



HARTPURY

FE Malpractice Policy (including AI Misuse)

APPROVAL & REVIEW CYCLE		
Policy Owner/Reviewer	College Principal / Assistant Principal	January 2026
Approved By	Exec - Circulated	November 2025
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Interim-Review	No	-
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Purpose, to ensure that:

1. To provide guidance and support to staff (those employed by the college, contractors, subcontractors or associates) and learners on Assessment Malpractice and Maladministration and maintain the integrity of our relationships with awarding organisations.
2. To ensure the integrity of the assessment process and academic progress undertaken.

Scope

All internal and external formative and summative assessments undertaken in relation to college registered learners.

DEFINITION

Assessment Malpractice and Maladministration is:

Centre Staff Malpractice

Breach of Security such as:

- Failing to keep examination material secure prior to an examination
- Discussing or otherwise revealing secure information in public, e.g. internet forums.
- Releasing embargoed information in advance of required timescales.
- Moving the time or date of a fixed examination beyond the arrangements stated within the JCQ publication instructions or conducting examinations.
- Conducting an examination before the published date constitutes centre staff malpractice and clear breach of security.
- Failing to adequately supervise learners who have been affected by a timetable variation; this would apply to learner's subject to overnight supervision by centre personnel or where an examination is to be sat in an earlier or later session on the scheduled day.
- Permitting, facilitating or obtaining unauthorised access to examination material prior to any examination.
- Failing to retain and secure examination question papers after an examination in cases where the life of the paper extends beyond the particular session. For example, where an examination is to be sat in a later session by one or more learners due to a timetable variation.
- Tampering with learner's scripts or controlled assessments or coursework after collection and before dispatch to the awarding organisation/ examiner/ moderator.
- Failing to keep learners' computer files which contain controlled assessments or coursework secure.
- Improper use of POP/candidate setup for online exams and failure to have sufficiently trained administrative staff and controlled access to these systems.

Deception

- Inventing or changing marks for internally assessed components (e.g. coursework) where there is no actual evidence of the learners' achievement to justify the marks awarded.
- Manufacturing evidence of competence against national standards. Fabricating assessment and/or internal verification records to authentication statements.
- Entering fictitious learners for examinations or assessments or otherwise subverting the assessment or certification process with the intention of financial gain (fraud).
- Substituting one learner's controlled assessment or coursework for another.

Improper assistance to learners

- Assisting learners in the production of controlled assessments or coursework, or evidence of achievement, beyond that permitted by the regulations.
- Sharing or lending learners' controlled assessments or coursework with other learners in a way which allows malpractice to take place.
- Assisting or prompting learners with the production of answers.
- Permitting learners in an examination to access prohibited materials (dictionaries, calculators, spell checkers etc.).
- Prompting learners in an examination/assessment by means of signs or verbal or written prompts.
- Assisting learners granted the use of an Oral Language Modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter beyond that permitted by the regulations.

Maladministration

- Failing to ensure that learners' coursework or work to be completed under controlled conditions is adequately monitored and supervised.
- Inappropriate members of staff assessing learners for access arrangements who do not meet the criteria as detailed with the JCQ publication Access Arrangements and Reasonable Adjustments.
- Failure to use current assignments for assessments.
- Failure to ensure staff involved in the delivery of assessments and examinations understand the key dates and deadlines
- Failure to train invigilators adequately, leading to non-compliance with the JCQ publication Instructions for conducting examinations.
- Failure to issue to learners the appropriate notices and warnings, e.g. JCQ Information for learners' documents.
- Failure to inform the JCQ Centre Inspection Service of alternative sites for examinations.
- Failing to post notices relating to the examination or assessment outside all rooms where examinations and assessments are held.
- Not ensuring that the examination venue conforms to the requirements as stipulated in the JCQ publication Instructions to conducting examinations.
- The introduction of unauthorised material into the examination room, either prior to or during the examination (NB this precludes the use of the

examination room to coach learners or give subject-specific presentations, including power-point presentations, prior to the start of the examination).

- Failing to remind learners that any mobile phones or other unauthorised items, such as smart watches, found in their possession must be handed to the invigilator prior to the examination starting.
- Failure to invigilate examinations in accordance with the JCQ publication instructions for conducting examinations.

Failure to keep accurate records in relation to very late arrivals and overnight supervision arrangements.

