ILEX Procedures for Dealing with Cases of Suspected Student Malpractice

Level 3 Certificate and Professional Diploma in Law and Practice

ILEX Level 6 Single Subject Certificate (Level 6 Certificate in Law)

ILEX Level 6 Professional Higher Diploma in Law and Practice

ILEX Graduate ‘Fast-Track’ Diploma (Level 6 Diploma in Legal Practice)

Revised January 2011
## Contents

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Introduction</td>
</tr>
<tr>
<td>2.</td>
<td>Examples of student malpractice</td>
</tr>
<tr>
<td>3.</td>
<td>Allegations of suspected student malpractice</td>
</tr>
<tr>
<td>4.</td>
<td>ILEX investigations into suspected student malpractice</td>
</tr>
<tr>
<td>5.</td>
<td>Rights of students accused of malpractice</td>
</tr>
<tr>
<td>6.</td>
<td>The decision: Awards Malpractice Committee</td>
</tr>
<tr>
<td>7.</td>
<td>Penalties</td>
</tr>
<tr>
<td>8.</td>
<td>Role and remit of the Professional Conduct Panel</td>
</tr>
<tr>
<td>9.</td>
<td>Appeals</td>
</tr>
<tr>
<td>10.</td>
<td>Retention of materials</td>
</tr>
<tr>
<td>11.</td>
<td>Reporting cases of proven student malpractice</td>
</tr>
<tr>
<td>12.</td>
<td>ILEX contacts for malpractice complaints or queries</td>
</tr>
</tbody>
</table>
1. Introduction

ILEX is a Professional and Awarding Body accredited by Ofqual. ILEX is required to comply with ‘The Statutory Regulation of External Qualifications in England, Wales and Northern Ireland’ (2004) QCA, ACCAC and CCEA, and the ‘Regulatory arrangements for the Qualifications and Credit Framework’ (August 2008) Ofqual, which state:

‘The Awarding Body must publish procedures to centres for dealing with malpractice on the part of candidates/learners, centre staff and any others involved in providing the qualification’.

ILEX is also required to take appropriate action in respect of cases of malpractice to preserve the integrity of ILEX qualifications.

This document sets out ILEX policy and procedures for dealing with suspected cases of malpractice by ILEX students studying the Level 3 Certificate and Professional Diploma in Law and Practice and the Level 6 Single Subject Certificate, Professional Higher Diploma in Law and Practice and Diploma in Legal Practice (Graduate Fast Track Diploma) including breaches of the examination regulations and breaches of Professional Skills assessment regulations. The action an ILEX student should take if accused of malpractice is set out along with the appeals policy and the penalties which may be imposed if allegations of malpractice are proven.

Malpractice in examinations and assessments is a sensitive issue for all awarding bodies particularly for those with a professional body role. Students who behave inappropriately in examinations/assessments undermine the integrity of the ILEX assessment process. The vast majority of ILEX candidates abide by ILEX regulations and study hard to ensure their assessment performance reflects their ability, knowledge and competence. It is important that ILEX supports this majority of hardworking students by being vigilant and identifying and disciplining students who do not adhere to the regulations which govern the ILEX assessment processes.

Students are also advised to familiarise themselves with ‘ILEX Procedures for dealing with Cases of Suspected Accredited Centre Malpractice’. The most recent version of this document is posted on the ILEX website (www.ilex.org.uk).

2. Examples of student malpractice

Students taking Law and Practice units for the Level 3 Certificate and Professional Diploma in Law and Practice and Level 6 Single Subject Certificate, Professional Higher Diploma in Law and Practice and Diploma in Legal Practice (Graduate Fast Track Diploma) are required to comply with the ILEX Examination Regulations applicable to the examination session.

Students taking the Level 3 or Level 6 Professional Skills assessments are required to comply with the ILEX Professional Skills Assessment Regulations.

Student malpractice includes malpractice by a student in relation to an examination or assessment.
Some examples of student malpractice are listed below:

- Taking unauthorised materials into an examination room (it is acceptable to leave text books etc. at the front/side/back of the room in accordance with the invigilator’s instructions). This could include notes written on a piece of paper/back of the student’s exam permit/ruler/candidate’s arm/back of hand etc.
- Communicating with another student during the examination.
- Using a mobile telephone/pocket computer/programmable calculator/personal stereo or other communication device during the examination.
- Non-compliance with instructions or advice of an invigilator in relation to the examination regulations.
- Disruptive behaviour during an examination.
- Impersonating another student or arranging to be impersonated.
- Plagiarism: reproducing work from a published source (including the internet) and presenting it as one’s own work.
- Copying the work of another student or allowing one’s own work to be copied by another student.

The above list of examples of malpractice is not an exhaustive list and reports of other student malpractice will be fully investigated by ILEX.

