



## **STAFF CODE OF CONDUCT AND MALPRACTICE POLICY**

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**VERSION** 3

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## **1. Purpose**

This code of conduct gives guidance to all College staff on the standards of conduct required to be met whether working within the College or acting as a representative at external meetings/functions.

The College is committed to the creation and maintenance of a supportive and inclusive environment. It is recognised that in a healthy working environment staff and learners form mutually rewarding relationships. This Code provides guidance in areas where personal relationships overlap with working relationships. It seeks to protect the integrity of all learners and staff from allegations of actual or perceived conflicts of interest and avoid complaints of harassment and grievance or disciplinary action.

## **2. Scope**

All members of staff must abide by the policies and procedures of the College, including the College financial regulations. It is the responsibility of the individual member of staff to know these policies, procedures and regulations.

It is the responsibility of all staff to read, understand and be familiar with this Code of Conduct.

## **3. Details of policy**

### **3.1. Relationships**

This Code covers all areas where relationships raise questions about conflict of interest, trust and/or confidentiality which may occur at the outset, during or on the termination of a relationship. Such conflicts may arise in relation to the following areas.

- management and supervision of staff including career progression and staff development
- assessment and internal verification of a colleague enrolled on a qualification within the same subject area
- deployment of financial and other resource
- all aspects of teaching and learning
- access to confidential information
- access to Learner Services including financial assistance, accommodation and other services
- contractual matters including employment, career opportunities, placements, complaints and discipline
- assignment of work and facilities to learners

Relationships between staff and learners - staff should conduct themselves at all times in ways that are consistent with College policy and procedures and acknowledge their professional and ethical responsibility to protect the interests of learners and accept the obligations and constraints inherent in that responsibility. To maintain the relationship with learners based on trust, confidence and equal treatment, staff are strongly advised not to enter into an intimate relationship with a learner for whom they have a responsibility in the areas of teaching/learning, assessment, selection and pastoral care. Such relationships can lead to perceived or actual conflicts of interest, which can have a detrimental effect on the teaching and learning environment for other learners and colleagues

Should a personal relationship already exist when the member of staff or learner enters the College or develop while the learner is registered, it is the responsibility of the member of staff to declare their involvement to their line manager/Head of Faculty/Unit or to one of the persons designated by the College for the purpose. There will not be a requirement to give details of the involvement.

Relationships between staff- within the College, members of staff will have a variety of mutually rewarding relationships which will not have a detrimental effect upon colleagues or the good running of the organisation. Whilst most social and personal relationships are entirely beneficial in that they promote good working and academic relationships, there are occasions when personal relationships between staff may lead to actual or perceived conflicts of interest. Members of staff are required to declare an interest where a personal relationship gives rise to a reasonable apprehension that a conflict of interest might exist, *or that* the integrity of the academic, administrative or institutional processes of the College could be threatened, in circumstances such as described above. Such an apprehension will almost certainly arise where one party to a relationship has a direct line management responsibility for another.

It is the responsibility of the member of staff to make a declaration of interest to their Line Manager/ Head of Unit or to one of the persons designated by the College for the purpose. There will not be a requirement to give details of the involvement.

Staff members off-duty hours are their personal concerns, but staff should avoid a situation where duty and private interests conflict. This includes:

- Staff members making online associates / friendships with current learners via social network sites. (please see the IT and Communications Policy for further information)
- Staff members using texting / email facilities on their personal mobile phones or personal computers with current learners.

If staff members are somehow contacted by learners on their personal mobiles or emails then the staff member should inform the learner that this is not an appropriate means of communication and give them the correct method in which they should be contacted on.

### **3.2. Conflict of Interest**

Wherever the College is made aware of a relationship covered by this code of conduct, it will consider the appropriate action in a manner that protects the integrity of all parties. The staff/learner involved will be consulted and are expected to comply with reasonable action. The College will try to ensure that these matters are dealt with in confidence and as sensitively as possible. Appropriate action could include

- ensuring that the member of staff does not have sole responsibility for aspects of the learners work which require judgment, e.g. academic assessment.
- ensuring that the member of staff is not solely in a position to take decisions affecting the learner.
- ensuring that appropriate action is taken to minimise the potential effect of the relationship on other staff or learners.
- ensuring that the involvement of a member of staff in taking or influencing decisions affecting the other person's salary, terms and conditions of employment, role, workload, promotion, training and development, career development and staff

appraisal etc is carried out in such a way as to protect the integrity of all parties and processes.

