



MALPRACTICE POLICY

2022/23

Approved/reviewed by	
Date of next review	

Key staff involved in the policy

Role	Name(s)
Head of centre	Jenny Rankine
Exams officer line manager (Senior leader)	Matt Merry
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Introduction

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

For the purposes of this document, suspected malpractice means all alleged or suspected incidents of malpractice

General principles

In accordance with the regulations, Bottisham VC 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)

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)

Preventing malpractice

Bottisham Village College has in place:

- robust processes to prevent and identify malpractice, as outlined in section 3.3 of the JCQ publication **Suspected Malpractice: Policies and Procedures** (SMPP 4.3) (See Appendix 1 and 4)

Identification and reporting of malpractice

- The head of centre will notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice (See Appendix 2 Examples 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)
- 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) (See Appendix 3)
- 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 (See Appendix 7). 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 5.32) (See appendix 5)
- Once the information gathering (see appendix 6) has concluded, the head of centre (or other appointed information-gatherer) will submit a written report summarising

the case to the relevant awarding body, accompanied by the information obtained during the course of their enquiries (SMPP 5.34)

- Form JCQ/M1 will be used when reporting candidate cases; for centre staff, form JCQ/M3 will be used (SMPP 5.36)
- 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 5.39)

Communicating malpractice decisions

From Awarding Bodies:

- 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)

Appeals against decisions made in cases of malpractice

Bottisham VC will:

- Provide the individual with information on the process 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

Appendix 1 Preventing Malpractice

Bottisham Village College takes all reasonable steps to prevent malpractice. These can include but are not limited to:

Centre staff malpractice and maladministration.

- Ensure that staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the JCQ documents above and any further awarding body guidance.
- Ensure that examination officers are appropriately trained, resourced and supported.
- Ensure that exams at alternative sites are conducted in accordance with JCQ ICE requirements.
- Ensure that all staff who manage and implement special consideration and access arrangements are aware of the requirements and are appropriately supported and resourced.
- Ensure that members of staff do not communicate any confidential information about examinations and assessment materials, including via social media.
- Ensure that examination clash arrangements are planned and managed effectively.
- Ensure that staff delivering/assessing coursework or non-examination assessments have robust processes in place for identifying and reporting plagiarism or other potential candidate malpractice.
- Ensure that the centre has a culture of honesty and openness so that any concerns of potential malpractice can be escalated appropriately without fear of repercussion.

Candidate malpractice

- Ensure that all JCQ notices, e.g. Information for candidates, non-examination assessments, coursework, onscreen tests, written examinations, social media, plagiarism are distributed to candidates prior to assessments/examinations taking place.
- Ensure candidates are informed verbally and in writing about the required conditions under which the assessments are conducted, including warnings about the introduction of prohibited materials and devices into the assessments, and access to restricted resources.
- Ensure that candidates are aware of actions that constitute malpractice and the sanctions that can be imposed on those who commit malpractice.
- Ensure that candidates are aware of the sanctions of passing on or receiving (even if the information was not requested) confidential assessment materials. If a candidate receives confidential information, they must report it to a member of centre staff immediately.
- Ensure that candidates involved in examination clash arrangements are aware of appropriate behaviour during supervision, i.e. Ensuring that candidates cannot pass on or receive information about the content of assessments, thereby, committing candidate malpractice.
- Ensure that candidates completing coursework or non-examination assessments are aware of the need for the work to be their own. (See Appendix 4 Plagiarism)

Appendix 2 Examples of malpractice

Centre staff malpractice

1. Breach of security

Any act which breaks the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronic equivalents.

