

Malpractice, Maladministration and Conflict of Interest Policy

Introduction

Malpractice and/or maladministration can cause reputational damage to the cHRyos HR as a business and CIPD centre and threaten the integrity of our awards and the quality of the learner experience.

As an apprenticeship provider and CIPD centre, cHRyos HR are subject to external regulation and must meet the regulatory requirements set by Ofsted, The Apprenticeship Service, ESFA and awarding bodies e.g., CIPD and Highfields.

Purpose

cHRyos HR will take all reasonable steps to prevent the occurrence of any malpractice, maladministration, and conflict of interest in the development, delivery, assessment and administration of its programmes. Where it is not possible to prevent malpractice, maladministration, or conflict of interest, cHRyos HR Solutions Limited will deal with such cases quickly, thoroughly, and effectively.

The purpose of this policy is to:

- provide operational definitions of the terms malpractice and maladministration with examples
- explain the actions cHRyos HR will take if malpractice or maladministration is discovered
- promote better understanding of roles and responsibilities in preventing malpractice and maladministration
- provide guidance on the steps to be taken if malpractice or maladministration is discovered.

Scope

This policy covers:

- Centre malpractice
- Staff malpractice
- Learner malpractice
- Conflict of interest

This policy applies to cHRyos HR:

- Shareholders and Directors
- Employees
- Associates
- Learners/apprentices enrolled on any cHRyos HR Solutions Limited programme of study

Definition of Malpractice and Maladministration

Malpractice: covers any deliberate action, neglect, default, or other practice that compromises, or could compromise:

- The assessment processes
- The integrity of a qualification/apprenticeship
- The validity of a result or certificate
- The reputation and credibility of cHRyos HR Solutions Limited and/or the associated professional and regulatory bodies.
- Achievement of an apprenticeship.
- The qualifications or the wider qualifications community
- The confidentiality of assessment materials

Malpractice may include a range of issues from academic misconduct, to the failure to maintain appropriate records or systems, to the deliberate falsification of records to claim certificates.

Maladministration: relates to any activity, neglect, default, or other practice that results in cHRyos HR Solutions Limited not complying with the specified requirements for delivery of the qualifications/apprenticeships as set out in the relevant codes of practice and funding rules provided by the associated professional bodies or commercial customers.

Types of Malpractice

The following lists some examples of the types of incidents that may occur, this list is not exhaustive

Centre malpractice may include:

- Insecure storage of assessment instruments and marking guidance
- Misuse of assessments, including inappropriate adjustments to assessment decisions
- Failure to comply with CIPD policy and procedures on reasonable adjustments
- Failure to comply with requirements for accurate and safe retention of learner evidence, assessment, and internal moderation/verification records
- Failure to comply with awarding/regulatory body procedures for managing and transferring accurate learner data
- Excessive direction from assessors to learners/apprentices on how to meet the required standards
- Deliberate falsification of records to claim certificates
- Persistent failure to adhere to learner registration and/or certification procedures.
- Unreasonable delays in responding to CIPD communications and requests for information
- Failure to use current assessment materials
- Inaccurate claims for certification
- Failure to maintain auditable records
- Failure to advise CIPD of errors or suspected issues.

Centre staff malpractice means malpractice committed by a current or former member of staff or associate of cHRyos HR Solutions Limited. It can arise through, for example:

- A breach of security (e.g., failure to keep material secure, tampering with coursework etc.)
- A breach of confidentiality (e.g., failure to maintain confidentiality of assessment materials)
- Deception (e.g., manufacturing evidence of competence, fabricating assessment or internal verification records)
- The provision of improper assistance to learners/apprentices (e.g., permitting the use of a reasonable adjustment over and above those permitted by the awarding bodies' guidelines; prompting learners/apprentices in assessment by means of signs or verbal or written prompts)
- Provision of inaccurate or misleading information to support staff about qualifications/achievements
- Failure to declare a conflict of interest when dealing with learners/apprentices
- Failure to adhere to the regulations laid down by the associated professional and regulatory bodies

Learner malpractice is malpractice committed by a learner during their studies and may occur in:

- the compilation and authentication of portfolios and assessment evidence
- the presentation of practical work
- the preparation and authentication of coursework
- conduct during an examination
- conduct during an internal assessment
- conduct during an external assessment
- conduct during apprenticeship end point assessment

Examples of learner malpractice may include:

- Plagiarism:
 - Passing off work of others or AI technology such as Chat GPT as their own
 - quoting from published or unpublished work of other persons, including other learners/apprentices, without crediting the source and referencing in accordance with scholarly academic convention
- Collusion:
 - with others to produce assessment evidence when an assessment must be completed by an individual learner
- Copying:
 - Copying or attempting to copy from another learner (including using ICT to do so)
- Impersonation
 - Impersonation of another learner or allowing themselves to be impersonated
- Cheating:
 - getting someone else or using AI technology such as Chat GPT to produce part of or all evidence submitted for assessment
 - using unauthorised aids during assessment/examination

