



MALPRACTICE POLICY AND PROCEDURE

Responsible Officer

Assistant Director of People Services and Communications

Aim of the Policy

The purpose of this policy and procedure is to set out how allegations of malpractice in relation to all Chartered Institute of Housing (CIH) qualifications are managed and dealt with by the Phoenix Academy Centre.

We want to ensure that we:

- Identify and minimise the risk of malpractice by our staff and students.
- Respond to any allegations promptly, objectively, fairly and transparently.
- Protect the integrity of the centre and awarding body.

This policy provides examples of malpractice and maladministration and possible sanctions that may be imposed.

Scope of the Policy

This policy applies to all Chartered Institute of Housing qualifications delivered by the Phoenix Academy Centre.

The term 'malpractice' in this policy and procedure is used for both malpractice and maladministration.

Any upheld case of malpractice relating to a member of Phoenix staff will be considered a disciplinary issue by Phoenix.

The Policy

Phoenix treats all cases of suspected malpractice very seriously and will investigate all suspected and reported incidents of possible malpractice.

We will report all relevant cases of suspected malpractice to the CIH, accepting that in certain circumstances, the CIH may take action of its own, including imposing sanctions.

Malpractice by students

Some examples of student malpractice are described below. These and any other incidents of suspected malpractice will be fully investigated, where there are sufficient grounds to do so.

- Arranging for an individual other than the student to submit an assignment not undertaken by the student.



- Impersonating another student to submit an assignment on their behalf.
- Collaborating with another student or individual, by any means, to complete a coursework assignment, unless it has been clearly stated that such collaboration is permitted.
- Damaging another student's work.
- Inclusion of inappropriate or offensive material in coursework assignments.
- Disruptive behaviour or unacceptable conduct, including the use of offensive language (including aggressive or offensive language or behaviour).
- Producing, using or allowing the use of forged or falsified documentation, including but not limited to:
 - personal identification;
 - supporting evidence provided for reasonable adjustment or special consideration; and
 - CIH results documentation, including certificates.
- Falsely obtaining, by any means, a CIH certificate.
- Misrepresentation or plagiarism.

Malpractice by Phoenix Academy teachers, tutors and other staff

Examples of malpractice by teachers, tutors and other staff are listed below. These and any other incidents of suspected malpractice will be fully investigated, where there are sufficient grounds to do so.

- Failure to adhere to the relevant CIH regulations and procedures, including those relating to Phoenix Academy approval, security undertaking and monitoring requirements as set out by CIH.
- Knowingly allowing an individual to impersonate a student.
- Allowing a student to copy another student's assignment work, or allowing a student to let their own work be copied.
- Allowing students to work collaboratively during an assignment assessment, unless specified in the assignment brief.
- Completing an assessed assignment for a student or providing them with assistance beyond that 'normally' expected.
- Damaging a student's work.
- Disruptive behaviour or unacceptable conduct, including the use of offensive language (including aggressive or offensive language or behaviour).
- Allowing disruptive behaviour or unacceptable conduct at the Phoenix Academy to go unchallenged, for example, aggressive or offensive language or behaviour.
- Divulging any information relating to student performance and/or results to anyone other than the student
- Producing, using or allowing the use of forged or falsified documentation, including but not limited to:
 - personal identification;



- supporting evidence provided for reasonable adjustment or special consideration applications; and
 - CIH results documentation, including certificates.
- Falsely obtaining by any means a CIH certificate.
- Failing to report a suspected case of student malpractice, including plagiarism, to the CIH.

Possible malpractice sanctions

Following an investigation, if a case of malpractice is upheld, we may impose sanctions or other penalties on the individuals concerned. Where relevant, we will report the matter to the CIH, and the CIH may impose sanctions on the individuals concerned. Any sanctions imposed will reflect the seriousness of the malpractice that has occurred.

Listed below are examples of sanctions that may be applied to a student, teacher, tutor or other officer who has had a case of malpractice upheld against them. Other sanctions may be applied on a case-by-case basis.

Possible sanctions that may be applied to students:

- A written warning about future conduct.
- Notification to an employer, regulator or the police.
- Removal from the course.

Possible sanctions that may be applied to teachers, tutors and other staff:

- A written warning about future conduct.
- Imposition of special conditions for the future involvement of the individuals in the conduct, teaching, supervision or administration of students.
- Informing any other organisation known to employ the individual in relation to CIH courses of the outcome of the case.
- CIH may carry out unannounced monitoring of the working practices of the individuals concerned.
- Dismissal.

