

CILEx Malpractice Policy and Procedures

LEVEL 3 PARALEGAL APPRENTICESHIP END-POINT ASSESSMENT

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1. Introduction

- (i) This document sets out the CILEx policy and procedures for dealing with cases of suspected malpractice by Apprentices undertaking CILEx End-Point Assessment (EPA) for the:
 - Level 3 Paralegal Apprenticeship
 - Level 6 Chartered Legal Executive Apprenticeship
- (ii) The EPA for the Level 3 Paralegal Apprenticeship comprises the following components:
 - Interview;
 - Timed Assessment 1
 - Timed Assessment 2
- (iii) The EPA for the Level 6 Chartered Legal Executive Apprenticeship comprises the following components:
 - Portfolio
 - Case Study
- (iv) This policy addresses reporting suspected malpractice, malpractice investigations, the role of the Qualifications Malpractice Committee and Qualifications Appeals Committee, the penalties which may be imposed if allegations of malpractice are proven and the appeals policy.

2. Purpose

- (i) In order to ensure the integrity of CILEx EPA and be fair to all Apprentices, it is important CILEx identifies and takes action in cases where the integrity of the EPA has been or could have been compromised.
- (ii) CILEx will, where possible, take appropriate action to protect CILEx Apprentices caught up in malpractice incidents through no fault of their own. However, in some cases, in order to protect the integrity of CILEx EPA, it may be necessary for CILEx to withhold and/or void and/or revoke the EPA results of CILEx Apprentices, who were not themselves culpable for the malpractice which took place, where there is evidence that the EPA has been compromised and/or that results may be invalid.

3. Scope

- (i) This policy applies to CILEx Apprentices taking EPAs, CILEx staff and CILEx EPA assessors, and other CILEx contractors involved in EPA delivery.

4. Compliance with CILEx regulations

- (i) Apprentices are required to comply with the relevant CILEx EPA regulations governing the EPA which they are undertaking.

5. CILEx definition and examples of malpractice

- (i) Malpractice means any act, default or practice which is a breach of CILEx regulations governing EPA and/or which:
 - compromises, attempts to compromise or may compromise the process of EPA, the integrity of EPA or the validity of the EPA result; and/or
 - damages the reputation or credibility of CILEx.
- (ii) Malpractice may include:

- Engaging in activities which undermine the integrity of EPA;
- Failing to produce individual and original work for EPA;
- Arranging to be impersonated by another individual in the EPA or impersonating an Apprentice;
- Breaching the security of confidential EPA materials;
- Accessing the CILEx e-assessment platform outside of the invigilated timed assessment sessions;
- Refusing to comply with an Invigilator's instructions which compromises the integrity of EPA;
- Being in possession of an unauthorised device to access the internet or receive communications (e.g. mobile phone, tablet computer, smart watch or similar device) during a timed assessment or interview;
- Refusal to hand over suspected unauthorised device when asked or refusal to demonstrate that a device is not in an Apprentice's possession;
- Accessing the internet during a timed assessment or interview;
- Bringing a pre-prepared response into a time assessment session;
- Communicating or attempting to communicate with other Apprentices during a timed assessment;
- Attempting to copy or copying another Apprentice's work for the EPA;
- Severely disruptive behaviour during a timed assessment;
- Falsifying evidence of competence;
- Plagiarism – a substantial amount of material from a published work (including the internet) not referenced and presented as an Apprentice's own work;
- Failure to disclose that work undertaken to demonstrate competence was undertaken collaboratively with one or more parties;
- Misleading a CILEx EPA Assessor or CILEx representative in relation to an Apprentice's competence;
- Altering or interfering with CILEx assessment documentation, for example, key code slips, results notifications.

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

- (iii) Some incidents of malpractice are intentional whereby an Apprentice is seeking to gain an unfair advantage in the EPA. Other incidents of malpractice may be unintentional or are due to circumstances beyond the individual Apprentice's control. However, in all cases of suspected malpractice, CILEx is responsible for taking action to protect the integrity of its EPA.

6. Reporting suspected malpractice to CILEx

- (i) Allegations of suspected Apprentice malpractice may be made by invigilators, CILEx EPA Assessors, Apprentices, CILEx staff, others involved in the delivery of EPA or others not directly connected with the delivery of EPA.
- (ii) In some cases an allegation of malpractice may be made anonymously. CILEx has in place the *CILEx Whistleblowing Policy – CILEx Qualifications* which addresses whistleblowing disclosures.
- (iii) Suspected cases of Apprentice malpractice should be reported to the CILEx Education Compliance Team immediately (see section 23 Useful contacts) in writing.
- (iv) The following information should be provided to the Education Compliance Team:
- Details of the Apprentices affected, as appropriate;
 - The EPA components affected (eg Timed Assessment 1, Timed Assessment 2, Interview, Case Study, Portfolio);
 - Nature of the suspected or actual malpractice and associated dates;
- (v) In addition, the person making the allegation should declare any personal interest they may have in the matter to CILEx.