- Failure to keep accurate and up to date records in respect of access arrangements which have been processed electronically using the Access arrangements online system.
- Granting access arrangements to learners who do not meet the requirements if the JCQ publication Access Arrangements and Reasonable Adjustments.
- Granting access arrangements to learners where prior approval has not been obtained from the Access arrangements online system or, in the case of a more complex arrangement, from an awarding organisation.
- Failure to effectively supervise the printing of computer-based assignments when this is required.
- Failing to retain learners' controlled assessments or coursework in secure conditions after the authentication statements have been signed or the work has been marked.
- Failing to maintain the security of learner scripts prior to dispatch to the awarding organisation or examiner.
- Failing to dispatch learner scripts/controlled assessments/coursework to the awarding organisations or examiners or moderators in a timely way.
- Failing to notify the appropriate awarding organisation of an instance of suspected malpractice in examinations or assessments as soon as possible after such an instance occurs or is discovered.
- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding organisation.
- The inappropriate retention or destruction of certificates.

Learner malpractice

- The alteration or falsification of any results document, including certificates.
- A breach of the instructions or advice of an invigilator, supervisor, or the awarding organisation in relation to the examination of assessment rules and regulations.
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments.

- Collusion: working collaboratively with other learners, beyond what is permitted.
- Copying from another learner (including the use of IT to aid the copying).
- Allowing work to be copied e.g. posting written coursework on social networking sites prior to an examination/assessment.
- The deliberate destruction of another learner's work.
- Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language).
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication.
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio.
Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework.
- The misuse or the attempted misuse, of examination and assessment materials and resources (e.g. exemplar materials).

Misuse of AI/ Generative AI:

- Artificial Intelligence (AI) is defined as: "Technology that uses algorithms or machine-learning models to generate content, make decisions, or perform tasks that typically require human intelligence. Examples include text-generation tools, image-generation systems, translation tools, and automated problem-solving systems."
- While Generative AI can be a valuable tool to support learning, it should not replace critical thinking and analysis. Acceptable use might include understanding difficult topics, summarising information, generate ideas and writing prompts etc. however students must always adhere to JCQ guidelines and maintain academic integrity by acknowledging any AI use.
- Students are informed about malpractice risks and expectations through induction sessions (at the very start of their study programme), assessment briefings (during key assessment points in-year e.g. prior to moving from exams to coursework), written guidance (via induction resources/ in year assessment briefings etc.), and access to the centre's malpractice policy. Students receive explicit advice on how to avoid malpractice in exams and assessments, including correct referencing, permitted levels of collaboration, appropriate use of AI tools, and the importance of submitting authentic work.
- Parents are also informed about malpractice risks via centralised parent communication channels.
- Misuse of AI tools in relation to qualification assessments at any time constitutes malpractice and in accordance with JCQ regulations may attract severe sanctions.
- AI misuse is where a student has used one or more AI tools but has not appropriately acknowledged this use and has submitted work for assessment which is not their own. Student work submitted for assessment must be in their own words and not copied or paraphrased from another source such as an AI tool and must reflect their own

independent work. It is important students develop the knowledge, skills and understanding of the subjects they are studying and do not rely on AI. Examples of AI misuse include, but are not limited to, the following:

- Copying or paraphrasing sections of AI-generated content so that the work submitted for assessment is no longer the student's own.
 - Copying or paraphrasing whole responses of AI-generated content.
 - Using AI to complete parts of the assessment so that the work does not reflect the student's own work, analysis, evaluation or calculations.
 - Failing to acknowledge use of AI tools when they have been used as a source of information.
 - Incomplete or poor acknowledgement of AI tools.
 - Submitting work with intentionally incomplete or misleading references or bibliographies
- When AI may be used: if the qualification/ assessment rules allow the use of AI tools, students must reference any content produced correctly. Failure to reference AI use correctly is malpractice.
 - How AI should be acknowledged/referenced: the student must show the name of the AI source and the date the content was generated. For example:

ChatGPT 3.5 (<https://openai.com/blog/ChatGPT/>), 25/01/2025

The student must also retain a copy of the question(s) and computer-generated content for reference and authentication purposes in a non-editable format (e.g. screenshot) and provide a brief explanation of how it has been used. This must be included with the work submitted, so the teacher/ assessor is able to review the work, the AI-generated content and how it has been used.

