

Principles

The Resolution policy and procedure in relation to cheating, collusion, plagiarism and other associated misconduct is based on the following principles:

- Resolution's reputation is built on the integrity and commitment of its members. We will take any incident or reported incident of cheating, plagiarism, collusion or other misconduct very seriously and will always investigate promptly and appropriately.
- We will respond to any incident or allegation or report of cheating, plagiarism, collusion or other misconduct in line with the over-arching vision and values of the organisation and our Code of Practice, all of which emphasise the need for honesty, integrity, objectivity and respect.
- We will treat you and the person reporting concerns with respect and fairness and with due regard to confidentiality of sensitive information and will investigate any suspected incident in a manner that - wherever possible and practicable - supports any member to understand and to account for any reported matter without pre-judgment.
- We will ensure currency of our whistleblowing policy and will, within the boundaries of the whistleblowing policy, support any member or person who reports an incident, or alleged incident or concern.
- We will ensure the procedures, any investigation and decisions are transparent, balanced and reasoned and we will promptly and appropriately inform those involved of all progress.
- We will consider each and all incidents, reports or allegations made to us from whatever source without reference to race, religion, belief, gender, sexual orientation, disability or age.

Our approach to cheating, collusion and plagiarism

We will always take any report of cheating, collusion or plagiarism seriously and will investigate any and all reports and allegations thoroughly. Members should be aware that if any investigation into a report or allegation finds that there has been cheating, collusion, plagiarism or any other kind of associated misconduct, sanctions will be applied in line with this policy and procedure.

Resolution recognises that cheating, collusion and plagiarism are often difficult and complex matters. We also understand that plagiarism and collusion may occur inadvertently, for example where a candidate omits to reference a statement or quote. We accept that some members may be unaware of referencing requirements, and information about referencing, providing citations and footnotes is provided by the organisation.

Similarly, candidates may be unclear as to whether or not they may work together in planning, writing and submitting a piece of work or portfolio. It is for this reason that we will always publish clear guidance to clarify what is allowable and what is not and all candidates must read information and guidance provided by the organisation carefully and fully.

There is a distinct difference between unintentional plagiarism or collusion and that which is deliberate or sustained and is aimed at enhancing or improving a candidate's opportunity to be, or become, recognised through examination, assessment or accreditation.

Resolution also recognises that there can be pressure or temptation for any member applicant or candidate to cheat, collude or commit plagiarism, especially where it is the case that the award or qualification being applied for may have an effect on their continued employment or income.

Resolution is aware that member applicants or candidates can, or may be, particularly stressed by a process of examination or assessment and that it is possible they may have misunderstood the aims, instruction or requirements of an examination or assessment process. Therefore, as stated

in our principles, we will not pre-judge a situation, we will provide whatever support is required to that member and we will be alert to their particular circumstances. Any sanction applied in cases where cheating, collusion or plagiarism has been proved will be proportionate to the seriousness of the facts and any mitigating circumstances. However, all members are reminded that matters of cheating, collusion, plagiarism or associated misconduct are serious matters and will be treated as such.

Procedures

These procedures aim to deal with any concern, incident, allegation or report received in relation to cheating, collusion, plagiarism or associated misconduct in line with our principles and is:

- Straightforward, fair and balanced.
- Respectful of appropriate confidentiality.
- Respectful of our members, their right to be treated fairly and in a balanced way and not to be pre-judged.
- An effective, appropriate and proportionate response resulting in an outcome that is within the limits of our published framework of outcomes
- A means of protecting, improving and promoting the high standards of practice and of the professional and intellectual integrity required of Resolution's members

1. Prevention

- a) All members and member applicants or candidates should be aware of this policy and the procedures in relation to cheating, collusion and plagiarism.
- b) All member applicants or candidates should ensure they have read information and guidance published by Resolution in any prospectus or on the members section of the website in relation to their professional integrity, and in relation to cheating, collusion and plagiarism.
- c) All Resolution staff, question setters, markers and assessors will be provided with relevant guidance and information, including this policy and procedure.
- d) All member applicants or candidates will be required to sign a statement that any work submitted by them is their own, that direct quotations, significant borrowing or quoting of another's work or ideas have been identified and cited, and that any work submitted has been completed individually and not in collaboration with any other person.
- e) In signing this statement, the member applicant or candidate accepts and agrees that should they be found to have cheated, colluded, by copying or in any way acting outside of the professional integrity and ethical practice required by the organisation and detailed in this policy, they may be subject to both investigation and possible sanctions as set out in the procedure detailed below.

2. Dealing with reports or allegations

- a) In the first instance, any report or allegation should be made to Resolution's Head of Standards (or any other member of the staff team). Reports, concerns or allegations may be made by members, other member applicants or candidates, assessors or markers.
- b) In the case of another member or member applicant or candidate wishing to report a concern, an incident or allegation anonymously, we will refer them to the organisation's whistleblowing policy for their guidance and information. We will make clear that the organisation can only act within the terms of the whistleblowing policy.
- c) A member of Resolution staff will take details of the concern, incident or allegation and will also ask the reporter to provide any further details or supporting documents as soon as is possible and practicable.
- d) Once we have received the details and any documents from the reporter, the member concerned will be notified of the report received and asked to provide a response. The member will also be informed that any papers or materials they have submitted will be

subject to a review by appointed assessors or markers (the outcome of which will be notified to them along with any decision by the relevant committee of Resolution). The member concerned will also be informed of the opportunity to be confidentially supported by a member of Resolution's Mentoring scheme.

