

## Malpractice, Maladministration and Conflict of Interest Policy

### Purpose

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

### Scope

This policy covers:

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

This policy applies to cHRysos HR Solutions Limited:

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

### Introduction

This document:

- Defines malpractice and maladministration in the context of delivery and assessments
- Provides examples as to the type of incidents that may occur
- Sets out the rights and responsibilities of staff and learners/apprentices in relation to such matters
- Includes procedural guidelines for dealing with malpractice/maladministration
- Provides guidance on conflicts of interest

### Definition of Malpractice and Maladministration

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

- The assessment process
- The integrity of a regulated qualification/apprenticeship

- The validity of a result or certificate
- The reputation and credibility of cHRysos HR Solutions Limited and/or the associated professional 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 the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

**Maladministration:** relates to any activity, neglect, default or other practice that results in cHRysos 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 requirements for accurate and safe retention of learner/apprentice evidence, assessment and internal moderation/verification records
- Failure to comply with awarding body procedures for managing and transferring accurate learner/apprentice data
- Excessive direction from assessors to learners/apprentices on how to meet the required standards
- Deliberate falsification of records in order to claim certificates

**Centre staff malpractice** means malpractice committed by a current or former member of staff or associate or contractor of cHRysos 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 administrative 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 bodies

**Learner/apprentice malpractice** is malpractice committed by a learner/apprentice during the course of their studies and may occur in:

- the completion of portfolios of internal 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/apprentice malpractice may include:

- Plagiarism – failure to acknowledge sources properly and/or the submission of another person’s work as if it were the learner/apprentice’s own work.
- Collusion with others when an assessment must be completed by individual learners/apprentices
- Copying from another learner/apprentice (including using ICT to do so)
- 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.
- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language and having an unauthorised electronic device that causes a disturbance in the examination room.
- Frivolous content: producing content that is unrelated to the question in scripts or coursework

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

### **Minor and Substantial Malpractice/Maladministration**

The terms ‘minor malpractice/maladministration’ and ‘substantial malpractice/maladministration’ indicate cHRyos HR Solutions Limited’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 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/contractors 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, associate or contractor finds there is a conflict of interest in their relationship with an enrolled learner/apprentice this must be declared using the proforma at Appendix B. The completed proforma to be held with the course paperwork for the learner/apprentice concerned.

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

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.
- Potential or actual involvement in both the delivery of training to and conducting end point assessment with the same apprentice or group of apprentices.

### **Potential for conflict of interest arising from End Point Assessment**

There is a potential for conflict of interest where end point assessors (EPA) are assessing apprentices for whom they have also been involved in the teaching or learning. There is also further potential for conflict of interest where an EPA has prior or existing business relationships with the apprentice's employer.

cHRysos HR will take all reasonable steps to ensure that EPAs are recruited with no or limited potential for conflict of interest. At time of selection EPAs will be required to declare all potential areas for conflict of interest. If conflicts exist cHRysos HR will take a risk based decision on whether the EPA can be selected as a contractor. EPAs are required to make an annual declaration of their involvement in teaching or training activities that consequently may have a conflict of interest, using the relevant cHRysos HR Declaration of Conflict of Interest form (Appendix A). EPAs will not be allocated to apprentices or employers at which they teach apprentices, or have other connections.

### **Notification of suspected malpractice/maladministration to the Professional Body**

When internal investigations indicate evidence that there has been an instance of malpractice/maladministration then cHRysos HR Solutions Limited will notify the relevant professional body using the proforma at Appendix C. This proforma will be passed via the relevant external moderator/verifier for onward transmission to their professional body so that that they are able to follow their own procedures in relation to any issues arising.

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

### **Procedures for dealing with instances of learner/apprentice malpractice/ maladministration**

(for the purposes of this appendix the term learner/apprentice misconduct will be used)

#### **Introduction**

All investigations of alleged academic misconduct by learners/apprentices are to be conducted with close regard for procedural fairness. The processes described in this Policy for the hearing of allegations provide learners/apprentices with opportunities to respond to allegations and, on specified grounds, to appeal disciplinary 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. Proceedings will be formal, but will not be adversarial. A learner/apprentice invited to attend such meetings to respond to an allegation may be assisted by a fellow enrolled learner/apprentice or a member of cHRyos HR staff. The support person may provide the learner/apprentice 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/apprentice's ignorance or misunderstanding of appropriate referencing or other academic requirements. Programme Tutors/Assessors should have the opportunity to determine whether this has been the case, and to advise the learner/apprentice accordingly. Allegations of academic misconduct by learners/apprentices must, therefore, be thoroughly investigated by the appropriate Tutor-Assessor in the first instance.

The appropriate Tutor-Assessor may, in circumstances defined in this Policy, dismiss an allegation, or counsel, warn or discipline a learner/apprentice. Wherever a learner/apprentice's ignorance or misunderstanding of academic requirements can be demonstrated through careful investigation and use of evidence, the appropriate Tutor-Assessor will ensure that he or she receives advice, whether or not a penalty for academic misconduct is imposed.

