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| **Authorised****for issue:** | **Author:** Elaine Kelt**Author Position:** Head of Quality PEQF | **Approver:** Alan Ovenden**Approver Position:** PEQF Contract Director |
| **Purpose:** | The Collaborations agreed joint policy for managing incidents of unfair academic practice in the PEQF programme |
| **Audience:** | All Student police officers, Babcock employees; partner providers; MPS, agency workers and associates (PEQF) |
| **Scope:** | All Student police officers, Babcock employees; partner providers; MPS, agency workers and associates (PEQF) who may need to highlight or manage any alleged incidents of unfair academic practice in the PEQF programme(s) |
| **Version:** | V3 | **Issue date:** | 18/02/2021 |
| **Last modified:** | 07/07/2021 – role name change (HEI Sergeant to Course Lead) | **Review due:** | 11/11/2021 |
| **Reference number:** | CM512 |
| **Cross-referenced policies:** | HEI Code of ConductHEI Acceptable Computer Use PolicyExaminations Policy |
| **Further information:** | Please contact the document owner:Elaine.kelt@babcockinternational.com |

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Contents

[1. Introduction 3](#_Toc64984167)

[2. Reporting of concerns 5](#_Toc64984168)

[3. Strategy meeting 6](#_Toc64984169)

[4. Unfair academic practice panels 7](#_Toc64984170)

[5. Powers of the appeal panel 9](#_Toc64984171)

[6. Procedure to be followed by the appeal panel 9](#_Toc64984172)

[7. Independent review 10](#_Toc64984173)

[8. MPS Investigation 11](#_Toc64984174)

[Appendix A – Penalty 12](#_Toc64984175)

[Appendix B - Examples 13](#_Toc64984176)

[Appendix C – Simplified Process 14](#_Toc64984177)

# Introduction

## Unfair Academic Practice and Academic Misconduct

Academic misconduct, sometimes called ‘unfair practice’, is defined as any activity used by a student police officer, which provides them with an **unfair academic** advantage over others. For the purposes of this policy, academic misconduct shall be referred to as **unfair academic practice**.

The Collaboration defines unfair academic practice as ‘**any act, intentional or otherwise, whereby a student police officer/police officer may obtain for himself/ herself or for another an unfair academic advantage**’. This could also amount to a criminal offence.

Committing any form of unfair academic practice in an assignment, including plagiarism, is one of the most serious offences in academic life, and its consequences can be severe. It undermines the integrity of scholarship, research, and of the examination and assessment process.

It’s very important to understand that it’s no defence to claim that unfair academic practice has been committed unintentionally, accidentally, due to extenuating circumstances or a long-term impairment (irrespective of whether or not these circumstances or long-term impairment have been acknowledged by the Collaboration).

The following is a non-exhaustive list of conduct, which, where proven, will normally constitute unfair academic practice. Although these types of incidents are considered, for the purposes of this policy to be unfair academic practice, they may also amount to ‘misconduct’ for the purposes of relevant regulations applicable to police officers and be dealt with accordingly:

1. **Plagiarism**, which is defined in this policy as the ‘knowing or reckless presentation of another person’s work or ideas as one’s own’. This includes the use of published or unpublished work without acknowledging the source. Resubmitting work that has already been submitted for a different assignment task, without noting that this is the case, is also regarded as plagiarism (self-plagiarism);
2. **Cheating**, which is defined in this policy as ‘acting dishonestly or unfairly in order to gain an academic advantage’. This includes the falsification of information and cheating in examinations;
3. **Collusion**, which is defined in this policy as ‘aiding or attempting to aid another member of the University in gaining an unfair academic advantage by:
4. The unauthorised and/or unacknowledged collaboration of persons in a piece of assessed work; and/or
5. Allowing a piece of assessed work to be copied by another person or persons’.

In both these instances, all persons involved are liable to be penalised.

1. Obtaining or purchasing work from another person or organisation and submitting it as one’s own;
2. Breaches of any Collaboration rules, regulations, policies or procedures relating to academic activity or assessment, such as the Examinations Policy.

