

A: Malpractice and Maladministration Policy

1. Introduction

The Humber Teaching School and Leading Learning Forward TSA, as DfE accredited NPQ providers, are committed to developing a culture of integrity and fairness for all members of staff, facilitators, leaders, administrators and course participants. Administration and practice involves a commitment to the core values of honesty, trust, fairness, respect and responsibility in all administration, participation and leadership activities/endeavours.

This policy is to be used by The Humber Teaching School (Healing Science Academy) working in association with Leading Learning Forward TSA (St Hugh's School) to ensure that all malpractice and maladministration investigations are dealt with in a consistent manner.

The policy sets out the steps that staff, leaders, administrators, participants and other personnel must follow when reporting suspected or actual cases of malpractice and/or maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

2. Scope

The following policy and procedures apply to any person (members of staff, facilitators, leaders, administrators or participants involved in the organisation, delivery and assessment of National Professional Qualifications with The Humber Teaching School and Leading Learning Forward TSA and relates to suspected malpractice and/or maladministration. This policy also covers the misconduct and forms of unnecessary discrimination or bias towards certain or groups of participants.

3. Responsibilities

It is important that all staff involved in the management, assessment and quality assurance of the NPQ programmes (NPQML, NPQSL and NPQH) with The Humber Teaching School and Leading Learning Forward TSA are fully aware of the contents of this policy and have arrangements in place to prevent and investigate instances of malpractice and maladministration.

4. Definitions and examples

i. Definition of malpractice:

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the delivery and assessment processes and/or the validity of NPQ accreditation and certification.

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It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise the integrity and validity of the:

- NPQ content & assessment framework (GOV.UK)
- NPQ course administration and support
- NPQ course delivery and participation
- NPQ assessment, moderation, quality assurance and outcomes processes
- The reputation and credibility of The Humber Teaching School (Healing Science Academy), Leading Learning Forward TSA (St Hugh's School) as well as their partners and associates

Malpractice may also 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.

ii. Examples of malpractice

- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our participant registration and certification procedures
- Deliberate failure to continually adhere to our qualification approval requirements or actions assigned to an office, group or individual
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim(s) for certificates
- Intentional withholding of information from The Humber Teaching School, LLF TSA office or DfE which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in examinations/assessments
- Participants still working towards qualification after certification claims have been made
- Plagiarism
- Copying from another participant (including using ICT to do so).

iii. Definition of maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration.

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iv. Examples of maladministration

- Persistent failure to adhere to our participant registration and certification procedures.
- Persistent failure to adhere to our centre recognition and/or qualification requirements
- Late participant registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from us which is required for the administration of the NPQ programme and assessment

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6. Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the Director of Teaching School (NPQ Programme Manager) in writing, enclosing appropriate supporting evidence. All allegations must include (where possible):

- Participant's name
- Staff member's name and job role (If applicable)
- Details of the NPQ course or the nature of the programme/assessment affected
- Nature of the suspected or actual malpractice and associated details, including outcomes of any initial investigation carried out by any associated bodies involved in the case.
- Any mitigating circumstances where relevant or appropriate.

The Director of Teaching School (NPQ Programme Manager) will conduct an initial investigation, ensuring that all personnel possess the necessary competence and have no personal interest in the outcome of the investigation.

In all cases of suspected malpractice and maladministration, The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) will protect the identity of the 'informant' in accordance with their duty to maintain confidentiality.

7. Confidentiality and whistle blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. It is always preferable for the individual(s) to reveal their identity and

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contact details when reporting a concern. However if an individual is concerned about possible adverse consequences, he/she may request that the Director does not divulge his/her identity.

The Director of Teaching School will be prepared to investigate issues which are reported to anonymously and he/she will always try to confirm an allegation by means of a separate investigation before pursuing the matter with those to whom the allegation relates.

8. Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by The Humber Teaching School and/or Leading Learning Forward TSA to establish if malpractice or maladministration has occurred and all reasonable steps will be taken to prevent any adverse effect from the occurrence.

A written response will be provided by the Director of Teaching School to suspected reporting of maladministration and malpractice within 10 working days.

The Director of Teaching School (NPQ Programme Manager) will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation in order to establish whether or not the malpractice or maladministration has occurred, and to review any supporting evidence received or gathered.

9. Notifying relevant parties

Where applicable, the Director of Teaching School (NPQ Programme Manager) will inform the appropriate authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification.

10. Investigation timelines and summary process

The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) will aim to action and resolve all stages of the investigation within 30 working days of receipt of the allegation.

The fundamental principle of any investigation will be to conduct it in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred;
- To identify the cause and scale of the irregularities;
- To establish the names of those involved;
- To identify any adverse patterns or trends;

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- To evaluate any action already taken;
- To determine whether remedial action is required to reduce the risk to current registered participants and to preserve the integrity of The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) and the qualification.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. In such cases, the Director of Teaching School will ensure that:

- All material collected as part of an investigation are kept secure;
- If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.

All parties, either directly or indirectly involved in the investigation, will be expected to co-operate fully with the Directors of Teaching School at The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School).

These organisations, as DfE accredited providers of the National Professional Qualifications (NPQ), either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, reserve the right to withhold a participant's, and/or cohort's, results.