The Lead Internal Verifier, in consultation with the appropriate Programme Tutor may determine that a learner/apprentice who has committed academic misconduct as a result of ignorance or misunderstanding will not have an offence noted on their learner/apprentice 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/apprentice 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, the allegation will be referred by the Tutor-Assessor to the Lead IV for consideration.

In determining a penalty for proven academic misconduct, the following will be taken into account:

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

## **Procedures**

### **Processes for Investigating and Hearing Allegations of Misconduct**

Investigations and hearings of allegations of academic misconduct by learner/apprentices, or of appeals by learner/apprentices, 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.

### **Reporting Suspected Academic Misconduct**

Where the Tutor-Assessor or Examinations/Test Invigilator or any other person, has reason to believe that a learner/apprentice has engaged in academic misconduct, he or she must provide to the Lead IV a signed or emailed report, 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 Lead IV must always notify the apprentice's employer of the suspected academic misconduct.

### **Investigation by Lead IV and Tutor-Assessor**

Within five working days of receiving a report of alleged learner/apprentice academic misconduct, the Lead IV will:

- confer with the Tutor-Assessor to decide whether the allegation requires investigation, making whatever enquiries he or she considers necessary;
- if the Lead IV and the Tutor-Assessor decide that the allegation requires investigation, invite the learner/apprentice in writing, by express post and email, to an interview, to investigate the matter further and advise the learner/apprentice that they may be assisted at the interview by a fellow enrolled learner/apprentice or a member of cHRyos HR Solutions Limited staff. In the case of an apprentice, the apprentice's employer will also be notified of this interview and invited to attend.
- schedule the meeting as soon as practicable after eight working days, or more, from the date of despatch of the invitation, but no later than 15 working days after the date of despatch; and
- arrange for at least two members of staff to be present at the interview (normally the Lead IV and Tutor-Assessor).

Within seven working days of the date the invitation was despatched, the learner/apprentice 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.

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 the interview, or its scheduled date if the learner/apprentice does not attend, the Lead IV, in consultation with the Tutor-Assessor, will determine an appropriate course of action from among the following options:

- if the Lead IV decides the allegation is not substantiated, the Lead IV will dismiss the allegation and will not impose a penalty for misconduct;
- if the Lead IV and the Tutor-Assessor decide that misconduct has occurred, but that it is minor misconduct, the Lead IV will decide on one of the following courses of action, or a combination of them:
  - a. arrange for appropriate academic counselling of the learner/apprentice;
  - b. require the learner/apprentice to submit a replacement for any relevant assessment task, with a requirement that the learner/apprentice must satisfactorily achieve the outcomes for the assessment task (the Lead IV may specify a maximum mark or grade that can be awarded for this replacement task - for example, 50% or 'Satisfactory' or 'Unsatisfactory'); or
  - c. downgrade the mark for a relevant assessment task, in consultation with the Tutor-Assessor (this mark may be zero); and
  - d. if the Lead IV 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/apprentice has attended), the Lead IV will advise the learner/apprentice 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 Lead IV will also advise the learner/apprentice 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.

#### **Further investigation and decision by the Managing Director**

Within ten working days of receiving a formal allegation from the Lead IV that a learner/apprentice is suspected of substantial academic misconduct, the Managing Director will:



- notify the learner/apprentice in writing, by first class post and email, of the misconduct alleged;
- invite the learner/apprentice to respond to the allegation, in person, in an interview with the Managing Director, 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/apprentice that another member of cHRysos HR Solutions Limited staff will attend the interview to ensure procedural fairness and that the learner/apprentice may be accompanied by a fellow learner/apprentice, or a member of cHRysos 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/apprentice 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**

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

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

#### **Following the Interview**

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

If the Managing Director decides, after meeting with the learner/apprentice, 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 will also consider whether there are any mitigating circumstances and note whether the learner/apprentice 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**

Within five working days of the meeting, (whether or not the learner/apprentice attends), the Managing Director 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/apprentice in writing, by first class post and email, giving reasons for the decision:

- a. warn and counsel the learner/apprentice;
- b. reprimand the learner/apprentice;
- c. require the learner/apprentice to meet with and apologise formally to any relevant party(ies);
- d. require the learner/apprentice 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/apprentice to submit a replacement for any relevant assessment task, with a requirement that the learner/apprentice 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; this mark may be zero;
- g. where misconduct has been detected in an examination/test, require the learner/apprentice to sit for a relevant replacement examination. The Managing Director may specify a maximum mark or grade that can be awarded for this replacement task; 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/apprentice of the decision, the Managing Director must also advise the learner/apprentice 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/apprentice may continue to attend classes and submit work for assessment.

