Procedure 2.12 Contingency and Adverse Effects					
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Procedure Issued : July 2016

Policy Owner : Principal / CEO

- ❖ This procedure is shared with our students and/or can be obtained:
  - o on our website https://docklandsacademy.co.uk/policies-and-procedures
  - o on the desktops of all computers in the library on the top floor,
  - o by emailing us at info@docklandsacademy.co.uk
- ❖ Also, our students are fully informed about the main aspects of the procedure in the Student Handbooks and Learning Agreement and also during the Induction Seminar.
- ❖ The procedure is reviewed and monitored on a regular basis for currency and fitness as part of our DAL 1.9 Review and Revision of Policies and Procedures.

1. Introduction

1.1 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.

1.2 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.

2. Aims

2.1 This procedure is designed to ensure a consistent and effective response in the event of major disruption to the course delivery and assessment system affecting significant numbers of learners. The procedure will be implemented in the event of major disruption to the system, such as widespread illness, travel disruption, severe weather, or power failures. Any actions taken will be subject to the advice of the official agencies dealing with the specific circumstances being faced, for example the Police, Environment Agency, or Health Protection Agency.

2.2 Implementing the procedure will safeguard the interests of learners while maintaining the integrity of the assessment system and safeguarding qualification standards. The contingencies applied will be selected based on the context of the disruption. The priority when implementing contingencies will be to maintain the following principles:
- Delivering course to published timetables,
- Delivering assessments to published timetables,
- Delivering results to published timetables,
- Complying with regulatory requirements in relation to assessment, marking and standards.

3. Communication

3.1 In the event of local disruption, communication to lecturers and learners will take place through the administration following agreement with the CEO/Principal.

3.2 In the event of major disruption, details of specific contingencies agreed across the organisations involved in the effected processes will be confirmed on the related organisations' websites and proactively communicated to relevant stakeholders. This includes communications between the organisations involved in the response and communications to stakeholders such as centres, students, parents or carers and the public.

4. Terminology

Ofqual's *General Conditions of Recognition* October 2017 which can be found at **https://www.gov.uk/guidance/ofqual-handbook** 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.

5. 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 can reduce any risk of such adverse effects occurring by ensuring that lessons are learned, and such errors avoided in future.

6. Roles and Responsibilities

6.1 The CEO/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.

6.2 Senior Managers have a responsibility to:

- inform the CEO/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.

6.3 All staff have a responsibility to:

- inform the CEO/Principal of any adverse event that needs to be addressed,
- make every reasonable effort to prevent occurrence or reoccurrence of any adverse event,
- make sure they communicate lessons learned from an adverse event.

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.

7. Procedure for Dealing with an Adverse Event

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

7.1 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

7.2 Who is involved?
- the students and/or staff involved or affected
- who knows about the incident?

7.3 When did it happen?
- dates and times
- when the impact may be noticed

7.4 Where did it happen?
- Academy premises or elsewhere?

7.5 Why did it happen?
- what caused the event to occur?

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

7.7 Severity of the event
- the extent of harm or potential harm, whether major or minor

8. The Following Risk Rating Structure Provides Some Guidance

- **Minor:** An event with embarrassing consequences
- **Moderate:** There was an identified risk, but the event occurred only once
- **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

9. Investigations

9.1 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 DAL Procedure 2.1 Academic Misconduct.

9.2 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.

9.3 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.

10. Notifications to Pearson Awarding Organisation

10.1 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.

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

10.3 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 CEO/ 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.

10.4 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.

10.5 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,

- whether the incident is an isolated occurrence or has wider implications regarding the conduct of the Academy, or for other qualifications and awarding bodies,
- an action plan showing what action has been taken and what is planned. (whether the Academy has given sufficient assurance that they have/will take all necessary mitigating actions to protect the interests of students)
- confirmation of the timelines for any additional updates from the Academy regarding any further investigation, implementation of mitigating actions, etc.
- any actions required to prevent a repeat of the incident in future,

11. Potential Risks and Associated Contingencies

11.1 Whilst it is unrealistic to detail all possible risks associated with the operations of the Docklands Academy London, the following section aims to identify some main considerations with regards to contingency planning in response to adverse effects.

11.1.1 Teaching Staff Extended Absence at Key Points in the Academic Year / **Contingencies:**

Docklands Academy London will arrange alternative teaching staff within the Academy concerned at the earliest opportunity. If the existing staff are unable to undertake the additional workloads the Academy will seek to employ additional academic staff either on a full time or part time basis to ensure all outstanding duties are covered.