Staff who are uncertain about what action to take should seek guidance, in confidence, from the Human Resources Unit. Failure to declare a conflict of interest which results in the academic, administrative or institutional processes being brought into question, may result in disciplinary action being taken.

Where staff believe themselves to have been personally adversely affected by a misuse of power/authority or conflict of interest, they should raise it with their Line Manager/ Head of Unit or through the procedures available (Grievance, Harassment). Where the College is made aware of a relationship by another person or other means, appropriate action will be taken to protect the integrity of all parties and procedures and deal with the matter as sensitively as possible.

Any of the parties involved who do not consider that satisfactory arrangements have been implemented have recourse to the Human Resources Unit.

### **3.3. Malpractice**

The College does not tolerate actions (or attempted actions) of malpractice of staff in connection with assessments and certification. The College will enact the Disciplinary Procedure where there is evidence of incidents (or attempted incidents) of malpractice. Where assessment malpractice is proven the relevant Awarding Bodies will be notified in line with their own Malpractice procedures. Awarding Bodies may also impose penalties or sanctions against either the individual/s involved and/or the College.

It is the responsibility of all staff, tutors, assessors and verifiers to report any known acts of, or suspicions of academic malpractice to the Quality Systems Manager. It is the responsibility of all staff to conduct themselves and their working practices with integrity and adhere to both College and awarding body policies, procedures and protocols.

On receipt of any allegation, an initial investigation will be conducted to determine if there is sufficient evidence or if the nature of the allegation warrants a formal investigation. The process should be documented on Part One of Appendix A.

Investigations into the allegations will be coordinated by Quality Systems Manager or the Vice Principal Curriculum Quality & Student Services who will include other relevant members of staff to be part of the investigation panel as appropriate. These members of staff will be selected for their knowledge and expertise and must include at least one senior manager. Panel members must not be involved in delivery of the qualification nor have a vested interest in the outcome of the investigation.

Malpractice can be defined as the improper, immoral, illegal or unethical academic conduct or neglect of professional duty including non-compliance as well as professional conduct. The following list is neither inclusive nor exhaustive but shows examples of academic malpractice:

### **3.3.1. Assessment Malpractice**

The deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or the validity of certificates. It includes non-compliance as well as professional misconduct. For example:-

- failure to follow College and the Awarding Bodies regulations
- deliberately falsifying or tampering with assessed learner work, IV records, witness statements
- allowing evidence, known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/coursework

### **3.3.2. Examination Malpractice**

The following are examples of malpractice by staff with regard to examinations

- assisting candidates with exam questions outside of the awarding body guidance
- allowing candidates to talk, use a mobile phone or go to the toilet unsupervised
- tampering with scripts prior to external marking taking place.
- not adhering to invigilation procedures & protocols

### **3.3.3. Administration Malpractice**

Maladministration covers negligent, dishonest or poorly informed behaviour that results in procedures that may compromise the integrity of assessment. This includes a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates. For example:-

- fraudulent certificate claims, for example, claiming for a certificate prior to the learner completing all the requirements of assessment
- giving information about formal assessment outcomes before the official release of such information by the Awarding Body
- incorrect recording of assessment decisions
- inaccurate production of assessment records
- issuing of an erroneous certificate or qualification
- deliberate destruction of award of credit or qualification records
- delaying the processing of assessment or claims
- failure to follow procedures or to maintain appropriate records
- failure to keep assessment papers or mark schemes secure.