- e) On receipt of the member's response, the matter will be referred to the Specialist Accreditation Committee who will:
- Consider the original reported concern, incident or allegation and any supporting documentation, the review by the appointed assessor of any papers or portfolio materials and the response from the member. They will take into account any mitigating circumstances and the potential for genuine misunderstanding, mistake or error
 - Consider whether the reported matter involves - or might have involved - another member, not reported, but who may have committed misconduct as defined and whether a response should be sought from that member as to their involvement.
 - Ensure and confirm the reported concern, incident or allegation has been made in good faith. If it is found a report has been made without foundation or maliciously they will consider what steps can be taken in relation to the member who made the report, of course, if the report was unfounded but made in good faith these actions will not be taken.
 - Make a decision as to next steps, which may include (but is not limited to):
 - Appointing one of the members of the Specialist Accreditation or Standards Committees to investigate the matter further and to report to the Specialist Accreditation Committee
 - Make a decision on the facts available and consider either that: the concern, incident or allegation is not proved and that no further action can or will be taken; or the member has been found to have cheated, colluded or relied upon plagiarised material as their own or has committed misconduct. If this is the case, they will consider an appropriate sanction
- f) Whatever the outcome, the committee will provide a written report of any investigation (where one is undertaken), any decision or outcome and any action or sanction required of the member and will also inform the reporter as to progress and outcome.
- g) Where it is the case that the concern, incident or allegation is considered proved and a sanction is to be applied, the member will also be notified of the appeals procedure.

3. Sanctions

Resolution will always endeavour to apply a proportionate sanctions within the terms of its policies and commensurate with its over-arching principles, Code of Practice and policies. This may include, but is not limited to:

- The member concerned may be denied the opportunity to become - or be disqualified from becoming - accredited or otherwise recognised in the accreditation round during which they applied.
- The member concerned may be required to surrender an existing accreditation.
- The member concerned may be barred from making any further application to the organisation for a period of time defined by the Specialist Accreditation Committee and on re-application may be required to undertake such training or learning as defined by the Committee.
- The member may be suspended from membership for a period of time defined by the Specialist Accreditation Committee (and may be required to attend such further learning or training that the Committee deems appropriate or necessary during their period of suspension).

- Ultimately, the Committee may decide to revoke membership or accreditation, in line with the sanctions available in the complaints procedure.
- Where appropriate, or required, the matter will be referred to the appropriate regulator, generally the Solicitors Regulation Authority (SRA).
- If a report is made maliciously, without foundation or not in good faith, the sanctions listed above can also be applied to the member who made the report.

4. Appeals

- a) Where a member wishes to appeal a decision made by the Specialist Accreditation Committee (other than a referral to the SRA); they should notify their intention to appeal to the Resolution office within seven days of the receipt of notification of decision or sanction from the Committee.
- b) The member concerned will have a further 14 days to prepare an appeal statement, with any supporting documentation for delivery to the relevant Committee. The Chair of the Committee, with a member of National Committee or the Chair of the Standards Committee, will consider any appeal at the earliest possible opportunity and in any event within 28 days and will review its original decision in the light of the appeal statement and any documents received from the member concerned. The decision made on any appeal will be deemed final.
- c) Where it is the case that the Committee's decision is to refer to the appropriate regulator the member may appeal via the regulator's own arrangements for appeal.

5. Definitions

The following definitions relate to this this policy and procedure (it is not an exhaustive list):

Cheating includes:

- Knowingly copying, attempting to copy, using without permission or knowledge of or stealing the work of another member, person or professional.
- Permitting, allowing or assisting another to copy your work, or the work of another person, and present it as their own.
- Appropriation or use of the work of another member or person or of materials, theories or answers published by another or presenting the work of another which has not been appropriately or otherwise attributed to them.
- Any claim or statement made by you and known by you to be untrue for the purpose of defrauding or deceiving the organisation, appointed markers, assessors or staff.
- Any agreement made between you and another or others for the purpose of defrauding or deceiving the organisation, appointed markers, assessors or staff.
- Any action taken by you for the purpose of defrauding or deceiving the organisation, appointed markers, assessors or staff.

Collusion includes:

- Working with another member/another/others to copy their work or for them to copy yours, in either case for that work to be presented as solely your/their own.
- Any co-operation in preparing or presenting work between those who subsequently intend to or who present work as solely and individually their own.
- Receiving from any other member or person assistance in writing or presenting work as your own; providing or giving to any other member or person assistance in writing or in presenting work they will claim solely as their own.
- Supporting or endorsing any claim or statement made by another member/another person known by you to be untrue for the purpose of defrauding or deceiving the organisation, appointed markers/assessors or staff.

- Any agreement made between you and another member/another/others for the purpose of defrauding or deceiving the organisation, appointed markers, assessors or staff.

Plagiarism includes:

- Knowingly using or presenting the work of another member or another or copied or paraphrased from the work of another without appropriate attribution as your own work.
- Allowing or assisting another person to present work which has been copied or paraphrased from the work of another member or other person or from your own work without proper attribution or as their own work.
- Asking, permitting, purchasing or receiving from another member or person materials, papers or work to be presented as your own work or without proper attribution to the other person.

Misconduct includes:

- Any conduct which includes cheating, plagiarism or collusion as detailed above
- Communicating or attempting to communicate with any marker/assessor or member or staff member with a view to inappropriately appealing to or influencing the marker/assessor or staff member
- Submitting any application or work when ineligible to do so.
- Claiming professional qualification or professional experience you know to be untrue
- Assisting another member applicant/candidate or any member to knowingly cheat, collude or plagiarise.

Resolution reserves the right to alter, review and or amend this policy and procedure as necessary.

Members will be informed of any alterations and amendments

Policy and procedure in force from April 2014