



An tSeirbhís Oideachais Leanúnaigh agus Scileanna  
Further Education and Training Authority

# **Craft Apprenticeship Procedures for Managing Assessment System Malpractice**



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## **1.0 Introduction**

### **1.1 Purpose**

ETB is committed to ensuring apprenticeship assessment integrity at all stages of the assessment process. The ETB Quality Assurance Policies and the ETB Craft Apprenticeship Assessment Rules set out the ETB arrangements for protecting the integrity of its assessment process and the subsequent validity and currency of apprentice results. Where the contents of this document differ from the regulations of other Awarding Bodies, regulations of that Awarding Body take precedence.

SOLAS recognises however, that on occasion, the integrity of the assessment process may be breached and consequently place high importance on how such occasions are addressed and managed. In particular, it is the view of the organisation that there must be a strong emphasis on the development and application of procedures that ensure that any assessment malpractices are addressed promptly and appropriately.

It is important that these are applied consistently to maximize opportunity for resolution. Lastly, it is also important to ensure communication of these instances to stakeholders so that lessons can be learned and the process of continuous improvement and quality enhancement can be facilitated.

To this end, SOLAS Apprenticeship Services has developed and produced these procedures which will apply to all assessment arising from training organised or procured by SOLAS.

### **1.2 Scope**

This document provides information on:

- a) The definition of assessment system malpractices
- b) Roles and responsibilities
- c) Notification and reporting of assessment system malpractice
- d) Conducting an investigation
- e) Reporting requirements
- f) Outcomes of an investigation
- g) Sanctions
- h) Appeals

This document is intended for use by all personnel involved in the management, coordination, invigilation or verification of assessment of apprenticeship programmes that are either organised or procured by SOLAS.

## 2.0 What Constitutes Assessment System Malpractice?

### 2.1 Definition of an 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, transcription errors, etc., which are detected and rectified. All instances of irregularities should be documented and addressed in line with the Apprenticeship Training Standards System (ATSS).

It is important to distinguish between irregularities and malpractices. The decision on whether an issue is deemed to be an assessment system irregularity or alleged 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.

### 2.2 Definition of an Assessment System Malpractice

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

- a) Apprentice Malpractice: malpractice committed by an apprentice during the course of the assessment process.
- b) Personnel<sup>1</sup> Malpractice: malpractice committed by personnel involved in the assessment process.

### 2.3 Apprentice Malpractice

In instances where apprentices are responsible for assessment system malpractices, personnel should refer to the ETB Assessment Regulations for more information.

The following are examples of malpractice by apprentices<sup>2</sup>:

- a) Plagiarism by copying or passing off work as one's own.
- b) Unauthorised removal of assessment material from the assessment location.
- c) Use of electronic communication devices (where prohibited) or other unauthorised materials during the assessment.
- d) Assisting other apprentices during the assessment.
- e) Collusion by working collaboratively with other apprentices, beyond what is allowed.
- f) Copying from another apprentice.
- g) Fabrication of results and/or evidence.
- h) Behaving in such a way as to undermine the integrity of the assessment event.
- i) 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.

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<sup>1</sup> Personnel in this context includes: SOLAS Personnel, Second Provider (Grantee) Personnel, ETB Personnel, Employers

<sup>2</sup> The examples provided do not constitute an exhaustive list.

- j) Engaging in unsafe practices.

In the majority of cases, instances of suspected malpractice that arise during an assessment event will be dealt with promptly by the Assessment Supervisor and in accordance with the ETB Apprenticeship Assessment Rules.

These instances must be recorded by the Assessment Supervisor in the Assessment Supervisor & Assessor Report<sup>3</sup> in accordance with the Apprenticeship Training Standards System (ATSS).

Instances of suspected malpractice that arise during an off-the-job assessment event shall be notified, via the Assessment Supervisor's Report, to the Training Standards Officer (TSO) within two days of the event. The relevant ETB Training Manager must be informed in all cases.

Instances of suspected malpractice that arise during an on-the-job assessment event shall be notified, by the company assessor/verifier to their assigned ETB Authorised Officer.

The ETB Manager or his/her nominee, in conjunction with the Training Standards Officer, will review the information available on conclusion of the assessment event and decide if the instance of suspected malpractice warrants further investigation. Where the instance warrants further investigation, the procedures outlined in this document must be followed. In addition, due regard must also be given to apprentices by ensuring that the communication and appeals sections of this document are adhered to. All instances of irregularities must be recorded.

## **2.4 Personnel Malpractice**

Malpractice can be committed by personnel relating to the assessment process. The following are examples<sup>4</sup> of malpractice by personnel:

1. Serious negligence which results in failure to apply defined assessment processes e.g.
  - negligence by any persons involved in the assessment process which causes (or is capable of causing) unacceptable loss, damage or injury
  - failure to follow proper/required procedureand/or
2. The conduct of assessment with disregard for prescribed requirements e.g.
  - non-adherence to health and safety requirements, defined assessment procedures or rules, or not using defined equipment or tools
  - use of unapproved personnel to conduct or assess an assessment
  - loss of required apprentice assessment evidence.and/or
3. A deliberate action that compromises the validity of the assessment process

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<sup>3</sup> ATSS-6a-F04 - Assessment Supervisor & Assessor Report

<sup>4</sup> The examples provided do not constitute an exhaustive list

e.g.