- The risks of using AI: The use of AI tools may pose significant risks if used by students completing qualification assessments, not least the risk of committing malpractice, for which serious sanctions can apply. Students will be made aware at the start of their qualification that AI tools do have limitations, such as producing inaccurate or inappropriate content, as well as what constitutes AI misuse and the serious consequences this may result in.
- Student declaration: where AI misuse is suspected and the student has signed their declaration of authenticity and/or a false declaration has been made, JCQ will be notified. If, however, a student has not signed the declaration of authenticity, internal college processes/sanctions will be followed/applied instead.
- Teachers/ assessors should not rely solely on AI tools for marking student work, as per JCQ guidelines.
- All staff members — including teachers, assessors, invigilators, and support staff — have a duty to report any suspected or potential malpractice they identify.
- Teachers and assessors are trained to recognise indicators of malpractice and must follow the college's reporting procedures promptly. Staff training is delivered during

annual CPD (September), assessment standardisation meetings, and updates are issued when awarding-body guidance changes. Additionally, staff will also receive 'AI-related CPD' during the academic year as part of the college's 'teaching, learning and assessment CPD schedule'. During these CPD sessions staff are made aware of their role in managing the risk of AI misuse.

- The college uses a range of approaches to ensure authenticity, including; regular in-class checkpoints and supervised work, draft reviews and verbal questioning, teacher professional judgement and familiarity with students' typical writing style and ability, teachers must be satisfied that submitted work reflects the student's own knowledge, understanding, and skills.
- Where word processors or computers are used to complete assessments, teachers and relevant centre staff are aware of how to disable improper internet/ AI access where it is prohibited. Further details are available in the [JCQ AI Use in Assessments: Your role in protecting the integrity of qualifications](#) document.
- Being in possession of confidential material in advance of the examination.
- Bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations).
- The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework or portfolios.
- Impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment.
- Plagiarism: unacknowledged copying from published sources or incomplete referencing.
- Theft of another learner's work.
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators (when prohibited), dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries (when provided), translators, wordlists, glossaries, iPads, mobile phones, Smart Watches, MP3/4 players, pagers or other similar electronic devices.
- The unauthorised use of a memory stick where learner uses a word processor.
- Behaving in a manner as to undermine the integrity of the examination.

PROCEDURE

1. Where the college discovers or suspects an individual, or individuals, of assessment malpractice and maladministration it will conduct an investigation in a form commensurate with the nature of the assessment malpractice and maladministration allegation. In all cases of suspected assessment malpractice and maladministration reported, the college will protect the identity of the 'informant' in accordance with its duty of confidentiality and/or any other legal duty. Allegations should normally be made in writing. Where an allegation is made orally, the receiver of the allegation should attempt to obtain written confirmation from the person(s) making the allegation, but if this is not possible should make a written record.
2. Such an investigation will be initially undertaken by the Assistant Principal who does not oversee the department where the allegation has occurred and who will interview all personnel linked to the allegation.
3. The college will make the individual(s) aware in writing within 5 working days of the nature of the alleged assessment malpractice and maladministration and of the possible consequences should the assessment malpractice and maladministration be proven.
4. The investigation will proceed through the following stages:
 - 4.1 Preliminary investigation, conducted by the appropriate Assistant Principal or Head of Department, into the allegation to determine whether a full investigation is necessary. If the allegation appears to have substance, then all assessments by this member of staff should be halted until the investigation is complete and the College Principal and Head of Human Resources is notified.
 - 4.2 Should it be determined that a full investigation is necessary it shall be conducted by an independent investigation officer appointed by the College Principal. This investigation will include:
 - a) A statement of the facts.
 - b) A detailed account of the circumstances.
 - c) Names of all persons involved and their roles in the case.
 - d) Copies of any written statements by learners and staff.
 - e) Details of the investigation carried out.
 - f) A record of any hearing.
 - g) Copies of any learner's work that is the subject of the allegation or suspicion of malpractice.
 - h) Details of any unauthorised material found in the assessment room.
 - i) A record of the decision.
 - j) A record of the proposed penalty imposed if the allegation or suspicion is upheld (and a record of the confirmed penalty once this is agreed).
5. The College Principal will ensure notification of the awarding organisation (and possibly any public funding provider e.g. Education and Skills Funding Agency) of the alleged assessment malpractice and maladministration in writing (by letter or e-mail whichever is appropriate) and include a copy of form JCQ/M1 – (Suspected Candidate Malpractice) or form JCQ/M2a (Suspected Malpractice/Maladministration) involving centre staff to notify the awarding organisation of an incident of malpractice. Each form is available from the JCQ website <http://www.jcq.org.uk/exams-office/malpractice>.

