

Assessment Malpractice

LMETB has adapted the following Assessment procedure from the work carried out by the ETBI National Assessment Working Group. This assessment procedure has been approved and adopted for use by all LMETB Further Education and Training Services by the LMETB Quality Assurance Governance Management Committee (QAGMC).

June 2019.

NOTE: Procedure reviewed, changes made and approved by the QAGMC

September 2021

LMETB ASSESSMENT PROCEDURES

GLOSSARY OF TERMS

<p>Appeals Examiner</p>	<p>The Appeals Examiner refers to the individual who examines the learner assessment appeal evidence and makes a decision on the appeal.</p> <p>An Appeals Examiner is appointed by the ETB and is a person who MUST be:</p> <ul style="list-style-type: none"> ▪ A subject-matter expert ▪ External to the original assessment process ▪ Has no conflict of interest with the learner or Learning Practitioner(s) ▪ External to the provider or to the original assessment process <p>Ideally, the Appeals Examiner should be an External Authenticator</p>
<p>Assessment Appeals Facilitator</p>	<p>The Assessment Appeals Facilitator or designated person refers to the individual who facilitates the learner assessment appeal. The Assessment Appeals Facilitator must have a working knowledge of assessment and quality assurance procedures; ensure that no conflict of interest exists; and have had no prior involvement in the assessment processes relating to the particular piece of assessment.</p>
<p>Centre</p>	<p>The Centre refers to any ETB College or ETB Education/Training Centre.</p>
<p>Centre Manager</p>	<p>The Centre Manager refers to the Centre Manager, Centre Director, Principal or the manager of any ETB College or ETB Education/Training Centre. In the event of the absence of a Centre Manager, an appropriate designated person should be assigned.</p>
<p>ETB</p>	<p>Education and Training Board</p>
<p>ETB Manager</p>	<p>The ETB Manager refers to any manager within the ETB.</p>

<p>Independent Appeals Committee</p>	<p>The Independent Appeals Committee refers to the committee which examines the assessment process appeals. The committee is appointed by the ETB and MUST:</p> <ul style="list-style-type: none"> ▪ Consists of a minimum of two ETB senior personnel who are external to the Centre ▪ Have knowledge of QA procedures <p>The Independent Appeals Committee should be supported by internal QA personnel.</p> <p>Depending on the nature of the appeal, personnel from outside the ETB may be required. This is at the discretion of the ETB.</p>
<p>Invigilator</p>	<p>The Invigilator refers to the individual who supervises an examination.</p> <p>Ideally, an alternative invigilator other than the Learning Practitioner should supervise an examination.</p> <p>The Invigilator (appointed by the Programme Co-ordinator) must:</p> <ul style="list-style-type: none"> ▪ sign a declaration of impartiality ▪ be appointed in line with the specific guidelines of the awarding body, if such guidelines exist.
<p>Learning Practitioner</p>	<p>The Learning Practitioner term refers to all teaching staff and includes teachers, tutors, lecturers, instructors, educators, facilitators etc.</p>
<p>Programme Co-ordinator</p>	<p>The Programme Co-ordinator refers to Programme Co-ordinator, Programme Manager or other relevant manager of course or programme. In the event of the absence of a Programme Manager, an appropriate designated person should be assigned.</p>
<p>RPL Mentor/ Facilitator</p>	<p>The RPL Mentor/Facilitator refers to an individual who:</p> <ul style="list-style-type: none"> ▪ is familiar with RPL policies ▪ has received training in RPL ▪ is a subject matter expert

ASSESSMENT MALPRACTICE

Principles of Assessment in Relation to Assessment Malpractice

Quality assured assessment ensures that in criterion referenced assessment “learners are assessed and the assessment judgment is made based on whether the learner has reached the required national standards of knowledge, skill and competence for the award” (QQI, Revised 2018 p.5). Central to quality assured assessment is the assumption that learners are assessed in a fair and consistent manner in line with the award standard. Quality assured assessment ensures adherence to the principles of assessment.

The following sets forth the principles of assessment which apply to this document: these principles are based on the QQI (Revised 2018) principles for assessment.

Validity

Validity is a fundamental assessment principle ensuring that an assessment measures what it is designed to measure: the relevant standard of knowledge, skill or competence required for an award should be assessed.

Validity in assessment occurs when:

- Assessment is fit for purpose (i.e. a practical assessment assesses a practical skill)
- Learners can produce evidence which can be measured against the award standard
- Assessors can make accurate assessment decisions
- Assessment is accessible to all candidates who are potentially able to achieve it

Reliability

Reliability in assessment ensures that assessment measurement is accurate: the knowledge, skills and competence which the assessment measures should produce reliable and accurate results. Reliability in assessment ensures that results are consistent under similar conditions.

Reliability in assessment occurs when:

- The assessment is based on valid assessment techniques
- Assessment conditions are consistent
- Learner evidence is reliable
- Results are consistent across various assessors, contexts, conditions and learners over time.

Fair

Fairness in assessment supports the validity and reliability principles and provides equal opportunity to all learners. Fairness in assessment ensures learners have access to appropriate resources/equipment in assessment; assessment design and implementation are fair to all learners; and policies and procedures exist to ensure fair assessment of learners.

Quality

Quality in assessment ensures that all assessment processes are quality assured.

Transparency

Transparency in assessment ensures that assessment policy and procedures provide clarity to all relevant stakeholders.

Based on QQI Principles for Assessment (QQI, Revised 2018)

Assessment is underpinned by the **principles of assessment** including the ***fair*** principle (equal opportunity for all learners) and ***consistent*** principle (consistency in approach to assessment across LMETBs, programmes and modules). As such, in order to ensure the fair and consistent assessment of learners, the following procedure should be followed in relation to any suspected malpractice cases.

Definitions

Assessment System Irregularity and Assessment Malpractice

It is important to distinguish between **assessment system irregularity** and **assessment system malpractice**. The decision on whether an issue is deemed to be considered an assessment system alleged irregularity or malpractice will relate to the intent, scale or fraudulent nature of the incident by the offender. An issue that may initially be adjudged to be an assessment system irregularity could, after preliminary investigation, be determined to be an alleged malpractice issue. Where such an issue is deemed to be an alleged malpractice, the procedures outlined in this document must be utilised.

Definition of Assessment System Irregularity

Assessment system irregularities are typically accidental omissions or mistakes which are detected by mechanisms within the assessment system, are corrected, and which do not impact on the validity of the assessment. These could include test administration errors, missing assessment data, errors in transcription etc. which are detected and rectified. All instances of irregularities should be documented and addressed in line with this procedure.

Definition of Assessment Malpractice

An assessment system malpractice is any act or practice which brings into question the validity or integrity of the assessment process and which normally arises due to one or more non-accidental factors.

Two categories of malpractice exist:

- Learner Malpractice
- Staff Malpractice

This procedure relates to Learner Malpractice only.

Learner Malpractice

Learner Malpractice is defined as malpractice committed by a learner during the course of the assessment process.

Examples of learner malpractice include but are not limited to:

Plagiarism

Learner plagiarism is defined as the practice of learners submitting any work for assessment that is not their own original work. This could be any percentage of work that has not been referenced and has been copied from published work, the internet, other learners' work and/or other sources.

Plagiarism in assessment may include but is not limited to:

- Representing work completed by and/or authored by another person (including other learners, family, work colleagues and friends) as their own
- Procuring work from a company or external source including the internet
- Copying work from any source or medium without reference (i.e. website, book, journal article)

- Taking a passage of text, or an idea, and summarising it without acknowledging the original source
- Passing off collaborative work as one's own
- Piecing together sections of others' work into a new whole
- Submitting another learner's work with or without their knowledge.

The submission of such plagiarised materials for assessment purposes is fraudulent and all suspected cases will be investigated and dealt with appropriately using the procedures outlined in this document.

Suspected cases of plagiarism will only be investigated when there is a declaration of authenticity which has been signed by the learner. Any electronic assessment submitted is deemed as having been declared as authentic by the learner.

and/or

Unacceptable Behaviour

Unacceptable behaviour in assessment may include but is not limited to:

- Unauthorised removal of assessment material from the assessment location
- Deliberate damage to or destroying of assessment related materials
- Use of electronic communication device/technology or other unauthorised materials during the assessment
- Assisting other learners during the assessment
- In an assessment event (e.g. examination), any form of communication with other learners (written, verbal, gestures, expressions, pointing, etc.)
- Collusion by working collaboratively with other learners, beyond what is allowed
- Copying from another learner (both parties involved in the investigation)
- Fabrication of results and/or evidence
- Falsification (faulty data collection methods)
- Behaving in such a way as to undermine the integrity of the assessment event or process.
- Impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment
- Engaging in unsafe practices in assessment
- Disruptive, violent and offensive behaviour in relation to assessment
- Tampering or interfering with assessment materials or another learner's work
- Submission for assessment of a piece of work that has been purchased/procured from another source where the work is not the learner's own work.

This list is not exhaustive

Please note that in practice, many issues can be resolved at an informal level in FET Centres/Colleges, without having to immediately instigate the formal investigations outlined in this Assessment Malpractice procedure. It is LMETB's intention that formal processes will only be initiated if informal approaches are not successful in resolving the issue.

Malpractice Roles and Responsibilities

All Staff

All staff involved in the assessment process, have a responsibility for ensuring the integrity and validity of the ETB assessment system. All staff must ensure that they are aware of policies and procedure in relation to:

- planning for assessment
- conducting of assessment
- conclusion of assessment

A person making an allegation of malpractice invoking the Protected Disclosures Act 2014 must follow LMETB's Protected Disclosures policy and procedures.

[LMETB's Protected Disclosures Policy](#)

Additionally, all staff involved in the assessment process must ensure that the assessment process is conducted in line with quality assurance policies and procedures and that any variances in assessment system practices are investigated appropriately as outlined in this procedure.

The Manager

The manager (including the Centre Manager) is required to adhere to the role and responsibility outlined above for all staff.

The Programme Co-ordinator

The Programme/Centre Co-ordinator is required to adhere to the role and responsibility outlined above for all staff. Additionally, the Programme/Centre Co-ordinator must also ensure that all Learning Practitioners ¹²are made aware of their roles and responsibilities in relation to the assessment process. The Programme/Centre Co-ordinator must also ensure that Learning Practitioners are made aware of the policies and procedure in relation to the assessment process and the process of investigation of any suspected malpractice.

The Learning Practitioner

The Learning Practitioner is required to adhere to the role and responsibility outlined above for all staff. Additionally, the Learning Practitioner must be aware of the policies and procedures in relation to the assessment process.

Suspected Learner Malpractice Procedure

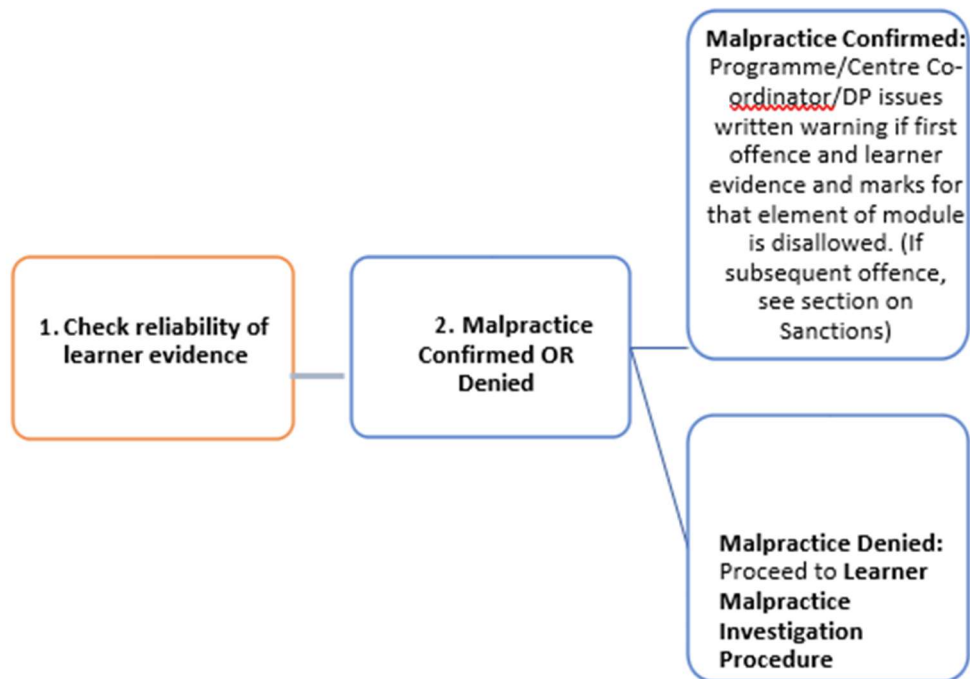


Figure 1.1 Suspected Learner Malpractice (Plagiarism) Procedure

Check Reliability of Learner Evidence

In the event of suspected learner malpractice, the Learning Practitioner must check the learner assessment evidence for reliability using plagiarism software and/or questioning outlined in Table 1 and meet with the learner to discuss the assessment evidence.

Table 1: Reliability of Learner Evidence

<p>Reliability of Learner Evidence - Where the Learning Practitioner is not in a direct position to observe the learner carrying out the assessment activity or collecting the evidence first hand, e.g. when a portfolio or project is used, s/he must be confident that the evidence was actually produced by the learner, i.e. it is reliable learner evidence. This is particularly important when group assessment is used.</p> <p>The following are ways in which the Learning Practitioner may ascertain that the learner evidence produced is reliable and genuine. The Learning Practitioner should, where appropriate, implement a range of these</p>	
<p>Questioning</p>	<p>This involves asking the learner to explain and describe part of the evidence.</p> <p>It is important to concentrate on how the evidence was produced. This will enable the learner to show that s/he was responsible for producing the evidence and will also give the learner the opportunity to apply the knowledge and skills required. Questioning may include using the following methods:</p> <p>Authorship Statement - An authorship statement from the learner testifying the evidence as being his/her original work. An authorship statement could be provided with regard to all evidence submitted.</p> <p>Personal Log - This is a record of how the learner planned and developed the evidence. A personal log should identify problems and how they were overcome by the learner.</p> <p>Personal Statement - A personal statement may be used to explain the actions of the learner in carrying out activities or producing the evidence. Personal statements should be clear and explain the learner's role and the context in which the evidence was produced. Personal statements can provide evidence of knowledge and understanding.</p> <p>Peer Reports - Peer reports are especially suitable for group work. Peer reports are reports drafted by all group members which can help explain individual involvement in a task or project.</p> <p>Independent Testimony - This is a statement produced by an individual other than the Learning Practitioner, which confirms that the learner has carried out a series of tasks or produced a product. It should record what the learner has demonstrated and corroborate the learner evidence submitted. The identity and role of the individual to provide the testimony for the learner should be agreed in advance between the Learning Practitioner and the learner. The use of independent testimony is not intended as a mechanism for assessing learner evidence but as a tool to corroborate the reliability of that evidence.</p>

Malpractice Confirmed/Denied

Malpractice Confirmed

On completion of the checking of learner evidence and meeting with the learner, the learner may **acknowledge** that his/her assessment evidence has been plagiarised either by poor academic honesty or dishonestly. In this case, the Programme Co-ordinator issues a written warning if this is the learner's first offence within the Centre and learner evidence for that element of module is disallowed. The learner is **not allowed to resubmit the evidence**. Where this is a second offence, more serious sanctions will be applied (see Section 6 Sanctions).

Malpractice Denied

On completion of the checking of learner evidence and meeting with the learner, the learner may **deny** that his/her assessment evidence has been plagiarised either by poor academic honesty or dishonestly. In this case, an investigation must take place (see p.13 Learner Malpractice Investigation Procedure).

Learner Malpractice Investigation Procedure

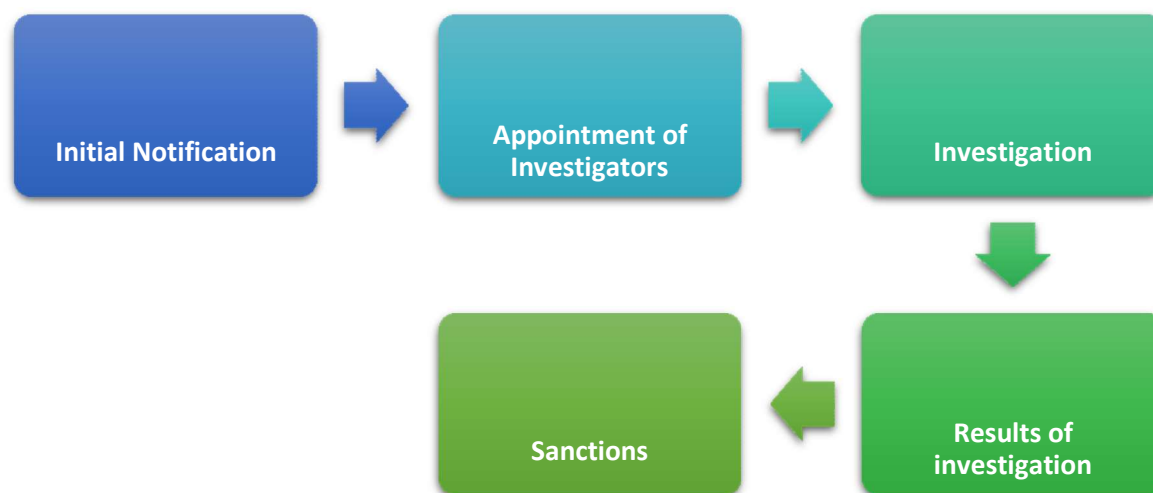


Figure 1.2 Learner Malpractice Investigation Procedure

Initial Notification

In the event of suspected learner malpractice in an assessment event (e.g. examination), this should be dealt with promptly by the Assessment Invigilator and in accordance with LMETB's **Examinations Procedure: Planning, Conducting and Concluding**. These instances must be recorded in the **Invigilator Report**.

In all cases where an alleged malpractice is identified, it must be notified to the Programme/Centre Co-ordinator/Designated Person (DP) and/or other personnel with responsibility for the operation of the programme. Notification to the learner must be in writing (see Appendix 3).

Appointment of Investigators

The Programme/Centre Co-ordinator/Designated Person will decide who should undertake the investigation in consultation with his/her senior management team. It is recommended that at least two staff members are involved in the investigation and should include the Programme/Centre Co-ordinator/Designated Person (DP) and a Learning Practitioner with assessment experience (unless there is a conflict of interest, see p.14). The Programme/Centre Co-ordinator/DP is required to co-ordinate the investigation. In certain cases, if required, and in conjunction with the relevant Manager, an investigation may be undertaken by:

- An external investigator
- Internal Audit

The Programme/Centre Co-ordinator/DP must complete the ***Alleged Assessment System Malpractice Report*** (see Appendix 1: **Section 1: General**). It is important that only one report per learner is completed. If the alleged assessment system malpractice is suspected for more than one learner, separate forms must be used.

Any person who has a possible conflict of interest should not be involved in any investigation or subsequent making of judgments (see below for information on Conflict of Interest).

Conflict of Interest

Conflict of interest means any issue that might unfairly influence, or appear to influence, the outcome of an investigation. Possible Conflict of Interest relates to situations where personnel:

- Have a personal relationship or family relationship with the learner being investigated
- Have a professional relationship with the learner being investigated that may be perceived to unfairly influence the investigation process

The Programme/Centre Co-ordinator/DP shall be responsible for ensuring that a conflict of interest does not arise and that all members of an investigation panel sign a declaration to that effect (see Appendix 2). In cases where conflict of interest is identified, alternative arrangements must be put in place.

Natural Justice

Those responsible for conducting an investigation shall establish the full facts and circumstances of any alleged assessment system malpractice. It should not be assumed that an allegation equates to proof of a malpractice. Any investigation into an alleged malpractice shall have due regard to the principles of natural justice. As such, it is necessary that those responsible for managing the conduct of any investigation must ensure adherence to these principles. This includes ensuring that:

- All investigations do not disadvantage the person against whom the allegation is made and are concluded within a reasonable timeframe (it is expected that this should be completed as promptly and as efficiently as possible except in exceptional circumstances which may take a maximum of **40 working days**) from the date of the notification to the Centre Manager of the alleged malpractice
- The learners in question are made aware of the allegation and are given the opportunity to respond
- Care is taken to avoid conflict of interest (see above)

The learner/learners against whom an allegation is made should therefore:

- Know what evidence exists to support that allegation
- Know the possible consequences should an assessment system malpractice be proven
- Have the opportunity to consider their response to the allegations (if required)
- Have an opportunity to submit a written statement
- Have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- Be informed of the applicable appeals procedure, should a decision be made against him or her

- Be informed of the possibility that information relating to a particular malpractice may be shared with other relevant parties

Investigation

All notified alleged assessment system malpractices must be investigated.

It is expected that the investigation should be completed as promptly and as efficiently as possible except in exceptional circumstances which may take up to a maximum of 40 working days from the date of the notification to the Centre Manager of the alleged malpractice.

Communication with Learner/Learners to be Investigated

The Programme/Centre Co-ordinator/DP shall be responsible for communicating in writing to the learner to be investigated, in relation to the alleged assessment system malpractice(s).

The initial communication shall:

- Provide notification that an allegation of an assessment system malpractice has been received
- Advise that LMETB's Assessment Malpractice Procedure will outline how the investigation will be conducted
- Emphasise that the investigation will be carried out in a discreet and confidential manner except in exceptional circumstances. Exceptional circumstances cannot guarantee this confidentiality as identity may need to be disclosed to:
 - An Garda Síochána, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime including fraud)
 - The courts (in connection with court proceedings)
 - Other person(s) to whom LMETB and/or awarding bodies are required by law to disclose identity
- Avoid implying or suggesting that conclusions have already been determined or that decisions have been made in respect of the application of corrective actions

Note: Template for this communication (see Appendix 3).

Establishing the Facts within the Investigation

The investigating team should endeavour to obtain all the relevant facts about the alleged assessment system malpractice. This may be done through some or all of the steps outlined below:

- Review of allegation details
- Interview with the learner being investigated
- Interview with personnel and or management connected to the course, project or alleged malpractice
- Interview with learners connected to the course, project or alleged malpractice
- Interview with the other relevant parties
- Written statement(s) from the learner being investigated

- Written statement(s) from learners connected to the course, project or alleged malpractice
- Written statement(s) from personnel connected to the course, project or alleged malpractice
- Written statement(s) from other relevant parties
- Review of related assessment reports
- Review of previous learner record to seek to establish whether there has been **any** previous malpractice investigations previously for this learner/learners
- Other related records

Confidentiality

Confidentiality is a key aspect in the conduct of an investigation into an alleged malpractice, due to the risk of reputational damage to learners involved. In order to ensure confidentiality is maintained before, during and after an investigation, the following conditions should apply:

- Material relating to any allegations, findings or conclusions must not be made known to any parties, either internally or external to the Centre, beyond those key to the investigation
- It is not necessary to inform all learners being interviewed of the details of meetings with other parties unless there is a specific relevant matter to be raised
- The name or other details of the learner making the malpractice allegation should not be divulged to the learner/learners to be investigated without consent
- All material relating to the investigation must be held and stored in a secure manner. Material relating to a given investigation should be stored together on a single file. Each file should have a unique code to identify the investigation. Copies of electronic material should also be held with this file

Results of Investigation

The Investigation Report

Typically, the **Investigation Report** (see Appendix 1: [Section 2: Investigation Report](#)) that results from the investigation of an assessment system malpractice shall contain the following:

- Number of learners affected and/or implicated
- How the alleged malpractice was identified and notified to the relevant Programme/Centre Co-ordinator/DP. The nature of the malpractice and the specific assessment procedure(s) or assessment rule(s) or assessment regulation(s) that has/have allegedly been breached, as well as the award details
- Details of the scope of the investigation carried out
- The findings:
 - details of the procedure, rule and/or regulation that is alleged to have been breached
 - a statement of the facts as described by all parties
 - details of any mitigating factors.
- Any recommendations based on the findings

- Conclusion (whether the malpractice allegation is substantiated or unsubstantiated)

While the investigating team are required to make recommendations based on the findings, the team should not adjudicate on the report findings.

The report will be signed and dated by the investigating team. Any written statements notes of interviews or other relevant documentation reviewed or obtained as part of the investigation must be filed separately and securely as part of the investigation process.

Report Findings Adjudication

The Investigation Report is submitted to the relevant Programme/Centre Co-ordinator/DP. The relevant Programme/Centre Co-ordinator/DP adjudicates on the report findings and notifies the person(s) involved in writing as to whether the allegation has been substantiated or not. Where the allegation is substantiated, the notification will include details of the appeal process in regard to the findings and the sanctions/consequences for this breach of the assessment malpractice. The Programme/Centre Co-ordinator/DP must complete the **Findings Adjudication and Communication of Findings Report** (see Appendix 1: Section 3: Findings Adjudication and Communication of Findings).

Communicating the Results

The relevant Programme/Centre Co-ordinator/DP is responsible for ensuring that the notification of the alleged assessment system malpractice investigation finding is communicated to the relevant learners within a defined timeframe **ten (10)** working days from the date of receipt of the investigator's report.

The finding of an investigation into an alleged assessment system malpractice may be:

- Unsubstantiated Assessment System Malpractice
- Substantiated Assessment System Malpractice.

Note: Template for this communication (see Appendix 4).

Unsubstantiated Assessment System Malpractice

If the assessment system malpractice is found to be unsubstantiated, the relevant Programme/Centre Co-ordinator/DP will convey the findings of the investigation, in writing and within the timeline specified, to the learners(s) involved. A record of the investigation is kept on file.

The learner's assessment evidence is accepted by the Centre/College and should be marked and graded in accordance with the standards of the award. The actual marks and grade awarded are determined solely on the basis of the evidence submitted in accordance with the standards for the award. **There is no mark/grade penalty under this procedure.**

Substantiated Assessment System Malpractice

Where the allegation is substantiated, the relevant Programme/Centre Co-ordinator/DP will convey the findings of the investigation, in writing and within the timeline specified, to the learners(s) involved and should include details of the sanctions/consequences of the assessment system malpractice.

In addition, the notification to the person must also outline the Assessment System

Malpractice Appeal process and the timeline in regard to the appealing the findings.

Communicating the Findings to Other Persons

In addition, the relevant Programme/Centre Co-ordinator/DP will convey, as appropriate, the outcome of the assessment system malpractice investigation in writing to the relevant manager.

Sanctions for Assessment System Malpractice

Depending on the findings of an investigation and the outcome adjudicated, further steps, such as **sanctions** or **disciplinary action**, may be required.

Sanctions

About SANCTIONS

- Sanctions are dependent on:**
- The severity of the malpractice
 - History of substantiated assessment malpractice by learner in the centre (if, for example, findings from a previous investigation have evidence of substantiated assessment malpractice against the learner in the Centre)
 - Nature of assessment activity

Examples of sanctions which may be taken (this list is not exhaustive):

<p>1. Written warning and assignment is marked as zero and submitted</p>	<p>When might this happen?</p> <p>It is envisaged that this will occur in the following instances (this list is not exhaustive):</p> <ul style="list-style-type: none"> ▪ The learner has not submitted draft material for feedback earlier in the assessment process which may have highlighted the issue. ▪ The learner has submitted assessment evidence which has been plagiarised ▪ The learner has plagiarised an element of a module (e.g. research element of a project) ▪ The learner has used another learner’s work <p>What happens?</p> <ul style="list-style-type: none"> ▪ The learner is issued with a written warning by the Programme Co-ordinator. ▪ The assignment is marked as zero and submitted. ▪ The learner is also notified that if the offence is repeated once within the Centre, further sanctions will be applied.
<p>2. Evidence for the entire module marked as zero and submitted</p>	<p>When might this happen?</p> <p>It is envisaged that this will occur in the following instances (this list is not exhaustive):</p> <ul style="list-style-type: none"> ▪ Unacceptable behaviour (see p.8) ▪ Large element of assessment evidence is not the original work of the learner (copied from another learner, poor academic honesty in assessment evidence, etc.) <p>What happens?</p> <p>Evidence from the learner is marked as zero and submitted</p>
<p>3. Results will not be submitted, or will be cancelled (exceptional case)</p>	<p>When might this happen?</p> <p>It is envisaged that this will occur in the following instances (this list is not exhaustive):</p> <ul style="list-style-type: none"> ▪ Unacceptable behaviour (see p.8). <p>What happens?</p> <p>LMLETB may withhold or cancel results and/or certificates if there is evidence to prove, or on the balance of probabilities it is found, that the results/certificate(s) issued to the learner are invalid.</p>