- proven fraudulent activity in relation to the assessment process and/or the issuing of certificates
- manipulation of assessment data
- deliberate falsification of documentation including assessment results or requests for certificates
- providing apprentices/other unauthorised personnel with access to a controlled assessment instrument or other information relating to the content in advance of an assessment event
- amendment to assessment papers outside the agreed protocol

### **3.0 Notification and Reporting of Alleged Assessment System Malpractices**

#### **3.1 Initial Notification**

Any person involved in assessment, from design to implementation, has a responsibility for ensuring the integrity and validity of the ETB Apprenticeship assessment system. Alleged malpractices may be identified by a variety of sources<sup>5</sup>. In all cases where an alleged malpractice is identified, it must be notified to the relevant ETB Manager, with responsibility for the operation of the programme. Notification may be either verbal and/or in writing.

#### **3.2 ETB Manager**

If notified of an alleged malpractice, the relevant ETB Manager should:

- a) Inform the Training Standards Officer, and where appropriate another authorised assessment co-ordinator<sup>6</sup>, of the alleged malpractice and to suspend the issuing of results associated with the alleged malpractice.
- b) Initiate the 'Alleged Assessment System Malpractice Report' (Appendix 3)
- c) Record locally the alleged malpractice incident
- d) Inform SOLAS Apprenticeship Services of the alleged malpractice investigation.
- e) facilitate and/manage the investigation into the alleged malpractice in a timely manner.
- f) Informs the ETB Apprenticeship Services of the outcome of locally managed malpractice investigations.

#### **3.3 Training Standards Officer**

If notified of an alleged malpractice, the Training Standards Officer or another authorised assessment co-ordinator should:

- a) Ensure certificates are not requested for assessments associated with the alleged malpractice pending the outcome of the investigation.
- b) Ensure results associated with the alleged malpractice are not released pending the outcome of the investigation.

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<sup>5</sup> Typically these might be: Instructors, Training Standards Officers, Assistant Training Standards Officers, ETB Authorised Officers, Internal Verifiers, External Authenticators, Assessors/Supervisors, Apprentices, Second Provider Personnel, other stakeholders.

<sup>6</sup> Detailed descriptions of this and other roles in the assessment system can be found in Introduction Section of the ETB Apprenticeship Assessment Rules.

- c) Inform the relevant ETB Manager where certificates/results have already been requested or issued.

## 4.0 Conducting an Investigation

All notified alleged assessment system malpractices must be investigated.

**Note:** Investigations of alleged malpractice by ETB staff will be undertaken in accordance with the appropriate ETB **HR Policies**.

### 4.1 Communication with Party/Parties to be investigated

The ETB Manager shall be responsible for communicating in writing to the party to be investigated, in relation to the alleged assessment system malpractice(s)<sup>7</sup>.

The initial communication shall:

- a) Provide notification that an allegation of an assessment system malpractice has been received.
- b) Advise that the SOLAS Craft Apprenticeship Procedures for Managing Assessment System Malpractices contains full details of how the investigation will be conducted.
- c) Emphasise that the investigation will be carried out in a discreet and confidential manner.
- d) Avoid implying or suggesting that conclusions have already been determined or that decisions have been made in respect of the application of corrective actions.

### 4.2 Appointment of Investigator(s)

The ETB Manager will decide who should undertake the investigation in consultation with his/her management team<sup>8</sup>.

### 4.3 Conflict of Interest

Conflict of interest is a situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and professional interest which may appear to influence the outcome of an investigation.

Possible Conflict of Interest situations may arise where personnel:

- a) Were engaged in any aspect of the assessment process (including quality assurance functions<sup>9</sup>).
- b) Have a personal relationship or family relationship with the party being investigated.
- c) Have a professional relationship with the party being investigated, that may be perceived to unfairly influence the investigation process.

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<sup>7</sup> Communication to ETB Staff of alleged assessment system malpractice will be in accordance with HR Policies.

<sup>8</sup> One or more persons may be assigned to complete the investigation.

<sup>9</sup> Quality Assurance functions can consist of: internal verification on the conduct of assessment process, peer review, internal verification of results, external authentication, results approval, appeal process, certification auditing or monitoring etc.



Any person who has a possible conflict of interest should not be involved in any investigation or subsequent making of judgments. The person(s) alleging that a malpractice has occurred is also prohibited from subsequent involvement in handling the alleged malpractice, once the initial facts have been investigated.

The relevant ETB Manager 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 SAMPLE provided Appendix 2). In cases where real or apparent conflict of interest is identified, alternative arrangements must be put in place.

