

Learner Assessment System Malpractice

Information for Learners



Rialtas na hÉireann
Government of Ireland



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1. About this document

This document explains:

- what learner malpractice in assessing learners' performance means, and
- the steps involved in dealing with it.

Learner Malpractice is malpractice (wrong doing or misbehaviour) committed by a learner during the assessment process. We give examples of what we mean by malpractice below.

In this document we are using the word '**you**' to mean the learner who is accused of committing malpractice. The ETB Training Centre Manager is the Manager who is responsible for the training programme and who writes to you about the malpractice.

We hope you find this document helpful.

2. Examples of malpractice

Examples of malpractice by learners include:

- Copying from another learner.
- Copying or passing off another person's work as your own (Plagiarism). This can be from a book or the internet. It can also be from notes or another person's test.
- Removal of assessment material from the assessment location without permission (for example, taking examination papers from the test centre).
- Using electronic communication devices or other materials that you are not allowed during the assessment. For examples, we don't allow mobile phones, tablets and so on.
- Assisting other learners during the assessment (cheating).
- Collusion by working with other learners, beyond what is allowed (for example, speaking to other learners during the assessment).
- Making up your results or evidence.
- Behaving in such a way as to undermine the integrity of the assessment event. For example, talking loudly during a test or disturbing others.

- Pretending to be someone else so that they can produce work for you, for example, getting them to do a project for you or doing the assessment for you. (This is called impersonation).
- Engaging in unsafe practices during a test, such as playing with work tools.

The above are just **some** examples of malpractice.

3. Steps involved in investigating learner malpractice in assessment

There are **six main steps** involved in investigating a claim (allegation) of learner malpractice in your assessment on your training course.

Step 1: Letting you know about the claim of malpractice

Where an alleged (a claim of) malpractice is made, the person who is making the claim **must** tell the relevant ETB Training Centre Manager with responsibility for the training the programme. This person can tell them verbally or in writing of their suspicions.

The relevant ETB Training Centre Manager will then:

- write to you to let you know about the claim of malpractice made against you and that they are going to investigate the claim,
- appoint an investigator to carry out an investigation, and
- make sure that the investigation is done within **40 working days** from the date the Manager was told. Sometimes the investigation will take less time. Other times (very rarely) where number of people involved or other circumstances, the investigation may take longer.

Step 2: Investigating the allegation

The investigator will gather the facts about the alleged assessment system malpractice.

They will probably:

- interview you, and
- ask you to write a statement (note) on the assessment in question and how you did it.

The investigator will then write a report and decide if the assessment system malpractice allegation against you is upheld (found to be true) or not.

Step 3: Telling you about the findings of the investigation

The relevant ETB Training Centre Manager will let you know if the allegation against you is upheld or not. They will do this **within 10 days** from the date of them receiving the investigator's report.

If the allegation against you is upheld (found to be true), you can make an appeal. The relevant Manager will also explain the appeal process to you.

Step 4: How to appeal a malpractice finding

Where an assessment system malpractice allegation is upheld (found to be true), you may start an appeal of those findings. You must fill out a form to appeal the findings of the investigation. The form should have been included in the information sent to you by the relevant ETB Training Centre Manager. If not, please ask us for a copy. You have to give a reason why you are appealing and explain why you feel that the finding is unfair or wrong. You must do this within 10 days of getting the letter from the relevant ETB Training Centre Manager.

Accepted reasons (grounds) you can appeal on

You can make an appeal for the following reasons (grounds):

- The malpractice was not dealt with properly. By this we mean it was not dealt with in line with procedures.
- The regulations did not adequately cover the circumstances relating to the malpractice.

- New information has become available that was not available when the investigation was being done.

1 Making an appeal of the findings

To make an appeal, you must:

- Complete the appeals application form clearly setting out the reasons (grounds) for the appeal, including any further relevant evidence supporting the appeal.
- Send the completed form to the relevant ETB Training Centre Manager within 10 working days from the date when you first learned about the findings.

2 Appeal application approval

- This relevant ETB Training Centre Manager will decide if your application meets one of the accepted reasons (grounds) for an appeal. This will decide if your appeal application goes ahead or not.
- The relevant ETB Training Centre Manager will write to tell you about their decision within 10 working days of getting your appeal application form. They will write to let you know if you can:
 - go ahead with your appeal application,
 - cannot go ahead with the appeal application and tell you why your appeal was refused.

3 Appeal of findings process

The appeals process must be finished within 20 working days from the date the relevant ETB Training Centre Manager approves your appeal, to the date you are told if your appeal has been upheld or not.

The relevant Manager will ask a different ETB Training Centre person to study your appeal again. This person is called an '**Appeal of Findings Reviewer**'. This Reviewer will:

- Look at your appeal application and evidence for your appeal.
- Write a report on their findings.
- Send their report to the relevant ETB Training Centre Manager (they will do this within 10 working days of being asked to do the appeal).

- The relevant ETB Training Centre Manager will send the report to the [relevant Manager / Officer](#).

The [relevant Manager / Officer](#) will make the final decision on the findings of the appeal. The [relevant Manager / Officer](#) will tell the relevant ETB Training Centre Manager of this final decision about the outcome of the appeal.

4 Telling you about the final decision around your appeal

The relevant ETB Training Centre Manager will write and tell you what the final decision is around your appeal. They will do this within 10 working days of receiving the report from the Appeals of Findings Reviewer.

Step 5: Sanctions for assessment system malpractice

If you win your appeal, this means we did not find that you had committed malpractice during your assessment, the assessment results stand and we can award you your certificates (assuming you have achieved a pass or higher grade).

If you do not win your appeal, we will have to impose sanctions (penalties) on you or apply disciplinary action. The relevant ETB Training Centre Manager and the [relevant Manager / Officer](#), in line with the relevant policies relating to **Learner Code of Conduct**, will decide on the sanctions. You can get a copy of this Code from the ETB Training Centre website or your nearest training centre.

1 Telling you about the sanctions

If you do not appeal within 10 working days from the date when you were first notified of the Assessment System Malpractice finding, the relevant ETB Training Centre Manager will write to you to tell you about the sanction/s.

Their letter will also explain how you can appeal these sanctions and will include times by when you have to make an appeal and other relevant times.

2 Applying the sanction

If you do not lodge an appeal of the sanction/s within **10 working days** from the date when the relevant ETB Training Centre Manager first wrote you about them, we will start to apply the sanctions.

Step 6: How you appeal a sanction

Where an assessment system malpractice allegation is upheld (found to be true), you may start an appeal of those findings. You must fill out a form to appeal the sanction. The form should have been included in the information sent to you by the relevant ETB Training Centre Manager. If not, please ask us for a copy. You have to give a reason why you are appealing and explain why you feel that the sanction is unfair or incorrect. You must do this within 10 days of getting the letter from the relevant ETB Training Centre Manager.

You can appeal the sanction **if**:

- you think it too severe in relation to the malpractice incident and / or
- the sanction was not in line with the ETB Training Centre policy.

1 Making an appeal of the sanction

To make an appeal, you must:

- Complete the appeals application form clearly setting out the reasons (grounds) for the appeal, including any further relevant evidence supporting the appeal.
- Send the completed form to the relevant ETB Training Centre Manager within 10 working days from the date when you first learned about the sanction.

2 Appeal application approval

- The relevant ETB Training Centre Manager will decide if the application meets one of the accepted reasons (grounds) listed for appeal. This will decide if your appeal application goes ahead or not.
- The relevant ETB Training Centre Manager will write to tell you about their decision within 10 working days of getting your appeal application form. They will write to let you know if you can:
 - go ahead with your appeal application of sanctions.
 - cannot go ahead with the appeal application and tell you why your appeal was refused.

3 Appeal of sanction process

The appeal process must be concluded within 20 working days from the date the relevant ETB Training Centre Manager approves an appeal to proceed to the date you are notified of the appeal outcome.

The relevant ETB Training Centre Manager will get another ETB Training Centre staff member to review your appeal. This person is called an '**Appeal of Sanctions Reviewer**'. This Reviewer will:

- Examine your appeal application and evidence for your appeal.
- Write a report on their findings.
- Send their report to the relevant ETB Training Centre Manager.

The **relevant Manager / Officer** will make the final decision on the findings of the appeal. The **relevant Manager / Officer** will tell the relevant ETB Training Centre Manager of this final decision about the outcome of the appeal.

4 Telling you about the final decision around your appeal

The relevant ETB Training Centre Manager will write and tell you what the final decision is for your appeal. They will do this within 10 working days of receiving the report from the Appeal of Sanction Reviewer.

Step 7: Certification

As a result of an investigation, you may not get your certificate until our investigation (and any appeal) finds that there was no malpractice on your part.

If you were not found guilty of malpractice during your assessment, you will get your certificate after the final decision has been made.

Final note

If you have any questions on any part of this document, please ask the relevant ETB Training Centre Manager.