

## Procedure 2.12 Contingency and adverse effects

### Introduction

This procedure is intended to assist staff in preventing, coping with and reporting on 'adverse events' as and when required. It also aims to make sure that lessons are learned in order to prevent recurrences of adverse events.

Reporting adverse events will:

- aid the improvement of risk management and contingency planning processes
- ensure timely and appropriate responses to minimise adverse effects
- ensure lessons are learned by key staff and other relevant stakeholders
- aid strategic planning of the distribution of resources
- instil confidence for all stakeholders about the Academy's commitment to effective management of risks.

### Terminology

Ofqual's *General Conditions of Recognition* September 2013 concludes that: *an act, omission, event, incident or circumstance has an 'adverse effect' if it gives rise to prejudice to learners or potential learners, or adversely effects:*

- *the ability to undertake the development, delivery or award of qualifications*
- *the standards of qualifications which the centre makes available or proposes to make available, or public confidence in qualifications*
- *the delivery of an assessment which threatens assessors' ability to differentiate accurately and consistently between the levels of attainment demonstrated by learners*
- *the ability to meet a published date for the issue of results or the award of a qualification*
- *the ability to issue correct results or certificates*
- *the ability to identify an incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could affect awarding bodies*
- *costs which it anticipates will result in an increase in its fees and therefore stop a learner completing and obtaining certification*
- *its status if being party to any criminal or civil proceedings or if subjected to a regulatory investigation or sanction by any awarding body, regulatory or government body*
- *its status if a senior manager of the Academy is a party to criminal proceedings (other than minor driving offences), is subject to any action for disqualification as a company director, or is subject to disciplinary proceedings by any professional, regulatory or government body.*
- *learners failing to achieve a recognised qualification due to misleading statements, advertisements or promotions*

## **Near misses**

The Academy intends to maintain a culture where staff are free to openly discuss any 'near misses' in terms of major mistakes they may have made in assessment decisions that were noticed prior to certification. In this way the Academy is able to reduce any risk of such adverse effects occurring by ensuring that lessons are learned and such errors avoided in future.

## **Roles and Responsibilities**

### **The Principal**

Is responsible for:

- ensuring the Academy maintains a culture that encourages staff to report all known adverse events including near misses
- making sure there is a system in place to communicate '*lessons learned*' such as reports and minutes of meetings
- making sure all risks are appropriately investigated
- notifying all stakeholders and reporting to the Board of Governance on any adverse events and their effects

### **Senior managers**

All senior managers have a responsibility to:

- inform the Principal of any adverse event that needs to be addressed
- if required, investigate and take appropriate action in response to any referred adverse events
- make every reasonable effort to prevent reoccurrence of any adverse event
- make sure they communicate lessons learned from an adverse event

### **All staff**

Staff may face disciplinary action if they disclose information regarding adverse events or investigations at the Academy to any person outside the Academy (e.g. through social networking sites) without approval.

## **Procedure for dealing with an adverse event**

Staff must report near misses or actual adverse events to the Principal in full written details in an email or hard copy and include the following:

### **What happened?**

- the affected qualifications, subjects, assessments or certificates
- the key cause of concern e.g. inaccurate marking, lost assessments/evidence, IT systems/software failure
- how the adverse event was discovered

**Who is involved?**

- the students and/or staff involved or affected
- who knows about the incident

**When did it happen?**

- dates and times
- when the impact may be noticed

**Where did it happen?**

- Academy premises or elsewhere?

**Why did it happen?**

- what caused the event to occur?

**What has been done?**

- what has been done so far to mitigate against the adverse effects?

**Severity of the event**

- the extent of harm or potential harm, whether **major** or **minor**

**The following risk rating structure provides some guidance**

**1. Minor:** An event with embarrassing consequences

**2. Moderate:** There was an identified risk but the event occurred only once

**3. Significant:** The event may have an impact on a number of students and/or third parties and could damage the Academy's reputation and that of its partners

**Investigations**

The Board of Governance will establish an investigation team that will report on the facts of any significant adverse event. If the adverse event involves suspected malpractice, then investigation will be conducted in line with the Academic misconduct procedure.

The aim of the investigation is to:

- make sure all the facts and circumstances are known
- identify the cause
- obtain all the evidence
- recommend any changes to a policy or procedure

Through the investigation the following will be maintained:

- confidentiality
- rights of individuals to be accompanied

- safe keeping of evidence and records
- any lessons learned from an adverse event will be communicated to all staff

## **Notification to Pearson Awarding Organisation**

### **Mandatory notification**

Some adverse events need to be reported to Pearson if they cause:

- a material change in the Academy's governance or legal status
- a change of ownership
- a merger with another body
- any insolvency or bankruptcy proceedings

The Academy will notify Pearson if it proposes to transfer a student to another centre to complete delivery of a programme.

### **Deciding on notification**

The following principles can be used to decide upon notification of each case:

- the number of students affected
- the severity of the event
- whether the event occurred at the Academy or was misleading information
- social networking and whether the event could deteriorate
- the Principal will apply professional judgement in determining whether Pearson needs to be notified of an incident
- If in doubt about whether to notify Pearson, the Academy will err on the side of caution and notify Pearson

### **Timings of notifications**

Notification of an event to the Awarding Organisation must be made without delay. At the same time the Academy will inform the Awarding Organisation of action taken to prevent or mitigate adverse effects

### **Information to include when reporting an incident/event**

The Principal or representative will telephone Pearson and then send a written summary of the event.

Where possible, initial notification of an event will include:

- the qualifications, subjects, units, assessments affected
- the number of students affected
- what caused the incident
- what may be the impact on students
- how the incident was discovered
- who else is aware of the incident including other centres

- an action plan showing what action has been taken and what is planned

**Pearson response:**

It is likely that upon notification Pearson will:

- consider whether the Academy has given sufficient assurance that they have/will take all necessary mitigating actions to protect the interests of students
- confirm the timelines for any additional updates from the Academy with regard to any further investigation, implementation of mitigating actions, etc.
- seek assurance from the Academy that they have identified any actions required to prevent a repeat of the incident in future
- identify whether the incident is an isolated occurrence or has wider implications regarding the conduct of the Academy, or for other qualifications and awarding bodies, or
- simply acknowledge receipt of the notification and take no further action