3. Allegations of suspected student malpractice

Allegations of suspected student malpractice may be made by an accredited centre or accredited centre contractors (for example invigilators), ILEX assessors and invigilators, ILEX students, ILEX officers and others involved in the delivery, examination and assessments of ILEX qualifications. ILEX normally requests that all allegations are made in writing. In some cases an allegation of student malpractice may be made anonymously.

All allegations of suspected malpractice are evaluated by ILEX to determine the potential gravity of the malpractice, the risk to the ILEX qualifications and the appropriate course of action and nature of any investigation by ILEX which may be necessary.

4. ILEX investigations into suspected student malpractice

All allegations of suspected student malpractice in assessment including examination malpractice and Professional Skills assessment malpractice are investigated by the Awards Department.

The scope and activities undertaken as part of each malpractice investigation will depend on the nature of suspected malpractice. In each case investigations will involve the gathering of evidence relating to the suspected malpractice which may include but not be limited to contacting potential witnesses and collecting witness reports, conducting interviews with witnesses, reviews of student work, consideration of other work the student has undertaken with a centre, consideration of the work (examination scripts/assessments) produced by other students at the examination or accredited centre.
ILEX reserves the right to withhold a student’s examination/assessment results until the investigation has been concluded and subject to the Awards Malpractice Committee’s decision.

As part of the investigation the student accused of malpractice will be contacted and advised that an investigation is being undertaken and provided with the opportunity to provide a response.

5. Rights of students accused of malpractice

Following the investigation into a case of student malpractice, the student will be sent written confirmation of the allegation as follows:

- Details of the allegation
- Evidence relating to the allegation (including witness reports if provided).
- A copy of the ‘ILEX Procedures for dealing with cases of suspected malpractice’ which set out the penalties and appeals policy, an overview of the Awards Malpractice Committee’s remit and advice about the possible referral of the matter to the Professional Conduct Panel if the allegation is upheld.

All students accused of malpractice are invited to provide a written response to the allegation and evidence presented. Students will normally be given 14 days from the date of receipt of the allegation and evidence to provide their written response. If no response is received within 21 days then the matter will be referred to the Awards Malpractice Committee.

Students are able to contact the Quality Assurance Manager or the Quality Assurance Officer if further guidance is required. (The relevant contact details appear in Section 12.)

6. The decision: Awards Malpractice Committee

Investigations into student malpractice are reported to the Awards Malpractice Committee.

The Awards Malpractice Committee is provided with the following information in respect of each case of student malpractice:

- Report from ILEX officers
- Report from the centre (including the invigilator’s report), if applicable
- Evidence in support of the allegation
- The student’s written response/s to the allegation.

The Awards Malpractice Committee considers all the information and evidence relating to the investigation which has been presented to the Committee. The Committee must be satisfied on the balance of probabilities in order to decide that malpractice has been proven. The Committee provides reasons for its decision in respect of each case of malpractice considered.

In the event that the Awards Malpractice Committee determines that malpractice is proven, it determines the penalties to be applied in accordance with the
criteria in Section 7 Penalties. It also sets out any action to be taken to protect the integrity of the examination or assessment.

Students accused of malpractice are not permitted to attend the meeting/s of the Awards Malpractice Committee. The work of the Committee is confidential.

Malpractice cases which result in the student’s examination/assessment result being voided in accordance with the criteria for penalties (Section 7) are referred to the Professional Conduct Panel which considers the conduct of ILEX members.

The Awards Malpractice Committee can also make a discretionary decision to refer other cases of student malpractice (which did not lead to the voiding of a student’s examination or assessment result) to the Professional Conduct Panel.

ILEX officers will write to students accused of malpractice within 5 working days of the Awards Malpractice Committee meeting to confirm the decision of the Committee and any penalties imposed.

### 7. Penalties

ILEX may impose penalties on a student in the event that malpractice is proven. The Awards Malpractice Committee determines the penalties to be imposed which must be commensurate with the gravity of the malpractice which is proven.

The following criteria inform the level of penalty imposed on a student. The criteria are not exhaustive but provide a benchmark against which individual cases are considered.

