



# **ASSESSMENT MALPRACTICE PROCEDURE**

## **(FULL-TIME PROVISION)**

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## 2. Definitions

### 2.1. Assessment System Irregularity and Assessment Malpractice

It is important to distinguish between **assessment system irregularity** and **assessment 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.

#### 2.1.1 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.

#### 2.1.2 Definition of Assessment Malpractice

An assessment 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 document relates to Learner Malpractice only.

### 2.2. 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:

#### 2.2.1 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, etc.)

- 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.

### **2.2.2 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
- Any form of communication with other learners (written, verbal, gestures, expressions, pointing, etc.) in an assessment event (e.g. examination)
- 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.

### **3. 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 of assessment.

#### **3.1 Principles of Assessments**

##### **3.1.1 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

##### **3.1.2 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 over time across various assessors, contexts, conditions and learners

##### **3.1.3 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.

### **3.1.4 Quality**

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

### **3.1.5 Transparency**

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

In order to ensure the fair and consistent assessment of learners, the following procedure should be followed in relation to any suspected malpractice cases. Limerick and Clare Education and Training Board's Quality Assurance System overarches these principles and ensures learner achievement is assessed in a fair and consistent way in line with the national standards for the award.

## 4. Malpractice Roles and Responsibilities

### 4.1. All Staff

All staff involved in the assessment process, have a responsibility for ensuring the integrity and validity of the Limerick and Clare Education and Training Board's 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 [Limerick and Clare Education and Training Board's Protected Disclosures Policy and Procedures](#). 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.

### 4.2. The Provision Co-ordinator

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

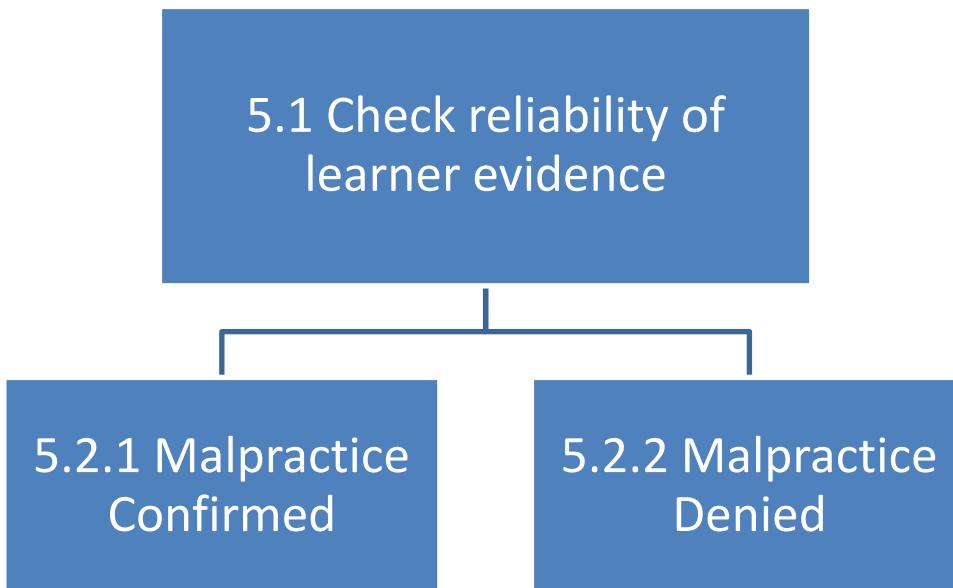
### 4.3. The Assessor

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

## 5. Suspected Learner Malpractice Procedure Process

Any suspected learner malpractice should follow the process outlined in Figure 1.

**Figure 1 Suspected Learner Malpractice Process**



### 5.1. Check Reliability of Learner Evidence

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

**Table 1 Reliability of Learner Evidence**

<b>Reliability of Learner Evidence</b>	
Where the Assessor 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.	
<b>Questioning:</b>	This involves asking the learner to explain and describe part of the evidence. It is important to concentrate on how the evidence was produced as 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:  <b>Authorship Statement:</b> An authorship statement from the learner testifying the evidence as being his/her original work. An authorship statement could be provided with regards to all evidence submitted.

	<p><b>Personal Log:</b> A personal log 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><b>Personal Statements:</b> 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><b>Peer Reports:</b> 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><b>Independent Testimony:</b> An independent testimony is a statement produced by an individual other than the Assessor, 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 Assessor 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>
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## 5.2. Malpractice Confirmed/Denied

### 5.2.1 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. In this case, the Provision Co-ordinator issues a written warning if this is the learner's first offence within the Provision 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 7 Sanctions).

### 5.2.2 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. In this case, an investigation must take place (see Section 6: Suspected Learner Malpractice Process).