## Misconduct

Student Police Officers are ‘attested police officers’ as such, they are bound by the Standards of Professional Behaviour and the Code of Ethics. They are subject to the Police Conduct Regulations 2020 and the relevant Home Office guidance at all times. Misconduct is a breach of those Standards of Professional Behaviour that is so serious as to justify disciplinary action. (Please refer to the relevant Collaboration Partner’s Code of Conduct)

The following is a non-exhaustive list of conduct which, where proven, will normally constitute misconduct:

1. Failing to comply with the Student Code of Conduct, or with other Collaboration Partner’s policies and regulations.
2. Breaking the law
3. Threatening or engaging in violence, harassment, bullying or abuse, either physically, verbally or by way of the internet or social media
4. Sexual misconduct
5. The possession, use or supply of drugs (including the misuse of prescription drugs or legal highs), or weapons
6. Anti-social behaviour, including but not limited to anti-social behaviour as a result of intoxification through alcohol or drugs
7. Damaging or misappropriating property
8. Theft
9. Inappropriate use of IT equipment, the internet or social media, including breaches of the Acceptable Computer Use Policy
10. Preventing or interfering with the lawful freedom of speech or belief
11. Bringing the University or Police Service into disrepute; any behaviour falling below a the standard expected of a Constable including Apprenticeship standards
12. Obstructing or interfering with the good order, functioning or reputation of the University or Police Service
13. Failing to comply with the terms of a temporary suspension and/or exclusion from the University
14. Failing to comply with a decision taken or penalty imposed under the Misconduct Procedure
15. Reoccurring Unfair Academic Practice

In addition to the above conduct expectations, student police officers are also subject to the Standards of Professional Behaviour and the College of Policing Code of Ethics (July 2014), which this joint policy supports. If a student police officer is suspected to have acted in any way that breaches these, they will be referred to Metropolitan Police Service (MPS) Professional Standards Unit (PSU) or Directorate of Professional Standards as appropriate who will make the decision as to whether or not to investigate. As such, the student police officer may be found to be in breach of the Code of Ethics and Standards of Professional Behaviour.

Appendix C – Simplified Process diagram

# Reporting of concerns

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| * Each academic partner will appoint a **module lead** to manage concerns of unfair academic practice and misconduct as it relates to relevant regulations applicable to police officers. The **module lead** will communicate all concerns to the relevant internal partners including the **Met Course Leads**.
 |
| * The **Met Course Leads** will, within 5 working days\*[[1]](#footnote-1), write to the student police officer (SPO) involved to notify them of the concerns and to details the process which will follow. The purpose of the exercise is to decide which body will lead on the matter, not to establish if the concerns are proven. The SPO will be invited to share any supporting documents to assist with the decision making process.
 |
| * The **Met Course Leads** and module lead will hold **a strategy meeting** to share, discuss and consider any evidence and agree which body will lead on the matter. The SPO will not be required to attend the strategy meeting. The MPS will retain primacy for any decision around alleged breaches of professional standards. The **Met Course Leads** will notify the PSU or DPS as required.
 |
| * The **Met Course Leads** will write to the SPO after the strategy meeting to notify them of the decision as to which body will lead on the matter. This stage may be missed if the matter is so serious and/or immediate as to warrant an immediate referral to DPS e.g. drunk on duty (including whilst at a HEI), sexual misconduct, interview under caution, arrest or if the SPO is subject to investigation by another body e.g. HMRC etc.
 |
| * The **PSU** or **DPS** will take the lead on evaluating alleged misconduct in line with the Code of Ethics and Standards of Professional Behaviour and Misconduct regulations when they consider the severity of concern warrants this.
* The PSU or DPS appropriate authority will carry out an assessment in keeping with MPS practice and consider whether there is an indication that the Student police officer may have committed a criminal offence or breached the Standards of professional behaviour set out in the Police (Conduct) Regulations 2020. Instances where a criminal offence has been committed will always be investigated (Appendix B examples)
* The MPS will retain primacy for any decision around alleged breaches of professional standards.
 |
| * If the allegation is one of poor academic practice, and not an alleged breach of the Standards of Professional Behaviour, then the academic partner will take the lead
 |
| * All decisions will be communicated to HEI Sergeants, HEI Inspectors, module leads and PEQF Head of Quality
 |

# Strategy meeting

The strategy meeting will take place to determine which of the two routes will be undertaken depending on the nature and severity of the concern. The MPS will retain primacy for any decision on alleged breaches of professional standards. Only one route may be pursued with neither route running parallel with the other.

