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BOTSWANA  
EXAMINATIONS  
COUNCIL

## **Guidelines for:**

## **Malpractice and Mal-administration**

## **Document Reference:**

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## Important

Malpractice', which includes mal-administration and non-compliance, means any act, default or practice which is a breach of the BEC Examinations Regulations or which:

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

These may occur before, during or after the examinations and may not necessarily be confined to events during timetabled examinations.

Mal-administration is unintended actions of negligence resulting in breaches of regulations that may threaten the integrity of BEC examinations.

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## 1. Introduction

This document contains guidelines for dealing with malpractice on the part of candidates, centre staff and others involved in the delivery of BEC qualifications. These procedures must be followed in the investigation of all allegations of malpractice and mal-administration.

The document:

- 1.1 identifies the malpractice and mal-administration regulations under which BEC examinations and assessments operate;
- 1.2 defines malpractice in the context of examinations and assessments;
- 1.3 sets out the rights and responsibilities of BEC, centre staff and candidates in relation to examination malpractice;
- 1.4 Describes the procedures to be followed when there is reason to suspect that malpractice has taken place.
- 1.5 Instances of malpractice arise for a number of reasons:
  - 1.5.1 some instances are intentional and intended to give an unfair advantage to a candidate or a group candidates;
  - 1.5.2 Other instances are unintentional and arise out of misunderstanding of the regulations or carelessness in the application of the regulations.
- 1.6 The individuals involved in malpractice may be:
  - 1.6.1 candidates;
  - 1.6.2 teachers or other staff responsible for the administration, conduct and quality assurance of examinations and assessments;
  - 1.6.3 those involved in the assessment of candidates' work such as assessors, centre staff, examiners and moderators;
  - 1.6.4 Others such as parents or friends of the candidate.
- 1.7 Regardless of the circumstances or the people involved, BEC has a statutory duty to investigate all allegations of malpractice relating to BEC examinations and assessments. BEC also has a duty to protect the integrity of all BEC qualifications.

## 2. Abbreviations and Definitions

### 2.1 Abbreviations

**BEC** Botswana Examinations Council

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**BGCSE** Botswana General Certificate of Secondary Education

**EAC** Examinations Administration and Certification

**JCE** Junior Certificate Examination

**MOBE** Ministry of Basic Education

**PS** Permanent Secretary

**PSLE** Primary School Leaving Examination

## 2.2 Definitions

### 2.1.1 Candidate

An individual who has been entered to sit for an assessment at a BEC Centre.

### 2.1.2 Candidate Malpractice

‘Candidate malpractice’ means malpractice by a candidate in the course of any examination or assessment, including the preparation and authentication of any controlled assessments or coursework, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper.

### 2.1.3 Centre

An organisation (such as a school, college, training institution/provider or place of employment), which is accountable to BEC for the assessment arrangements leading to a qualification award.

### 2.1.4 Centre Staff Malpractice

Centre staff malpractice’ means:

- malpractice committed by a member of staff or contractor (whether employed under a contract of employment or a contract for services) at a centre; or
- an individual appointed in another capacity by a centre such as an invigilator, an Oral Language Modifier, a practical assistant, a prompter, a reader, a scribe or a Sign Language Interpreter.

### 2.1.5 Component

A component forms part of a syllabus examination in any given series.

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### 2.1.6 Examinations and Assessments

‘Examinations and assessments’ mean any written or practical activity set according to the BEC’s specification, or any achievement measured against national standards, which contributes to the award of a qualification.

### 2.1.7 Examinations and Assessment Regulator

An organisation designated by government to establish national examinations and assessment standards for qualifications and to secure compliance with them.

### 2.1.8 Head of Centre

The ‘Head of Centre’ is the most senior operational officer in the organisation - the Head Teacher of a school, the Principal of a College or the Managing Director of a company or training institution.

Where an allegation of malpractice is made against a Head of Centre, the responsibilities set out in this document as applying to the Head of Centre shall be read as applying to such other person nominated to investigate the matter by the BEC, such as an official of the MOBE or Chairperson of Board of Directors.

### 2.1.9 Malpractice

‘Malpractice’, which includes mal-administration and non-compliance, means any act, default or practice which is a breach of the BEC Regulations or which:

- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or
- Damages the authority, reputation or credibility of BEC or centre or any officer, employee or agent of BEC or centre.