The College has controls in place to prevent academic malpractice by:

- having an up-to-date information in this policy that is known, understood and followed by all College staff;
- having robust procedures for preventing maladministration which are monitored and regularly reviewed to ensure they remain fit for purpose;

- providing staff and learners with all relevant information so they know the correct processes and their responsibilities within them;
- monitoring assessor activity to mitigate the opportunity for malpractice;
- ensuring learner assessment tasks are fit for purpose and used correctly;
- ensuring learner work, evidence of achievement, internal verification reports or recommendations for achievement are accurate and authentic;
- having procedures that prevent impersonation, ensuring that plagiarised work is not included in assessment evidence;
- informing learners about malpractice, especially plagiarism and helping them avoid it;
- ensuring staff and learners are aware of the possible sanctions that could be imposed;
- scheduled and ad-hoc internal audit activity

### **3.3.4. Record Keeping**

All malpractice investigation panel meetings must be formally recorded on Part Two of Appendix A and provide thorough details of the scope of the investigation. Where appropriate it should include:

- the names of the investigation team
- reason why the investigation was initiated
- statement of findings
- any written statements from staff, learners or other relevant parties
- specific details of work, internal assessment or verification records checked as part of the investigation
- any administrative records used to support the investigation
- any mitigating factors that were considered.
- any actions required in response to the findings

The investigating panel should decide on three possible outcomes:

#### **No case to answer**

No further action required

#### **Error due to lack of knowledge**

Where the alleged malpractice is clearly the result of a genuine careless error or lack of knowledge, appropriate action will be initiated to prevent recurrence and mitigate any effects. This could include providing additional support and/or further training.

#### **Malpractice Established**

If the investigation panel decide that there is a deliberate case of staff malpractice then the College's disciplinary procedure will be adopted

### **3.3.5. Malicious Accusations**

Individuals are encouraged to come forward with genuine concerns with the knowledge they will be taken seriously. If individuals use this policy to maliciously raise false and unfounded allegations, they will be committing a disciplinary offence. They will be dealt with under the Disciplinary Policy and Procedure which could result in dismissal.

### **3.3.6. Notifying the Awarding Body**

If the investigation panel finds evidence that there is staff malpractice then the Vice Principal Curriculum Quality & Student Services or the Quality Systems Manager will contact the relevant Awarding Body informing them of:

- the details of the investigation conducted by the College
- the scale of the malpractice
- range of qualifications affected
- number of learners affected
- actions taken to recover the situation

**Note:** This part of the procedure must follow the reporting procedures of the relevant awarding body and in some cases informing the awarding body of potential malpractice prior to a full investigation must be followed if this is a requirement. The awarding body have the right to conduct their own investigations in line with their own malpractice policy.

## **3.4. Business Practice**

All members of staff must maintain a high standard of integrity and avoid any arrangements which may prevent the operation of fair competition in the College's business relationships.

## **3.5. Contracts**

If a member of staff (or immediate family/partner/business contact) has a financial interest or involvement in a contract the member of staff must declare it to their Line Manager within the Senior Leadership Team or the Chair of Board of Governors were applicable. Failure to declare a financial interest may result in disciplinary procedures being invoked.

Contracts may only be signed by a member of staff when it is consistent with the individual member of staff's responsibility defined by their job role.

Contract may only be signed in accordance with the College's financial regulations.

## **3.6. Media**



Contact with the media will normally be undertaken by a member of the Senior Leadership Team. Members of the College Management Team may have contact with the media if so authorised by a member of the Senior Leadership Team.

Members of staff must not bring the College into disrepute through use of the media.

### **3.7. Discrimination**

All staff members must observe the College's Single Equality Scheme. All learners, staff, clients and visitors must be treated fairly and with respect regardless of any protected characteristics.

No staff member should be victimised by any other member of staff (regardless of his/her status) for any reason whatsoever.

### **3.8. Health & Safety**

All staff must exercise proper and due care of their personal hygiene, health, safety and welfare and that of other staff, learners and visitors who may be affected by their acts or omissions. All staff must comply with the College Health and Safety Policy and procedures and ensure compliance by learners and visitors.

### **3.9. Safeguarding and Criminal Convictions**

The College is committed to safeguarding and promotes the welfare of all learners and expects its staff to share this commitment. All members of staff must attend Safeguarding training at their corporate induction, complete online training and continual refresher training every two years. The College's Safeguarding Policy ensures both the learners right to learn and staffs right to work in a safe, secure and respectful environment is met.

