members of staff or workforce by contacting the education programme manager in writing.

The following process will be followed in the case of any suspected malpractice:

- An investigation will be lead and documented by the EPM.
- The EPM will report any suspected cases of centre malpractice to SQA. The matter may also be reported to the police if the malpractice involves a criminal act.
- Any candidate results associated with the malpractice investigation will not be submitted to the awarding body during the course of the investigation.
- EPM will review assessment evidence and records and conduct interviews where required. The EPM will seek a second opinion from an IV or the lead learning and development manager where required.
- EPM will decide upon an appropriate course of action when a case of suspected candidate malpractice has been upheld.
- Decisions will be corresponded with all necessary parties as soon as possible or within four weeks.
- Internal quality assurance procedures will be reviewed in order to minimise the risk of further candidate malpractice.
- Advise the appropriate awarding body to withhold certification for that qualification where the outcome of the investigation merits it.

Reporting to SQA:

Any suspected cases of centre malpractice must be reported to SQA as soon as we have carried out an initial screening exercise to establish the nature of the concern. This includes any concerns where we take the view that no further action is necessary.

We must inform SQA of any investigation carried out by an awarding body, industry body, funding agency or regulator which may or may not affect the delivery of SQA qualifications.

We must also promptly bring to SQA's attention any findings of centre malpractice or maladministration communicated to us by another awarding or industry body. We must notify SQA promptly if another awarding body removes approval from our centre, regardless of the reason given for this withdrawal.

SQA expects centres to bring candidate malpractice concerns for internal assessments to their attention only if:

- the concern came to our centre's attention after submission of internal assessment marks
- the concern relates to candidate malpractice for a qualification regulated by SQA Accreditation, Ofqual or Qualifications Wales
- a candidate affected by a malpractice decision, who has exhausted their right of appeal within our centre, wishes to exercise their right of appeal to SQA; or
- there are other exceptional circumstances, eg we believe that the malpractice case involves a criminal act (if the malpractice involves a criminal act the matter must also be reported to the police)

Recording Malpractice:

Where an investigation of suspected malpractice is carried out, we will retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications. Records will include any work of the candidate, and assessment or verification records relevant to the investigation.

In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records will be retained for six years.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation will be retained for six years after the case and any appeal has been heard. If there is any doubt about whether criminal or civil proceedings will take place, we will keep records for the full six-year period.

#### Actions and Sanctions

Any actions to be taken as a result of malpractice being proven through investigation will be specified clearly in the written feedback on the outcome of the investigation to the individual under investigation and where applicable other interested parties (e.g. assessor, tutor, IV). Potential sanctions may vary in the level of severity depending on the circumstances and seriousness of the malpractice, e.g. ranging from having to a written warning or re-sit one assessment to exclusion from a course and disqualification from future entries. Candidates involved in an investigation of malpractice (whether candidate or centre malpractice) will not be result for the assessments in question until the investigation is completed, the outcome decided, and any appeal concluded.

#### Appeals Against Malpractice Decisions

Candidates and staff have the right to appeal any malpractice decision against them. An appeal must be submitted in writing to the EPM up to two weeks following the conclusion of the investigation. The EPM will investigate the appeal and where appropriate raise this with the lead learning & development manager. The outcome of the appeal will be communicated up to four weeks after the appeal has been submitted.

Scottish Gymnastics have the right to appeal a decision where a case of reported malpractice by the centre has been confirmed through investigation by SQA. Scottish Gymnastics also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by the centre to SQA.

Candidates have the right to appeal to SQA where:

- SQA has conducted an investigation and the candidate disagrees with the decision
- our centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted our centre's appeals process,
- SQA has asked our centre to conduct an investigation and the candidate disagrees with the outcome and has exhausted our centre's appeals process.