In all cases, the Met Course Lead will write to the student police officer involved to notify them of the strategy meeting, and will:

1. Inform the student police officer of the nature of the concern that has been raised, the purpose of the meeting, signpost the student police officer to the services of the Police Federation and provide a copy of this policy;
2. Inform the student police officer that if they do not engage with the strategy meeting, or subsequent investigation, including sharing any information when requested, the strategy meeting will continue in their absence;
3. Copy this communication to Babcock MPS PEQF Head of Quality and the Module lead.

The strategy meeting will involve discussing the details of the concern and any information that has been presented, which may include the gathering of written, oral and other information from relevant sources.

As part of any subsequent investigation, the student police officer may be required to explain their work or supporting evidence to the MPS Professional Standards Unit, Directorate of Professional Standards or HEI collaboration partner. *(Student police officers should note this may include emails and social media exchanges as well as work product evidence to ensure their actions in and around their learning environment do not fall below MPS professional standards.)*

Once the module lead’s misconduct strategy meeting is concluded, the Met Course Lead or module lead will normally take one of the following actions:

1. Dismiss one or more of the concerns because there is no case to answer;
2. Determine that the concern relates to poor academic practice. In this instance, the student police officer will receive a structured development plan from the module lead or member of the HEI. The student police officer will also be directed by the module lead to sources of guidance and information on academic regulations and practice
3. Refer the concern for consideration under the Conduct Regs 2020
4. Refer the case for consideration at an unfair academic practice panel hearing if deemed valid by a subsequent investigation.

If the concern is deemed valid and the outcome is a) or b), the **module lead** will, within 5 working days of concluding the strategy meeting, complete a written report, providing the decision and explanation for their decision to the HEI inspector, student police officer, Babcock MPS PEQF Head of Quality and Met Course Lead.

If the outcome is c) or d) the **Met Course Lead** will, within 5 working days of concluding the strategy meeting, complete a written report, providing the decision and explanation for their decision to the HEI inspector, student police officer, Babcock MPS PEQF Head of Quality and module lead

Following the decision making process and agreement regarding primacy, any allegation of either Unfair Academic Practice or Misconduct will be investigated by one body only. On completion of the investigation, the matter will not be referred for an additional separate MPS or HEI investigation.

# Unfair academic practice panels

Unfair academic practice panels shall be convened on a regular basis by the module lead on behalf of the Academic Board, to investigate the facts of an unfair academic practice case and/or determine the appropriate penalty. The module lead will aim to schedule the panel within 15 working days of informing all stakeholders they have deemed a valid case of unfair academic practice has been raised. Student police officers should be signposted to seek the advice and support of the Police Federation. When two or more student police officers are involved in the same instance of alleged unfair academic practice, they may request the panel hear their case separately. This is at the discretion of the chair of the panel.