Failure by a centre to notify, investigate and report to BEC allegations of suspected malpractice constitutes malpractice.

Also, failure to take action as required by BEC, as detailed in this document, or to co-operate with BEC’s investigation constitutes malpractice.

### 2.1.10 Practical Assistant

A ‘practical assistant’ is a person who is appointed by a centre to carry out practical tasks in a written examination at the instruction of the candidate, where approved by BEC.

A ‘practical assistant’ may also assist in practical assessments and controlled assessment/coursework where approved by BEC.

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### 2.1.11 Private Candidates

A private candidate is a candidate who pursues a course of study independently but makes an entry and takes an examination at an approved examination centre.

A candidate cannot enter as both a private candidate and as a school candidate at the same centre in the same examination series.

### 2.1.12 Qualifications

‘Qualifications’ means a statement of accomplishment following an examination or assessment.

The main qualifications offered by the BEC are Primary School Leaving Examination (PSLE), Junior Certificate Examination (JCE) and Botswana General Certificate of Secondary Education (BGCSE) examination.

### 2.1.13 Regulations

‘Regulations’ means the guidance and rules relating to the provision of access arrangements, special consideration and the conduct of controlled assessments, coursework and examinations.

## 3. References

None.

## 4. Responsibilities of BEC

**4.1** In order to meet its responsibilities, BEC will:

- oversee all investigations into alleged or suspected malpractice;
- Withhold the results of the candidates involved until the investigation is complete. BEC will withhold the results of candidates permanently if the circumstances warrant such action;
- apply sanctions and penalties listed in paragraphs 9.2 to 9.4 in cases where the malpractice is proven;
- Report the circumstances to the police if a criminal act may have been committed as part of the malpractice.

**4.2** When dealing with suspected malpractice in a centre, BEC will deal primarily with the Head of Centre or their nominated representative.

**4.3** BEC will use its own personnel (or any other designated persons) to investigate suspected cases of malpractice and any breach of security. BEC will also require the Head of Centre to fully provide details of any suspected or confirmed breach of security.

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## 5. Responsibilities of the Head of Centre

5.1 The Head of Centre or their representative is required to:

5.1.1 Report to BEC (by phone or fax) immediately any incident of actual malpractice or suspicion of malpractice and/or mal-administration as a matter of urgency. Thereafter the Head of Centre is required to conduct a preliminary investigation and submit a written report on the incident within 48 hours. The only exception to this is malpractice in coursework which is discovered before the candidate is registered for the examination;

5.1.2 Supervise all investigations resulting from an allegation of malpractice. However, if the allegations or suspicions suggest that the Head of Centre may be involved in the Malpractice, the supervision will be sourced from relevant authorities;

5.1.3 Respond openly and promptly to all requests for an investigation into an allegation of malpractice. The Head of Centre and the staff and candidates in the Centre must co-operate fully with an investigation into an allegation of malpractice;

5.1.4 Pass on to the individuals concerned any warnings or notification of penalties when a case is concluded. The Head of Centre must also ensure compliance with any instructions or requests made by BEC relating to the future conduct of BEC examinations and assessments in the Centre.

5.1.5 Inform candidates and Centre staff of their individual responsibilities and rights as set out in these regulations.

5.2 The responsibilities in 5.1 also apply to instances of suspected malpractice which involve private candidates entered through the Centre.

## 6. Communication

6.1 BEC will communicate with the Head of Centre or their nominated representative in all matters relating to an allegation of malpractice, except when the Head of Centre is under investigation. However in some circumstances, BEC may communicate directly with members of staff at the Centre who are suspected of malpractice.

6.2 BEC will communicate directly with a person who is no longer employed at the Centre being investigated.

6.3 BEC will communicate directly with a candidate only if the circumstances warrant such communication or if the candidate is a private candidate. For example, BEC might decide to communicate with a candidate if there is a contradiction in the evidence provided by the Centre and the candidate or where it seems that the Centre is not co-operating fully with the investigation. In such cases, the Head of Centre will be informed in writing that BEC proposes to deal directly with the candidate and will be asked not to communicate further with the candidate.

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## 7. Forms of Malpractice

The following are examples of forms of malpractice. The list is not intended to be exhaustive, and other examples of malpractice may be identified and considered at the discretion of BEC.