It could involve:

- failing to keep examination material secure prior to an examination;
- discussing or otherwise revealing information about examinations and assessments that should be kept confidential, e.g. internet forums/social media;
- moving the time or date of a fixed examination beyond the arrangements permitted within the JCQ publication *Instructions for conducting examinations*. Conducting an examination before the published date constitutes centre staff malpractice and is a clear breach of security;
- failing to adequately supervise candidates who have been affected by a timetable variation (this would apply to candidates 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);
- releasing candidates early from a timetabled assessment (e.g. before 10 a.m. for a morning session examination);
- permitting, facilitating or obtaining unauthorised access to examination material prior to an 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, e.g., where an examination is to be sat in a later session by one or more candidates due to a timetable variation;
- tampering with candidate scripts, controlled assessments, coursework or non-examination assessments after collection and before despatch to the awarding body/examiner/moderator (this would additionally include reading candidates' scripts or photocopying candidates' scripts prior to despatch to the awarding body/examiner);
- failing to keep secure computer files which contain candidates' controlled assessments, coursework or nonexamination assessments.

2. Deception

Any act of dishonesty in relation to an examination or assessment including, but not limited to:

- inventing or changing marks for internally assessed components (e.g. non-examination assessments) where there is no actual evidence of the candidates' achievement to justify the marks awarded;
- manufacturing evidence of competence against national standards;
- fabricating assessment and/or internal verification records or authentication statements;
- entering fictitious candidates for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud);
- substituting one candidate's controlled assessment, coursework or non-examination assessment for another's;
- providing misleading or inaccurate information to an awarding body, candidates and/or parents.

3. Improper assistance to candidates

Any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of candidates, which results in a potential or actual advantage in an examination or assessment.

For example:

- assisting candidates in the production of controlled assessment, coursework, non-examination assessment or portfolios, beyond that permitted by the regulations;
- sharing or lending candidates' controlled assessment, coursework or non-examination assessment with other candidates in a way which allows malpractice to take place;
- assisting or prompting candidates with the production of answers;
- permitting candidates in an examination to access prohibited materials (dictionaries, calculators etc.);
- prompting candidates in an examination/assessment by means of signs, or verbal or written prompts;
- assisting candidates granted the use of a Communication Professional, a Language Modifier, a practical assistant, a prompter, a reader or a scribe beyond that permitted by the regulations.

4. Failure to co-operate with an investigation

- failure to make available information reasonably requested by an awarding body in the course of an investigation, or in the course of deciding whether an investigation is necessary; and/or
- failure to investigate on request in accordance with the awarding body's instructions or advice; and/or
- failure to investigate or provide information according to agreed deadlines; and/or
- failure to immediately report all alleged, suspected or actual incidents of malpractice to the awarding body.

5. Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and nonexamination assessments, or malpractice in the conduct of examinations/assessments and/or the handling of examination question papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms, etc. For example:

- failing to ensure that candidates' controlled assessment, coursework, non-examination assessment or work to be completed under controlled conditions is adequately completed and/or monitored and/or supervised;
- failure, on the part of the head of centre, to adhere to awarding body specification requirements in the delivery of non-examination assessments, Endorsements and other projects required as part of a qualification. These include the GCSE Computer Science Programming Project, GCSE English Language Spoken Language Endorsement;
- inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed within Chapter 7 of the JCQ publication *Access Arrangements and Reasonable Adjustments*;
- failure to use the correct tasks/assignments for assessments;
- failure to train invigilators and those facilitating access arrangements adequately, e.g. readers and scribes, leading to non-compliance with the JCQ publications;
- failing to issue to candidates the appropriate notices and warnings, e.g. *JCQ Information for candidates* 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 (including Music and Art rooms) where examinations and assessments are held;
- not ensuring that the examination venue conforms to the requirements as stipulated in the JCQ publication

Instructions for conducting examinations;

- failing to prevent 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 candidates or give subject-specific presentations, including power-point presentations, prior to the start of the examination);