## Proceedings of an unfair academic practice panel shall be as follows:

1. The panel shall, as far as is practicable, be constituted of persons who have no knowledge of the student police officer(s) concerned with the exception of the Met Course Lead
2. All relevant documentation and written submissions, including statements from witnesses unable to attend the panel, such as examination invigilators, to be considered by panel;
3. Names of those on the panel must be sent to the module lead 5 working days prior to the panel date;
4. All relevant records of previous meetings shall be made available to the panel, together with all relevant correspondence from the module lead ;
5. Normally, at least 5 working days prior to the panel date the module lead will circulate the case papers to members of the panel, the student police officer, the MPS PEQF Head of Quality and any other colleague(s), who will present the case at the panel;
6. The student police officer shall have the right to be accompanied by a relative, friend, colleague, or preferably a Police Federation Representative. The accompanying person cannot be a professional legal representative who has been employed to act on the student police officer’s behalf nor can they act in the capacity of a legal/ employment advisor with the exception of the Police Federation Representative.
7. At least 5 working days prior to the panel, the student police officer must inform the module lead of any person accompanying them. The module lead will ensure that the case papers are circulated to him/her. If details of the accompanying person are not provided at least 5 working days prior to the panel date, the panel can reserve the right to refuse admission to the accompanying person. If the accompanying person’s behaviour within the panel is deemed inappropriate, the panel chair has the right to demand that s/he be removed from the panel; with the exception of the Police Federation Representative.
8. The panel shall have the right to call and to question witnesses in the presence of the student police officer (and relative, friend, colleague or a Student police officers’ Police Federation Representative if present):
	* + If the student police officer does not appear at the date and time scheduled for the hearing, the panel shall consider whether any reasons provided for non-attendance are valid, and:
		+ If no reasons are provided, or if they are judged invalid, proceed in the respondent's absence, regarding him or her (subject to any written account) as having admitted none of the allegations;
		+ If members so judge, adjourn proceedings to a later meeting no later than 10 days from the first meeting date.
9. If the module lead delegated to present the case on behalf of University does not appear at the date and time scheduled for the panel, the case will be permanently withdrawn, with no grounds for appeal by the University;
10. At the discretion of the panel chair, and to accommodate working patterns, an panel may take place via secure video or telephone conference;
11. The panel (including Met Course Lead) shall consider its findings in private and shall submit a written report within 5 working days to the module lead , the student police officer, the Babcock MPS PEQF Head of Quality and Met Course Lead/line manager;
12. In determining whether the allegation(s) has/have been proven, the panel must be satisfied that the allegation(s) is/are proven on the balance of probability;
13. In reaching its conclusions on whether the allegation(s) has/have been proven, the panel shall consider fully any relevant input from Lecturers, PDC’s and student welfare familiar with the student police officer's circumstances and/or previous performance;
14. Should a panel be unable to reach an agreed decision, the panel chair will determine a final decision.
15. If the student police officer is found to have breached the unfair academic practice policy, the panel will impose a penalty in accordance with Appendix A and a record of the outcome shall be kept on the student police officer's academic file and sent to MPS via the Met Course Lead.
16. Appeal against the decision of an unfair academic practice panel

An appeal is not a re-hearing of the case previously presented under the relevant procedure. It is solely a review of that process, or procedure, which is intended to establish whether the conduct of that process under the relevant procedure, prior to the appeal, was fair and had been conducted properly, and that the decisions made were not the result of perversity of judgement in the face of the evidence presented.

There shall be no appeal against the decision of the unfair academic practice panel except on the grounds that:

* + There is new and material evidence, which the student police officer was for exceptional reasons unable to present to the unfair academic practice panel. This may include evidence for extenuation.
	+ The procedures were not complied with to the extent that it was questionable whether the outcome would have been different had the procedures been complied with.
	+ There is documented evidence of bias on the part of the members of the unfair academic practice panel.
	+ The penalty imposed exceeded that available to the unfair academic practice panel.

No new evidence may be given at an appeal hearing, except where it can be shown that there were justifiable reasons why it had not been presented previously and, if it had been presented previously, would have been likely to have been material to the decision(s) made. Such justification is to be provided as part of the application to appeal.

Any student police officer wishing to appeal must submit to the module lead, a written notice stating the ground(s) of appeal within 5 working days of the date upon which s/he was informed of the unfair academic practice panel’s decision.

There shall be an appeal panel which shall be convened and shall be constituted of:

1. Two academic staff members one of whom will be a PVC/Dean, or Head of School;
2. HEI Inspector

The chair of the appeal panel shall normally be the Pro-Vice-Chancellor (PVC)/Dean, or Head of School.