- communicating or attempting to communicate with another learner or individual who is neither an invigilator or member of centre staff
- Falsification
 - resubmitting their own previously assessed/graded assessment evidence
 - fabricating results from experiments, research, interviews or observations
- Inappropriate behaviour during internal/external assessment that causes disruption to others
- Inclusion of inappropriate, offensive, discriminatory, or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment or any material of a discriminatory nature.
- Frivolous content: producing content that is unrelated to the question in scripts or coursework
- Use of

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to delivery and assessment need to be investigated to protect the integrity of cHRysos HR Solutions Limited and to be fair to all staff, associates, and learners/apprentices.

Minor, Moderate and Substantial Malpractice/Maladministration

The terms 'minor malpractice/maladministration' moderate malpractice/maladministration' and 'serious malpractice/ maladministration' indicate cHRysos HR's view of the gravity of the impact of the alleged breach of the Policy. Staff applying this Policy will determine what constitutes minor or substantial malpractice/maladministration, according to the following definitions.

- 'Minor malpractice/maladministration' is behaviour that is judged to be a minimal threat to the integrity of assessment processes or to be the result of the individual's lack of understanding of the appropriate policy.
- 'Substantial malpractice/maladministration' is behaviour that is judged to be either a significant threat to the integrity of assessment processes or behaviour where the individual's level of experience might reasonably be interpreted as evidence that the individual was aware that the behaviour was not in keeping with standards or ethical practices or both.
- The following instances of alleged malpractice/maladministration will always be treated as 'substantial misconduct':
 - a. Once an individual has been found to have committed minor or substantial misconduct, any subsequent allegation will be regarded as substantial misconduct.
 - b. All allegations of misconduct in the assessment process; and
 - c. All allegations of collusion. [NB: in the case of learners/apprentices there must be evidence that they have been given clear instructions about the nature and extent of collaboration that is permissible in group work.]
 - d. All cases where a conflict of interest has not been declared

Policy Statement

cHRysos HR Solutions Limited is committed to academic and procedural integrity and honesty. All stakeholders are expected to respect these values and uphold them within the framework laid down within this Policy and by the associated professional and regulatory bodies. Actions by staff, associates and learners/apprentices as outlined above are not permitted. These actions will be treated as malpractice or maladministration and will be penalised.

- Staff will be dealt with via disciplinary procedures (see separate policy)
- Associates will be interviewed by the Managing Director as part of an investigation into any allegations. As these individuals are not employees of cHRysos HR Solutions Limited the disciplinary procedures do not apply, however any investigation will ensure the ethos of impartial investigation of the evidence is adhered to. Proven allegations of serious malpractice/maladministration will result in further contracts not being offered.
- Learners/apprentices will be dealt with using the procedures outlined at Appendix A to this Policy.

Conflict of Interest

Where a member of cHRysos HR Solutions Limited staff or associate finds there is a conflict of interest in their relationship with an enrolled learner this must be declared using the proforma at Appendix B. The completed proforma to be held with the course paperwork for the learner concerned.

Once a conflict of interest is notified that member of staff or associate must not be involved in the assessment, moderation, or verification stage for that learner.

Failure to notify a conflict of interest will be considered as serious malpractice by cHRysos HR Solutions Limited.

Examples of conflict of interest are:

- Familial relationships
- Close personal relationships such as a partner
- Friendships (although not acquaintances). [If in doubt please speak to the Managing Director for advice.]
- Familial relationships with your own friends (for example: daughter of a friend)
- An individual with whom you do business with elsewhere or their family members.

Notification of suspected malpractice/maladministration to the Professional/Regulatory Body

When internal investigations indicate evidence that there has been an instance of malpractice/maladministration then cHRysos HR will notify the relevant professional/regulatory body using the proforma at Appendix C. This proforma will be passed via the relevant external contact for onward transmission to their professional body

or in the case of apprentices directly to the ESFA/Apprenticeship Service (as appropriate), so that that they are able to follow their own procedures in relation to any issues arising.

CIPD jurisdiction

As a CIPD study centre, cHRyos HR are approved to offer CIPD qualifications that are accredited by the CIPD for membership purposes. All centres are required to meet CIPD performance criteria and as part of the approval and ongoing quality assurance, CIPD check that centres have policies and procedures for the prevention and management of malpractice and maladministration particularly in relation to academic misconduct.

CIPD has jurisdiction to consider all cases of malpractice by all CIPD registered learners and where substantiated, the CIPD's Sanctions policy will be engaged.