#### **4.4 Natural Justice**

Those responsible for conducting an investigation shall establish the 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:

- a) All investigations do not disadvantage the person against whom the allegation is made and are concluded within 40 working days from the date of the notification to the ETB Manager of the alleged malpractice<sup>10</sup>.
- b) The parties in question are made aware of the allegation and are given the opportunity to respond.
- c) Care is taken to avoid conflict of interest (see Section 4.3).

The party/parties against whom an allegation is made should therefore:

- a) Know what evidence exists to support that allegation.
- b) Know the possible consequences should an assessment system malpractice be proven.
- c) Have the opportunity to consider their response to the allegations (if required).
- d) Have an opportunity to submit a written statement.
- e) Have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required).
- f) Be informed of the appeals procedure, should a decision be made against him or her.
- g) Be informed of the possibility that information relating to a particular malpractice may be shared with other relevant parties.

#### **4.5 Establishing the Facts within the Investigation**

The investigating party 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:

- a) Review of allegation details.
- b) Interview with the party being investigated.
- c) Interview with personnel and/or management connected to the course, project or alleged malpractice.
- d) Interview with apprentices connected to the course, project or alleged malpractice.

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<sup>10</sup> In exceptional circumstances where there are a number of persons involved or other circumstances, the investigation may take longer. In such situations the parties must be advised in writing of expected date for conclusion of the process.

- e) Interview with the other relevant parties.
- f) Written statement(s) from the party being investigated.
- g) Written statement(s) from apprentices connected to the course, project or alleged malpractice.
- h) Written statement(s) from personnel connected to the course, project or alleged malpractice.
- i) Written statement(s) from other relevant parties.
- j) Review of related assessment reports (Assessment Supervisor's Report, Assessor's Report, Internal Verification Report, External Authentication Report and Monitoring reports).
- k) Other related records.

#### **4.6 Confidentiality**

Confidentiality is key element when conducting an investigation into an alleged malpractice, due to the risk of reputational damage to parties involved. In order to ensure confidentiality is maintained before, during and after an investigation, the following conditions should apply:

- a) Material relating to any allegations, findings or conclusions must not be made known to any parties, either internally or external to the ETB, beyond those key to the investigation.
- b) It is not necessary to inform all parties being interviewed of the details of meetings with other parties unless there is a specific relevant matter to be raised.
- c) The name or other details of the party making the malpractice allegation should not be divulged to the party/parties to be investigated without consent.
- d) 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.

#### **4.7 The Investigation Report**

Typically, the report that results from the investigation of an assessment system malpractice shall contain the following:

- a) Number of apprentices affected and/or implicated.
- b) Apprenticeship Company involved
- c) ETB Personnel involved
- d) How the alleged malpractice was identified and notified to the relevant ETB Manager/assessment authorised officer<sup>11</sup>.
- e) The nature of the malpractice and the specific assessment procedure(s) or assessment rule(s) that have allegedly been breached.
- f) Details of the scope of the investigation carried out.
- g) The findings:
  - details of the assessment procedure or , rule that is alleged to have been breached
  - a statement of the facts as described by all parties

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<sup>11</sup> Typically these might be via: Instructors, Training Standards Officers, Assistant Training Standards Officers, ETB Authorised Officers, Internal Verifiers, External Authenticators, Assessors/Supervisors, Apprentices, Second Provider Personnel, other stakeholders.

- details of any mitigating factors.
- h) Conclusion (whether the malpractice allegation is substantiated or unsubstantiated).

The investigating party should not adjudicate on the report findings.

The report will be signed and dated by the investigating party. 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. The Report Form template (see Appendix 3) should be used.

#### **4.8 Report Findings Adjudication**

The investigation report is submitted to the ETB Manager. The ETB Manager 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.

The ETB Manager will also notify the Manager of Apprenticeship Services of the outcome of the investigation and any sanctions imposed.

### **5.0 Communicating the Findings**

The ETB Manager is responsible for ensuring that the notification of the alleged assessment system malpractice investigation finding is communicated to the relevant parties within 10 days from the date of receipt of the investigator's report. The finding of an investigation into an alleged assessment system malpractice may be:

- a) Unsubstantiated Assessment System Malpractice
- b) Substantiated Assessment System Malpractice.

#### **5.1 Unsubstantiated Assessment System Malpractice**

If the assessment system malpractice is found to be unsubstantiated, the ETB Manager will convey the findings of the investigation, in writing within the timeline specified, to the person(s) involved. The ETB Manager will arrange for the ATSS Issues Log to be updated in line with Section 10.4 of this document.

#### **5.2 Substantiated Assessment System Malpractice**

Where the allegation is substantiated, the ETB Manager will convey the findings of the investigation, in writing within the timeline specified, to the person(s) involved.

In addition, the notification to the person must also outline the Assessment System Malpractice Appeal process and the timeline for submitting an appeal application. (Section 6.0).

#### **5.3 Communicating the Findings to other persons**

In addition, the ETB Manager will convey, as appropriate, the outcome of the assessment system malpractice investigation in writing to the:

- a) ETB FET Director
- b) Training Standards Officer
- c) SOLAS Director of Apprenticeship

## 6.0 Appealing an Assessment System Malpractice Finding

If the person(s), against whom the substantiated assessment system malpractice finding is made, disagrees with the finding they may initiate an appeal.