Where a member of staff, facilitator, administrator, course participant or member of staff at a partner or associate organisation is under investigation, the Director of Teaching School (NPQ Programme Leader) may decide to suspend them from the NPQ programme until the investigation is complete.

Throughout the investigation the Director of Teaching School will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping relevant external parties (DfE/LA etc) informed.

11. Investigation report

After an investigation, the Director of Teaching School will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and the Directors of Teaching School at The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School). The report will:

- Identify where the breach, if any, occurred;
- Confirm the facts of the case;
- Identify who is responsible for the breach (if any);

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- Confirm an appropriate level of remedial action to be applied.

The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) will make the final report available to the parties concerned and to the regulatory authorities and all relevant parties/ external agencies within 10 working days of reaching a decision.

The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

Where investigations involve a member of the teaching school staff, the report will be agreed by the Director of the Teaching School with the Principal/Headteacher of the school and appropriate internal disciplinary procedures will be implemented.

12. Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place the Director of Teaching School will consider what action to take in order to:

- Minimise the risk to the integrity of certification now and in the future;
- Maintain public confidence in the delivery and awarding of qualifications;
- Discourage others from carrying out similar instances of malpractice or maladministration;
- Ensure there has been no gain from compromising our standards.

Such actions may involve:

- Imposing sanctions in order to address the instance of malpractice/maladministration and to prevent it from re-occurring;
- In cases where certificates are deemed to be invalid, informing the Department for Education (DfE) and the National Quality Assurance Agent as to why they are invalid. Decisions may include any action to be taken for reassessment and/or for the withdrawal of the certificates. [The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) will thereby inform the affected participant/s of this decision and may request the return of certificate/s.]
- Informing relevant third parties (e.g. school governing boards) of the findings in case they need to take relevant action.

In addition to the above, the Director will record any lessons learnt from the investigation, report these to the Teaching School Board and NPQ Steering Group in order to help prevent similar instances of maladministration or malpractice from re-occurring.

13. Appeals

Any individual (or group/organisation) wishing to appeal against the decision of The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) to impose sanctions may do in accordance with the terms of the Teaching School's Appeals Procedure as detailed below:

14. Appeals Procedure

If you wish to dispute either the finding of malpractice/maladministration or the appropriateness of the penalty, you may choose to have your case heard at a full hearing of the Teaching School's Appeals Panel. If you choose an Appeals Panel hearing, you must inform the Teaching School Administrator of the relevant Teaching School within 10 working days from the date on the outcome letter.

A full hearing of the Teaching School's Appeals Panel will take place if you have chosen to dispute the finding of the malpractice/maladministration report or the penalty. You will be notified at least five days in advance of the time and place of the meeting.

At least two Appeals Panel members will be present at the hearing. The hearing will not include any representatives from your school, in order to ensure that its decision-making is independent. It will consider:

- (a) **Whether the evidence is sufficient** to justify the conclusion that you have committed academic misconduct.
- (b) **Whether the proposed penalty is appropriate** in the light of all the evidence and in accordance with the guidelines set out below.

A representative from your school will be present to represent the school perspective. You may also be present and be given time to speak on your own behalf. You may choose to bring a supporter to the Appeals Panel hearing.

You may find it helpful to ask a representative from your school to be your supporter, but it can also be, for example, a friend or relative. Panel members reserve the right to interview you and/or other relevant individuals during the hearing.

The only grounds on which you can appeal are as follows:

- (a) **The decision of the Director of Teaching School (NPQ Programme Manager) was unreasonable** in the light of the evidence available.
- (b) **The procedure for investigating the suspected case of malpractice or maladministration was deficient** in a way which materially prejudiced your case.

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Your appeal will be reviewed by a representative of the Teaching School's Strategic Board or nominee, and this decision will be final with regard to NPQ malpractice and/or maladministration.

You will receive the outcome in writing as soon as possible. At this point, you will receive a letter of notification explaining that you have come to the end of NPQ appeal procedures.

14. Consequences

Being accused of malpractice or maladministration is a serious offence and has the potential to result in a number of penalties. In the most serious cases, an individual NPQ assessment submission may be terminated or the individual may be subject to further disciplinary proceedings.

15. Monitoring and review

The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) will keep and dispose of all correspondence relating to case of malpractice and maladministration in accordance with their data protection management policies.

A report on cases of malpractice and maladministration and their outcomes will be produced annually and submitted to the Strategic Board of the relevant NPQ licence holder for consideration. A summary report will be considered by the Strategic Board through the Annual Quality Assurance Report. This process will ensure appropriate monitoring of all academic misconduct cases and related outcomes.

7. Other Policies

Where relevant, other policies and procedures may be used as well as or instead of this policy and procedure. This policy and procedures shall be implemented with due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations.

These procedures apply equally to all NPQ course participants, staff, leaders and administrators, irrespective of age, disability, gender reassignment, pregnancy or maternity, race, ethnic origin or national identity, religion or belief or sexual orientation.

The Humber Teaching School (Healing Science Academy) and Leading Learning Forward TSA (St Hugh's School) are committed to procedures that are fair and transparent, and decisions that are reasonable and have regard to law.

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