It is always preferable to prevent malpractice or maladministration than to deal with it once it has occurred, therefore, the CIPD will take all reasonable steps to:

- prevent, wherever possible, malpractice or maladministration
- provide procedures for the investigation of suspected or alleged malpractice or maladministration
- keep under review centre arrangements for preventing, investigating and reporting malpractice and maladministration
- provide guidance to centres (upon request) as how best to prevent, investigate and deal with malpractice and maladministration
- identify and share good practice amongst centres to encourage and support high quality delivery and assessment
- assess the risk posed by each centre relating to the potential for malpractice/maladministration and take appropriate steps in response to that perceived level of risk
- investigate suspected or alleged malpractice or maladministration
- take appropriate and proportionate action, with the cooperation of third parties as appropriate, against those who are responsible for the malpractice/maladministration
- promptly take all reasonable steps to prevent or mitigate any adverse effects arising from the malpractice/maladministration
- carry out or oversee investigation of cases (or suspected cases) of malpractice/maladministration to establish whether it has occurred
- apply appropriate sanctions consistent with CIPD's published policy
- inform centres and other awarding organisations of the malpractice/maladministration as appropriate
- report the incidence of malpractice to the relevant regulatory authorities
- taking steps to prevent malpractice or maladministration from reoccurring.

CHRyos HR staff are responsible for:


- taking all reasonable steps to prevent malpractice/maladministration arising
- using assessments in a manner that does not encourage malpractice
- being vigilant to possible instances of malpractice/maladministration
- complying with this policy

- advising learners of this policy
- requiring learners to authenticate work as their own and evidence submitted for assessment
- implementing systems and procedures to record all suspected instances of malpractice/maladministration and making this information available to CIPD
- notifying the appropriate body of any incidents of malpractice/maladministration promptly
- co-operating with the appropriate body's malpractice/maladministration investigations
- carrying out investigations of malpractice as required by the awarding bodies
- implementing any actions required by the appropriate body during and after investigations into a case of malpractice
- taking action required to prevent the recurrence of malpractice/ maladministration.

Failure by a Centre to deal with an identified issue may constitute malpractice.

Policy review

This policy will be reviewed annually to ensure its appropriateness and approach is fit for purpose.

Author	Sheila Moore
Position	Managing Director
Last reviewed	May 2024
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Signature	

Procedures for dealing with instances of learner malpractice and maladministration

Allegations about malpractice or suspected malpractice may be raised by staff, learners, external quality assurance representatives, whistle-blowers or other stakeholders.

Introduction

All investigations of alleged academic misconduct by learners are to be conducted with close regard for procedural fairness. The processes described in this Policy for the hearing of allegations provide learners with opportunities to respond to allegations and, on specified grounds, to appeal decisions.

All meetings to hear allegations of academic misconduct will be conducted with the principal object of impartially and fairly investigating the facts surrounding the allegation.

Prior to instigating formal proceedings, an informal discussion may be arranged to discuss the allegations with the learner and hear their representations.

Where proceedings progress to a formal stage, they must not be adversarial. A learner invited to attend any formal meetings to respond to an allegation may be assisted by a fellow enrolled learner or a member of another member of the cHRyos HR team. The support person may provide the learner with advice, but may not act as an advocate, nor make direct comment in the meeting, unless given permission to do so by the Chair of the meeting.

In some cases, an allegation of academic misconduct may arise from a learner's ignorance or misunderstanding of appropriate referencing or other academic requirements. Programme Tutors/Assessors/Programme Leads should have the opportunity to determine whether this has been the case, and to advise the learner accordingly. Allegations of academic misconduct by learners must, therefore, be thoroughly investigated by the appropriate Tutor/Assessor/Programme Lead in the first instance.

The appropriate Tutor/Assessor/Programme Lead may, in circumstances defined in this Policy, dismiss an allegation, or counsel, warn or discipline a learner. Wherever a learner's ignorance or misunderstanding of academic requirements can be demonstrated through careful investigation and use of evidence, the appropriate Tutor/Assessor/Programme Lead will ensure that he or she receives advice, whether a penalty for academic misconduct is imposed.

The Quality Assurance Lead or Managing Director (as appropriate), in consultation with the appropriate Programme Tutor-Assessor/Programme Lead may determine that a learner who has committed academic misconduct because of ignorance or misunderstanding will not have an offence noted on their record on the first occasion of such an offence.

In determining that academic misconduct has occurred, it is not necessary to show that a learner has achieved an improper academic advantage. Some acts of plagiarism or collusion might not actually confer an academic advantage. For example, plagiarising an essay that does not address the question that has been asked, leading to a mark of zero, does not confer any academic advantage, but is still academic misconduct.

In circumstances where it is not possible or appropriate for an allegation to be resolved by the appropriate Tutor/Assessor/Programme Lead, the allegation will be referred by the to the Quality Assurance Lead or Managing Director (as appropriate) for consideration.