7. The investigation

- (i) The CILEx Education Compliance Team considers allegations of suspected malpractice to determine the potential gravity of the malpractice, the risk to CILEx EPA, the appropriate course of action and the nature of any investigation which may be necessary. The CILEx Education Compliance Team will also consider any action required to prevent or mitigate an adverse effect from occurring.
- (ii) An investigation will be carried out by the CILEx Education Compliance Team or investigators appointed by the CILEx Education Compliance Team. CILEx will ensure that any person appointed to carry out an investigation is competent to do so and has no personal interest in the matter.
- (iii) Apprentices are required to comply fully with the CILEx Education Compliance Team investigation.
- (iv) The scope and activities undertaken as part of each malpractice investigation conducted by the CILEx Education Compliance Team will depend on the nature of the suspected malpractice.
- (v) The CILEx Education Compliance Team investigations will involve the gathering of evidence relating to the suspected malpractice. This may include but not be limited to contacting potential witnesses and collecting witness reports, conducting interviews (face-to-face or via telephone) with witnesses, including Apprentices, reviews of Apprentice work, consideration of work produced for the EPA by other Apprentices.
- (vi) The objectives of investigations conducted by CILEx are to:
 - establish the facts relating to the allegation to determine whether the allegation of malpractice can be substantiated;
 - identify the cause of any irregularities which occurred, the CILEx Apprentices involved and the extent of their involvement;
 - establish the scale of any irregularities;
 - determine whether remedial action is required to reduce the risk to current Apprentices and to preserve the integrity of the EPA;
 - determine whether any action is required in respect of results already issued;
 - obtain evidence to support any penalties to be applied to the CILEx Apprentices;
 - identify any patterns or trends;
 - identify any changes to policies or procedures that need to be made by CILEx.
- (vii) Where it is considered necessary to conduct face-to-face interviews with Apprentices, or others connected with an alleged malpractice, these individuals may be accompanied at interview by a companion, for example, a family member or friend. The companion is not permitted to take an active part in the interview and should not answer questions on the interviewee's behalf.
- (viii) In the event that it is necessary to conduct a face-to-face interview with an Apprentice who is a minor or a vulnerable adult, the interview will be conducted in the presence of an appropriate adult such as the Apprentice's parent or carer. The person accompanying the Apprentice should not take an active part in the interview and should not answer questions on the Apprentice's behalf.
- (ix) The involvement of legal advisors is not considered necessary, however, if an interviewee wishes to be accompanied by, for example a lawyer or trade union official, the CILEx Education Compliance Team must be informed beforehand in order that arrangements can be made for the interviewer to be similarly supported. In this situation the person accompanying the interviewee should not take an active part in the interview and should not answer questions on the interviewee's behalf. CILEx will not be liable for any professional fees incurred.
- (x) Individuals involved in interviews may be requested to provide a written statement.

- (xi) The Education Compliance Team aims to complete investigations within 15 working days. However, depending on the availability of evidence some investigations may take longer. In such cases, the Apprentice will be advised of the likely timescale.
- (xii) Following the conclusion of the investigation, the CILEx Education Compliance Team will determine whether there is sufficient evidence to indicate that CILEx regulations have been/could have been breached and/or the integrity of the EPA has been/could have been compromised and/or the validity of the EPA result has been/could have been compromised and/or the reputation or credibility of CILEx has been/could have been damaged and/or whether there is sufficient evidence to implicate an Apprentice in malpractice. Subject to the findings of the investigation, the CILEx Education Compliance Team will decide whether to take no further action or to proceed with an allegation of malpractice.

8. Withholding results

- (i) The CILEx Education Compliance Team will withhold the EPA results for any Apprentice involved in a malpractice investigation until the investigation has been concluded and, where applicable, subject to the Qualifications Malpractice Committee's decision. This may include Apprentices who are caught up in a malpractice investigation through no fault of their own.

9. Informing Apprentices

- (i) In the event that the CILEx Education Compliance Team decides to proceed with an allegation of malpractice, the CILEx Education Compliance Team will ensure that the Apprentice accused of malpractice:
 - is informed in writing of the allegation made against him or her;
 - is provided with the relevant CILEx malpractice policy;
 - knows what evidence there is to support the allegation;
 - knows the possible consequences should malpractice be proven;
 - has the opportunity to consider their response to the allegation;
 - has an opportunity to submit a written statement;
 - has the opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
 - is informed about the appeals procedure, should the Qualifications Malpractice Committee decide that malpractice is proven;
 - is informed of the possibility that the information relating to a serious case of malpractice may be shared with CILEx regulators, EQAs, public bodies with an interest in EPA or the police.
- (ii) Apprentices will normally be given 10 working days, from the date of the CILEx Education Compliance Team letter setting out the details of the allegation, to provide their written response. If a response is not received by the deadline, a further letter will be sent to the Apprentice giving the Apprentice a further 5 working days to provide a response. If a response is still not received from the Apprentice, the CILEx Education Compliance Team will progress the allegation without an Apprentice response.
- (iii) The CILEx Education Compliance Team will carry out any further investigation, considered necessary, following the receipt of the response from the Apprentice, or if a response is not received by the timelines set out above.
- (iv) In the event that the CILEx Education Compliance Team identifies any further evidence in support of the allegation following a further investigation into the Apprentice's response, this additional evidence will be provided to the Apprentice in order that the Apprentice may provide a further written response.