11.1.2 Lack of Appropriate Rooms or Main Venues Unavailable at Short Notice / **Contingencies:**

The CEO/Principal liaises with senior managers to aim to resolve the disruption in the shortest possible time frame. If the disruption persists, the Academy will seek to reorganise and modify its existing plans to accommodate all student groups and learning plans. If after these changes access to rooms remains an issue, the Academy will plan to rent/hire external space, suitable for educational delivery, on a short-term basis.

11.1.3 Failure of IT systems / Contingencies:

The Academy has clear processes in place to prevent failures in IT and in turn resolve issues promptly. The Academy maintains secured backups for all types of assessment and feedback to students and would be capable of retaining such records should a disruption to the IT systems occur. In the case of sustained disruption to IT systems, the Academy will also liaise with relevant external agencies, such as the awarding body or regulators, to inform them of the disruption, the impact it is having and the plans for resolution.

11.1.4 Disruption of Teaching Time – Centre Closed for an Extended Period / Contingencies:

The Academy would communicate with learners about the potential for disruption to teaching time and how they plan to address this. Lecturers would aim to correspond with students in order to support learning and guide students on accessing course materials. If the centre is closed for an extended period the Academy would arrange and alternative and suitable teaching spaces.

11.1.5 Centre Unable to Distribute Results as Normal / Contingencies:

The Academy will initiate immediate communication with the awarding body to discuss alternative options. Students will be contacted promptly to explain the situation and outline the plan for resolution.

11.1.6 Withdrawal of Qualifications / Contingencies:

Docklands Academy London is committed to putting the interests of students first and undertakes to take all reasonable steps to protect the interests of students should a qualification or unit be withdrawn for whatever reason and by whichever body. The Academy will make every effort to ensure that students are not registered onto qualifications that are due to be withdrawn before the date that students could reasonably be expected to complete the qualification. Where there appear to be students unlikely to complete prior to the qualification end date, the Academy will take all reasonable steps to identify an alternative qualification, or an alternative centre and to make the necessary transfers and other arrangements in order to enable the learners to achieve the qualification wherever possible. In the extreme case of no alternative centre being available for student transfer, the Academy will provide financial reimbursement of tuition fees to support students in the future completion of their qualification. For more details of refund of tuition fee and compensation, refer to "DAL Procedure 4.10 Refund of Tuition Fees and Compensation."

12. **Related Documents:**

12.1 Policies:
- **2** Academic Management
- **3** Teaching Learning and Assessment
- **4** Student Admissions
- **5** Student Support Engagement and Learning Resources
- **9** Facilities Management

12.2 Procedures:
- **1.9** Review and Revision of Policies and Procedures
- **2.1** Academic Misconduct
- **2.10** Special Circumstances Affecting Study
- **3.4** Tutorial Arrangements
- **3.5** Assessment Expectations
- **3.8** Feedback to Students
- **3.9** Remote Learning
- **4.10** Refund of Tuition Fees and Compensation
- **4.11** Student Protection Plan
- **4.13** Transfers, Suspensions, Withdrawals, Closure and Change in HE Provision
- **5.2** Welfare Services and Pastoral Care
- **5.3** Equality, Diversity and Special Needs
- **6.15** Safeguarding
- **6.16** Prevent Duty (Racist, Discriminatory, Abusive and Extremist Behaviour)
- **7.1** Review and Sign off PI
- **7.4** HE Public Information
- **9.4a** Health and Safety Policy under HASAWA
- **9.4b** DAL Risk Assessment
- **9.6** Business Continuity Plan

12.3 Student Terms and Conditions

12.4 External Reference Points
- **Office for Students (OfS) Requirements and Guidance** at *Advice and guidance - Office for Students*

- **British Accreditation Council (BAC) Accreditation Handbook** at *http://www.the-bac.org/wp-content/uploads/2022/10/Accreditation-Handbook-2022-web-compressed.pdf*
- **UK Quality Code Advice & Guidance – Admissions, Recruitment and Widening Access** at *https://www.qaa.ac.uk//en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access*
- **UK Quality Code Advice & Guidance – Concerns, Complaints and Appeals** at *https://www.qaa.ac.uk//en/quality-code/advice-and-guidance/concerns-complaints-and-appeals*
- **Higher Education Code of Governance** (Committee of University Chairs, December 2014) at *https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf*
- **Association of Employment and Learning Providers (AELP) principles of Good Governance for Independent Training Providers** at *https://www.aelp.org.uk/media/2595/code-of-governance-final-sept-2018.pdf*
- **OIA The Good Practice Framework: Handling Students Complaints and Academic Appeals** at *https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf*
- **UKCISA Code of Ethics** at *https://www.ukcisa.org.uk/Membership/Codes-of-practice/Code-of-ethics*
- **Equality Act – 2010** at *https://www.legislation.gov.uk/ukpga/2010/15/contents*