In determining a penalty for proven academic misconduct, the following will be considered:

- whether the misconduct is minor or substantial.
- whether the learner has been able to demonstrate that there were any mitigating circumstances; and
- whether the learner has a record of previous, proven misconduct.

Procedures

Investigating and Hearing Allegations of Misconduct

Investigations and hearings of allegations of academic misconduct by learners, or of appeals by learners, will be conducted in accordance with the following summary of processes and in as non-adversarial manner as possible. The summary is to be read and implemented in conjunction with the Guidelines section of this Policy.

In all cases, the investigating officer should be independent and should determine the level of seriousness by assessing all the evidence and decide on the appropriate course of action

Reporting Suspected Academic Misconduct

Where the Tutor-Assessor/Programme Lead or Invigilator or any other person, has reason to believe that a learner has engaged in academic misconduct, he or she must provide to the Quality Assurance Lead or Managing Director (as appropriate) a detailed account of the allegations, setting out information and any evidence relating to the suspected academic misconduct. Copies of relevant original documents must be forwarded immediately, or be kept securely, for later reference if required.

In the case of an apprentice, the Quality Assurance Lead/Managing Director must always notify the apprentice's employer of the suspected academic misconduct where formal proceedings are followed.

Investigation by Quality Assurance Lead/Managing Director

Within five working days of receiving a report of alleged learner academic misconduct, the Quality Assurance Lead/Managing Director will:

- confer with the Tutor/Assessor/Programme Lead or other appropriate person to decide whether the allegation requires investigation, making whatever enquiries he or she considers necessary.

- if the Quality Assurance Lead/Managing Director and the Tutor/Assessor/Programme Lead decide that the allegation requires investigation, invite the learner to an initial informal interview via email, to investigate the matter further
- schedule the meeting as soon as practicable and within 5 working days
- Informal meetings may be conducted on a 1-1 but full details of the meeting must be recorded

Within seven working days of the date the meeting a decision must be communicated to the learner, informing them that:

- The matter will not be taken to a formal stage as there is no case to answer or outlining why no further action will be taken.
- The matter will move to a formal meeting. If the formal stage is instigated, a meeting will be arranged (and placed in writing) at which stage the learner must be advised that they may be assisted at the interview by a fellow enrolled learner or a member of cHRyos HR team. Where a formal process is to be followed, in the case of an apprentice, the apprentice's employer will also be notified of this interview and invited to attend.

In the case of an apprentice, copies of all correspondence will be issued to the apprentice's line manager who will also be invited to attend any hearing.

Following both informal or formal interview scheduled date, if the learner does not attend, the Quality Assurance Lead or Managing Director, in consultation with the Tutor/Assessor/Programme Lead, will determine an appropriate course of action from among the following options:

- if the Quality Assurance Lead/Managing Director decides the allegation is not substantiated, the Quality Assurance Lead will dismiss the allegation and will not impose a penalty for misconduct.
- if the Quality Assurance Lead and the Tutor-Assessor/Programme Lead decide that misconduct has occurred, but that it is minor misconduct, the Quality Assurance Lead will decide on one of the following courses of action, or a combination of them:
 - a. arrange for appropriate academic counselling of the learner.
 - b. require the learner to submit a replacement for any relevant assessment task, with a requirement that the learner must satisfactorily achieve the outcomes for the assessment task (the Quality Assurance Lead may specify a maximum mark or grade that can be awarded for this replacement task - for example, 2 – low pass or
 - c. downgrade the mark for a relevant assessment task, in consultation with the Tutor-Assessor/Programme Lead (this mark may be refer/fail); and
 - d. if the Quality Assurance Lead judges that the alleged misconduct is substantial, as defined in the Policy (including a second or later case of minor misconduct or any case of collusion and any form of misconduct in an examination/test), he or she will refer the allegation of academic misconduct to the Managing Director for further investigation and decision.

Within five working days after the date that had been scheduled for the interview (whether or not the learner has attended), the Quality Assurance Lead will advise the learner in writing, by first class post and email of the decision, giving reasons for the decision. If the decision is that misconduct has occurred, the Quality Assurance Lead will also advise the learner of his or her right of appeal in accordance with the 'Appeals' provisions of this Policy, below. A copy of this letter will also be sent to the Managing Director to indicate the outcome of the investigation.

In the case of an apprentice, a copy of all correspondence will also be sent to the apprentice's employer and any decision taken in relation to the investigation will be made in liaison with the apprentice's employer.

Appeals against Determinations made in relation to Academic Misconduct by the Quality Assurance Lead – Minor Academic Misconduct

A learner found by the Quality Assurance Lead/Managing Director to have engaged in minor academic misconduct may, provided they have grounds as specified below, appeal, in writing, to the Managing Director/Chair of the Board of Governance (as appropriate). The learner must ensure that any appeal, together with supporting evidence, is received by the Managing Director/Board of Governance, within 5 working days from the date of the letter advising of the decision.