The report will contain the following:

- a) The college's name, address and number.
- b) The learner's name and registration number (where relevant).
- c) The college's or awarding organisation's person's details (name, job role) if they are involved in the case.
- d) Details of the course or qualification affected, or nature of the service affected.
- e) The nature of the suspected or actual malpractice and associated dates.
- f) Details and outcome of any initial investigation carried out by the college or anybody else involved in the case, including any mitigating circumstances.

The Deputy Principal will consider any evidence that the awarding organisation may provide. Subject to agreement it may be appropriate for a member of staff from the awarding organisation to give evidence at any hearing called as part of the investigation.

6. During the investigation the college will give the individual the opportunity to respond to all the allegations made. The individual whether a learner or a member of staff, accused of malpractice must:
 - Be informed (preferably in writing) of the allegation made against him/her. Where a child/vulnerable adult is subject of a malpractice investigation, the candidates parent/carer/appropriate adult should be kept informed of the progress of the investigation
 - Be advised that a copy of the JCQ publication Suspected Malpractice in Examinations and Assessments: Policies and Procedure can be found on the JCQ website

<http://www.jcq.org.uk/exams-office/malpractice>

7. All stages of the investigation shall be documented by the investigating officer leading the investigation.
8. The individual(s) will be informed of the avenues for appealing against any judgements made. The individual(s) concerned has/have the right to appeal against any decision(s) or sanction(s) imposed. An appeal must be made in writing to the College Principal within 30 working days from receipt of the written notification of the reported incident. The individual(s) concerned have the right of access to all the evidence used by the investigating officer to make his/her decision, in order to provide a full response. The College Principal will ensure acknowledgement of receipt of an appeal within five working days. All appeals will be dealt with by the college Principal or his delegated representative in accordance with the awarding organisation requirements.
9. The investigating officer shall produce a report of their findings for the attention of the College Principal. This report must be submitted to the relevant awarding organisation and should contain the following facts:
 - A statement of facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the centre.
 - Written statement(s) from the invigilator(s), assessor, internal quality assurer(s) or other staff who are involved.
 - Written statement(s) from the learner(s).
 - Any mitigating factors.
 - Information about the centre's procedures for advising learners of the awarding organisations' regulations.

- Seating plans showing the exact position of learners in the examination room.
- Unauthorised material found in the examination room (where appropriate the unauthorized material should be retained)
- Any work of the learner and any associated material (e.g. source material for coursework) which is relevant to the investigation.

All those interviewed or making a statement should be made aware that awarding bodies reserve the right to share their statements, records or transcripts of any interviews undertaken, with others involved in the case and any appropriate third parties and described in paragraphs 4.12 and 7.11 of the JCQ Suspected Malpractice: Policies and Procedures 2023-2024. This information may be shared at any stage during or after the investigation.

10. Form JCQ/M1 or Form JCQ/M2b should be used as the basis of the report which are obtainable from <http://www.jcq.org.uk/exams-office/malpractice>
The awarding organisation will decide on the basis of the report, and any supporting documentation, whether there is evidence of malpractice and if any further investigation is required. The college Principal will be informed accordingly.

11. For cases of staff malpractice, the College Principal will decide whether to invoke the Discipline (Staff) procedure through the Head of Human Resources. Where the assessment malpractice or maladministration appears to involve a criminal offence, the college will consult with the awarding organisation whether it is appropriate for the college to report the case to the police.

12. For cases of learner assessment malpractice, reference should be made by the investigating officer to the other relevant procedures: Examinations/Admissions procedure, Assessment (including Appeals Against Assessment) procedure and Plagiarism procedure.

13. Where the investigation officer report indicates that the learner assessment is suspect or flawed, then the relevant procedures in 11 should be consulted for appropriate penalties.

14. Upon final outcome of the malpractice investigation, the Exams team will ensure that all internal and awarding body assessment records are updated accordingly.