- a) Appeals by apprentices in relation the Assessment System Malpractice findings will be dealt with in accordance with Section 6.1.
- b) Appeals by ETB staff in relation to the findings must be undertaken in line with **ETB HR Policies**.

### 6.1 Basis of an Appeal of an Assessment System Malpractice Finding

Where an assessment system malpractice allegation is substantiated, the appellant may initiate an appeal of those findings. An appeal must be made, in writing, within 10 working days from the date of the notification of the findings.

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

- a) The alleged malpractice was not dealt with in accordance with procedures.
- b) The regulations did not adequately cover the circumstances relating to the malpractice.
- c) New information has become available that was not available to the investigation.

### 6.2 Appealing the Findings

To make an appeal, the appellant must:

- a) Complete the relevant application form<sup>12</sup> setting out clearly the grounds for the appeal, including any further relevant evidence supporting the appeal.
- b) Submit the completed form, within 10 working days from the date of the notification of the findings, to the relevant ETB Manager with responsibility for the operation of the programme.

### 6.3 Appeal Application Approval

The ETB Manager will determine if the application meets one of the criteria listed above for activating an appeal and will inform the appellant, in writing, of the decision to proceed or not within 10 working days of receiving the written application. The reason for not granting the appeal must also be provided to the appellant.

<sup>12</sup> Appendix 4a/b: Template for Application Form for Appeal of Assessment System Malpractice Finding

## 6.4 Appeal of Findings Process

- a) The appeals process must be concluded within 20 working days i.e. from the date the relevant ETB Manager approves an appeal to proceed to the date the appellant is notified of the appeal outcome.
- b) The ETB Manager will appoint an Appeal of Findings Reviewer<sup>13</sup> to conduct the appeal.
- c) The Appeal of Findings Reviewer will examine the appeal application and consider any supporting evidence. The reviewer will conduct the appeal on the basis of the appeal grounds (Section 6.1). Depending on the nature of the appeal, the reviewer may consult with additional persons on a case by case basis.
- d) The relevant ETB Manager will ensure that all relevant information, documentation, staff, project personnel and apprentices are made available to the Appeal of Findings Reviewer, including, if required, arranging meetings between all relevant parties.

## 6.5 Adjudicating on an Appeal of the Findings Decision Outcome

- e) The Appeals of Findings Reviewer will complete a report on their findings regarding the appeal and will issue the report to the relevant ETB Manager within 10 working days of the request to do so.
- f) The ETB Manager will present the report to the FET Director who will adjudicate on the findings. The FET Director will inform the ETB Manager and SOLAS Director of Apprenticeships of the appeal outcome decision.

## 6.6 Communicating the Findings Appeal Decision Outcome

- a) The relevant ETB Manager will inform the appellant of the appeal outcome (as adjudicated by the FET Director), in writing, within 10 working days of receiving the report from the Appeals of Findings Reviewer.
- b) The ETB Manager will convey the outcome of the appeal where relevant to the Training Standards Officer

Where an appeal is upheld, the ETB Manager will arrange for the ATSS Issues Log to be updated in line with Section 10.4 of this document.

## 7.0 Sanctions for Assessment System Malpractice

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

Where sanctions and/or, disciplinary action are being considered:

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<sup>13</sup> The Appeal of Findings Reviewer will be suitably qualified and independent of the process

- a) The relevant ETB Manager in conjunction with the FET Director, in compliance with the relevant policies relating to Apprenticeship Code of Conduct, will decide on the sanctions in the case of an apprentice.
- b) The application and notification of sanctions against ETB staff will be in line with current **ETB HR Policies**.

### **7.1 Communicating the Sanctions (apprentice only)**

- a) If no appeal has been lodged, after 10 working days from the date of issue of notification of the Assessment System Malpractice finding, the ETB Manager can proceed to notify the party, in writing, of any sanctions being imposed.
- b) The notification will include, details of the Assessment System Malpractice Sanction Appeal process including the timeline for an appeal of a sanction (see Section 8.0).

### **7.2 Implementation of Sanctions (Apprentice Only)**

If no appeal has been lodged, after 10 working days from the date of issue of the notification of sanctions being imposed for an Assessment System Malpractice, the ETB Manager can proceed to implement the sanctions.

## **8.0 Appeal of a Sanction Imposed for an Assessment System Malpractice**

If the person(s) against whom the assessment system malpractice has been substantiated disagrees with the sanctions imposed, they may initiate an appeal.

- a) An appeal by an apprentice in relation any sanction imposed for an Assessment System Malpractice must be addressed through the following procedures.
- b) Appeals by ETB staff in relation to any sanction relating to Assessment System Malpractice must be undertaken in line with **ETB HR Policies**.

### **8.1 Basis for an Appeal of the Sanction (Apprentice Only)**

An appeal must be made, in writing, within 10 working days from the date of the notification of the sanction.