Grounds for Appeal

An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter:

- a. that the learner considers there is evidence that a determination made by the Quality Assurance Lead/Managing Director was made in breach of procedural fairness.
- b. that the learner does not agree that the allegation is correct.
- c. that the learner considers that there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Quality Assurance Lead/Managing Director; and
- d. that the learner considers that the penalty imposed by the Quality Assurance Lead/Managing Director was too severe.

The Managing Director/Chair of the Board of Governance may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

Hearing of an Appeal

If the Managing Director/Chair of the Board of Governance judges that there appear to be valid grounds for an appeal, the Managing Director/ Chair of the Board of Governance will arrange a meeting to hear the appeal. The meeting will be held no later than 15 working days from the date on which the appeal is received and the learner will be given no less than seven working days' notice of the meeting.

The Managing Director/ Chair of the Board of Governance will advise the learner, by first class post and email of the date, time, and place of the meeting, send him or her copies of

all papers to be considered at the meeting and invite the learner to attend, to present a case in person. The Managing Director/ Chair of the Board of Governance will also inform the learner that a member of cHRysos HR Solutions Limited staff will attend to ensure procedural fairness and that the learner/ apprentice may be assisted at the meeting by a fellow enrolled learner or a member of cHRysos HR Solutions Limited staff.

In the case of an apprentice, copies of all correspondence will be sent to the apprentice's employer and the employer will be invited to attend the appeal hearing.

In hearing an appeal, the Managing Director/ Chair of the Board of Governance will investigate any procedural irregularities referred to in the learner's letter of appeal and the evidence on which the determination was made by the Quality Assurance Lead. After such a hearing the Managing Director/ Chair of the Board of Governance will:

- a. allow the appeal, if the Managing Director/ Chair of the Board of Governance considers that the original decision to confirm the occurrence of misconduct should be set aside, and/or that a penalty should be varied, in the light of demonstrated procedural irregularities or the available evidence; or
- b. dismiss the appeal, if the Managing Director/ Chair of the Board of Governance considers that the decision and/or the penalty should not be set aside or varied; or
- c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, subject to the following conditions:
 - i. that, if the appeal is made on procedural grounds, the Managing Director may not impose a more severe penalty than that originally imposed; and
 - ii. that, if the appeal is made based on new evidence now available, the Managing Director will determine an appropriate course of action from among those that are available to the Managing Director/ Chair of the Board of Governance, as provided above.

In the case of an apprentice, copies of all correspondence will be provided to the apprentice's employer and any decision in relation to the outcome of the appeal hearing will be made in liaison with the apprentice's employer.

Following the Meeting with the Managing Director/ Chair of the Board of Governance:

The Managing Director/Chair of the Board of Governance will, within 5 working days of the conclusion of the meeting to hear the appeal, advise the learner in writing, by letter and email, of the outcome of the appeal.

In the case of an apprentice, a copy of this letter will be sent to the apprentice's employer.

The decision made by the Managing Director/Chair of the Board of Governance is final.

Substantial academic misconduct

Further investigation and decision by the Managing Director/Chair of the Board of Governance

Following implementation of the investigation process set out above, within ten working days of receiving a formal allegation from the Quality Assurance Lead/Managing Director that a learner/ apprentice is suspected of substantial academic misconduct, the Managing Director will:

- notify the learner in writing, by first class post and email of the misconduct alleged.
- invite the learner to respond to the allegation, in person, in an interview with the Managing Director/ Chair of the Board of Governance, which will be held as soon as practicable after eight working days, but no later than 15 working days from the date of despatch of the invitation.
- inform the learner that another member of cHRyos HR Solutions Limited staff will attend the interview to ensure procedural fairness and that the learner/ apprentice may be accompanied by a fellow learner, or a member of cHRyos HR Solutions Limited staff.
- In the case of an apprentice, send copies of all correspondence to the apprentice's employer and invite the employer to attend the interview; and
- enclose with the notification a copy of all documentation related to the allegation that will be considered by the Managing Director.

Within seven working days of the date on the invitation, the learner must respond to the invitation, advising whether he or she will attend the interview. Failure to do so will mean that a determination about the allegation will be made in the learner/ apprentice's absence.

Interview with Managing Director/Chair of the Board of Governance

At the commencement of the interview, the Managing Director/ Chair of the Board of Governance must outline the allegation against the learner and the purpose of the interview. The Managing Director/Chair of the Board of Governance must invite the learner to respond to the allegation and to confirm whether they agree that the allegation is correct and, if so, whether the learner wishes any mitigating circumstances to be considered.