The Procedure

This process applies to students, teachers, tutors and other staff, and to any reporting of malpractice by a third party or individual who wishes to remain anonymous.

Reporting a suspected case of malpractice

Any case of suspected malpractice should be reported to the Course Manager within two working days from its discovery. If the suspected malpractice involves the Course Manager, the written report should be sent to the Assistant Director of People Services and Communications or People Services.

The written report should clearly identify details including:

- the date, time and place the alleged malpractice took place, if known;
- the name of the student, teacher, tutor or other persons involved;
- a description of the suspected malpractice;
- statements from other individuals involved or affected;
- actions that have been taken in relation to the incident; and
- any other available supporting evidence.

Administrating suspected cases of malpractice

Wherever possible, and provided other students are not disrupted by doing so, a student suspected of malpractice should be advised immediately that their actions may constitute malpractice, and that a report will be made to the Course Manager.

We will investigate each case of suspected malpractice. The investigation will aim to establish the full facts and circumstances. In cases reported by a third party, or an individual who wishes to remain anonymous, we will take all reasonable steps to authenticate the reported information and to investigate the alleged malpractice. We will promptly take steps to prevent any adverse effect that may arise from the malpractice, or to mitigate any adverse effect, as far as possible, and to correct it to make sure that any action necessary to maintain the integrity of CIH qualifications and reputation is taken.

Where a case of suspected malpractice is made against the Course Tutor, we may need to escalate the case to the CIH following an initial investigation.

We will acknowledge all reports of suspected malpractice within five working days. All parties involved in the case will then be contacted within 10 working days of receipt of the report detailing the suspected malpractice. We may also contact other individuals who may be able to provide evidence relevant to the case.

We will inform the individuals concerned of the following:

- an investigation is going to take place and the grounds for that investigation;
- details of all the relevant timescales and dates, where known;
- they have a right to respond by providing a personal written response relating to the suspected malpractice (within 15 working days of the date of that letter);



- if malpractice is considered proven, sanctions may be imposed either by us or by the CIH, reflecting the seriousness of the case;
- if they are found guilty, they have the right to appeal to People Services; and
- we have a duty to inform the CIH and other relevant authorities/regulators, but only after time for the appeal has passed or the appeal process has been completed. This may also include informing the police if the law has been broken and to comply with any other appropriate legislation.

Where more than one individual is contacted regarding a case of suspected malpractice, for example in a case involving suspected collusion, we will contact each individual separately, and will not reveal personal data to any third party unless necessary for the purpose of the investigation.

The individual has a right to appeal against a malpractice outcome if they believe that the policy or procedure has not been followed properly or has been implemented to their detriment.

Records of all malpractice cases and their outcomes are maintained by Phoenix Academy for a period of at least five years and are subject to regular monitoring and review.

Right to Appeal

Where an individual wishes to appeal against a malpractice outcome, they must provide a written response outlining their grounds for appeal within 10 working days of the date of the outcome letter to the Assistant Director of People Services and Communications or People Services.

For example, appeals may be raised on one of the following grounds:

- The Policy or Procedure – a failure to follow the policy or procedure had a material effect on the decision or led to an unfair process.
- The outcome - the evidence did not support the conclusion reached.
- The sanction – was too severe given the circumstances of the case.
- New evidence – which has genuinely come to light since the investigation.

The result of the appeal will be notified to the individual within 10 working days of receipt of their written response. The outcome of the appeal is final.

Monitoring and review

We will review this policy every three years or sooner whenever there are changes to legislation, good practice or other learning.

Reference to other documents and associated policies and procedures

- Phoenix Disciplinary Policy
- Phoenix CIH L2 Course Handbook
- Phoenix Complaints Policy and Procedure
- Phoenix Confidential Reporting – Whistleblowing Policy
- Phoenix Group Data Protection Policy



- Chartered Institute of Housing Awarding Organisation Complaints Policy
- Chartered Institute of Housing Awarding Organisation Appeals Procedure
- Phoenix Resident Involvement Code of Conduct and Breach of Code of Conduct Procedures

Definitions

Term/acronym	Description
CIH	Chartered Institute of Housing.
Malpractice	Used in this policy and procedure for both malpractice and maladministration which is any act, or failure to act, that threatens or compromises the integrity of the assessment process or the validity of CIH qualifications and their certification. This includes: maladministration and the failure to maintain appropriate records or systems; the deliberate falsification of records or documents for any reason connected to the award of CIH qualifications; acts of plagiarism or other academic misconduct; and/or actions that compromise the reputation or authority of Phoenix, CIH and staff.
We/us	Refers to Phoenix Community Housing.

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