MALPRACTICE POLICY

2023/24

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Paula Harris-Pearce Steve Whittle	
Date of next review	Autumn 2024

Key staff involved in the policy

Role	Name(s)
Head of Centre	**Steve Whittle**
Senior leaders:	**Claire Thompson, Senior Vice Principal** **Michelle Toner, Vice Principal**
Exams officer	**Paula Harris-Pearce**
Other staff	**Heads of Department** **SLT Line Managers** **Subject teachers**

This policy is reviewed and updated annually to ensure that any malpractice at Hayes School is managed in accordance with current requirements and regulations.

Reference in the policy to **GR** and **SMPP** relate to relevant sections of the current JCQ publications **General Regulations for Approved Centres** and **Suspected Malpractice: Policies and Procedures**.

What is malpractice and maladministration?

'Malpractice' and 'maladministration' are related concepts, the common theme of which is that they involve a failure to follow the rules of an examination or assessment. This policy and procedure uses the word 'malpractice' to cover both 'malpractice' and 'maladministration' and it means any act, default or practice which is:

• a breach of the Regulations
• a breach of awarding body requirements regarding how a qualification should be delivered
• a failure to follow established procedures in relation to a qualification which:
• gives rise to prejudice to candidates
• compromises public confidence in qualifications
• compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate
• damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre (SMPP 1)

Candidate malpractice

'Candidate malpractice' means malpractice by a candidate in connection with any examination or assessment, including the preparation and authentication of any controlled assessments, coursework or non-examination assessments, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper. (SMPP 2)

Centre staff malpractice

'Centre staff malpractice' means malpractice committed by:
• a member of staff, contractor (whether employed under a contract of employment or a contract for services) or a volunteer at a centre; or
• an individual appointed in another capacity by a centre such as an invigilator, a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe (SMPP 2)

Suspected malpractice

For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice. (SMPP 2)

Purpose of the policy

To confirm Hayes School School:

• has in place a written malpractice policy which covers all qualifications delivered by the centre and details how candidates are informed and advised to avoid committing malpractice in examinations/assessments, how suspected malpractice issues should be escalated within the centre and reported to the relevant awarding body (GR 5.3)

General principles

In accordance with the regulations Hayes School will:

• Take all reasonable steps to prevent the occurrence of any malpractice (which includes maladministration) before, during and after examinations have taken place (GR 5.11)
• Inform the awarding body immediately of any alleged, suspected or actual incidents of malpractice or maladministration, involving a candidate or a member of staff, by completing the appropriate documentation (GR 5.11)
• As required by an awarding body, gather evidence of any instances of alleged or suspected malpractice (which includes maladministration) in accordance with the JCQ publication Suspected Malpractice - Policies and Procedures and provide such information and advice as the awarding body may reasonably require (GR 5.11)

Preventing malpractice

Hayes School has in place:

• Robust processes to prevent and identify malpractice, as outlined in section 3 of the JCQ publication Suspected Malpractice: Policies and Procedures. (SMPP 4.3)

• This includes ensuring that all staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the following JCQ documents and any further awarding body guidance:

- General Regulations for Approved Centres 2023-2024
- Instructions for conducting examinations (ICE) 2023-2024
- Instructions for conducting coursework 2023-2024
- Instructions for conducting non-examination assessments 2023-2024
- Access Arrangements and Reasonable Adjustments 2023-2024
- A guide to the special consideration process 2023-2024
- Suspected Malpractice: Policies and Procedures 2023-2024
- Plagiarism in Assessments
- AI Use in Assessments: Protecting the Integrity of Qualifications
- A guide to the awarding bodies' appeals processes 2023-2024 (SMPP 3.3.1)

Informing and advising candidates

Copies of the JCQ information for candidates documents are e-mailed by the Exams Officer to candidates and are published on the school website.