At the end of the interview, the Managing Director/Chair of the Board of Governance will advise the learner of his or her right of appeal in accordance with the 'Appeals' provisions of this Policy.

Following the Interview

If the Managing Director/Chair of the Board of Governance decides, after meeting with the learner, that the allegation is not substantiated, the Managing Director/Chair of the Board of Governance will dismiss the allegation, impose no penalty, and advise the learner in writing of the decision, by first class post and email.

If the Managing Director decides, after meeting with the learner, that the allegation is substantiated, the Managing Director will decide whether the misconduct is minor or substantial, as defined in this Policy. The Managing Director/Chair of the Board of Governance will also consider whether there are any mitigating circumstances and note whether the learner has been found to have engaged in any other incidents of academic misconduct.

In the case of an apprentice, copies of all correspondence will be sent to the apprentice's employer.

Actions and Penalties available to the Managing Director/Chair of the Board of Governance

Within 5 working days of the meeting, (whether or not the learner attends), the Managing Director/Chair of the Board of Governance will then determine an appropriate course of action from among the following options, 'a.' to 'j', or any appropriate combination of them, and advise the learner in writing, by first class post and email, giving reasons for the decision:

- a. warn and counsel the learner.
- b. reprimand the learner.
- c. require the learner to meet with and apologise formally to any relevant party(ies).
- d. require the learner to re-submit an item of work in which misconduct has been detected, after he or she has edited or totally re-written it, as appropriate, so that it meets the required academic referencing and other conventions and standards.
- e. require the learner to submit a replacement for any relevant assessment task, with a requirement that the learner must satisfactorily achieve the outcomes for the assessment task. The Managing Director may specify a maximum mark or grade that can be awarded for this replacement task (for example, 50% or 'Satisfactory' or Unsatisfactory'); this mark may be zero.
- f. downgrade the mark for a relevant assessment task, in consultation with the Tutor-Assessor/Programme Lead; this mark may be zero.
- g. where misconduct has been detected in an examination/test, require the learner to sit a relevant replacement examination. The Managing Director may specify a maximum mark or grade that can be awarded for this replacement exam; this mark may be set at zero.
- h. downgrade a final grade or impose a grade of fail in a relevant unit.
- i. suspension from the programme; or
- j. permanent exclusion from the programme.

In the case of an apprentice, copies of all correspondence will be provided to the apprentice's employer and any action or penalty imposed upon the apprentice will be made in liaison with the apprentice's employer.

In advising the learner of the decision, the Managing Director/Chair of the Board of Governance must also advise the learner of his or her right of appeal in accordance with the 'Appeals' provisions in this Policy, below.

While the matter is being investigated, and until the matter is determined, the learner may continue to attend classes and submit work for assessment.

Appeals against Determinations made in relation to Academic Misconduct by the Managing Director/Chair of the Board of Governance

A learner found by the Managing Director/Chair of the Board of Governance to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to the cHRyos HR Solutions Limited Board of Governance – Teaching and Learning Independent Specialist.

The learner must ensure that any appeal, together with supporting evidence, is received by the Board of Governance – Teaching and Learning Independent Specialist within 15 working days from the date of the letter advising of the Managing Director's/Chair of the Board of Governance's decision.

Grounds for Appeal

An appeal can only be made on one or more of the following grounds, which must be addressed in the appeal letter:

- a. that the learner considers there is evidence that a determination made by the Managing Director was made in breach of procedural fairness.
- b. that the learner considers there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Managing Director/Chair of the Board of Governance; and
- c. the learner considers that the penalty imposed by the Managing Director/Chair of the Board of Governance was too severe.

The Board of Governance – Teaching and Learning Independent Specialist may determine that there are no valid grounds for appeal, and that the appeal will therefore not be heard.

Hearing of an Appeal

If the Board of Governance – Teaching and Learning Independent Specialist judges that there appear to be valid grounds for an appeal, they will arrange a meeting with the learner, to hear the appeal. The meeting will be held no later than 20 working days, from the date on which the appeal is received and the learner will be given no less than seven working days' notice of the meeting.

The Board of Governance – Teaching and Learning Independent Specialist will advise the learner, in writing, of the date, time and place of the meeting, send them copies of all papers to be considered at the meeting and invite the learner to attend, to present a case in person. Board of Governance – Teaching and Learning Independent Specialist will also inform the learner that a member of cHRyos HR Solutions Limited staff will attend to ensure procedural fairness and that the learner may be assisted at the meeting by a fellow enrolled learner, or a member of cHRyos HR Solutions Limited staff.

In the case of an apprentice, copies of all correspondence will be sent to the apprentice's employer who will also be invited to attend the appeal hearing.

In hearing an appeal, the Board of Governance – Teaching and Learning Independent Specialist will investigate any procedural irregularities referred to in the learner's letter of appeal and/ or consider any new evidence not available at previous meetings.