Reporting suspected cases of malpractice during an examination

In all cases where a learner is suspected of malpractice during an examination, he/she will first be warned by the invigilator that his/her actions are in breach of regulations and therefore might constitute malpractice. The learner will also be informed that the invigilator is obliged to report his/her (the learner's) action.

The learner concerned has the right to provide a statement explaining his/her conduct that will be included in the invigilator's written report. The learner is however not obliged to provide a statement before leaving the assessment venue. In such cases, the invigilator will note this in the report. In cases where a learner is discovered to be in possession of any unauthorised materials during an examination/assessment, the invigilator will confiscate the materials and record the time and point within the script at which the discovery was made, along with a list of the confiscated materials which the learner will be asked to sign to confirm its accuracy.

Learners will be allowed to continue working for the remainder of the assessment without prejudice to the final outcome. In communicating/collaborating the invigilator will note on each

suspected learner's assessment script the time and point within the script at which the discovery was made. Any written evidence relevant to the incident, eg confiscated materials, statements from other individuals involved, must accompany the report.

Suspected malpractice by Assessment Staff/Invigilators

Suspected cases of malpractice by a staff member or invigilator may be reported by the learners, other assessment staff, other assessment invigilators or a member of the public. Written reports should be submitted to the College Principal, along with the assessment name, location, the date and title of the assessment, the time the assessment took place, the learner's name and his/her college ID number, if applicable, and the name of the member of staff in question.

Right of Appeal

The individual(s) concerned has/have the right to appeal against any decision(s) or sanction(s) imposed. An appeal must be made in writing to the Executive Principal within 30 working days from receipt of the written notification of the reported incident. The individual(s) concerned have the right of access to all the evidence used to make the decision, in order to provide a full response.

Action upon receipt of an Appeal

The College Principal will acknowledge receipt of an appeal within five working days. All appeals to malpractice decisions will be dealt with fairly and in accordance with the relevant awarding organisation by the Executive Principal or his designated representative.

Sanctions for staff – assessment malpractice and administration

In cases of staff malpractice, the role of the awarding organisation is confined to considering whether the integrity of its examinations and assessments has been placed in jeopardy, and whether the integrity might be jeopardised if an individual is found to have indulged in assessment malpractice and maladministration were to be involved in the future conduct, supervision or administration of the awarding organisation's examinations or assessments.

It is not the role of the awarding organisation to be involved in any matter affecting the member of staff's or contractor's contractual relationship with his/her employer or engager. Awarding organisations recognise that each centre may take a different view of an allegation to that determined by the awarding organisation or its Malpractice Committee.

The centre may wish to finalise its decision after the awarding organisation or its Malpractice Committee has reached its conclusion.

Where a member of staff or contractor has been found guilty of malpractice, the College or an awarding organisation may impose the following sanctions or penalties:

1. Written warning

Issue the member of staff with a written warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.

2. Special conditions

Impose special conditions on the future involvement in its examinations and/or assessments by the member of staff, whether this involves the internal assessment, the conduct, supervision or

administration of its examinations and assessments.

3. Training

Require the member of staff, as a condition of future involvement in its examinations, to undertake specific training or mentoring, within a particular period of time, and a review process at the end of the training.

4. Staff Barring

Bar the member of staff from all involvement in the delivery of its examinations and assessments for a set period of time. Other awarding organisations and the regulators will be informed when a suspension is imposed.

These sanctions will be notified to the College Principal who will be required to ensure that they are carried out.

If a member of staff moves to another centre while being subject to one of the above sanctions, the Head of Human Resources will notify the awarding organisation of the move. Each awarding organisation reserves the right to inform the Head of Centre to which the staff member is moving to of the nature of, and the reason for, the sanction.

After investigating an alleged assessment of malpractice and maladministration the Executive College Principal or his/her nominee must submit a full written report of the case to the awarding organisation. Following investigation if the alleged assessment malpractice and maladministration is upheld the following sanctions and penalties apply:

Sanctions for college staff assessment malpractice and maladministration

Awarding organisations may, at their discretion, impose the following penalties and special conditions against the college. The penalties and special conditions may be applied individually or in combination. Awarding organisations will determine the appropriateness of a sanction depending on the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. For a list of the penalties and sanctions that may be applied please refer to the JCQ Suspected Malpractice in Examinations and Assessments (appendix 4). Not all of the sanctions are applicable to all types of qualification.