### 7.1 Suspected Candidate Malpractice

The following are examples of acts of malpractice that may be committed by candidates:

- the alteration of any results document, including Statement of Results and certificates;
- failing to follow the instructions or advice of an invigilator or other supervisors in relation to BEC regulations which apply to examinations and assessments;
- failure to abide by the conditions of invigilation or supervision which is intended to maintain the security of the examination or assessment;
- working in collusion with other candidates, beyond what is permitted by the regulations;
- copying from another candidate (including the misuse of ICT to do so);
- allowing work to be copied by another candidate;
- the deliberate destruction of another candidate's work;
- disruptive behaviour in the examination room;
- obtaining or receiving (or attempting to obtain or receive) information which is examination related from another candidate in the examination room, or passing any such information to another candidate in the examination room. This includes communication by speech, in writing and/or other non-verbal communication;
- making a false declaration of authenticity in relation to coursework;
- either giving or receiving undue assistance in the production of coursework;
- being in possession of confidential material in advance of an examination;
- bringing into the examination room unauthorised materials such as notes, study guides, blank paper, electronic devices, etc.
- the inclusion of offensive or obscene material in scripts or coursework;
- pretending to be someone else in the examination (impersonation), or arranging for another person to take one's place in an examination;

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- plagiarism; the failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own;
- theft of another candidate's work;
- any attempt to remove or reveal the content of the examination before the Key Time has passed or the examination has ended, whichever is later;
- submitting a piece of work that is not the candidate's original work.

## 7.2 Suspected Centre Staff Malpractice - Breach of Security

Breaching the confidentiality of question papers or other examination materials or the confidentiality of candidates' scripts. Such breaches include:

- failing to keep examination materials secure prior to an examination;
- revealing secure information;
- moving the time or date of an examination without the prior written approval of BEC;
- failing to supervise adequately candidates who are involved in a timetable deviation; (This would, for example, apply to a practical examination which is to be taken in a number of sessions.)
- permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;
- failing to retain and secure examination material where the examination is to be taken in a later session due to a timetable deviation;
- tampering with candidates' scripts or coursework after submission to school administration and before despatch to BEC or before making the work available to a moderator.

## 7.3 Suspected Centre Staff Malpractice - Deception

Any act of dishonesty in relation to an examination or assessment:

- inventing or changing marks for internally assessed components such as coursework where there is no actual evidence of the candidate's achievement to justify the marks being awarded;
- entering fictitious candidates for examinations or assessments or otherwise subverting the certification process for financial gain.

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#### 7.4 Suspected Centre Staff Malpractice - Improper Assistance to Candidates

Giving assistance to one or more candidates which results in potential or actual advantage in an examination or assessment. For example:

- assisting candidates in the production of coursework beyond that permitted by the regulations e.g. typing the candidate's work;
- making candidates' coursework available to other candidates;
- assisting candidates with the production of answers;
- assisting candidates for whom Special Arrangements have been made (such as the provision of a reader or amanuensis) beyond that permitted by the regulations and other BEC publications.

#### 7.5 Suspected Centre Staff Mal-administration

Failure to follow the regulations regarding the conduct of examinations and assessments or malpractice in the conduct of examinations and assessments including the handling of examination materials, candidate scripts, mark sheets, etc. For Example:

- failure to ensure that candidate's coursework is adequately supervised;
- failure to train invigilators adequately, leading to non-compliance with BEC regulations;
- failing to issue appropriate notices or warnings to candidates in accordance with BEC regulations;
- failing to post notices relating to examinations and assessments as required by BEC regulations;
- not ensuring that the rooms used for examinations meet BEC requirements as specified in the regulations;
- the introduction of unauthorised material into the examination room, either during or prior to the examination;
- failing to remind candidates that unauthorised materials must be handed to the invigilator before the start of an examination;
- making Special Arrangements available to candidates where prior approval has not been obtained from BEC;
- opening wrong question paper packets during an examination session;

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- failure to despatch candidates' scripts or coursework to BEC or failure to make coursework available to moderators when required to do so by BEC;
- failing to report a case of suspected malpractice in an examination or assessment to BEC as soon possible after any such incident has occurred;
- failure to conduct an investigation into suspected malpractice when asked to do so by BEC;
- the retention and/or destruction of certificates contrary to BEC regulations;
- Loss of certification documents.