## 6. Suspected Learner Malpractice Process

Learner malpractice investigation should be completed as outlined in Figure 2.

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**Figure 2 Learner Malpractice Investigation Process**

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### 6.1. 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 Supervisor and in accordance with **Examinations Procedure: Planning, Conducting and Concluding**. These instances must be recorded in the assessment template – **07\_Examination Attendance Register template**.

In all cases where an alleged malpractice is identified, it must be notified to the Provision Co-ordinator and/or other personnel with responsibility for the operation of the Provision.

The Provision Co-ordinator and/or personnel with responsibility for operation of the Provision must notify the learner(s) in writing – [Notification of Investigation Letter](#).

Learner malpractice investigation should be completed as outlined in Figure 2.

### 6.2. Appointment of investigators

The Provision Co-ordinator will decide who should undertake the investigation in consultation with his/her senior management team and the QA Support Service. It is recommended that at least two staff members are involved in the investigation and should include the Provision Co-ordinator and a Assessor with assessment experience (unless there is a Conflict of Interest (see Section 6.2.1)).

The Provision Co-ordinator (or designated appropriate personnel) is required to co-ordinate the investigation. In certain cases, if required, and in conjunction with the Provision Co-ordinator, an investigation may be undertaken by:

- An external investigator
- Internal audit

The Provision Co-ordinator must complete the [Alleged Assessment Malpractice Report](#). It is important that only one report per learner is completed. If the alleged assessment 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 6.2.1. Conflict of Interest).

#### **6.2.1 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 Provision Co-ordinator 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 ([Declaration Regarding Conflict of Interest](#)).

In cases where conflict of interest is identified, alternative arrangements must be put in place.

#### **6.2.2 Natural Justice**

Those responsible for conducting an investigation shall establish the full facts and circumstances of any alleged assessment 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 **forty (40) working days** from the date of the notification to the Provision Co-ordinator of the alleged malpractice)
- The learner(s) in question are made aware of the allegation and are given the opportunity to respond
- Care is taken to avoid conflict of interest (see Section 6.2.1)

The learner(s) against whom an allegation is made should therefore:

- Know what evidence exists to support that allegation
- Know the possible consequences should an assessment 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

### **6.3. Investigation**

All notified alleged assessment 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 defined timeframe **maximum of forty (40) working days** from the date of the notification to the Provision Co-ordinator of the alleged malpractice.

#### **6.3.1 Communication with Learner(s) to be investigated**

The Provision Co-ordinator shall be responsible for communicating, in writing, to the learner to be investigated, in relation to the alleged assessment malpractice(s) - [Notification of Investigation Letter](#). The initial communication shall:

- Provide notification that an allegation of an assessment malpractice has been received
- Include a copy of the Limerick and Clare Education and Training Board Assessment Malpractice procedure which outlines the investigation process
- 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 the Education and Training Board 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

### **6.3.2 Establishing the facts within the investigation**

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

- 1.** Review of allegation details
- 2.** Interview with the learner being investigated
- 3.** Interview with personnel and/or management connected to the course, project or alleged malpractice
- 4.** Interview with learners connected to the course, project or alleged malpractice
- 5.** Interview with the other relevant parties
- 6.** Written statement(s) from the learner being investigated
- 7.** Written statement(s) from learners connected to the course, project or alleged malpractice
- 8.** Written statement(s) from personnel connected to the course, project or alleged malpractice
- 9.** Written statement(s) from other relevant parties
- 10.** Review of related assessment reports
- 11.** Review of previous learner record, to seek to establish whether there has been any previous malpractice investigations for this learner(s)
- 12.** Other related records

### **6.3.3 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 Provision, 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(s) 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

## **6.4. Results of Investigation**

### **6.4.1 The Investigation Report**

The results from the investigation of an assessment malpractice, typically Section 2 of the [Alleged Assessment Malpractice Report](#) shall contain the following:

- Number of learners affected and/or implicated
- How the alleged malpractice was identified and notified to the Provision Co-ordinator/Assessment Co-ordinator
- 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.

### **6.4.2 Report Findings Adjudication**

The Investigation Report is submitted to the Provision Co-ordinator. The Provision Co-ordinator 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. The Provision Co-ordinator must complete Section 3 of the [Alleged Assessment Malpractice Report](#).

#### **6.4.3 Communicating the Results**

The Provision Co-ordinator is responsible for ensuring that the notification of the alleged assessment malpractice investigation finding is communicated to the relevant learner(s) ([Notification of Assessment Malpractice Finding Letter](#)) 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 malpractice may be:

- Unsubstantiated Assessment Malpractice
- Substantiated Assessment Malpractice.