The college will ask all employees to disclose on a yearly basis any new convictions. Any new convictions will be risk assessed against the role the employee performs in college. All new convictions will be treated in confidence and with sensitivity. If any new convictions are judged to be of a safeguarding nature or a serious matter that may damage the colleges reputation or brand then the disciplinary process may come into effect. All employees should endeavour to inform their line manager and HR of any new convictions as soon as they happen rather than waiting for the yearly request from HR to disclose new convictions.

### **3.10. Hospitality**

Hospitality in the form of a meal or refreshments is often accepted courtesy of a business relationship. Hospitality received by a member of staff must not be permitted to reach such a level where it may be justifiably alleged by others to have influenced a business contractual or equivalent decision.

The provision of hospitality must (wherever possible) be agreed in advance by a member of the Governors, Senior Leadership Team or College Management Team. Such hospitality as may be provided should be relevant and appropriate to the occasion and take into account the culture of the person(s) who are to be entertained.

### **3.11. Gifts**

College policy is that gifts are not either appropriate or necessary for any sound, proper business relationship. The receiving of gifts (other than diaries, calendars and other small items) is therefore

not permitted. Diaries, calendars and other small items may be accepted but must be for College use.

### **3.12. Dress Code**

Staff members should dress in a manner which is appropriate to the role they are undertaking, and at all times this should be professional attire relating to the role. Staff members should seek further information from their line managers should they require confirmation on what this means.

### **3.13. General**

All staff should seek to work to the highest possible standards of professional behaviour and give priority to the interests of existing and potential learners and customers.

All staff should seek to work supportively and co-operatively with their colleagues and should avoid words and deeds that may undermine colleagues in the perception of other or which might bring the College into disrepute.

All staff should retain professional and independent objectivity and not promote dogma or political bias during their College work.

Staff should attend their place of work punctually in accordance with their conditions of employment and at the times agreed with their line manager. If staff are unable to avoid being late or absent they should give as much notice to their line manager as is practically possible, teaching staff should inform Curriculum Office as well. Communication should not be done through work colleagues unless as a last resort if the line manager is unavailable.

Should it be necessary, investigations of alleged breaches of this Code will be dealt with under the College's appropriate procedures (e.g. grievance/discipline). Matters concerning designated senior staff will be dealt with in accordance with their terms and conditions of employment as determined by the College.

## **4. Monitoring**

This policy will be monitored regularly in line with legislative changes

## **5. Related policies/procedures/documents**

- Whistleblowing Policy
- Staff Disciplinary Procedure
- Internal Verification and Assessment Procedure
- External Verification Procedure
- Safeguarding Policy
- Awarding Body Malpractice Policies

## 6. Policy review

Changes Made		Reason for Change			
Header change and additional paragraph in section 3.9		To take account that a yearly criminal convictions audit is completed for all staff			
Review Date	Reviewed by:	Initial Approval by:	Final Approval by:	Next Review Date:	Review Period
Sept 2018	HR Business Partner	Head of HR and Workforce Development	Policies and Procedures Committee	Sept 2021	3 years
Feb 2020	HR Business Partner	Head of HR and Workforce Development	Policies and Procedures Committee	Sept 2021	3 years
Feb 2022	HR Business Partner	Head of HR and Workforce Development	Policies and Procedures Committee	Feb 2025	3 Years

## 7. Equality impact assessment

First Assessment Conducted by:	Date:	Final/Approved Assessment Conducted by:	Date:
HR Business Partner	22.08.18	David Ellis Quality Systems Manager	19.09.18

## 8. Publication

Audience:	Published:
Staff	College Central

**9. Appendix A - Record of Malpractice Investigation**  
**PART ONE**

Initial Investigation conducted by:

Date:

Background to the allegation (who raised it, the circumstances, evidence etc.):

Findings from the Initial Investigation (what did this consist of, who did you speak with, what were the findings etc.):

Referred to Investigation Panel: Yes/No

Date:

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**PART TWO**

Names of the Investigation Panel members:

Panel Date:

Scope of the investigation (work/documents checked, procedures audited, witness statements etc.)

Findings (based on the evidence – number of learners affected, scale of the issue etc.):

Any mitigating factors? Yes / No  
If yes, provide details:

Outcome of the investigation. No Case / Error due to lack of knowledge / Malpractice established  
Rationale:

Required Actions:

Awarding Body Advised: Yes / Not Required

Date: