

# **CILEx Level 3 and Level 4 Diploma in Providing Legal Services**



## **Guidance to Centres – Version 1 - October 2014**

### **1. Purpose**

The CILEx External Verifiers (EVs) and Qualifications team have met to review the progress of the CILEx competence qualifications and carry out further standardisation activities.

At the meeting feedback from EV visits was discussed with a view to developing further guidance for centres in relation to the delivery of CILEx competence qualifications and the validity of evidence to demonstrate competence. This guidance does not override the information provided in the Qualifications Handbooks with which centre staff should be fully conversant.

It is early days in the delivery of the CILEx Level 3 and Level 4 Diploma in Providing Legal Services and therefore this guidance focuses on identifying examples of good practice which have been observed by CILEx EVs whilst alerting centres to potential issues. In order to do this positive and negative indicators have been provided.

It is noted that centres have adopted a number of different approaches to the delivery of the CILEx competence qualifications and CILEx does not intend this guidance to limit or restrict centres from adopting a range of delivery methods, assessment methods and assessment recording methods. EV visits have been carried out at existing centres and these centres should continue to focus on the feedback provided in their EV reports.

### **2. Learner recruitment and employer engagement**

It is important that learners of the appropriate calibre are enrolled onto the appropriate level of the competence qualifications. Further, it is essential that the employers of the learners fully understand the requirements placed upon them in relation to their apprentices. Centres should carry out due diligence checks to ensure that learners will be properly supported by their employers and will have sufficient opportunities to collect evidence of having carried out the activities required of the qualification. Employers need to be able to deliver skills practice to their apprentices across all areas addressed by the qualifications.

Examples of positive indicators:

- Robust recruitment process to ensure the right calibre of learner is recruited onto the programme, ie learners who are in roles which enable them to produce valid work place evidence or have employers who will ensure access to opportunities to develop skills, for example, through work placements and projects etc).

- Due diligence checks carried out on employers to ensure that employers fully understand their responsibilities and input into the qualifications, including the requirement to deliver skills practice across the areas covered by the qualification, provision of support to learners, provision of evidence, for example witness testimony and facilitating assessor visits to meet with learners and observe them on-site during the working day.
- The use of triangular contracts between the centre, learner and employer setting out clearly the responsibilities of each of the parties.
- Discussions take place between the centre and employer to agree how confidential information will be dealt with, and how the centre IV, CILEx EV and any regulatory body will access sufficient evidence of competence.

Examples of negative indicators:

- Insufficient checks carried out on employers leading to lack of employer engagement whereby learners are not given access to the resources required to develop new skills.
- Insufficiently thorough recruitment process leading to learners being enrolled who will not be able to produce evidence at the appropriate level or across all areas of the qualification.

### **3. Assessment Planning**

Assessment planning is essential to the success of a learner's apprenticeship journey. Centres approach assessment planning in a number of different ways. However, the key to successful assessment planning is that it is personalised to address the individual learner's needs and it is organised with a planned timeline for completion, whilst retaining flexibility to address learner's needs as they evolve.

Examples of positive indicators:

- A personalised apprenticeship journey is developed with the learner with the full engagement of the learner's employer.
- An overarching plan for completion of the qualification is developed with the learner. This plan is then supported by further plans addressing completion of the units which is further supported by plans for the activities to be undertaken by the learner.
- Assessment plans are structured and suggest activities which the learner can carry out and evidence which the learner can produce to demonstrate competence.
- Holistic planning approaches should be considered whereby a range of assessment criteria from different units can be assessed by one activity, ensuring the efficient use of evidence.
- Clear links are established between each assessment activity and the assessment criteria it is intended to meet.
- Assessment plans are dated with target dates for activities.
- Assessment plans are revisited and further plans are put in place as the learner progresses through the qualification
- There is good assessor engagement with the content of the qualification in order that links between units can be established with evidence used efficiently (ie evidence addresses more than one assessment criterion, possibly across different units).

Examples of negative indicators:

- Lack of centre engagement with the employer so that the employer is unaware of their role in the assessment.
- Generic approach to assessment planning which is not personalised to the needs of the learner.
- Lack of assessment planning and structured approach or limited time given to allow for assessment planning.
- Over-reliance on one type of evidence to demonstrate competence.
- Limited assessor familiarity with the content of the qualifications.