1. Written warning

A letter to the College Principal advising of the breach (including the report) and advising of the further action that may be taken (including the application of penalties and special conditions) should there be a recurrence of this breach, or subsequent breaches at the centre.

2. Review and report (action plans)

The College Principal will be required to review the college's procedures for the conduct or administration of a particular examination/assessment, or all examinations/ assessments in general, and to report back to the awarding organisation on improvements implemented by a set date. Alternatively, an action plan will be agreed between the awarding organisation and the college and will need to be implemented as a condition of continuing to accept entries from the college.

3. Approval of specific assessment tasks

The approval by the awarding organisation of specific assessment tasks in situations where these are normally left to the discretion of the college.

4. Additional monitoring or inspection

The awarding organisation may increase, at the college's expense, the normal level of monitoring that takes place in relation to the qualification(s). Alternatively, the JCQ Centre Inspection Service may be notified of the breach of regulations and may randomly, without prior warning, inspect the college over and above the normal

schedule of inspections. (The JCQ Centre Inspection Service operates in relation to general qualifications and examined vocational qualifications).

5. Removal of direct claims status

Direct claims status may be removed from the college in which case all claims for certification must be authorised by the awarding organisation. (This sanction applies only to vocational qualifications and similarly assessed qualifications).

6. Restrictions on Examination and Assessment Materials

For a specified period of time the college will be provided with examination papers and assessment materials shortly before such papers and materials are scheduled to be used. These papers will be opened and distributed under the supervision of the awarding organisation officer (or appointed agent) responsible for the delivery. The college might also be required to hand over to an awarding organisation officer (or appointed agent) the completed scripts and any relevant accompanying documentation as opposed to using the normal script collection or posting procedures. These measures may be applied for selected subjects or all subjects.

7. Independent Invigilators

The appointment of, for a specified period of time and at the college's expense, independent invigilators to ensure the conduct of examinations and/or assessments is in accordance with the regulations.

8. Suspension of learner registrations or entries

An awarding organisation may, for a time, or until a specific matter has been rectified, refuse to accept learner entries or registrations from the college. This may be applied for selected subjects/occupational areas or all subjects/occupational areas.

9. Suspension of certification

An awarding organisation may, for a period of time, or until a specific matter has been rectified, refuse to issue certificates to learners from the college. (This applies to vocational qualifications and similar types of qualifications only).

10. Withdrawal of approval for a specific qualification(s)

An awarding organisation may withdraw the approval of the college to offer one or more

qualifications issued by that awarding organisation.

11. Withdrawal of centre recognition

The awarding organisation may withdraw recognition or approval for the college. This means as a result that the college will not be able to deliver or offer the learners the respective awarding organisation's qualifications. Other awarding organisations will be informed of this action. At the time of withdrawal of centre recognition, the college will be informed at the earliest date at which it can reapply for registration and any measures it will need to take prior to this application.

Centres which have had centre recognition withdrawn should not assume that re-approval will be treated as a formality.

Any expense incurred in ensuring compliance with the penalties and or special conditions will be incurred by the college.

If the Executive Principal leaves while the centre is subject to any sanctions or special measures, the awarding organisation will, if approached to do so, review the need for the continuation of these measures with the new Executive Principal.

Sanctions and penalties against learners

Awarding organisations may, at their discretion, impose the following sanctions and penalties against learners found guilty of assessment malpractice and maladministration. Not all the sanctions and penalties are appropriate to every type of qualification or circumstance.

1. Penalty 1 – Warning

The learner is issued with a warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.

2. Penalty 2 – Loss of marks for a section

The learner loses all the marks gained for a discrete section of the work. A section may be part of a component, or a single piece of coursework if this consists of several items.

3. Penalty 3 – Loss of marks for a component

The learner loses all the marks gained for a component. A component is more often a feature of linear qualifications than a unitised qualification, and so this penalty can be regarded as an alternative to penalty 4. Some units also have components, in which case a level of penalty between numbers 2 and 4 is possible.

4. Penalty 4 – Loss of all marks for a unit

The learner loses all the marks gained for a unit. The penalty can only be applied to qualifications which are unitised. For linear qualifications, the option is penalty 3. This penalty usually allows the learner to aggregate or request certification in that series, albeit with a reduced mark or grade.