Assemblies have also taken place to advise candidates of what constitutes malpractice and the sanctions/penalties they may receive from awarding bodies, with reference to anonymised centre examples (from previous years).

Identification and reporting of malpractice

Escalating suspected malpractice issues

• Once suspected malpractice is identified, any member of staff at the centre can report it using the appropriate channels (SMPP 4.3)

In the first instance all incidents of potential malpractice should be reported to the Exams Officer who will then escalate to the senior leader as appropriate.

Reporting suspected malpractice to the awarding body

• The Head of Centre will notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice, using the appropriate forms, and will conduct any investigation and gathering of information in accordance with the requirements of the JCQ publication Suspected Malpractice: Policies and Procedures (SMPP 4.1.3)

• The Head of Centre will ensure that where a candidate who is a child/vulnerable adult is the subject of a malpractice investigation, the candidate's parent/carer/appropriate adult is kept informed of the progress of the investigation (SMPP 4.1.3)

• Form JCQ/M1 will be used to notify an awarding body of an incident of candidate malpractice. Form JCQ/M2 will be used to notify an awarding body of an incident of suspected staff malpractice/maladministration (SMPP 4.4, 4.6)

• Malpractice by a candidate discovered in a controlled assessment, coursework or non- examination assessment component

prior to the candidate signing the declaration of authentication need not be reported to the awarding body but will be dealt with in accordance with the centre's internal procedures. The only exception to this is where the awarding body's confidential assessment material has potentially been breached. The breach will be reported to the awarding body immediately (SMPP 4.5)

• If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) will be informed of the rights of accused individuals (SMPP 5.33)

• Once the information gathering has concluded, the Head of Centre (or other appointed information-gatherer) will submit a written report summarising the information obtained and actions taken to the relevant awarding body, accompanied by the information obtained during the course of their enquiries (5.35)
• Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (SMPP 5.37)
• The awarding body 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 Head of Centre will be informed accordingly (SMPP 5.40)

Additional information:
N/A

Communicating malpractice decisions
Once a decision has been made, it will be communicated in writing to the Head of Centre as soon as possible. The Head of Centre will communicate the decision to the individuals concerned and pass on details of any sanctions and action in cases where this is indicated. The Head of Centre will also inform the individuals if they have the right to appeal. (SMPP 11.1)

Additional information:
N/A

Appeals against decisions made in cases of malpractice
Hayes School will:
• Provide the individual with information on the process and timeframe for submitting an appeal, where relevant
• Refer to further information and follow the process provided in the JCQ publication A guide to the awarding bodies' appeals processes

In accordance with the guidance, Hayes School will not submit an appeal to the awarding bodies on the grounds that:

• the individual did not intend to cheat;
• the individual has an unblemished academic record;
• the individual could lose a FEI/HEI place or employment;
• the individual regrets his/her actions

since these do not, by themselves, constitute grounds for an appeal.

1. Artificial Intelligence and Malpractice – JCQ – 2nd February 2024

While the potential for student artificial intelligence (AI) misuse is new, most of the ways to prevent its misuse and mitigate the associated risks are not; centres will already have established measures in place to ensure that students are aware of the importance of submitting their own independent work for assessment and for identifying potential malpractice. This guidance reminds teachers and assessors in centres of best practice in this area, applying it in the context of AI use.

The guidance emphasises the following requirements:

• As has always been the case, and in accordance with section 5.3(k) of the JCQ General Regulations for Approved Centres (https://www.jcq.org.uk/exams- office/general-regulations/), teachers and assessors must only accept work for qualification assessments which is the students' own;
• Students who misuse AI such that the work they submit for assessment is not their own will have committed malpractice, in accordance with JCQ regulations, and may attract severe sanctions;
• Students and centre staff must be aware of the risks of using AI and must be clear on what constitutes malpractice;

• Students must make sure that work submitted for assessment is demonstrably their own. If any sections of their work are reproduced directly from AI generated responses, those elements must be identified by the student and they must understand that this will not allow them to demonstrate that they have independently met the marking criteria and therefore will not be rewarded (please see the Acknowledging AI use and AI use and marking sections below and Appendix B: Exemplification of AI use in marking student work at the end of this document); and

• Where teachers have doubts about the authenticity of student work submitted for assessment (for example, they suspect that parts of it have been generated by AI but this has not been acknowledged), they must investigate and take appropriate action.