#### **4. Assessor Feedback and Decisions**

Assessor feedback should be supportive and encouraging with shortcomings identified and further guidance and support provided. Assessor decisions should be clearly evidenced to the specific assessment criteria and be auditable.

Examples of positive indicators:

- Formal decisions confirming unit achievement clearly set out.
- Clear mapping of the assessment criteria which may have been met including annotating the learner's evidence to ensure that the audit trail is transparent.
- Identification of other (additional) assessment criteria which have been met by evidence.
- Personalised and constructive feedback with specific advice and guidance for further learner development.
- Clear transfer of insight and knowledge from assessor to learner.
- Clear differentiation between formative and summative assessment

Examples of negative indicators:

- Lack of cross-referencing of assessment criteria on a learner's evidence.
- Generic and bland feedback which does not give advice about future development.
- Feedback not commensurate to the work produced ie only a tick given.

#### **5. IV Feedback**

The role of the IV (or IQA) is pivotal to the success of the centre's delivery of the competence qualifications. IVs play the key role in the centre's quality assurance of the competence qualifications and CILEx EVs will closely scrutinise IV feedback and decisions and strategy and planning in order to gain confidence in the centre's ability to deliver and assess the qualifications.

IVs have a responsibility to learners to ensure that they receive the feedback they deserve and to centre assessors to ensure they receive appropriate support and guidance. The role of the IV includes the provision of feedback on assessment decisions, the quality of feedback, how assessment decisions are recorded and standardised across assessors.

Examples of positive indicators:

- IV takes responsibility and ownership for the quality assurance of assessment at the centre.
- Evidence of 'ongoing' IV throughout the delivery of the qualification and not just at the claim stage.
- IV feedback addresses the quality of the assessment planning and assessment feedback of the centre assessors.
- IV feedback addresses the appropriateness and quality of evidence (including level).
- There is evidence that the IV is able to disagree with assessor decisions, where appropriate.
- Evidence of the IV leading standardisation activities and identifying and sharing good practice with the assessor team.
- Evidence of the IV providing support and guidance to the assessor team.

Examples of negative indicators:

- IVing only taking place when an assessor considers the learner is ready to make a claim for a particular unit or a full qualification.
- IV feedback only focusses on the learner's evidence and doesn't provide feedback on the work carried out by the assessors (eg assessment planning, assessment decisions and feedback, assessor audit trail).
- No evidence that the IV has observed learners, a range of units and a range of assessment methods.
- IV has not **over time** IV'd all units, all methods of assessment and all assessors.

## 6. Direct observation

Direct observation can only be carried out by appropriately qualified assessors. Observations should be planned by the assessor and learner in order to make the best use of this assessment method.

Examples of positive indicators:

- Observation clearly follows observation protocols including:
  - the assessor is only observing the candidate carrying out activities but is not part of the activities;
  - any other person involved in the observation (ie anyone else being observed) has been advised that they are being observed and has given their permission;
  - the assessor only records what they see as it happens.
- Consideration has been given to the appropriateness of this method of assessment for demonstrating competence in relation to the assessment criteria.
- Consideration has been given to maximising the number of assessment criteria covered, where possible, in order to make efficient use of the evidence.
- The record of the observation is sufficiently detailed to demonstrate the linkages to the assessment criteria.
- The record of the observation is clearly cross-referenced to the assessment criteria addressed.

Examples of negative indicators:

- The record of the observation does not clearly record the activities which were observed.
- Ad hoc observation takes place which adds no value to the evidence of learner competence, is only covering one assessment criterion or is in addition to other forms of evidence where sufficient product evidence has been produced by the learner.

## **7. Expert witness testimony**

Witness testimony can be a good source of primary evidence of learner competence, if provided by the right person.