The appeal panel shall, where practicable, be composed of members who are unlikely to know personally any student police officer whose case it may consider.

The panel shall appoint a secretary, who will be responsible for keeping a written record of the decisions made.

# Powers of the appeal panel

The appeal panel shall have power to:

1. Adjourn the hearing to a future date (this date is not expected to be more than ten days from the original meeting date)
2. Confirm the penalty imposed;
3. Moderate the penalty imposed to a lesser penalty. The appeal panel may not impose a greater penalty;
4. Uphold the appeal and overturn a decision to impose a penalty.

# Procedure to be followed by the appeal panel

1. The HEI module lead will invite both parties to attend the appeal hearing, informing them of the date, time and venue. The two parties will be the appellant and the chair of the unfair academic practice panel that is the subject of the appeal. There shall be no other persons invited to attend the hearing, save that the appellant may be accompanied as per below.
2. The appellant will be entitled to be accompanied to the hearing by a relative, friend, colleague or Federation representative. The accompanying person cannot be a professional legal representative who has been employed to act on the student police officer’s behalf nor can they act in the capacity of a legal advisor. The person accompanying the appellant may assist with the appeal and present evidence on the appellant's behalf, but may not answer questions on their behalf with the exception of the Police Federation Representative
3. Normally at least 5 working days prior to the hearing, the secretary will circulate the case papers to the members of the appeal panel, the appellant and the chair of the academic panel.
4. The chair of the relevant unfair academic practice panel shall be invited to submit a response to the appeal, which should be received at least 5 working days prior to the hearing. The secretary shall circulate the response to the members of the appeal panel and the appellant (and friend, relative or federation representative) at least three working days prior to the hearing.
5. In the event of late papers being received by the secretary, or previously uncirculated papers being presented by either side at the hearing, the chair of the appeal panel shall decide whether they should be admitted, taking into account that, should such admission be permitted, it should not be to the disadvantage of either party.
6. The appellant may elect not to appear in person before the appeal panel. In such cases the appeal panel will decide the appeal on the basis of written submissions. If, however, a written submission is not clear, the panel will arrive at a decision on the basis of the evidence available to it.
7. Should the appellant fail to appear at the hearing without reasonable cause or explanation, the appeal panel will hear the appeal in absentia and arrive at a decision on the basis of the evidence available to it.
8. The appeal panel, having regard to all of the written and oral evidence provided, will decide whether the decision being appealed was fair, reasonable and proportionate.
9. In the event of the appeal panel not being able to reach a unanimous decision, there will be a majority conclusion.
10. The decision of the panel will be final and there shall be no further right of appeal. Within 5 working days of the appeal hearing the panel shall issue to the appellant and the chair of the relevant unfair academic practice panel, a completion of procedures letter which will set out its reasons for either dismissing, or upholding the appeal. No further correspondence shall be entered into.

# Independent review

1. If a student police officer has exhausted the appeal procedure set out above and is not satisfied with the outcome, he/she may request that the case is reviewed by the Office of the Independent Adjudicator (OIA) which is a body independent of the collaboration University partners.
2. The grounds and eligibility for review shall be determined by the Office of the Independent Adjudicator.
3. The findings of any case considered by the independent adjudicator shall be considered directly by the academic board. The academic board shall take the recommendations of the independent adjudicator into account in reaching a final decision about any action that should be taken in response to the appeal.
4. The decision of the academic board is final and there shall be no further appeal against this decision.

More information about the OIA can be accessed at <http://www.oiahe.org.uk/>. The OIA can be contacted at 0118 959 9813 or enquires@oiahe.org.uk.