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

- a) The sanction is excessively punitive in relation to the incident.
- b) The alleged sanction was not in accordance with policy.

### **8.2 Making an Appeal of the Sanction (Apprentice Only)**

To make an appeal, the appellant must:

- a) Complete the relevant application form<sup>14</sup> setting out as clearly as possible

<sup>14</sup> Appendix 5: Template for Application Form for Apprentice Appeal of Sanction Imposed for an Assessment System Malpractice

the grounds for the appeal, including any further relevant evidence supporting the appeal.

- b) Submit the completed form, within 10 working days from the date of the notification of the sanction, to the relevant ETB Manager with responsibility for the operation of the programme.

### **8.3 Appeal Application Approval (Apprentice Only)**

The ETB Manager will determine if the application meets one of the criteria for activating appeal listed above and will inform the appellant, in writing, of the decision within 10 working days of receiving the written application.

The ETB Manager will notify the appellant in writing of the decision:

- a) To proceed with the appeal application.
- b) Not to proceed with the appeal application. The reason for not granting the appeal must also be provided to the appellant.

### **8.4 Appeal of Sanction Process (Apprentice Only)**

- a) The appeals of the sanction process must be concluded within 20 working days i.e. from the date the relevant ETB Manager approves an appeal to proceed to the date the appellant is notified of the appeal outcome.
- b) The ETB Manager will appoint an Appeal of Sanction Reviewer<sup>15</sup> to conduct the appeal. The relevant ETB Manager will ensure that all relevant information, documentation, is made available to the reviewer.
- c) The Appeals of Sanction Reviewer will examine the appeal application and the supporting evidence in the context of the appeal grounds (see Section 8.1). Depending on the nature of the appeal, the reviewer may consult with additional persons on a case by case basis.

### **8.5 Adjudicating on the Appeal Decision Outcome (Apprentice Only)**

- a) The Appeals of Sanction Reviewer will complete a report on their findings and will issue the report to the relevant ETB Manager.
- b) The ETB Manager will submit the report to the FET Director who will adjudicate on the findings. The FET Director will inform the SOLAS Director of Apprenticeships and the ETB Manager of the adjudicated findings of the sanction appeal decision outcome.

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<sup>15</sup> The Appeal of Sanction Reviewer will be suitably qualified and independent of the process.

## **8.6 Communicating the Sanction Appeal Decision Outcome (Apprentice Only)**

The relevant ETB Manager will inform the appellant of the outcome, as adjudicated by the FET Director, in writing, within 10 working days of receiving the Appeal Reviewer's Report.

The ETB Manager will convey the outcome of the appeal, where relevant, to the Training Standards Officer

## **9.0 Assessment Results and Certification Issues**

Regardless of the outcome of the assessment system malpractice investigation, it is imperative that the assessment system and certification process is not unnecessarily compromised, and that where applicable, apprentices receive certificates with minimal delay, following, and in accordance with, the investigation outcome. Consequently, as soon as the investigation outcome is communicated, one of the following steps should be taken:

- a) In cases where certificates had already been requested or issued by the Awarding Body, the ETB Manager will inform the Director of Apprenticeships of the outcome of the investigation.
- Or
- b) If the processing of results was suspended pending an investigation, the ETB Manager will inform the Training Standards Officer whether or not to proceed with the processing of assessment results.

Note: In the majority of cases of investigations into malpractices with the assessment system, subsequent outcomes are confidential. However, in cases of serious malpractices, where the threat to the integrity of the assessment outweighs a duty of confidentiality, it will normally be necessary for information to be exchanged amongst other relevant parties within ETB.

## **10.0 Corrective/Preventative Action and Follow-Up**

Where the assessment system malpractice is substantiated, the relevant ETB Manager in conjunction with FET Director will recommend corrective and/or preventative actions to the SOLAS Director of Apprenticeship for consideration.

### **10.1 Corrective Actions: Apprentice Redress**

All corrective actions will be logged through the Apprenticeship Training Standards System Issues Log. Where the marking and/or conduct of assessments have been compromised (not by apprentices), any apprentice impacted shall be given the opportunity to re-sit the assessments as soon as possible, without any penalties being applied to the apprentice. Where appropriate, the necessary supports shall be put in place.

### **10.2 Corrective / Preventative Actions for Improving Assessment Processes or Conduct**

Proposed corrective actions and/or preventative actions arising from malpractice incidents for improving assessment processes or conduct may include:



- a) Reminding apprentices of the rules governing assessments.
- b) Amending the apprentice information on assessments.
- c) Refresher briefing for assessment personnel.
- d) Suggested amendments to the Assessment Instrument Specification (AIS)
- e) Suggested amendments to assessment rules, procedures and/or regulations.
- f) Other appropriate measures.

