



Sanctions Policy

CILEX Regulated Qualifications

Purpose

1. CILEX has a responsibility to protect the integrity of CILEX qualifications, the interests of its learners and CILEX's reputation.
2. The purpose of this policy is to set out the principles governing CILEX's approach to the implementation of sanctions on learners, training providers and training provider staff. These principles ensure that sanctions are decided fairly, applied consistently and transparently, and that adverse effects are prevented or mitigated.

Scope

3. This policy applies to CILEX learners, Heads of Training Providers, accredited training provider staff and associated contractors, CILEX staff and assessors and other CILEX contractors involved in qualification and/or assessment delivery for CILEX Regulated Qualifications (Appendix 1).

Definitions

4. The term 'learners' in the context of this policy includes all individuals studying for the regulated qualifications listed in Appendix 1.
5. Regulated qualification in the context of this policy means a CILEX qualification which is regulated by Ofqual and/or Qualifications Wales and/or CCEA. The list of qualifications appears in Appendix 1.
6. Sanctions are the penalties applied by CILEX to learners, accredited training providers, accredited training provider staff due to non-compliance with the regulations, policies, procedures and requirements governing CILEX regulated qualifications and/or the CILEX training provider accreditation standards and/or CILEX training provider agreement.
7. An adverse effect is defined by the regulators as follows:
An act, omission, event, incident, or circumstance has an Adverse Effect if it –
 - (a) gives rise to prejudice to Learners or potential Learners, or
 - (b) adversely affects –
 - (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,
 - (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - (iii) public confidence in qualifications.

Purpose of sanctions

8. Generally, sanctions may be imposed to
 - minimise risks to the integrity of CILEX qualifications, examinations and assessments
 - prevent or mitigate an adverse effect
 - ensure that there is no benefit from breaching CILEX regulations, policies and procedures
 - deter others from breaching CILEX regulations, policies and procedures

- maintain confidence in CILEX qualifications.
9. Learner sanctions may be applied to a learner who has breached CILEX regulations, policies and procedures, to mitigate the impact of the breach, ensure that a learner does not gain an advantage and/or deter other learners from breaching CILEX rules and regulations.
 10. Training provider sanctions may be applied to a CILEX accredited training provider to address performance issues, failings in relation to delivery and/or assessment of CILEX qualifications, suspected or proven malpractice, maladministration, non-compliance with the CILEX accredited training provider agreement and/or CILEX accreditation standards.
 11. Training provider staff sanctions may be applied to a member of staff at an accredited training provider to address failings by training provider staff in relation to delivery and/or assessment of CILEX qualifications, malpractice and maladministration.

Implementation of sanctions

12. CILEX imposes sanctions commensurate with the gravity of the issue, incident, non-compliance, malpractice or maladministration identified in accordance with the relevant criteria set out in Appendix 2 (Learner Sanctions), Appendix 3 (Training Provider Sanctions), Appendix 4 (Training Provider Staff Sanctions), as applicable. The criteria are not exhaustive, and each case is considered on its own merits.
13. In some circumstances, sanctions may be imposed to facilitate the investigation of a suspected incident of malpractice or maladministration, or to mitigate a risk to the integrity of a CILEX qualification whilst an incident is being investigated.
14. Training provider sanctions may be imposed at qualification or training provider level.
15. Sanctions may be applied flexibly, if particular mitigating or aggravating circumstances are identified. CILEX will decide sanctions based on the facts of each case and reserves the right to reduce or increase a sanction accordingly.
16. When deciding training provider sanctions CILEX will consider the impact on learners who may be affected through no fault of their own. Where necessary, CILEX will seek to support learners affected, for example, by identifying alternative training providers for continued study.
17. CILEX will advise training providers of the corrective action required to rectify the issues which led to the imposition of a sanction and the timeline for completion.

Roles and responsibilities

18. Learner sanctions may be decided by the CILEX Qualifications Malpractice Panel, CILEX Qualifications Appeals Panel, CILEX Responsible Officer or a Manager nominated by the CILEX Responsible Officer.
19. Training provider sanctions and training provider staff sanctions may be decided by the CILEX Qualifications Malpractice Panel, CILEX Qualifications Appeals Panel, CILEX Responsible Officer

and CILEX staff responsible for overseeing training provider monitoring and quality assurance or training provider investigations.