Disciplinary Action

About DISCIPLINARY ACTION

Disciplinary Action is dependent on:

- The severity of the malpractice
- History of substantiated assessment malpractice by learner in the centre (if, for example, findings from a previous investigation have evidence of substantiated assessment malpractice against the learner in the Centre)
- Nature of assessment activity

Disciplinary Action

Disciplinary Action will be in line with the relevant Centre and LMETB policy guidelines.

Communication of Sanctions to the Learner

If no appeal has been lodged, the relevant Programme/Centre Co-ordinator/DP can proceed to notify the learner, in writing, of any sanctions being imposed.

The notification will include details of the Assessment System Malpractice Sanction Appeal process, including the timeline for an appeal of a sanction.

Implementation of Sanctions to Learners

If no appeal has been lodged, the relevant Programme/Centre Co-ordinator/DP can proceed to implement the sanctions.

Appeals of Assessment System Malpractice Finding

The learner has the right to appeal the decision in relation to assessment deadlines. Appeals must be made within **five (5) working days** of the decision. In exceptional circumstances the Programme/Centre Co-ordinator/DP may extend this. All appeals must be made in writing using the **Appeals Assessment System Malpractice Application Form** (see Appendix 5).

The grounds on which the appeal process can be activated are as follows:

- The alleged malpractice was not dealt with in accordance with fair procedures
- The regulations did not adequately cover the circumstances relating to the malpractice
- New information has become available that was not available to the investigation
- Decision was wrong and not supported by evidence

Decisions on appeals are final.

References

QQI (2018 Revised) Quality Assuring Assessment Guidelines for Providers. Ireland: QQI. Available from:

[QQI Quality Assuring Assessment Guidelines \(2013, Revised 2018\)](#)

APPENDIX 1: Alleged Assessment System Malpractice Report Template

STRICTLY PRIVATE AND CONFIDENTIAL

SECTION 2: GENERAL

Provider Details			
Centre Name:			
Address:			
Course Reference Number/Contract Number/Course Code (as applicable):			
Contact Name:		Position:	
Email Address:		Contact No:	
Assessment Details			
Award Details (Type/Level/Title): <i>e.g. Minor Level 5 Computer Applications</i>			
Title of Assessment:			
Assessment Location:			
Description of Alleged Malpractice			
Date of Alleged Malpractice:		Time of Alleged Malpractice:	
Description of Alleged Malpractice <i>(Specify the assessment procedure/rule that has allegedly been breached. Include details of mitigating factors, if any):</i>			
Number of Learners Impacted (if any)			
Nature of Impact on Learners			
Certification Status at time of Allegation Notification (tick as appropriate)			
Certificates not requested and will not be progressed until process is concluded			
Certificates have been issued and are to be retrieved and held pending outcome of process			
Certificates have not been issued and will be held until the process is concluded			
Certification will not be impacted			

Notification of Malpractice Allegation			
Name of relevant Programme/Centre Co-ordinator/DP:			
Notified by (name):			
Date of Notification:	<input type="checkbox"/>		
Learner to be investigated notified in writing	Yes	Date:	
Name(s) of Investigator(s):		Contact Number:	
		Email Address:	
Comment:			

SECTION 2: INVESTIGATION REPORT

If this section is not applicable, please tick

Investigation			
Name(s) of person(s) spoken to/met:			
Documents reviewed:			
Evidence reviewed:			
Investigation Findings			
Investigation Findings:			
Supporting Documents/ Evidence/Testimony:			
Allegation substantiated:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Investigation Report submitted to relevant Programme/Centre Co-ordinator/DP:	Date:		
Signed (Investigator):		Date:	
Print Name:			

SECTION 3: FINDINGS ADJUDICATION AND COMMUNICATION OF FINDINGS

If this section is not applicable, please tick

Findings Adjudication by the Programme/Centre Co-ordinator/DP			
Malpractice Allegation Findings	Substantiated <input type="checkbox"/>	Not Substantiated <input type="checkbox"/>	
Comment:			
Signed (Programme/Centre Co-ordinator/DP):		Date:	

Communication of Adjudicated Findings				
Adjudicated Findings	Communicated to: (as relevant)	Please tick	Date	Informed by
	Investigated Learner	<input type="checkbox"/>		
	Relevant Manager	<input type="checkbox"/>		
	Other	<input type="checkbox"/>		