<table>
<thead>
<tr>
<th>Penalty</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| Written warning | **Minor breach of the regulations which does not affect the integrity of the examination/assessment or give the student an unfair advantage over other students, for example:**  
- Mobile phone makes noise for a short period during an examination or assessment task but is not in candidate’s possession.  
- Tearing out pages from answer booklet  
- Bringing in pre-released case study materials which are not annotated into the exam which are removed during the reading time of a practice examination  
- Minor refusal to adhere to invigilator’s instructions which does not disrupt other students  
- Unauthorised materials in possession during the examination which did not give candidate an advantage over other candidates |
| Assessment task for a Professional Skills assessment declared void | **Significant breach of the professional skills regulations which may lead to a student gaining an advantage over other students in relation to one of the tasks for a Professional Skills assessment, for example:**  
- Collusion - work of two or more students contains extensive similarities for one task only |
<table>
<thead>
<tr>
<th>Examination or assessment result declared void</th>
<th><strong>Significant breach of the regulations which may lead to a student gaining an advantage over other students, for example:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Plagiarism from a published work not referenced for one task only.</td>
<td>▪ Collusion - work of two or more students contains extensive similarities</td>
</tr>
<tr>
<td></td>
<td>▪ Unauthorised materials found on the candidate during an examination which would have given student an advantage over other students</td>
</tr>
<tr>
<td></td>
<td>▪ Unauthorised device (for example a listening or recording device) found on the candidate during an examination</td>
</tr>
<tr>
<td></td>
<td>▪ Severely disruptive behaviour during an examination</td>
</tr>
<tr>
<td></td>
<td>▪ Security breach of an examination paper or assessment materials with evidence that student has accessed secure materials to gain an advantage in the examination or assessment</td>
</tr>
<tr>
<td></td>
<td>▪ Evidence of use of mobile phone during examination or assessment</td>
</tr>
<tr>
<td></td>
<td>▪ Refusal to handover suspected unauthorised materials or device when asked or refusal to demonstrate that any suspected materials or device was not in student’s possession.</td>
</tr>
<tr>
<td></td>
<td>▪ Plagiarism from a published work not referenced.</td>
</tr>
<tr>
<td></td>
<td>▪ Arranging to be impersonated by another individual in an examination or assessment task</td>
</tr>
</tbody>
</table>

### 8. Role and remit of the Professional Conduct Panel

The Awards Malpractice Committee has the discretion to refer cases of student malpractice to the Professional Conduct Panel (see Section 6 Malpractice Committee). The Professional Conduct Panel will consider what action to take against the student’s membership of ILEX.

The following information is made available to the Professional Conduct Panel:

- Relevant marked script/s or assessments
- Copies of any unauthorised materials or other documentation removed from the candidate.
- Details of the allegation including the Invigilator’s report
- Any witness reports and other evidence collecting in the investigation
- The candidates written response to the allegation
- The relevant minute of the Awards Malpractice Committee meeting relating to the allegation.

ILEX Professional Standards Ltd. (IPS) will contact the student prior to the Professional Conduct Panel meeting to request a further written response in relation to the allegations, for consideration by the Professional Conduct Panel. IPS may also undertake any further investigation it deems necessary.

The Professional Conduct Panel may take the following action:

- admonish, reprimand or warn a member;
- require a member to give an Undertaking as to his future conduct;
o request further information;
 o reject the complaint;
 o if it is a serious matter refer it to ILEX’s Disciplinary Tribunal.

ILEX Professional Standards Ltd. will report the decision of the Professional Conduct Panel to the student. IPS will also notify the Awards Department of the Professional Conduct Panel’s decision.

9. Appeals

Students are entitled to appeal against student malpractice decisions. Students must make a written request for an appeal within 15 working days of receipt of the correspondence from ILEX confirming the decision and penalties to be applied.

Requests for appeals are acknowledged by ILEX and are considered by the Awards Appeals Committee. Appeals will be considered by the Committee at its next meeting which will normally be within 60 days.

The only evidence that the Awards Appeals Committee shall take into account in determining an appeal shall be the material before the Awards Malpractice Committee. Where a student appealing the decision of the Awards Malpractice Committee wishes to put before the Awards Appeals Committee evidence that

(i) could not reasonably have been produced to the Awards Malpractice Committee,
(ii) would have been capable of affecting the decision of the Awards Malpractice Committee, and
(iii) is credible,

the Awards Appeals Committee may take that evidence into account.

In determining an appeal, the Awards Appeals Committee may:

(i) confirm the decision of the Awards Malpractice Committee;
(ii) vary the decision of the Awards Malpractice Committee; or
(iii) order the Awards Malpractice Committee to reconsider the complaint.

The student will be notified of the Awards Appeals Committee’s decision within 5 working days of the meeting.

10. Retention of materials

ILEX retains all documentation and records in relation to a malpractice investigation which resulted in penalties being imposed on a student for five years following the decision and confirmation of penalties.
Reporting cases of proven student malpractice

ILEX notifies the regulatory authorities of all cases of student malpractice where it is found that ILEX results or certificates may be invalid. In such cases ILEX will agree appropriate action with the regulatory authorities.

ILEX will report cases of student malpractice to the relevant authorities if proven malpractice involves a criminal act.

ILEX reserves the right to report cases of student malpractice to the student’s accredited centre.

All cases of proven student malpractice are reported to the Awards Performance and Strategy Committee.

11. ILEX Contacts for malpractice complaints or queries

Amanda Pipe    Quality Assurance Manager
T: 01234 845758  E: apipe@ilex.org.uk

Susan Jayes    Quality Assurance Officer
T: 01234 845757  E: sjayes@ilex.org.uk

Alison Hollyer    Head of Awards
T: 01234 845735  E: svarney@ilex.org.uk

ILEX, Kempston Manor, Kempston, Bedford, MK42 7AB