

Staff Malpractice and Maladministration Policy (Vocational)

Policy Code:	VO9
Policy Start Date:	March 2020
Policy Review Date:	September 2022

Please read this policy in conjunction with the policies listed below:

- TL8 BTEC Procedures Policy
- TL9 Policy for the Conduct and Administration of Exams
- HR12 Staff Disciplinary Policy

1 Policy Statement

- 1.1 The policy applies to all staff at The Priory Federation of Academies Trust and outlines the procedure for alleged staff malpractice and / or maladministration.
- 1.2 References to the Trust or Academy within this policy specifically includes all primary, secondary and special academies within the Trust, as well as Robert De Cheney Boarding House, the Early Years setting at the Priory Witham Academy, Priory Training, Priory Apprenticeships, Lincolnshire Teaching School Alliance and the Lincolnshire Teaching School Alliance SCITT.
- 1.3 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.
- 1.4 The Trust is committed to leading a mentally healthy organisation, which includes a commitment to and promotion of emotional wellbeing and mental health. Therefore, all Trust policies and procedures ensure this commitment is incorporated in order to support all staff and students. Members of staff are encouraged to speak to their line managers, and students are encouraged to speak to any member of staff, if they feel any part of this policy would affect their emotional wellbeing and mental health. Any feedback will be considered in line with legally reasonable adjustments and fairness to all Trust staff and students.

2 Roles, Responsibilities and Implementation

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Human Resources Director.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all member of staff are responsible for supporting colleagues and ensuring its success.

3 Aims and Objectives of the Policy

3.1 Aims

To ensure that standards of assessment are consistent, transparent and in line with the requirements of our awarding bodies.

3.2 Objectives

- a) To identify the risk of malpractice and maladministration by staff
- b) To respond to any incident of alleged malpractice and maladministration promptly and objectively
- c) To standardise and record any investigation of malpractice and maladministration to ensure openness and fairness
- d) To protect the integrity of the Trust and the Academies within it.

4 Range and Scope of the Policy

The policy covers all vocationally related courses (including BTEC, City and Guilds, NVQ, Gateway, Cache and Apprenticeships) offered within the Trust but may equally apply to other assignment-based courses, should they become a part of the curriculum in future.

5 Definition of Malpractice

5.1 Malpractice consists of those acts which undermine the integrity and validity of assessment and the certification of qualifications; and/or damage the authority, reputation or credibility of the Trust and those responsible for conducting the assessment and certification.

5.2 Examples of Malpractice by Academy staff

The below are examples of malpractice. The list below is not an exhaustive or definitive list:

- a) Improperly assisting learners in the production of work for assessment where the support has the potential to influence the outcomes of assessment, for example where the assistance involves Academy staff producing work for the learner.
- b) Producing falsified witness statements, for example for evidence the learner has not generated.
- c) Allowing evidence, which is known by the staff member not to be the learner's work, to be included in a learner's portfolio/assignment.
- d) Misusing the conditions for special learner requirements, for example where learners are permitted support such as an amanuensis. Support is only permissible up to the point where such support has the potential to influence the outcome of the assessment.
- e) Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment.
- f) Failure to keep any awarding body mark schemes secure.

- g) Failure to keep assessment secure prior to the examination.
- h) Obtaining unauthorised access to assessment prior to an assessment.
- i) Alteration of awarding body assessment and grading criteria.
- j) Failure to assess learners' work within the required timescale.
- k) Facilitating or allowing impersonation.
- l) Falsifying records/certificates, for example by alteration or substitution; or by fraud.

6 Definition of Maladministration

6.1 Maladministration is defined as any activity or practice, which results in noncompliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within the Centre (e.g. inappropriate learner records).

6.2 Examples of Maladministration

The categories listed below are examples of Centre maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice/maladministration:

- a) Failure to adhere to our learner registration and certification procedures.
- b) Failure to adhere to Centre recognition and/or qualification requirements and/or associated actions assigned to the Centre.
- c) Late learner registrations.
- d) Unreasonable delays in responding to requests and/or communications (e.g. Centre postponement of visits by External Quality Assurers, Inspectors and Gateway Qualifications staff for more than 6 months).
- e) Failure to train invigilators, trainers or assessors adequately.
- f) Failure to invigilate to awarding body requirements.
- g) Failure to ensure that assessment venues meet the awarding bodies' requirements.
- h) Inaccurate claim for certificates.
- i) Failure to maintain appropriate auditable records (3 years), e.g. certification claims and/or forgery of evidence.
- j) Withholding of information, by deliberate act or omission, from the awarding body which is required to assure them of the Centre's ability to deliver qualifications appropriately.
- k) Misuse of the awarding bodies' logo and/or trademarks or misrepresentation of a Centre's relationship with the awarding bodies and/or its recognition status with them.

- l) Failure to adhere to, or attempts to circumnavigate, the requirements of the awarding bodies' Reasonable Adjustments and Special Considerations Policy.

7 Handling of an Alleged Staff Malpractice

- 7.1 Any allegation of malpractice and / or maladministration will be dealt with in line with the Staff Disciplinary Procedure.
- 7.2 A full and thorough investigation will take place on behalf of the Trust into any allegation of malpractice or maladministration.
- 7.3 The Academy will make the individual fully aware, in writing, of the alleged malpractice or maladministration and of possible consequences should the malpractice or maladministration be proven.
- 7.4 The Academy will give the individual the opportunity to respond to the allegations made and the individual will be given the right of appeal should findings be made against them.

8 Penalties and Sanctions

- 8.1 Sanctions will follow the code laid down in the **Staff Disciplinary Procedure**. Any alleged malpractice or maladministration involving the administration of learner work will be reported immediately to the respective awarding body.
- 8.2 Where findings of malpractice or maladministration against the member of staff have been made, the appropriate awarding body will be informed.

9 Policy changes

This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

The Priory Federation of Academies Trust Staff Malpractice Policy (Vocational)

This Policy has been approved by the Priory Federation of Academies' Trust's Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.