### **10.3 Communication of Corrective Actions**

The ETB Manager will convey details of the SOLAS approved corrective actions and follow-up where relevant to the:

- a) Employer
- b) Apprentice
- c) Instructor
- d) SOLAS Authorised Officer

### **10.4 Updating the Apprenticeship Training Standards System Issues Log**

The ETB Manager will arrange for the ATSS Issues Log to be updated as follows:

- a) Where an assessment malpractice is unsubstantiated, the ATSS Issues Log is closed and the resolution is inputted as allegation unsubstantiated.
- b) If the appeal of the malpractice findings is upheld, the ATSS Issues Log can be updated to denote the status of the outcome and should be closed when corrective and/or preventative action is implemented.

## Appendix 1: Glossary of Terms

**Adjudication:** the formal giving or pronouncing of a judgement.

**Appeal of Malpractice Findings:** process whereby an individual can appeal a malpractice finding.

**Appeal of Sanctions (Apprentice Only):** process whereby a apprentice can appeal the sanctions imposed as a result of an assessment system malpractice finding.

**Appeals of Malpractice Findings Reviewer:** person appointed to consider the evidence in support of the appeal of an assessment system malpractice finding.

**Appeals of Sanctions Reviewer:** person appointed to consider the evidence in support of the appeal of sanctions imposed as a result of a substantiated assessment system malpractice finding.

**Assessment:** process whereby apprentice performance in a range of areas is established to ensure that the knowledge/skill/competence is demonstrated to meet the requirements of the National Awards Standards for the award.

**Assessment Co-ordinator:** person who ensures that assessments in ETB provided, organised or procured training are planned, coordinated and administered in accordance with the assessment procedures for the training programme.

**Assessment Evidence:** Assessment evidence is created during the assessment event or as part of an assigned assessment task. It must be the work of the apprentice and includes any article, item or evidence relating to the assessment of learner performance.

**Assessment Process:** all assessment related activity, including the design and development of assessments, assessment strategies and techniques, the co-ordination of assessment, the conduct of assessment, marking of assessment, internal verification, external authentication, results approval process and certification process.

**Assessment Record:** mechanisms for recording that an assessment event has taken place and which document the assessment outcomes for each apprentice. Assessment records may be electronic or paper

**Assessment System:** an assessment system consists of the regulations, procedures, processes, assessment specification, and assessment plan and assessment instruments that used to facilitate the assessment of a apprentice's achievement of the standards associated with an award.

**Awarding Body/Awards Council:** a recognised organisation that has the authority to offer qualifications and awards.

**Conflict of Interest:** any issue that might unfairly influence, or appear to influence, the outcome of an investigation.

**ETB Manager:** Is the person within ETB with responsibility for training programmes/courses that are provided, organised or procured within their area of accountability.

**Investigator:** person who completes the inquiry.

**Irregularity:** typically an accidental omission or mistake which is detected by the assessment process, is corrected, and which does not impact on the validity of the assessment process.

**Learner:** person who is acquiring, or who has acquired, knowledge, skills or competence as per the learning outcomes of a particular programme/course.

**Learner Malpractice:** assessment system malpractice committed by an apprentice.

**Malpractice:** any act or practice that brings into question the validity or integrity of the assessment process and that normally arises due to one or more non-accidental factors.

**Personnel Malpractice:** assessment system malpractice committed by provider personnel.

**Programme:** learning experience designed and offered by a provider, based on predetermined National Awards Standards and leading to an award.

**Provider:** is an organisation or person that provides education and/or training services.

**Sanction:** action imposed as a result of an assessment system malpractice.

## Appendix 2: SAMPLE Template for Declaration regarding Conflict of Interest

### **Declaration regarding Conflict of Interest** for Persons involved in the Investigation of an Alleged Malpractice with the ETB 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 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.*
- *Is 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.*

**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.**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name (Block Capitals): \_\_\_\_\_

Position: \_\_\_\_\_

Organisation: \_\_\_\_\_

## Appendix 3: Alleged Assessment System Malpractice Report Template<sup>16</sup>

**STRICTLY PRIVATE AND CONFIDENTIAL**

### SECTION 1: GENERAL

<b>Training Provider Details</b>			
Training Organisation <sup>17</sup>			
Address of Training Organisation			
Course Reference Number/Contract Number/Course Code (as applicable)			
Provider Contact Name		Position	
Contact Number		Email Address	
<b>Assessment Details</b>			
Award Details (Type/Level/Title)	<i>e.g. Level 5 Minor Computer Applications</i>		
Title of Assessment			
Assessment Location			
<b>Description of Alleged Malpractice</b>			
Date of Alleged Malpractice		Time of Alleged Malpractice	
Description of Alleged Malpractice. (Specify the assessment procedure/rule that has allegedly been breached. Include details of mitigating factors, if any).			
Number of Apprentices Impacted		Number of Apprentices Learners Implicated (if any)	
Nature of Impact on Apprentices			
Approved Apprenticeship Company Details			
ETB Personnel Details			
<b>Certification Status at time of Allegation Notification (tick as appropriate)</b>			
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			

<sup>16</sup> This document is intended for use for investigating all alleged assessment system malpractices and therefore sections relevant to the particular incident must be completed. Irrelevant sections should be completed as "Not Applicable or N/A".