After such a hearing the Board of Governance – Teaching and Learning Independent Specialist will:

- a. allow the appeal, if it is considered that the original decision to confirm the occurrence of misconduct should be set aside, and/or a penalty be varied, in the light of demonstrated procedural irregularities or new evidence; or
- b. dismiss the appeal, if it is considered that the decision and/or the penalty should not be set aside or varied; or
- c. dismiss the appeal against a determination of academic misconduct, but vary the penalty imposed, subject to the following conditions:
 - i. that, if the appeal is made on procedural grounds, the Board of Governance – Teaching and Learning Independent Specialist may not impose a more severe penalty than that originally imposed; and
 - ii. that, if the appeal is made based on new evidence, the Board of Governance – Teaching and Learning Independent Specialist will determine an appropriate course of action from among those that are available to the Board of Governance – Teaching and Learning Independent Specialist (refer to the section above, heading, 'Actions and Penalties Available to the Managing Director').

In the case of an apprentice, copies of all correspondence will be provided to the apprentice's employer and any decision in relation to the outcome of the appeal hearing will be made in liaison with the apprentice's employer.

Following the Meeting with the Board of Governance – Teaching and Learning Independent Specialist

The Board of Governance – Teaching and Learning Independent Specialist will, within five working days of the conclusion of the meeting to hear the appeal, inform the learner/ apprentice of the outcome of the meeting via first class post and email.

In the case of an apprentice, copies of all correspondence will be sent to the apprentice's employer.

The decision made by the Board of Governance – Teaching and Learning Independent Specialist is final.

The following guidelines form the general principles that will apply at all stages of the policy procedures.

Advice to learners about an Allegation

If an allegation of misconduct is reported to the Quality Assurance Lead, Managing Director or Board of Governance – Teaching and Learning Independent Specialist he or she must:

- notify the learner who is the subject of the allegation, by first class post and email, of what they are alleged to have done.
- provide the learner with all relevant documentation and ask the learner/ apprentice to respond to the allegation in writing.
- give appropriate notice, invite the learner to attend an interview or meeting, as appropriate in accordance with this Policy, to respond to the allegation.
- In the case of an apprentice, provide copies of all correspondence to the apprentice's employer and invite the employer to the interview; and
- advise the learner that he or she may be assisted at the meeting by a fellow enrolled learner or a member of cHRyos HR Solutions Limited staff who may provide the learner with advice, but may not act as an advocate, nor make direct comment in the meeting, unless given permission to do so by the Chair of the meeting.

The learner must also be advised:

- i. that it is in the learner's interests to attend any interview or meeting held in accordance with this Policy, because otherwise a decision, which may include the imposition of a penalty, will be taken in his or her absence, and
- ii. that at any such interview or meeting, the learner may be assisted by a fellow enrolled learner or a member of cHRyos HR Solutions Limited staff.

Standard of Proof

Hearings of allegations under this Policy are not legal proceedings. Those who conduct the hearings will, therefore, consider evidence to the best of their abilities to determine the facts on the basis of the balance of probabilities, rather than on the basis of a stricter legal standard of proof.

Highly Sensitive and Personal Information

Where a learner wishes to submit information of a highly sensitive or personal nature relating to their case, the learner may submit those details in a sealed envelope, clearly marked 'confidential'. Such material will be treated in strict confidence and will be reviewed, in the first instance, only by the Quality Assurance Lead, Managing Director or Board of Governance – Teaching and Learning Independent Specialist, according to the stage of the process that has been reached). The Quality Assurance Lead, Managing Director/ Board of Governance – Teaching and Learning Independent Specialist will decide whether and how the material, or an indication of its content, should be communicated to others who need to be aware of it.

Where it is decided that the material needs to be considered by others, the learner/ apprentice will be advised accordingly and will be given the option to withdraw some or all the material.

Availability of Evidence

Information supplied as evidence relating to an allegation of academic misconduct against a learner will be made available to the learner, who will normally be informed of its source. In exceptional cases, the individual leading an investigation or hearing of a learner academic misconduct matter may determine that the identity of the person providing the information may need to remain confidential or that proceedings are to be conducted with appropriate safeguards for his or her privacy and safety.

Variations to Timeframes

While allegations of academic misconduct will be considered as promptly as possible, the timeframes contained in the policy are indicative and may be affected by several factors, including availability of members of staff, or the learner who is the subject of an allegation, to obtain additional evidence or specialist advice. In such exceptional circumstances, the timeframes prescribed in the policy may be varied, with the approval of the Managing Director.

Advice of Decisions to Relevant Staff

All members of staff who have made a determination in accordance with this Policy are entitled to be informed, in confidence and in writing, of any subsequent decision on appeal that confirms or varies the determination and are entitled to be provided with a brief statement of reasons for the decision.