### **Appeals**

#### **Appeals against Determinations made in relation to Academic Misconduct by the Lead IV**

A learner/apprentice found by the Lead IV to have engaged in academic misconduct may, provided they have grounds as specified below, appeal, in writing, to the Managing Director.

The learner/apprentice must ensure that any appeal, together with supporting evidence, is received by the Managing Director, within 15 working days from the date of the letter advising of the Lead IV'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/apprentice considers there is evidence that a determination made by the Lead IV was made in breach of procedural fairness;
- b. that the learner/apprentice does not agree that the allegation is correct;
- c. that the learner/apprentice considers that there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Lead IV; and
- d. that the learner/apprentice considers that the penalty imposed by the Lead IV was too severe.

The Managing Director 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 judges that there appear to be valid grounds for an appeal, the Managing Director will arrange a meeting 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/apprentice will be given no less than seven working days' notice of the meeting.

The Managing Director will advise the learner/apprentice, by express 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/apprentice to attend, to present a case in person. The Managing Director will also inform the learner/apprentice that a member of cHRyos 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/apprentice 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 and the employer will be invited to attend the appeal hearing.

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

- a. allow the appeal, if the Managing Director 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 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 on the basis of new evidence now available, the Managing Director will determine an appropriate course of action from among those that are available to the Managing Director, 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**

The Managing Director will, within five working days of the conclusion of the meeting to hear the appeal, advise the learner/apprentice 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.

#### **Appeals against Determinations made in relation to Academic Misconduct by the Managing Director**

A learner/apprentice found by the Managing Director 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 Directors.

The learner/apprentice must ensure that any appeal, together with supporting evidence, is received by the Company Secretary within 15 working days from the date of the letter advising of the Managing Director'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/apprentice considers there is evidence that a determination made by the Managing Director was made in breach of procedural fairness;
- b. that the learner/apprentice considers there is now substantial new evidence relating to the original allegation of academic misconduct, which was not previously available to the Managing Director; and
- c. the learner/apprentice considers that the penalty imposed by the Managing Director was too severe.

The Board 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 judges that there appear to be valid grounds for an appeal, they will arrange a meeting with the learner/apprentice, 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/apprentice will be given no less than seven working days' notice of the meeting.

The Board will advise the learner/apprentice, 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/apprentice to attend, to present a case in person. The Board will also inform the learner/apprentice 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/apprentice, 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 who will also be invited to attend the appeal hearing.

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

After such a hearing the Board 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 may not impose a more severe penalty than that originally imposed; and
  - ii. that, if the appeal is made on the basis of new evidence, the Board will determine an appropriate course of action from among those that are available to the Board (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**

The Board 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 is final.

## **Guidelines**

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

### **Advice to learner/apprentices about an Allegation**

If an allegation of misconduct is reported to the Lead IV, Managing Director or Board he or she must:

- notify the learner/apprentice who is the subject of the allegation, by first class post and email, of what they are alleged to have done;
- provide the learner/apprentice with all relevant documentation and ask the learner/apprentice to respond to the allegation in writing;
- give appropriate notice, invite the learner/apprentice 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/apprentice that he or she may be assisted at the meeting by a fellow enrolled learner/apprentice or a member of cHRysos HR Solutions Limited staff who may provide the learner/apprentice 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/apprentice must also be advised:

- i. that it is in the learner/apprentice'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/apprentice may be assisted by a fellow enrolled learner/apprentice or a member of cHRysos 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 in order 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/apprentice wishes to submit information of a highly sensitive or personal nature in regard to their case, the learner/apprentice 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 Lead IV, Managing Director or Board, according to the stage of the process that has been reached). That Lead IV, Managing Director/Board 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 of the material.

### **Availability of Evidence**

Information supplied as evidence relating to an allegation of academic misconduct against a learner/apprentice will be made available to the learner/apprentice, who will normally be informed of its source. In exceptional cases, the individual leading an investigation or hearing of a learner/apprentice 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 a number of factors, including availability of members of staff, or the learner/apprentice 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 Lead IV, 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, by the Lead IV;
- b. in place of the Lead IV, by the Managing Director;
- c. in place of the Managing Director, by the Board.

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 Student Services Officer must ensure that a record of the decision under the Policy, is placed on the learner/apprentice's electronic file.



**Declaration of Conflict of Interest**

Staff member's name	
Learner/apprentice's name	
Programme of Study	
Nature of Relationship	
Staff member's signature	
Date	
Noted by Director, Service Delivery/ Managing Director	
Director, Service Delivery/Managing Director's signature	
Date	

## Report of Suspected Malpractice Form

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

CMI/CIPD Qualification Title	Apprenticeship Title

CMI/CIPD* (delete as applicable) Unit Code	Unit Title
End Point Assessment Activity	

Learner/apprentice Number	Learner/apprentice Name

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

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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 body who will then follow their own procedures in relation to any issues arising.