<sup>17</sup> Training Organisation: ETB Training Centre, Second Provider (Grantee), Approved Company to Register Apprentices,

Notification of Malpractice Allegation				
Name of ETB Manager				
Notified by (name)				
Notified verbally or in writing (tick as appropriate)		Verbally <input type="checkbox"/>	In Writing <input type="checkbox"/>	
Date of Notification				
Party to be investigated notified in writing		Yes <input type="checkbox"/>	Date:	
Name(s) of Investigator(s)			Contact Number	
			Email Address	
Comment				
Notification to ETB Apprenticeship Services	Yes <input type="checkbox"/>	Date:	Contact Details:	

## 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 ETB Manager	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 ETB Manager			
Malpractice Allegation Findings	Substantiated <input type="checkbox"/>	Not Substantiated <input type="checkbox"/>	
Comment			
Signed (ETB Manager)		Date	

Communication of Adjudicated Findings				
Adjudicated Findings	Communicated to: (as relevant)	Please tick	Date	Informed by
	Investigated Party or Parties	<input type="checkbox"/>		
	Training Standards Officer	<input type="checkbox"/>		
	Area Director	<input type="checkbox"/>		
	Manager ATSS	<input type="checkbox"/>		
	ADG Operations	<input type="checkbox"/>		
	Director National Programme and Standards	<input type="checkbox"/>		
Other party informed (specify)				



## SECTION 4: APPEAL OF ASSESSMENT SYSTEM MALPRACTICE FINDING

If this section is not applicable, please tick ☐

Appeal of Assessment System Malpractice Finding			
Appeal application received by ETB Manager	Yes <input type="checkbox"/>	Date:	
Note			
Appeal Application Approved to Proceed	Yes <input type="checkbox"/>	No <input type="checkbox"/> (If no, state reason(s) for not granting appeal)	
Reason(s) for not granting appeal			
Appellant notified in writing	Yes <input type="checkbox"/>	Date:	
Appeal Reference Number(s) <sup>1823</sup>			
Basis for an Appeal of Assessment System Malpractice Finding (please tick)			
Malpractice not dealt with in accordance with procedures			<input type="checkbox"/>
Regulations not adequately cover the circumstances relating to the malpractice			<input type="checkbox"/>
New information available that was not available to the investigation			<input type="checkbox"/>
Appeal of Assessment System Malpractice Finding			
Name of Appeal of Finding Reviewer		Contact Number	
		Email Address	
Name(s) of person(s) spoken to/met			
Documents reviewed			
Evidence reviewed			
Appeal Decision Outcome (including justification)			
Report submitted to ETB Manager	Yes <input type="checkbox"/>	Date:	
Adjudication on the Appeal of Finding Decision Outcome			
Appeal Upheld as adjudicated by ETB Area Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Signed (ETB Area Director)		Date	

<sup>18</sup> Where there is more than one appellant

Communication of Appeal of Finding Decision Outcome				
Appeal of Findings Decision Outcome	Communicated to: (as relevant)	Please tick	Date	Informed by
	Appellant	<input type="checkbox"/>		
	Training Standards Officer	<input type="checkbox"/>		
	Manager ATSS	<input type="checkbox"/>		
	ADG Operations	<input type="checkbox"/>		
Director National Programme and Standards	<input type="checkbox"/>			
Other party informed (specify)				

## SECTION 5: SANCTIONS FOR ASSESSMENT SYSTEM MALPRACTICE (LEARNER ONLY)<sup>1924</sup>

If this section is not applicable, please tick ☐

Sanction		
The sanction(s) recommended		
Approved: Signed (ETB Manager)		Date

Communication of the Sanction				
Sanction being imposed	Communicated to: (as relevant)	Please tick	Date	Informed by
	Relevant Apprentice(s)			
	Training Standards Officer	<input type="checkbox"/>		
	Manager ATSS	<input type="checkbox"/>		
	Area Director	<input type="checkbox"/>		
	ADG Operations	<input type="checkbox"/>		
	Director National Programme and Standards	<input type="checkbox"/>		
Other party informed (specify)	<input type="checkbox"/>			

<sup>19</sup> Section 5 and 6 apply to Learner sanctions only

**SECTION 6: APPEAL OF ASSESSMENT SYSTEM MALPRACTICE SANCTION (LEARNER ONLY)**If this section is not applicable, please tick ☐

Appeal of an Assessment System Malpractice Learner Sanction		
Appeal application received by ETB Manager	Yes <input type="checkbox"/>	Date:
Note		
Appeal Application Approved to Proceed	Yes <input type="checkbox"/>	No <input type="checkbox"/> (If no state reason for not granting appeal)
Reason(s) for not granting appeal		
Appellant notified in writing	Yes <input type="checkbox"/>	Date:
Appeal Reference Number(s)		
Basis for an Appeal of an Apprentice Sanction (please tick)		
Sanction excessively punitive in relation to the malpractice incident	<input type="checkbox"/>	
The sanction was not in accordance with policy	<input type="checkbox"/>	