JCQ - Preventing AI Misuse in Assessments

While there may be benefits to using AI in some situations, there is the potential for it to be misused by students, either accidentally or intentionally. AI misuse, in that it involves a student submitting work for qualification assessments which is not their own, can be considered a form of plagiarism. JCQ has published guidance on plagiarism which provides guidance on what plagiarism is, how to prevent it, and how to detect it (https://www.jcq.org.uk/exams-office/malpractice/plagiarism-in- assessments---guidance-forteachersassessors/).

Teachers and assessors must be assured that the work they accept for assessment and mark is authentically the student's own work. They are required to confirm this during the assessment process. To prevent misuse, education and awareness of staff and students is likely to be key. Here are some actions which should be taken (many of these will already be in place in centres as these are not new requirements):

a) Consider restricting access to online AI tools on centre devices and networks;
b) Ensure that access to online AI tools is restricted on centre devices used for exams;
c) Set reasonable deadlines for submission of work and providing reminders;
d) Where appropriate, allocate time for sufficient portions of work to be done in class under direct supervision to allow the teacher to authenticate each student's whole work with confidence;
e) Examine intermediate stages in the production of work in order to ensure that work is underway in a planned and timely manner and that work submitted represents a natural continuation of earlier stages;
f) Introduce classroom activities that use the level of knowledge/understanding achieved during the course thereby making the teacher confident that the student understands the material;
g) Consider whether it's appropriate and helpful to engage students in a short verbal discussion about their work to ascertain that they understand it and that it reflects their own independent work;
h) Do not accept, without further investigation, work which staff suspect has been taken from AI tools without proper acknowledgement or is otherwise plagiarised – doing so encourages the spread of this practice and is likely to constitute staff malpractice which can attract sanctions.
i) Issuing tasks for centre-devised assignments which are, wherever possible, topical, current and specific, and require the creation of content which is less likely to be accessible to AI models trained using historic data.

JCQ - Identifying misuse of AI

Identifying the misuse of AI by students requires the same skills and observation techniques that teachers are probably already using to assure themselves student work is authentically their own. There are also some tools that can be used. We explore these different methods below.

Comparison with previous work
When reviewing a given piece of work to ensure its authenticity, it is useful to compare it against other work created by the student. Where the work is made up of writing, one can make note of the following characteristics:

- Spelling and punctuation
- Grammatical usage
- Writing style and tone
- Vocabulary
- Complexity and coherency
- General understanding and working level
- The mode of production (i.e. whether handwritten or word-processed)

Teachers could consider comparing newly submitted work with work completed by the student in the classroom, or under supervised conditions.

Private candidates
Verifying the authenticity of work submitted by private candidates can be more challenging for centres, given that they may not have a good understanding of the standard the student is currently working at. Before accepting work for assessment, teachers/assessors must take steps to ensure it is the student's own independent work. This may involve a review of the student's portfolio of evidence across a range of qualifications and a short discussion with the student regarding their work.

Further guidance on authenticating student work can be found in the JCQ Instructions for conducting coursework (https://www.jcq.org.uk/exams-office/ coursework/).