Informing training providers

20. In the event that a sanction is imposed on a training provider or a member of training provider staff, the Head of Training Provider will be provided with the following information:
 - the sanction to be applied, including, where appropriate, the qualification/s, unit/s to which the sanction applies
 - the reasons underpinning the decision to apply the sanction
 - the corrective action which must be taken, as applicable
 - the timeline for the completion of the corrective action.
21. The Head of Training Provider will be responsible for ensuring compliance with the sanction/s and any associated actions.
22. The Head of Training Provider will normally be advised about sanctions imposed on the training provider's learners.

Reviewing training provider sanctions

23. The CILEX Accreditation team is responsible for monitoring the corrective action taken by a training provider to address the issues which informed the implementation of a sanction.
24. Sanctions may be reduced or lifted when the corrective action has been completed, subject to CILEX being satisfied that the level of risk is reduced, with the exception of a Level 5 sanction (withdrawal of accreditation). CILEX may permit a training provider issued a Level 5 sanction to reapply for accreditation following a minimum period of 12 months since the implementation of the sanction, however, CILEX reserves the right to impose a longer timeframe or to not accept an application for reaccreditation.
25. Where corrective measures are not put in place in accordance with CILEX requirements and timeline, a higher-level sanction may be applied.
26. Where a sanction is imposed whilst an incident of suspected malpractice or maladministration is being investigated, the sanction may be removed at the conclusion of the investigation subject to the investigation findings.

Appeals

27. Training providers, training provider staff and learners may appeal against sanctions imposed by the CILEX Qualifications Malpractice Panel in relation to an incident of malpractice or maladministration. Training providers, training provider staff or learners should refer to the CILEX Appeals Policy – CILEX Regulated Qualifications and the CILEX Malpractice and Maladministration Appeals Procedure – CILEX Regulated Qualifications.

28. Sanctions imposed by CILEX for other reasons cannot be appealed. In such circumstances training providers or learners may wish to consider making a complaint in accordance with the CILEX Complaints Policy.

Notification of other awarding organisations and CILEX regulators

29. CILEX reserves the right to notify Ofqual, Qualifications Wales, CCEA, CILEx Regulation Ltd (as applicable) where an incident which led to the imposition of a sanction could lead to an adverse effect.
30. CILEX reserves the right to inform other awarding organisations where CILEX has reasonable cause to believe that an incident which led to the imposition of a sanction could affect another awarding organisation.

Record keeping

31. All records and evidence applicable to the CILEX Sanctions Policy – CILEX Regulated Qualifications will be retained for seven years.

Policy review arrangements

32. This policy is subject to a three-year review cycle. However, the policy may be reviewed more frequently to address regulatory changes, operational feedback or concerns brought to the attention of CILEX to ensure the policy remains fit for purpose.
33. This policy is also reviewed as part of CILEX ongoing quality improvement monitoring.

Summary of changes between V2.1 and previous version
<ul style="list-style-type: none">▪ Amended retention period of all records and evidence.▪ Removed qualifications no longer offered by CILEX (Appendix 1).

CILEX Regulated Qualifications

CILEX Level 6 Certificate in Law

CILEX Level 6 Diploma in Law and Practice

CILEX Level 6 Diploma in Legal Practice (Graduate FastTrack Diploma)

Learner Sanctions Criteria

The learner sanctions criteria inform the level of sanction imposed on a learner. The criteria are **not exhaustive** but provide a benchmark against which individual cases are considered.