#### **6.4.4 Unsubstantiated Assessment Malpractice**

If the assessment malpractice is found to be unsubstantiated, the Provision Co-ordinator 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 – see [Limerick and Clare Education and Training Board's Records Retention Schedule](#).

The learner's assessment evidence is accepted by the Provision 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.**

#### **6.4.5 Substantiated Assessment Malpractice**

Where the allegation is substantiated, the Provision Co-ordinator 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 malpractice.

In addition, the notification to the person must also outline the Assessment Malpractice Appeal process and the timeline in regard to appealing the findings (see Section 8).

#### **6.4.6 Communicating the Findings to Other Persons**

The relevant Provision Co-ordinator will convey, as appropriate, the outcome of the assessment malpractice investigation in writing to the Limerick and Clare Education and Training Board Manager and the QA Support Service.

## 7. Sanctions

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

### 7.1. Sanctions

SANCTIONS	
<b>Sanctions are dependent on:</b>	<ul style="list-style-type: none"> <li>▪ The severity of the malpractice</li> <li>▪ History of substantiated assessment malpractice by learner in the Provision (if, for example, findings from a previous investigation have evidence of substantiated assessment malpractice against the learner in the Provision)</li> <li>▪ Nature of assessment activity</li> </ul>

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

<b>1. Written warning and assignment is marked as zero and submitted</b>	<p><b>When might this happen?</b></p> <p>It is envisaged that this will occur in the following instances (<b>this list is not exhaustive</b>):</p> <ul style="list-style-type: none"> <li>• The learner has not submitted draft material for feedback earlier in the assessment process which may have highlighted the issue</li> <li>• The learner has submitted assessment evidence which has been plagiarised</li> <li>• The learner has plagiarised an element of a module (e.g. research element of a project (10%))</li> <li>• The learner has used another learner's work</li> </ul> <p><b>What happens?</b></p> <ul style="list-style-type: none"> <li>• The learner is issued with a written warning by the Provision Co-ordinator.</li> <li>• The assignment is marked as zero and submitted.</li> <li>• The learner is also notified that if the offence is repeated once within the Provision, further sanctions will be applied.</li> </ul>
<b>2. Evidence for the entire module marked as zero and submitted</b>	<p><b>When might this happen?</b></p> <p>It is envisaged that this will occur in the following instances (<b>this list is not exhaustive</b>):</p> <ul style="list-style-type: none"> <li>• Unacceptable behaviour (see 2.2.2)</li> <li>• Large element of assessment evidence is not the original work of the learner (copied from another learner, poor academic honesty in assessment evidence, etc.)</li> </ul> <p><b>What happens?</b></p> <ul style="list-style-type: none"> <li>• Evidence from the learner is marked as zero and submitted</li> <li>• Evidence for the entire module is marked as zero and submitted</li> </ul>

<b>3. Results will not be submitted, or will be cancelled (exceptional case)</b>	<p><b>When might this happen?</b></p> <p>It is envisaged that this will occur in the following instances (<b>this list is not exhaustive</b>):</p> <ul style="list-style-type: none"><li>• Unacceptable behaviour (see 2.2.2)</li></ul> <p><b>What happens?</b></p> <ul style="list-style-type: none"><li>• Limerick and Clare Education and Training Board 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</li></ul>
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## 7.2. Disciplinary Action

<b>About DISCIPLINARY ACTION</b>	
<b>Disciplinary Action is dependent on:</b>	<ul style="list-style-type: none"><li>• The severity of the malpractice</li><li>• History of substantiated assessment malpractice by learner in the Provision (if, for example, findings from a previous investigation have evidence of substantiated assessment malpractice against the learner in the Provision)</li><li>• Nature of assessment activity</li></ul>
<b>Disciplinary Action</b>	
<b>Disciplinary Action will be in line with the relevant Limerick and Clare Education and Training Board policy guidelines.</b>	

## 7.3. Implementation of Sanctions on Learner

If no appeal has been lodged, the relevant Provision Co-ordinator can proceed to implement the sanctions.

## **8. Appeal of Assessment Malpractice**

The learner has the right to appeal the malpractice application decision. Appeals must be made within a **defined timeframe five (5) working days** of the decision.

In exceptional circumstances the Provision Co-ordinator may extend the defined timeframe. All appeals must be made in writing using the [Appeals of Assessment Malpractice Application Form](#).

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

All Appeals will be processed by the External Appeals Office located in the Quality Assurance Support Service Office.

**Decisions on appeals are final.**

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## **References**

QQI (2018 Revised) *Quality Assuring Assessment Guidelines for Providers*. Ireland: QQI. Available from: <https://www.qqi.ie/Downloads/Quality%20Assuring%20Assessment%20-%20Guidelines%20for%20Providers%20Revised%202013.pdf> [accessed 2<sup>nd</sup> April 2019].