# MPS Investigation

The Professional Standards Unit would take either of the two routes below, in either of these circumstances, the student police officer should be signposted to seek advice and support from the Police Federation:

## Route one

* No action beyond recording the matter for intelligence, transparency and accountability purposes, to withstand external scrutiny from other bodies such as HMICRS, IOPC and OPCC

## Route two

* Commence a disciplinary investigation in accordance with either the Police (Conduct) Regulations 2020, the Police (Complaints and Misconduct) Regulations 2020 and pursuant to the Police Reform Act 2002
* Invoke regulation 13 Police Regulations 2003 (discharge of a Student police officer) and refer all relevant facts to the Chief Officer for their consideration

Where there is an indication that a Student police officer has breached the standards of professional behaviour to such a level that would justify the bringing of disciplinary proceedings, the **PSU** or **DPS** investigating officer as the appropriate authority, will, where required, issue the individual with a relevant notice of investigation in accordance with either regulation 17 Police (Conduct) Regulations 2020 or regulation 17 Police (Complaints and Misconduct) Regulations 2020 (as may be applicable).

**If the student police officer is found in breach of standards of professional behaviour and becomes subject to MPS process that ends in dismissal under the Regulations, they will no longer be eligible to be considered an apprentice and as such, funding towards their degree under Government apprenticeship levy funding arrangements will be terminated.**

# Appendix A – Penalty

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| Available to | Type of misconduct | Penalty |
| Hearing panel | Confirmed breach of academic standards | A mark of zero/grade of F will be assigned to the piece of work in question and to the associated assessment block. Reassessment will be permitted, but the maximum achievable grade in the assessment block will be capped at the relevant threshold grade. |
| If the case is deemed severe the HEI reserves the right to refuse any subsequent enrolments on future programmes for a specified length of time at any of their campuses. |
| Appeal Panel | Appealed outcome from Hearing Panel | An appeal panel may, in addition or as a substitute to the above scheme, apply the following penalties: Issue a formal written warning Require the Student police officer to attend a relevant training programme Require the Student police officer to apologise to the aggrieved party |
| MPS Professional Standards Unit | Criminal offence or breach of the standards of professional behaviour that is so serious as to justify disciplinary action or dismissal as set out in the Police (Conduct) Regulations 2020 | Commence a disciplinary investigation in accordance with either the Police (Conduct) Regulations 2020, the Police (Complaints and Misconduct) Regulations 2020 and pursuant to the Police Reform Act 2002Invoke regulation 13 Police Regulations 2003 (discharge of a Student police officer officer) and refer all relevant facts to the Chief Officer for their consideration |

# Appendix B - Examples

**Fraud by false representation (S. 2 Fraud Act, 2006)**

In each of the following examples, which are not exhaustive, a criminal prosecution would need to prove:-

* the student knew they were making a false representation
* the student’s conduct was dishonest
* the student knew the representation was or might be untrue or misleading
* the student’s intention was to make a gain (i.e. a university qualification, the role of a constable)

Criminal prosecutions under the Fraud Act are considered on a case-by-case basis and are prosecuted by the Crown Prosecution Service.

1. Student A, having received a warning for unfair academic practice (e.g. plagiarism) knowingly and dishonestly submits a further assignment, which contains a significant amount of unreferenced work or is absent of any attempt to acknowledge the work of others.
2. Student B buys an assignment from another (including but not limited to essay mill website), adds their name while removing others, and submits the assignment as theirs.
3. Student C copies and pastes from another student a portfolio entry, which they then submit as his or her own.

A student might also commit fraud if they adapt, supply or offer to supply any article such as a medical certificate when requesting a deferral or as part of extenuating circumstance, knowing that it has been designed or adapted for use in the course of or in connection with fraud (S.7 Fraud Act 2006)

Sources

Crown Prosecution Service (2020) The Fraud Act 2006, updated 19 December 2019 – available at <https://www.cps.gov.uk/legal-guidance/fraud-act-2006>

Draper, M.J., and Reid-Hutchings, C. (2019) Are essay mills committing fraud? A further analysis of their behaviours vs the 2006 fraud act (UK). [International Journal for Educational Integrity](https://link.springer.com/journal/40979) 15, 11 (2019). Available at <https://doi.org/10.1007/s40979-019-0050-4>

# Appendix C – Simplified Process

1. \*5 working days is Monday-Friday only [↑](#footnote-ref-1)