- failing to remind candidates that any mobile phones or other unauthorised items 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 have on file for inspection purposes accurate records relating to overnight supervision arrangements;
- failure to have on file for inspection purposes appropriate evidence, as per the JCQ publication *Access Arrangements and Reasonable Adjustments*, to substantiate approved access arrangements processed electronically using the *Access arrangements online* system;
- granting access arrangements to candidates who do not meet the requirements of the JCQ publication *Access Arrangements and Reasonable Adjustments*;
- granting access arrangements to candidates 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 body;
- failure to supervise effectively the printing of computer-based assignments when this is required;
- failing to retain candidates' controlled assessments, coursework or non-examination assessments securely after the authentication statements have been signed or the work has been marked;
- failing to maintain the security of candidate scripts prior to despatch to the awarding body or examiner;
- failing to despatch candidates' scripts, controlled assessments, coursework or non-examination assessments to the awarding bodies, examiners or moderators in a timely way;
- failing to notify the appropriate awarding body immediately of all alleged, suspected or actual incidents of malpractice;
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body;
- breaching the published arrangements for the release of examination results;
- inappropriate retention or destruction of certificates;
- failing to recruit learners with integrity, including the recruitment of learners who have not met the qualification's minimum entry requirements wherever stipulated and/or the recruitment of learners who are unable or otherwise unlikely to complete the qualification.

Candidate malpractice

For example:

- the alteration or falsification of any results document, including certificates;
- a breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations;
- the unauthorised use of alternative electronic devices or technology during remote assessment and remote invigilation;
- accessing the internet or online materials during remote assessment and remote invigilation, where this is not permitted;
- failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- collusion: working collaboratively with other candidates, beyond what is permitted;
- copying from another candidate (including the use of technology to aid the copying);
- allowing work to be copied, e.g. posting work on social networking sites prior to an examination/assessment;
- the deliberate destruction of another candidate's work;
- disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);

- failing to report to the centre or awarding body the candidate having unauthorised access to assessment related information or sharing unauthorised assessment related information online;
- exchanging, obtaining, receiving, passing on information (or the attempt to) which could be assessment related by means of talking, electronic, written or non-verbal communication;
- making a false declaration of authenticity in relation to the authorship of controlled assessment, coursework, nonexamination assessment or the contents of a portfolio;
- allowing others to assist in the production of controlled assessment, coursework, non-examination assessment or assisting others in the production of controlled assessment, coursework or non-examination assessment;
- the misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. exemplar materials);
- being in possession of unauthorised confidential information about an examination or assessment;
- 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, obscene, homophobic, transphobic, racist or sexist material in scripts, controlled assessments, coursework, non-examination assessments 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, or reproduction of, published sources or incomplete referencing;
- theft of another candidate'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), watches, instruments which can capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, MP3/4 players, pagers, or other similar electronic devices;
- the unauthorised use of a memory stick or similar device where a candidate uses a word processor;
- facilitating malpractice on the part of other candidates;
- behaving in a manner so as to undermine the integrity of the examination.

Appendix 3 Reporting forms

Forms:

JCQ/M1 – Suspected candidate malpractice

JCQ/M2 – Notification of suspected malpractice/maladministration involving centre staff

JCQ/M3- Report into suspected malpractice/maladministration involving centre staff

Form JCQ/M1 from centres **must** include:

- a detailed account of the circumstances surrounding the suspected candidate malpractice including, in the case of disruptive behaviour, an indication as to whether the behaviour continued after warnings were given, and whether the candidate was removed from the examination room/assessment situation or not;
- the procedures for advising candidates of the regulations concerning the conduct of examinations and/or assessments;
- a report of any investigation carried out subsequently by the centre;
- signed and dated statements from the staff concerned (e.g. invigilators, assessors, teachers, tutors, etc.) on the centre's official letterheaded paper;

Appendix 4 Plagiarism

Plagiarism is defined as “unacknowledged copying from or reproduction of published sources or incomplete referencing;” Bottisham Village College will take measures to prevent plagiarism by:

- ensuring that each candidate is issued with an individual copy of the appropriate AB notices e.g. JCQ Notice to Candidates (www.jcq.org.uk/exams-office/information-for-candidates-documents)
- ensuring that each candidate understands the contents of the notice; particularly the meaning of plagiarism and what penalties may be applied;
- reinforcing to a candidate the significance of their signature on the form which states they have understood and followed the requirements for the subject;
- making clear what is and what is not acceptable in respect of plagiarism and the use of sources, including the use of websites. It is unacceptable to simply state Internet, just as it would be unacceptable to state Library rather than the title of the book, name of the author, the chapter and page reference. It is similarly unacceptable to list search engines such as Google; candidates must provide details of any web pages from which they are quoting or paraphrasing. Some suggestions on acceptable forms of referencing can be found at the end of this guide.
- teaching the conventions of using footnotes and bibliographies to acknowledge sources. There is no one standard way of acknowledging sources but the use of inverted commas, indented quotations, acknowledgement of the author, line/page number, title of source, indicate that the candidate is using a source. Teachers and candidates should be aware that when acknowledging sources clarity ensures that there is no suspicion of plagiarism; If plagiarism is discovered prior to the signing of a declaration of authentication the incident need not be reported to the Awarding Body, but is dealt with in accordance with the Bottisham VC internal procedure.

Bottisham Village College Internal Plagiarism Procedure:

1. Teaching staff are vigilant when assessing students’ work that it is demonstrably the students own work and that referencing is clearing and accurately recorded.
2. Students are questioned if plagiarism is suspected.
3. Students are dealt with in-line with the BVC Behavioural policy
4. Students are requested to resubmit the work

Appendix 5 The rights of accused individuals – information gathering

If, in the view of the information-gatherer, there is sufficient evidence that an individual may have committed malpractice, that individual (the candidate or the member of staff) must:

- be informed (preferably in writing) of the allegation made against them;
- be provided with a copy of the JCQ publication *Suspected Malpractice: Policies and Procedures*: <http://www.jcq.org.uk/exams-office/malpractice>;
- be made aware of all evidence that has been obtained during the investigation which supports the allegation;
- know the possible consequences should malpractice be proven;
- have the opportunity and sufficient time to consider their response to the allegations;
- be given an opportunity to submit a written statement in response to the allegations;
- be provided with a complete set of case documentation, in the event of the case being referred to the awarding body's Malpractice Committee;
- be informed that in the event that the case is referred to the awarding body's Malpractice Committee, they will:
 - be provided with a complete set of case documentation
 - have the opportunity to read, and make a statement in response to the case documentation,
 - have the opportunity to seek professional advice and to provide a supplementary statement;
- be made aware of their right to appeal should a sanction be applied to them (as set out in the JCQ publication *A Guide to the Awarding Bodies' Appeals Processes*):

Appendix 6 Information gathering – Additional

any written statements from/transcriptions of interviews with the teacher(s), invigilator(s), assessor, internal verifier(s) or other staff who are involved in, or provided information relevant to, the alleged malpractice. All such documents must be signed and dated by the individuals concerned;

- transcriptions of interviews with/written statements from any candidates involved in, or affected by, the alleged malpractice. All such documents must be signed and dated by the candidates, and any statements must be in the candidates' own words;
- details of how the centre informs centre staff and candidates about the awarding bodies' regulations;
- seating plans showing the exact position of candidates in the examination room;
- unauthorised material found in the examination room (or photographs of material which cannot be submitted to an awarding body);
- any candidate work/associated material (e.g. source material for non-examination assessment/coursework) which is relevant to the investigation;
- any teaching resources/material/details of feedback given to candidates relevant to the investigation;
- details of any other information relevant to the investigation, such as applications for/ documentation relating to access arrangements;
- any other relevant information or evidence not listed above but which is relevant to the case being investigated, for example, CCTV footage;
- a summary of the actions which will be taken by the centre to mitigate the impact of any malpractice, and the actions to be taken to avoid a recurrence of such a malpractice incident.

Appendix 7 Internal Malpractice Policy

Candidate malpractice' means malpractice by a candidate in connection with any internal 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.