## 8. Sanctions and Penalties

### 8.1 General

**8.1.1** BEC will impose sanctions and penalties on individuals and Centres found guilty of malpractice in order to:

- minimise the risk to the integrity of BEC qualifications, both in the present and in the future;
- maintain the confidence of the public in BEC qualifications;
- deter others from committing malpractice.

**8.1.2** BEC will impose sanctions and penalties to individuals found guilty of malpractice. These individuals will be candidates or members of staff who are responsible in some way for the examination or assessment. However, when the malpractice is judged to be the result of serious mismanagement of the Centre, BEC may apply sanctions against the Centre.

**8.1.3** BEC will do everything possible to protect the interest of candidates who become involved in malpractice through no fault of their own. However, it should be recognised that there may be instances where the work submitted for assessment does not represent the attainment of individual candidates, and it may not be possible to issue grades to these candidates. When considering such cases, BEC will consider both the position of the innocent individuals caught up in the malpractice and BEC's responsibility to other candidates.

**8.1.4** There may be cases where it is known that malpractice has taken place, but where it is not possible to apportion blame with any certainty. In such cases, if it is clear that the integrity of the examination or assessment has been impaired, BEC may decide not to accept the work of candidates and results will not be issued.

**8.1.5** Sanctions and penalties will be chosen from a defined range in order to reflect the particular circumstances of the case and any mitigating factors. The available penalties are listed in section 8.10 to 8.12. BEC reserves the right to apply penalties other than those listed if the circumstances warrant it.

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**8.1.6** Sanctions and penalties applied must be reasonable and based only on the evidence available at that time.

**8.1.7** If the examination is one of a series, sanctions and penalties will only apply to the series in which the offence has been committed and possible future series. (If evidence comes to light some considerable time after the offence, a sanction or penalty may still be applied to the series in which the offence was committed and later series).

**8.1.8** Penalties must be consistent in their application, and BEC will take no account of the consequences of which might arise from the candidate's circumstances, such as the effect of the penalty on the candidate's application for university admission.

**8.1.9** A permanent record will be kept of the effect of any penalties on a candidate's results. All other information relating to specific instances of malpractice will be destroyed after a period of five years.

## **8.2 Sanctions and penalties against candidates**

BEC may, at its discretion, impose the following sanctions and penalties against candidates found guilty of malpractice.

### **8.2.1 Written Warning**

The candidate is issued with a warning to the effect that if the offence is repeated within a stated period, further specified sanctions will be applied.

### **8.2.2 Loss of Marks for Part of a Component**

The candidate loses all of the mark for a specified section of the work. A section may be part of a component or one or more of a number of pieces of coursework.

### **8.2.3 Loss of Marks for a Component**

The candidate loses all of the marks gained for a component. The candidate will be regarded as present for the component but will be awarded zero marks.

### **8.2.4 Disqualification from a Syllabus**

The candidate is disqualified from a syllabus taken in that examination series.

### **8.2.5 Disqualification from All Syllabuses taken in that Series**

The candidate is disqualified from all syllabuses taken in that examination series.

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### 8.2.6 Candidate Debarral

The candidate is debarred from entering one or more examinations for a set period of time. This penalty can be applied in combination with any of the penalties 8.2.1 – 8.2.5.

Inform the police in serious cases involving criminal acts, theft, impersonation or the falsification of documents etc.

Unless a penalty is accompanied by a bar on entry in future examination series, candidates penalised by the loss of marks or disqualification may retake the syllabus in a future series. In all cases, the candidates must retake the whole syllabus, although it might be possible to carry forward a coursework mark which was unaffected by the penalty.

### 8.3 Sanctions against Centre Staff

**8.3.1** In cases of malpractice involving the staff of a Centre, BEC will first consider whether the integrity of BEC examinations and assessments have been jeopardised by the actions of the individual. If so, BEC will then consider whether that integrity might be further jeopardised if the individual continued to be involved in the conduct or administration of BEC qualifications in the future.

**8.3.2** It is not the role of BEC to become involved in any aspect of the member of staff's contractual relationship with any employer.