Sanction	Criteria
Written warning	<p>Minor violations which do not adversely impact the integrity of an examination/assessment, for example:</p> <ul style="list-style-type: none"> ▪ mobile telephone makes noise for a short period during an examination but is not in learner's possession ▪ refusal to adhere to invigilator's/supervisor's instructions of a minor nature for an assessment undertaken under controlled (invigilated or supervised) conditions which does not disrupt other candidates or compromise the assessment ▪ failing to keep a learner's own work secure which does not have an adverse impact on the integrity of the assessment
One assessment task for a Professional Skills assessment declared void ¹	<p>Significant violations which affect the integrity of the assessment for one task only, for example:</p> <ul style="list-style-type: none"> ▪ drafts or final versions for one Professional Skills task shared with another learner ▪ copying another learner's work for one Professional Skills task only ▪ working together with another learner (or other learners) to produce the response for one Professional Skills task only ▪ learner work for one Professional Skills task only is not individual and original ▪ plagiarism – a substantial amount of material from a published work (including the internet) not referenced for one task only
Assessment result declared void	<p>Significant violations which compromise, attempt to compromise or may compromise the process of assessment, the integrity of a qualification or the validity of a result or certificate, and/or damage the reputation or credibility of CILEX, for example:</p> <ul style="list-style-type: none"> ▪ failing to comply with ID check requirements ▪ failing to comply with requirements to ensure the integrity of an examination/assessment ▪ engaging in activities which undermine the integrity of the assessment and/or qualification ▪ unprofessional, disruptive or non-compliant behaviour ▪ having non-permitted materials/devices or similar in an examination ▪ producing or attempting to produce work for an examination/assessment which is not authentic ▪ attempting to breach or breaching the security or confidentiality of confidential assessment materials ▪ altering or interfering with CILEX assessment documentation, for example, key code slips, results notifications or certificates ▪ repeating violations which CILEX has previously brought to a learner's attention

¹Where the malpractice proven in relation to one Professional Skills assessment task is considered to have a significant impact on the integrity of the whole assessment, CILEX reserves the right to void the complete assessment and not just one task.

Accredited Training Provider Sanctions Criteria

CILEX reserves the right to apply the sanctions flexibly, as appropriate, to a determined situation and may use more than one sanction in an instance where it is judged to be required.

Sanction level	Sanction	Criteria
Level 1	Void learner assessment (including examination) results	Integrity of an assessment/examination has been compromised Integrity of assessment decisions compromised
Level 2	Temporary suspension of learner registration and/or certification for a specific CILEX qualification	Failure or suspected failure to comply with the CILEX Accredited Training Provider Standards, accredited training provider agreement and/or qualification requirements for a specific CILEX qualification which could or has: <ul style="list-style-type: none"> ▪ led to an adverse effect ▪ compromised the integrity or standards of a CILEX qualification Non-payment of invoices
Level 3	Temporary suspension of learner registration and/or certification for all CILEX qualifications	Failure or suspected failure to comply with the CILEX Accredited Training Provider Standards, accredited training provider agreement and/or qualification requirements which could have or has: <ul style="list-style-type: none"> ▪ led to an adverse effect ▪ compromised the integrity or standards of a CILEX qualification Non-payment of invoices
Level 4	Withdrawal of approval of training provider to deliver specific CILEX qualification/s	Significant or repeated failure to comply with the CILEX Accredited Training Provider Standards, accredited training provider agreement and/or qualification requirements for a specific CILEX qualification/s which could have or has: <ul style="list-style-type: none"> ▪ led to an adverse effect ▪ compromised the integrity or standards of a CILEX qualification Non-payment of invoices
Level 5	Withdrawal of CILEX accreditation	Significant or repeated failure to comply with the CILEX Accredited Training Provider Standards, accredited training provider agreement and/or qualification requirements which could have or has: <ul style="list-style-type: none"> ▪ led to an adverse effect ▪ compromised the integrity or standards of a CILEX qualification ▪ adversely impacted on CILEX's reputation Non-payment of invoices

Training Provider Staff Sanctions Criteria

Sanction	Criteria
Temporary suspension from involvement delivery of CILEX qualification/s	<ul style="list-style-type: none"> ▪ Suspected involvement in malpractice incident ▪ Failure to meet CILEX requirements in relation to assessment or quality assurance of CILEX qualifications ▪ Failure to adhere to CILEX invigilation rules and requirements
Permanent removal from involvement delivery of CILEX qualification/s	<ul style="list-style-type: none"> ▪ Repeated failure to meet CILEX requirements in relation to assessment or quality assurance of CILEX qualifications ▪ Repeated failure to comply with CILEX invigilation rules and requirements ▪ Compromised CILEX confidential assessment materials ▪ Committed malpractice