Examples of positive indicators:

- Consideration is given to who is providing the witness testimony.
- The person providing the witness testimony has a good knowledge of the standards (ie the learning outcomes and assessment criteria).
- The person providing the witness testimony has the necessary standing ie they have a working relationship with the learner (line manager/supervisor etc) and they have the necessary expertise in the area being assessed.
- The witness is fully informed about the requirements associated with the provision of witness testimony (assessors and/or learners should ensure that the witness is informed about the requirements and the standards).
- The witness testimony sets out clearly the role of the witness, their relationship with the learner and why the witness is qualified to provide the testimony and, if possible, is provided on letterhead.
- Used appropriately, witness testimony demonstrates good engagement with the employer.
- Assessor cross-references witness testimony to the relevant assessment criteria for one or more units.
- Oral witness testimony can be provided but the assessors must ensure that this is appropriately cross-referenced to the assessment criteria.

Examples of negative indicators:

- Irrelevant witness statements produced which are not linked to the learning outcomes and assessment criteria. For example, a generic statement that a learner is good at their job does not add value.
- The testimony is not provided by a person who has sufficient knowledge of the learner, the standards and the learner's 'work' which is the subject of the witness testimony.

## **8. Professional Discussion**

Assessors who carry out professional discussions need to have a considerable amount of assessment experience. The Assessor must be familiar with the learner and the parameters in which they work. Assessors carrying out professional discussions must be fully conversant with the learning outcomes and assessment criteria. It is noted that Professional Discussions can be challenging for IVs to sample, particularly if the discussions are lengthy.

Examples of positive indicators:

- The recording of the professional discussion is accessible and is fully cross-referenced to the assessment criteria, for example, the timings of the relevant sections of the discussion are recorded in relation to each assessment criteria addressed.
- Well planned and structured discussion allowing the learner to discuss in detail evidence of competence, without being overly prompted or directed.
- Provides an opportunity to include evidence in situ ie the learner can show the assessor work product evidence and discuss it with the assessor.
- Provides an insight into a learner's competence if carried out appropriately and at the right level.

Examples of negative indicators:

- Over-reliance on professional discussion to demonstrate learner competence, particularly if is used as the default assessment method.
- Assessor overly prompting the learner.
- Professional discussion limited to question and answer sessions/closed questions/sticking to a script.
- Can be a costly method of assessment as assessors have to take time to cross-reference the recording to the assessment criteria and IVing the recordings can be time consuming.

## **9. Level**

Consideration should be given to the level of the qualification (and unit) to ensure that the evidence produced clearly demonstrates competence at the appropriate level.

The CILEx Level 3 Diploma in Providing Legal Services is set at Level 3 ie A'level equivalent. (Whilst the majority of units are set at Level 3, a small number of units are set at Level 2 (GCSE level) or Level 4 (1<sup>st</sup> year undergraduate degree level). Assessment activities and evidence should accurately reflect the level of the unit.

The Qualifications and Credit Framework (QCF) grade descriptors for Level 3 state:

*Achievement at level 3 reflects the ability to identify and use relevant understanding, methods and skills to complete tasks and address problems that, while well defined, have a measure of complexity. It includes taking responsibility for initiating and completing tasks and procedures as well as exercising autonomy and judgement within limited parameters. It also reflects awareness of different perspectives or approaches within an area of study or work.*

The CILEx Level 4 Diploma in Providing Legal Services is set at Level 4 ie 1<sup>st</sup> year undergraduate honours degree equivalent. (Whilst the majority of units are set at Level 4, a small number of units are set at Level 3 (A'level equivalent) and Level 5 (2<sup>nd</sup> year undergraduate degree level). Assessment activities and evidence should accurately reflect the level of the unit. Level 4 assessment activities are likely to require analysis, evaluation, reflection and increased depth of knowledge, understanding and skill.

The QCF grade descriptors for Level 4 state:

*Achievement at level 4 reflects the ability to identify and use relevant understanding, methods and skills to address problems that are well defined but complex and non-routine. It includes taking responsibility for overall courses of action as well as exercising autonomy and judgement within fairly broad parameters. It also reflects understanding of different perspectives or approaches within an area of study or work.*

## **10. Next steps**

CILEx will continue to closely monitor feedback from CILEx EV visits and will carry out further standardisation activities in due course. Key issues arising from future standardisation activities will be shared with centres to facilitate the ongoing development of good practice.

*Final 29/10/14*