**8.3.3** In determining the appropriate penalty, BEC will consider the potential risk to the integrity of the examination or assessment and the potential adverse effect on candidates. Mitigating circumstances may be taken into account if supported by evidence. Ignorance of the regulations will not, by itself, be considered as a mitigating factor.

**8.3.4** Where a member of staff has been found guilty of malpractice, BEC may impose the following sanctions:

#### 8.3.4.1 Written Warning

The member of staff is issued with a warning to the effect that if the offence is repeated within a stated period, further specified sanctions will be applied.

#### 8.3.4.2 Imposition of Special Conditions

Impose conditions on future involvement in BEC examinations and assessments by the member of staff. Such conditions might be applied to the assessment of coursework and the conduct, supervision and administration of examinations and assessments.

#### 8.3.4.3 Suspension

Bar the member of staff from any involvement in the delivery of BEC examinations and assessments for a specified period of time.

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- The Head of Centre will be informed of any sanction which is imposed on a member of staff, and the Head of Centre is responsible for ensuring that the sanction is carried out.
- If the member of staff moves to another Centre during the period in which the sanction is in force, the Head of Centre should notify BEC in writing. BEC reserves the right to inform the Head of the Centre to which the member of staff is moving as to the nature of the sanction, and the reason for imposing the sanction.

## 8.4 Sanctions and Penalties against Centres

BEC may, at its discretion, impose one or more of the following penalties and conditions against centres. BEC will determine the penalties and sanctions to be applied according to the evidence presented and the nature and circumstances of the malpractice.

### 8.4.1 Written Warning

BEC writes a letter to the Head of Centre including details of the malpractice which has taken place. The Head of Centre will be advised of the further action which may be taken should there be a recurrence of the malpractice or further breaches of BEC regulations at the Centre.

### 8.4.2 Additional Inspection

BEC might increase the normal level of inspection which takes place in relation to the delivery and administration of BEC qualifications in the Centre. BEC reserves the right to seek reimbursement of the costs of any such additional inspections.

### 8.4.3 Restrictions on the Storage of Examination Materials

For a specified period of time, the Centre will be provided with examination materials such as question papers shortly before each examination is due to start. In such cases the centre will be allowed to administer the examination using the centre invigilators.

In some cases where BEC deems fit, question papers packets will be opened and the papers distributed to candidates in the presence of a BEC officer (or another person appointed by BEC as their representative). At the conclusion of the examination, the Centre may be required to hand over the completed scripts to the BEC officer or representative. These restrictions might be applied to examinations in selected subjects or in all subjects. BEC reserves the right to seek reimbursement of the costs of any such restrictions.

### 8.4.4 Independent invigilators

For a specified period of time, examinations in the Centre will be invigilated by persons appointed by BEC in order to ensure that the examinations are conducted in accordance with the regulations. BEC reserves the right to seek reimbursement of the costs of any such invigilation.

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#### 8.4.5 Suspension of Candidate Entries

BEC may, for a specified period of time or until a specific matter has been resolved, refuse to accept candidate entries from the Centre. This sanction may be applied to a selected syllabus or to all syllabuses.

#### 8.4.6 Withdrawal of Centre Recognition

BEC may withdraw the recognition of the Centre as a BEC Examination Centre. As a result, the Centre will no longer be able to offer that specific BEC qualification. When the Centre is informed of this decision, BEC will specify the earliest date at which the Centre may reapply for registration and any measures which must be taken before any such application can be considered.

### 9. Handling Suspected Malpractice

#### 9.1 Handling Suspected Malpractice Identified by Examiners or Moderators

Examiners and moderators who suspect malpractice in a BEC examination or assessment are required to report their suspicions to BEC immediately they learn of the incident i.e. within the same day. They are required to provide BEC with a full account of the circumstances which have given rise to their suspicions in writing. At this stage, the Head of Centre is not informed of the suspected malpractice, either by BEC or by the Examiner or Moderator.

#### 9.2 Handling Suspected Malpractice Identified by a Centre

Where suspected malpractice is identified by a Centre, the Head of Centre must inform BEC telephonically immediately they learn of the incident i.e. within the same day, followed by a written account of the circumstances within 48 hours.