Appeal of an Apprentice Sanction			
Name of Appeal of Sanction Reviewer		Contact Number	
		Email Address	
Name(s) of person(s) spoken to/met			
Documents reviewed			
Evidence reviewed			
Appeal Decision Outcome (including justification)			
Report submitted to ETB Manager	Yes <input type="checkbox"/>	Date:	
Adjudication of Appeal of the Sanction Decision Outcome			
Appeal Upheld as adjudicated by ETB Area Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Approved: Signed (ETB Area Director)		Date	

Communication of Appeal of Sanction Decision Outcome				
	Communicated to: (as relevant)	Please tick	Date	Informed by
Appeal of Apprentice Sanction Decision Outcome	Appellant	<input type="checkbox"/>		
	Training Standards Officer	<input type="checkbox"/>		
	Manager ATSS	<input type="checkbox"/>		
	ADG Operations	<input type="checkbox"/>		
	Director National Programme and Standards	<input type="checkbox"/>		
	Other party informed (specify)			

## SECTION 7: CORRECTIVE AND/OR PREVENTATIVE ACTION, ATSS ISSUES LOG CLOSURE AND CERTIFICATION

Corrective and/or Preventative Action (Describe where applicable)	
Corrective action for apprentice redress	
Corrective action for improving assessment process or conduct	
Other	

Communication of Corrective and/or Preventative Action			
Corrective Action	Communicated to: (as relevant)	Date	Informed by

ATSS Issues Log Closed			
Assessment System Malpractice Unsubstantiated	Yes <input type="checkbox"/>	Issues Log Closed	Date:
Appeal of Malpractice Findings Upheld	Yes <input type="checkbox"/>	Issues Log Closed	Date:
Implementation of Corrective Action and/or Preventative Action	Yes <input type="checkbox"/>	Issues Log Closed	Date:

For Certificates Held		
Certificate(s) released after investigation	Yes <input type="checkbox"/>	Date:
Awarding Body notified <sup>20</sup> (if appropriate)	Yes <input type="checkbox"/>	Date:

<sup>20</sup> In cases where certificates had already been requested or issued by the Awarding Body, the ETB manager will inform the Awarding Body of the outcome of the investigation certification implications

## Appendix 4a: Template for Application Form for Appeal of Assessment System Malpractice Finding (Learner only)

### Application Form for Apprentice Appeal of Assessment System Malpractice Finding

#### Instructions

Please complete **all** parts of this form in BLOCK letters. Send it to the ETB Manager who wrote to tell you about the assessment system malpractice finding. Please do this within **10 working days** from the date of their letter.

<b>Name:</b>
<b>Address:</b>
<b>Reference Number (you will find this on your letter):</b>
<b>Contact number:</b>
<b>Email address:</b>

<b>Reason for your appeal (please tick one box only)</b>	
Malpractice was not dealt with in line with ETB 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"/>
<b>Please explain your reason for this appeal application</b>	
<b>Print Name:</b>	
<b>Signature:</b>	<b>Date:</b>

FOR OFFICIAL USE ONLY	
Report (Section 4) Completed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Signature:	
Date:	
File Reference Number:	

## Appendix 4b: Template for Application Form for Appeal of Assessment System Malpractice Finding (non-learner)

### Application Form for Appeal of Assessment System Malpractice Finding

Please complete this form in BLOCK letters and send to the ETB Manager who sent the letter notifying you of the assessment system malpractice finding. The ETB Manager must get this form no more than 10 working days from the date of the letter sent to you. Please quote the Reference Number on this application.

<b>Appellant Name:</b>
<b>Address:</b>
<b>Reference Number:</b>
<b>Contact number:</b>
<b>Email address:</b>

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

<b>FOR OFFICIAL USE ONLY</b>		
Report (Section 4) Completed	Yes	No
Signature:		
Date:	<input type="checkbox"/>	<input type="checkbox"/>
File Reference Number:		

## Appendix 5: Template for Application Form for Appeal of Assessment System Malpractice Sanction (Learner only)

### Application Form for Apprentice Appeal of Sanction Imposed for an Assessment System Malpractice

#### Instructions

Please complete **all** parts of this form in BLOCK letters. Send it to the ETB Manager who wrote to tell you about the malpractice sanction. Please do this within **10 working days** from the date of their letter.

<b>Name:</b>
<b>Address:</b>
<b>Reference Number (this number is on your letter):</b>
<b>Contact number:</b>
<b>Email address:</b>

#### Why you are appealing the sanction? (Please tick one box only)

Sanction was too severe in relation to the malpractice incident

☐

The sanction was not in line with ETB policy

☐

<b>Explain why you are applying for this appeal</b>	
<b>Print Name:</b>	
<b>Signature:</b>	<b>Date:</b>

FOR OFFICIAL USE ONLY		
Report (Section 5) Completed	Yes	No
Signature:	<input type="checkbox"/>	<input type="checkbox"/>
Date:		
File Reference Number:		