To be used for

- candidate malpractice in internal exams assessments
- candidate malpractice in a controlled assessment, coursework or non- examination assessment prior to the candidate signing the declaration of authentication

Teaching staff and examination staff must:

- notify by email the head of centre and SLT with responsibilities for exams immediately of all alleged, suspected or actual incidents of malpractice.
- comply at all times with the centres instructions regarding an investigation;
- respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved;

Head of centre of SLT member with responsibly for exams must:

- ensure that if it is necessary to delegate the gathering of evidence to a senior member of centre staff, the senior member of centre staff chosen is independent and not connected to the department or candidate involved in the suspected malpractice. The head of centre should ensure there is no conflict of interest which might compromise the investigation;
- ensure that where the person gathering the evidence for the investigation deems it necessary to interview a candidate a full note of the interview should be made and kept. The interviewee should be asked to confirm the accuracy of the note
- ensure staff members and candidates are informed of their individual responsibilities and rights as set out in this document;
- at all times comply with data protection law;
- pass on to the individuals concerned any warnings or notifications of sanctions.
- delegate an immediate response to the Exams officer in the case of minor infractions of the rules during internal exams where no information gathering is required

Procedure

All suspicions of malpractice must be reported immediately.

Reporting escalation:

Exam staff > Examination Officer > SLT responsible for exams > head of centre

Teacher > HOD > SLT with responsibility for exams > head of centre

When the HOD receives an allegation, they will evaluate the allegation in the light of any available information to see if there is cause to investigate.

Response

In the case of notifications of suspected malpractice, the HOD will consider the information provided and decide to:

- take no further action; or
- ask the head of centre, or another suitably qualified individual, to gather evidence in support of an investigation into the alleged malpractice and to submit a written

report; or

- investigate the matter directly

Where the person gathering the evidence for the investigation deems it necessary to interview a candidate a full note of the interview should be made and kept. The interviewee should be asked to confirm the accuracy of the note

Rights of the accused individuals

If, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate) must:

- be informed (preferably in writing) of the allegation made against him or her;
- be advised that a copy of the BVC Internal assessment malpractice policy can be found on the school website
- know what evidence there is to support the allegation;
- know the possible consequences should malpractice be proven;
- have the opportunity to consider their response to the allegations (if required);
- have an opportunity to submit a written statement;
- have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
- be informed of the applicable appeals procedure, should a decision be made against him or her;

Malpractice report

After evidence gathering a report, signed and dated must be presented to the head of Centre or SLT member with responsibilities for exams

The report should be accompanied by the following documentation, as appropriate:

- a statement of the facts, including a clear and detailed account of the circumstances of the alleged malpractice and an objective assessment of the evidence gathered;
- the evidence relevant to the allegation, such as written statement(s) from the teacher(s), invigilator(s), assessor, internal verifier(s) or other staff who are involved;
- written statement(s) from the candidate(s) in their own words;
- any exculpatory evidence and/or mitigating factors;
- seating plans showing the exact position of candidates in the examination room/classroom;
- unauthorised material found in the examination room/classroom;
- any candidate work and any associated material (e.g. source material for coursework) which is relevant to the investigation;
- any teaching resources/material relevant to the investigation;

Making the decision

In making a decision on any case, the Head of Centre or SLT with responsibilities for exams will first establish that correct procedures have been followed in the investigation, and that all individuals involved have been given the opportunity to make a written statement.

Where individuals have had the opportunity to make a written statement, but have declined this opportunity, the case will proceed on the basis of all other information received.

If satisfied, they will then seek to determine:

- whether malpractice as defined in this document has occurred;
- where the culpability lies for the malpractice.

If they are satisfied that there is sufficient evidence that malpractice has occurred, they will then determine:

- appropriate measures to be taken to protect the integrity of the examination or assessment and to prevent future breaches;
- the nature of any sanction to be applied.