In the case of coursework components;

- if the malpractice is discovered prior to the date for final entry, the Centre should resolve the matter internally and may exercise discretion as to whether or not to enter the candidates concerned. If an entry is subsequently made in respect of such candidates, then none of the work which contributed to the dishonesty or malpractice must be submitted. Centres are reminded that all work must be authenticated by the teacher.
- If the malpractice is discovered after final entries have been made, the details must be reported to BEC. If the work of any candidate cannot be authenticated because of suspected dishonesty or malpractice, then no mark should be given for the component concerned.

#### 9.3 Handling Suspected Malpractice Identified by Others

9.3.1 Allegations of malpractice may sometimes be made by individuals such as centre staff, BEC staff, candidates or members of the public. BEC will ask for the allegation to be made in writing, although the informant will be given the option of remaining anonymous. BEC will

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evaluate all such cases in the light of all available information before deciding whether an investigation is justified.

**9.3.2** BEC is aware that reporting malpractice by a member of staff at a Centre or by a candidate might lead to difficulties for the individual. In view of this BEC will normally not disclose the identity of the informant unless legally required to do so.

## **10. Procedures for Dealing with Suspected Malpractice and Mal-administration**

- BEC will acknowledge in writing the receipt of reports of malpractice and mal-administration.
- The Head of Centre must send any documents required within 10 working days of the date of the request. BEC will review the case on the basis of evidence already presented.
- Following the review, BEC will decide what action, if any, to be taken. Each case will be considered on an individual basis in light of all the information available at the time.
- BEC may impose penalties if deemed necessary. BEC reserves the right to impose penalties at its own discretion.
- Even if the centre or the candidates have breached the regulations inadvertently BEC may decide that the circumstances are such that the award of a grade is not possible.
- BEC will inform the Head of Centre of decisions in writing as soon as possible after decisions are made. The Head of Centre must communicate the outcome to the individuals concerned.
- BEC will not consider any enquiries about results for any component(s) for which malpractice has been confirmed.

### **10.1 BEC's Response to an Allegation of malpractice**

**10.1.1** When a report of suspected or alleged malpractice is received from an Examiner or Moderator, centre staff, or from a member of the public, BEC will evaluate the report and then decide either to:

- take no further action; or
- ask the Head of Centre to carry out an initial investigation into the suspected or alleged malpractice and to submit a written report; or
- Initiate a full investigation to be carried out by members of BEC staff.

**10.1.2** When a report of suspected or alleged malpractice is received from a Head of Centre, BEC will evaluate the report and then decide either to:

- take no further action; or

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- follow the procedures leading to a decision but without further investigation; or
- ask the Head of Centre to carry out a further investigation and to provide further evidence; or
- Initiate an investigation to be carried out by members of BEC staff.

**10.1.3** BEC will share reports of all cases of malpractice and mal-administration with the PS, Ministry of Basic Education.

## **11. Procedure for Investigation of Suspected Malpractice**

**11.1** Initial investigations into alleged malpractice for cases emanating from a centre will be carried out by the Head of Centre. The Head of Centre should establish the full facts and circumstances of the alleged malpractice. In particular, the Head of Centre should not assume that because an allegation has been made, it is necessarily true.

**11.2** Both staff and candidates may be involved in malpractice. For this reason, investigations into suspected malpractice should be carried out personally by the Head of Centre (or their nominated representative if the Head of Centre is implicated) and should not be delegated. Where the Head of Centre is implicated together with the rest of the staff, BEC in consultation with the school owner will nominate senior personnel to avoid any conflict of interest. Any such possible conflict of interest may compromise the investigation and should be avoided.

**11.3** The Head of Centre will interview any candidate or member of staff against whom there is an allegation of malpractice. In doing so, the Head of Centre should consider the rights of the accused individual (see paragraph 13.0). Individuals concerned will be required to provide a written statement.

**11.4** In some cases an investigation will be carried out by members of BEC Staff, with the assistance of the Head of Centre and perhaps the Police. BEC may provide the Head of Centre with the evidence relevant to the case, although the evidence may be withheld in instances such as those described in paragraph 12.2.

**11.5** If the investigations confirm that candidates had prior knowledge of the content of a question paper, BEC must consider whether information could have been passed to candidates at other centres or to other unauthorised persons.

**11.6** It may be necessary for BEC staff to interview a candidate as part of an investigation. BEC will decide whether such interviews will be carried out in the presence of the Head of Centre and/or parent or not depending on the merits of the case. With the permission of the Head of Centre, the candidate's parents may also be present.