Potential indicators of AI misuse
a) If the following are seen in student work, it may be an indication that the student has misused AI:
b) A default use of American spelling, currency, terms and other localisations*
c) A default use of language or vocabulary which might not appropriate to the qualification level*
d) A lack of direct quotations and/or use of references where these are required/ expected~
e) Inclusion of references which cannot be found or verified (some AI tools have provided false references to books or articles by real authors)
f) A lack of reference to events occurring after a certain date (reflecting when an AI tool's data source was compiled), which might be notable for some subjects
g) Instances of incorrect/inconsistent use of first-person and third-person perspective where generated text is left unaltered
h) A difference in the language style used when compared to that used by a student in the classroom or in other previously submitted work
i) A variation in the style of language evidenced in a piece of work, if a student has taken significant portions of text from AI and then amended this
j) A lack of graphs/data tables/visual aids where these would normally be expected
k) A lack of specific local or topical knowledge
l) Content being more generic in nature rather than relating to the student themself, or a specialised task or scenario, if this is required or expected
m) The inadvertent inclusion by students of warnings or provisos produced by AI to highlight the limits of its ability, or the hypothetical nature of its output
n) The submission of student work in a typed format, where their normal output is handwritten
o) The unusual use of several concluding statements throughout the text, or several repetitions of an overarching essay structure within a single lengthy essay, which can be a result of AI being asked to produce an essay several times to add depth and variety or to overcome its output limit
p) The inclusion of strongly stated non-sequiturs or confidently incorrect statements within otherwise cohesive content
q) Overly verbose or hyperbolic language that may not be in keeping with the candidate's usual style.

*Please be aware, though, that AI tools can be instructed to employ different languages and levels of proficiency when generating content.

~However, some AI tools will produce quotations and references.

<u>Automated detection</u>
AI chatbots, as large language models, produce content by 'guessing' the most likely next word in a sequence. This means that AI generated content uses the most common combinations of words, unlike humans who tend to use a variety of words in their normal writing. Several programs and services use this difference to statistically analyse written content and determine the likelihood that it
was produced by AI, for example:

• Turnitin AI writing detection (https://www.turnitin.com/solutions/topics/ai- writing/ai-detector/)
• Copyleaks (https://copyleaks.com/ai-content-detector)
• GPTZero (https://gptzero.me/)
• Sapling (https://sapling.ai/ai-content-detector)

These can be used as a check on student work and/or to verify concerns about the authenticity of student work. However, it should be noted that the above tools, as they base their scores on the predictability of words, will give lower scores for AI- generated content which has been subsequently amended by students. The quality of these detection tools can vary and AI and detection tools will continue to evolve. Spending time getting to know how the detection tools work will help teachers and assessors understand what they are and aren't capable of.

AI detection tools, including those listed above, employ a range of detection models which can vary in accuracy depending on the AI tool and version used, the proportion of AI to human content, prompt types and other factors (such as an individual's English language competency). In instances where misuse of AI is suspected it can be helpful to use more than one detection tool to provide an additional source of evidence about the authenticity of student work.

The use of detection tools, where used, should form part of a holistic approach to considering the authenticity of students' work; all available information should be considered when reviewing any malpractice concerns. Teachers will know their students best and so are best placed to assess the authenticity of work submitted to them for assessment – AI detection tools can be a useful part of the evidence they can consider.

<u>JCQ - Reporting</u>
If your suspicions are confirmed and the student has not signed the declaration of authentication, your centre doesn't need to report the incident to the appropriate awarding organisation. Steps to resolve such incidents should be detailed in the centre's malpractice/plagiarism policy. These should include ensuring that students are aware of what malpractice is, how to avoid malpractice, how to properly reference sources and acknowledge AI tools, etc.

Teachers must not accept work which is not the student's own. Ultimately the Head of Centre has the responsibility for ensuring that students do not submit inauthentic work.

If AI misuse is detected or suspected by the centre and the declaration of authentication has been signed, the case must be reported to the relevant awarding organisation. The procedure is detailed in the JCQ Suspected Malpractice: Policies and Procedures (https://www.jcq.org.uk/exams-office/malpractice/).

This policy has been updated with respect to the guidance on Artificial Intelligence from JCQ – 7th February 2024