SECTION 4: SANCTIONS FOR ASSESSMENT SYSTEM MALPRACTICE (LEARNER ONLY)

If this section is not applicable, please tick

Sanction	
The sanction(s) recommended:	
Approved: Signed (Programme/Centre Co-ordinator/DP):	Date:

Communication of the Sanction				
Sanction being imposed:	Communicated to: (as relevant)	Please tick	Date:	Informed by:
	Relevant Learner(s)	<input type="checkbox"/>		
	Relevant Manager	<input type="checkbox"/>		
Other party informed (specify):				

APPENDIX 2: Declaration regarding Conflict of Interest

Declaration regarding Conflict of Interest

for Persons involved in the Investigation of an Alleged Malpractice with the LMETB Centre Assessment System

Conflict of interest means any issue that might unfairly influence, or appear to influence, the outcome of an investigation. A conflict of interest for a person investigating an alleged malpractice with the ETB Centre assessment system shall be deemed to exist if the personnel:

- *Were engaged in any aspect of the assessment process (including quality assurance functions)*
- *Have a personal relationship or family relationship with the party being investigated*
- *Are perceived to have a professional relationship with the party being investigated that may unfairly influence the investigation process*

Where a conflict of interest exists, there can be no involvement in the investigation of the alleged malpractice, or the decision-making surrounding the outcome of the alleged malpractice.

Centre:	
---------	--

This is to certify that, as far as I am aware, no conflict of interest exists in relation to my participation in the investigation of the above-mentioned Alleged Assessment System Malpractice.

Name (Block Capitals):	
Signature:	
Position:	
Date:	

APPENDIX 3: Notification of Investigation Letter Template

NAME

COMPANY NAME (if applicable)

ADDRESS 1

ADDRESS 2

ADDRESS 3

Reference Number:

Date: <dd/mm/yy>

Subject: Alleged Assessment System Malpractice

Dear Mr/Ms < Name>,

I wish to inform you that it has come to our attention that an assessment system malpractice may have occurred relating to: *(delete as appropriate)*

<Assessment Title> held at <Location> on <date>.

<Assessment Event> held at <Location> on <date>.

<other - specify what the alleged malpractice relates to, when and where it is alleged to have occurred if known>

The < Centre Name> intends to conduct an investigation into the alleged malpractice in accordance with the LMETB *Assessment Malpractice Procedure* (copy attached). You will be contacted by the Investigator appointed to investigate the alleged assessment malpractice in due course.

I wish to assure you that the investigation will be carried out in a discreet and confidential manner, and will have due regard to the principles of natural justice for all parties concerned.

If you require any further information please do not hesitate to contact me. Please quote the reference number above in all your correspondence with the < Centre Name> in this regard.

Yours sincerely

<Name>

Manager

APPENDIX 4: Notification of Assessment System Malpractice Finding Letter Template

NAME

ADDRESS 1

ADDRESS 2

ADDRESS 3

Reference Number:

Date: <dd/mm/yy>

Subject: Finding of the Alleged Malpractice Investigation

Dear Mr/Ms < Name>,

I am writing to tell you about the finding of our investigation into the malpractice allegation. We have <upheld / not upheld > (*delete as appropriate*) the allegation.

(In the case of an allegation that has been upheld)

<If you want to appeal this finding, you must complete the attached application form and return it to me **within ten (10) working days** from the date of this letter.

If you require any further information, please do not hesitate to contact me. Please **keep this letter** as you will need the above reference number to complete the appeal form (if you are taking one) and when you contact us on this matter.

Yours sincerely

<Name>

Manager

APPENDIX 5: Appeals of Assessment System Malpractice Application Form

Instructions

Please complete **all** parts of this form in BLOCK letters. Send it to the relevant **Programme/Centre Co-ordinator/Designated Person** who wrote to tell you about the assessment system malpractice finding. Please do this within **five (5) working days** from the date of their letter.

Nature of Appeal:	Appeal on Findings <input type="checkbox"/> Appeal on Sanctions <input type="checkbox"/> (please tick one box)
Name:	
Address:	
Reference Number (you will find this on your letter):	
Contact number:	
Email address:	

Reason for your appeal (please tick one box only)	
Malpractice was not dealt with in line with the Centre procedures	<input type="checkbox"/>
Regulations did not adequately cover the circumstances around the malpractice	<input type="checkbox"/>
New information is now available that was not available to the investigation	<input type="checkbox"/>
Please explain your reason for this appeal application:	
Print Name:	
Signature:	Date:

Part B: (Office Use) This section must be completed by the relevant LMETB Manager	
Name:	
Receipt date of application:	
Application:	I can confirm that a review of the Application has been completed and that the Appeal is Granted <input type="checkbox"/> Declined <input type="checkbox"/>
Reason:	
Signature:	
Date:	