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**11.7** If it is necessary for BEC staff to interview a member of staff at the Centre, the staff member may be accompanied by a person of their choice. The person may be a representative of a teacher association.

## 12. Rights of Individuals

When the incident of suspected malpractice is investigated, BEC must ensure that the rights of any accused individual are respected. The individual must be:

- informed of the allegation which has been made against him or her;
- made aware of what evidence there is to support the allegation;
- made aware of the consequences should the malpractice be proven;
- given an opportunity to consider their response and also the opportunity to submit their response in writing;
- informed of the appeals procedure, should a decision be made against him or her.

## 13. Reporting

**13.1** After the investigation of a case of suspected malpractice, the Head of Centre must submit a full written report to BEC. The report must include:

**13.1.1** A statement of the facts, a detailed account of the circumstances surrounding the suspected malpractice, and details of any investigation carried out by the Centre;

**13.1.2** Written statements from the candidates and/or staff concerned or a clear indication that they have been given the opportunity to make a statement;

**13.1.3** Where appropriate, seating plans of the candidates in the examinations in question and register for the examination;

**13.1.4** The procedures followed by the Centre for advising staff and candidates of the BEC regulations concerning the conduct expected in examinations;

**13.1.5** Any mitigating circumstances;

**13.1.6** Where appropriate, the report should be accompanied by unauthorised material found in the examination room and any other material deemed relevant to the case.

**13.2** At the conclusion of an investigation of a suspected malpractice case, BEC will inform the Head of Centre in writing as soon as possible after decisions are made. BEC is not under any obligation to disclose the contents of the investigation report. It is the responsibility of the Head of Centre to communicate the decisions to the individuals concerned, and to pass on warnings in cases where this is indicated.

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**13.3** Correspondence about suspected malpractice is confidential between the Centre and BEC. The Head of Centre can share concerns and/or requests for information with the candidate(s) involved and their parents/guardians at his/her own discretion.

**Note:**The time taken to complete investigations will depend on the co-operation of the Centre and availability of all information required by BEC to take a decision.

## 14. Communicating Decisions

**14.1** Heads of Centres will be informed of a decision in writing as soon as possible after the decision has been made. The Head of Centre is then required to communicate the decision to the individuals concerned. Where appropriate, the Head of Centre must pass on written warnings to the individuals concerned.

**14.2** Cases of malpractice will remain confidential between the Centre and BEC. However, in cases of serious malpractice, where the circumstances outweigh the duty of confidentiality, the appropriate department of the Ministry of Basic Education will be informed. BEC will provide the department with a report on the nature of the malpractice together with details of the action taken against the Centre or individuals at the Centre.

## 15. Appeals

**15.1** BEC will consider appeals against the decisions made on any case of alleged malpractice.

**15.2** Only the following individuals have the right of appeal:

**15.2.1** Heads of Centre may appeal against sanctions imposed on the Centre and/or on behalf of a candidate;

**15.2.2** Members of staff at a Centre may, through their Head of Centre, appeal against sanctions imposed on them;

**15.2.3** Private candidates may appeal against sanctions imposed on them.

**15.3** Appeals from school candidates and/or centre staff should be routed through the Centre. BEC will not accept appeals directly from candidates or parents/guardians.

**15.4** All appeals must be presented with supporting documentation.

**15.5** All communication about appeals will be between:

- BEC and the Centre in the case of centre staff and school candidates;
- BEC and the individual in the case of private candidates.

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## 16. Procedure for Appeal against Decisions

- 16.1** Any appeal should be presented with any additional information or evidence for consideration by the Executive Secretary.
- 16.2** The Chief Invigilator/Head of Centre or the private candidate must send any appeal in writing within 28 working days from the date of notification of the decision.
- 16.3** Once a Centre has submitted an appeal, all communication relating to the case must be in writing.
- 16.4** BEC will not enter into any communication regarding an appeal with school candidates or their parents/guardians.
- 16.5** BEC will inform the Centre or private candidates of the outcome of their appeal within 28 working days of the date of the appeal.
- 16.6** The outcome of an appeal is regarded as final and BEC will not enter into further correspondence about an appeal with the Centre or private candidate.