Similarly, any member of staff who has referred an allegation of misconduct to the Quality Assurance Lead, the Managing Director, or the Board, for determination in accordance with this Policy, is entitled to be informed, in confidence and in writing, of any decision made in response to the referral, and is entitled to be provided with a brief statement of reasons for the decision.

Delegation of responsibility

Proceedings outlined in this Policy will be conducted, or coordinated, by the persons holding the positions specified in the Policy. Where, because of unforeseeable circumstances or for

serious logistical reasons or organisational requirements, alternative arrangements need to be made, a nominee may be appointed and officially recorded in writing. The appointment shall be made as follows:

- a. in place of a Tutor-Assessor/Programme Lead, by the Quality Assurance Lead;
- b. in place of the Quality Assurance Lead, by the Managing Director;
- c. in place of the Managing Director, by the Board of Governance – Teaching and Learning Independent Specialist.
- d. In place of the Board of Governance – Teaching and Learning Independent Specialist, by an alternative member of the Board of Governance.

Whenever a nominee is so appointed, the Managing Director will ensure that the nominee is either already experienced in the role and in the operation of this Policy, or that he or she receives appropriate advice and/or training for the role.

Recording of all Misconduct Allegations and Proceedings

At every stage of the above process for consideration of an allegation of academic misconduct, the person leading the investigation must ensure that all proceedings and associated papers are formally recorded in an appropriate academic misconduct file. In addition, the Quality Assurance Lead must ensure that a record of the decision under the Policy, is placed on the learner's electronic file.

Where an investigation may lead to a criminal prosecution or civil claim records and documentation should be retained for the required period after the case and any appeal has been heard.

The investigation will aim to:

- establish the facts, circumstances and scale of the alleged malpractice
- identify the cause of the irregularities and those involved
- identify, and if necessary, act to minimise the risk to current learners and requests for certification
- evaluate any action already taken
- determine whether any remedial action is required to reduce the risk to current learners and to preserve the integrity of the qualification
- ascertain whether any action is required in respect of certificates already issued
- obtain evidence to support any sanctions to be applied to the centre, and/or individuals, in accordance with our policies and procedures
- identify any patterns or trends
- identify any changes that need to be made to policy or procedure or their operation.

CIPD jurisdiction

Reports should be submitted to the CIPD at centrequality@cipd.co.uk using the malpractice and maladministration reporting form (where applicable).

Where suspected malpractice/maladministration is brought to CIPD's attention they may:

- make basic checks to establish the veracity of the allegation

- seek permission to use the name of the person making the allegation (where permission is not granted and the allegation still merits investigation CIPD will strive to preserve anonymity, however the scope of the investigation may be impaired)
- communicate the details of the allegation to the relevant parties
- where applicable, establish whether a centre's internal procedures have been utilised effectively and exhausted
- request the allegation is presented in writing before instigating a full investigation.

CIPD will review the information provided and decide whether it is appropriate to either:

- take no further action
- instigate an investigation
- determine whether to notify the relevant regulatory authorities.

The rights of individuals

Where an individual is suspected of malpractice they should be:

- informed of the allegation made against them and the evidence that supports the allegation
- provided with the opportunity to seek advice and respond to the allegation and submit a written statement
- informed of what the possible consequences could be if the malpractice is proven (this includes the possibility that other parties may be informed, that is: the regulators; the police; the funding agency and professional bodies)
- informed of the appeals process.

CIPD may decide to:

- instruct the relevant senior manager at the centre to conduct an investigation
- conduct an investigation in the case of alleged fraud or where there is a case of serious threat to integrity of qualification certification
- nominate a third party to carry out an investigation on behalf of CIPD.

Where CIPD require a centre to carry out the investigation, the investigation should be carried out as set out above.

CIPD reserves the right to approve a nominee.

If CIPD nominates a third party to investigate the suspected malpractice they should be independent of normal or day-to-day working relationships with the centre or individual(s) concerned.

Declaration of Conflict of Interest

Staff member's name	
Learner's name	
Programme of Study	
Nature of Relationship	
Staff member's signature	
Date	
Managing Director/Director's comments/ outcome	
Managing Director/Director's signature	
Date	

Report of Suspected Malpractice Form

Centre Name	
Centre Number	
Contact Name	
Contact address, phone number and e-mail.	

Qualification Title	Apprenticeship Title

Qualification Unit Code	Unit Title

Learner Number	Learner Name

Please give nature of the incident including who it was reported to and dates

Describe the actions taken by the Centre

If there are any other details you feel are relevant to this incident including mitigating circumstances, please give further information below

All malpractice and maladministration events must be reported to the relevant awarding/regulatory body who will then follow their own procedures in relation to any issues arising.