5. Penalty 5 – Disqualification from a unit

The learner is disqualified from the unit. The penalty is only available if the qualification is unitised.

For linear qualifications the option is penalty 7. The effect of this penalty is to prevent the learner aggregating or requesting certification in that series, if the learner has applied for it.

6. Penalty - Disqualification from all units in one or more qualifications

If circumstances suggest, penalty 5 may be applied to other units taken during the same examination or assessment series. (Units which have been banked in previous exam series are retained). This penalty is only available if the qualification is unitised. For linear qualifications see option in penalty 8.

7. Penalty 7 – Disqualification from a whole qualification

The learner is disqualified from the whole qualification taken in that series or academic year. The penalty can be applied to unitised qualifications only if the learner has requested aggregation. Any units banked in a previous series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a learner has not requested aggregation the option is penalty 6. It may also be used with linear qualifications

8. Penalty 8 – Disqualification from all qualifications taken in that series

If circumstances suggest, penalty 7 may be applied to other qualifications. This penalty can be applied to unitised qualifications only if the learner has requested aggregation. Any units banked in a previous series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a learner has not requested aggregation the option is penalty 6. It may also be used with linear qualifications.

9. Penalty 9 – Learner debarred

The learner could be barred from entering for one or more examinations for a set period of time. This penalty is applied in conjunction with any of the other penalties above, if the circumstances warrant it.

When awarding organisations are applying sanction and penalties, they will take into account that not all of the above penalties set out may be appropriate to every type of qualification and circumstance.

Unless a penalty is accompanied by a bar on future entry, all learners penalised by loss of marks or disqualification, make retake the component(s), unit(s), or qualification(s) affected in the next examination series or assessment opportunity.

In linear GCSE qualifications learners are not generally able to retake only a component at a later series. They can, however, retake the whole subject, carrying forward the coursework mark. This means that in these cases, learners will generally have a twelve month wait for an opportunity to retake an examination.

The college may take further action in cases of assessment malpractice and maladministration as deemed appropriate.

Communication decisions

The awarding organisation will inform the college of its decision in writing as soon as possible after the decision is made. It is the responsibility of the college deputy Principal or his/her nominee to communicate the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

The majority of cases of assessment administration and maladministration are confidential between the individual awarding organisation and the college, but in cases of series

malpractice, where the threat is to the integrity of the examination or assessment outweighs a duty of confidentiality, it will normally be necessary for information to be exchanged amongst the regulators and the awarding organisations and other centres where the malpractice may affect the delivery of an awarding organisation's qualification.

It is the responsibility of the College Principal to inform the accused individual that the awarding organisation may share information in accordance with the paragraph above.

Appeals to awarding organisations

Awarding organisations have established procedures for considering appeals against penalties arising from assessment malpractice and maladministration decisions. The following individuals have a right to appeal against decisions of the Malpractice Committee:

- The college principal may appeal against sanctions imposed on the college, as well as on behalf of learners entered or registered through the college.
- Members of college staff, or examining personnel contracted to the college, who may appeal against sanctions imposed on them personally.
- Private learners.
- Third parties who have been barred from examinations of the awarding organisation.

Awarding organisations will provide the college with information on the process for submitting an appeal on any assessment malpractice and maladministration decisions which will be made available to the relevant parties involved.

Further information on appeals may be found in the JCQ publication a guide to the awarding bodies' appeals processes – <http://www.jcq.org.uk/exams-office/appeals>.

FREEDOM OF SPEECH

As part of this policy, Hartpury reaffirms its commitment to the principles of freedom of speech and academic freedom, in accordance with the Higher Education (Freedom of Speech) Act 2023 and guidance from the Office for Students (OfS). Hartpury will take all reasonably practicable steps to secure the right to express lawful views and engage in open debate without fear of censorship or institutional discipline for staff, students, and visiting speakers. In addition, this policy prohibits the use of non-disclosure agreements (NDAs) in any situation that would prevent staff from speaking out about misconduct, harassment, or other matters of public interest.

EQUALITY, DIVERSITY AND INCLUSION

As with all Hartpury policies and procedures, due care has been taken to ensure that this policy is appropriate to all members of staff and students regardless of their age, disability, ethnicity, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation and transgender status.

The policy will be applied fairly and consistently whilst upholding Hartpury's commitment to providing equality to all. If any employee or student feels that this or any other policy does not meet this aim, please contact the HR Department (staff) or an academic tutor (student).

Hartpury is committed towards promoting positive mental health by working towards the MINDFUL EMPLOYER Charter, holds the Student Minds University Mental Health accreditation and has signed the AoC Mental Charter. Hartpury aims to create a culture of support within the workplace where employees can talk about mental health problems without the fear of stigma or discrimination.



HARTPURY

Annex to Malpractice Operating Procedure 5.12FOR

Conflict of Interest – Assessment of Students

1.0 Purpose

Hartpury College trusts in the professionalism of the staff it employs. This Conflict-of-Interest Process is intended to mitigate risks and safeguard student achievements as well as staff and College integrity and reputation. It also contributes to the maintenance of awarding body quality assurance and certification.

2.0 Scope

Definition and examples of Conflict of Interest:

A conflict of interest occurs where the professional responsibilities and position of trust held by an individual or an organisation is compromised by the potential for personal gain or organisational benefit from a situation, for example, if a member of staff is related to a student whose work they assess, there is a conflict of interest as they have a personal interest in their relative's achievement.

3.0 Activities related to managing a conflict of interest:

- Staff are trained in managing boundaries and related conflicts as part of their induction.
- Where there is potential for a conflict of interest, the College takes all measures to mitigate against this for example through reallocation of relevant staff. Where this is not possible, the College will inform the awarding organisation before the published deadline for entries.

Staff in scope:

- Any members of centre staff who are taking qualifications at their own centre which include internally assessed components/units.
- Any members of centre staff who are teaching and preparing members of their family (which includes stepfamily, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) for qualifications which include internally assessed components/units; and maintains clear records of all instances where:
- Exams office staff have members of their family (which includes stepfamily, foster family and similar close relationships) or close friends and their immediate family (e.g. son/daughter) being entered for examinations and assessments either at the centre itself or other centres;
- Centre staff are taking qualifications at their centre which do not include internally assessed components/units;
- Centre staff are taking qualifications at other centres.

4.0 Responsibilities

1. The College Principal FE is responsible for the oversight and review of this process and to ensure that the records include details of the measures taken to mitigate any potential risk to the integrity of the qualifications affected.
2. The Exams Manager is responsible for ensuring that this document is distributed to all teams each year prior to 1st September with timescales provided for collation of information to be logged where required.
3. The Exams Manager is responsible for ensuring that records are maintained in line with JCQ guidelines.

5.0 Method

1. Any agreed conflict of interest will be recorded on a central log maintained by the Exams Team as part of Information Systems.
2. Development is provided for students on key policies during their induction, links of which are included as part of the Student Handbook.
3. Disclosure: It is important that staff and students recognise and disclose any situations that present a conflict of interest for example
 - staff applying to study or currently studying within the College where they are an employee.
 - teaching, assessing, internally verifying or invigilating an exam where a relative, friend or colleague is a student.
 - students completing an assessment or examination that is supervised or assessed by a member of staff who is a relative, carer or family friend.

5.1 Failure to disclose a conflict of interest

If a conflict of interest is identified that has not been disclosed the related examination or assessment will be invalidated and the staff or student disciplinary procedure will be activated. The qualification awarding body and the Joint Council for Qualifications (JCQ) will be notified of the conflict of interest.

Procedure: The Examinations team will take steps to manage the conflict e.g.

- provide an alternative assessor, internal verifier, invigilator or support worker who is not related to any student.
- inform the awarding body if the teacher is the only available specialist in that subject area to seek their permission and to arrange for any additional scrutiny to monitor fair and impartial approaches.
- record the conflict of interest in the conflict-of-interest log maintained by the examinations team.
- provide details of conflicts of interest to visiting External Quality Assurers and External Examiners or others associated with the awarding body for the relevant qualification.

If a student or staff member believes that a declaration of conflict of interest has not been managed correctly, they may raise a complaint in line with the Complaint's Policy.

If the full complaints procedure has been exhausted and the issue remains unresolved in line with direction in the Complaints Policy, students may refer their concern to The Education and Skills Funding Agency.

6.0 Related documents

1. Malpractice Policy
2. Complaints Policy