10. Notice of Qualifications Malpractice Committee meeting

- (i) Following the conclusion of the investigation and the decision by the CILEx Education Compliance Team to proceed, the case will be referred to the Qualifications Malpractice Committee.
- (ii) The CILEx Education Compliance Team shall request that the Clerk of the Qualifications Malpractice Committee convenes a meeting of the Qualifications Malpractice Committee.
- (iii) The Clerk will subsequently advise the CILEx Education Compliance Team and the Apprentice of the date of the meeting.

11. Qualification Malpractice Committee Meeting

Documentation

- (i) Not less than 15 working days before the meeting date, the CILEx Education Compliance Team shall produce and provide the Clerk with papers for the Qualifications Malpractice Committee meeting comprising:
 - (a) the allegation;
 - (b) the evidence to be presented by the CILEx Education Compliance Team;
 - (c) the Apprentice's written response including all supporting evidence provided by the Apprentice with their written response.
- (ii) The information provided in the committee papers will only be that which is directly relevant to the case and which has been made available to the Apprentice accused of malpractice.
- (iii) Where any material is considered by CILEx to be of a confidential nature, CILEx may make any such material available to the Qualifications Malpractice Committee under such circumstances as are necessary to protect the confidentiality of the material.
- (iv) The Clerk is responsible for distributing the papers to the Committee members approximately 10 working days before the meeting.

Composition of the Committee

- (v) Malpractice cases shall be considered by a committee of three members from the pool of committee members.
- (vi) Committee members are appointed to the pool for a term of three years which may be extended by a further term of three years.
- (vii) The Committee members for each meeting shall have no personal interest¹ in any of the cases being considered.
- (viii) The members of the Committee shall choose one of the members present to act as Chair for the purposes of the meeting.

¹ The definition of a conflict of interest is set out in the Conflicts of Interest Policy

Conduct of meetings

- (ix) Normally Qualifications Malpractice Committee meetings shall be held at the offices of CILEx unless the Committee decides otherwise. Meetings will not be held outside the United Kingdom. Meetings may be held remotely using video or telephone conferencing, as appropriate.
- (x) The Committee's meetings are held in private. Neither the Apprentice nor the CILEx Education Compliance Team Officer/s responsible for the investigation are permitted to be present at the meeting.
- (xi) The Clerk is responsible for arranging Qualifications Malpractice Committee meetings and providing administrative support to the Committee including producing the meeting record and reporting the findings of the Qualifications Malpractice Committee to the CILEx Education Compliance Team and the Apprentice.

12. The decision: Qualifications Malpractice Committee

- (i) The Qualifications Malpractice Committee will establish whether the correct procedures have been followed during the investigation of the case, and that the Apprentice accused of malpractice has been given the opportunity to provide a written statement.
- (ii) The Qualifications Malpractice Committee will then decide whether malpractice (as defined in Section 5) is proven;
- (iii) If the Qualifications Malpractice Committee determines that malpractice is proven, it will determine:
 - the penalty to be applied in accordance with the penalties criteria;
 - any action to be taken to protect the integrity of the EPA and to prevent a future recurrence of malpractice, where appropriate.
- (iv) The standard of proof as to whether the malpractice allegation is proven shall be on the balance of probabilities (ie that it is more likely than not).
- (v) Decisions of the Qualifications Malpractice Committee shall be made by a majority vote of the committee members present.
- (vi) The Qualifications Malpractice Committee must set out the reasons for its decision, including the regulation/s which have been breached.
- (vii) In the event that Qualifications Malpractice Committee requires further information in order to reach a decision, the Committee may defer its decision. Both the CILEx Education Compliance Team and the Apprentice will be advised about the further information which is required.
- (viii) In cases where it is not possible to establish that malpractice is proven and where the Committee determines that the integrity of the EPA has been compromised, the Committee must take action to protect the integrity of the EPA. Therefore, the Committee may determine that the Apprentice's work for the EPA (or EPA component) cannot be accepted as evidence to demonstrate the Apprentice's achievement. In such cases 'Did Not Accept' (DNA) will be recorded on the Apprentice's record and the Apprentice may re-sit the EPA (or EPA component, as applicable). The Committee must set out the reasons for its decision.
- (ix) A record of the decisions of the Committee is made by the Clerk.
- (x) The Apprentice and the CILEx Education Compliance Team will be notified of the Qualifications Malpractice Committee's decision within 5 working days of the meeting.

13. Penalties criteria

- (i) Penalties are imposed to:
 - minimise risks to the integrity of CILEx EPA;
 - prevent or mitigate an adverse effect;
 - ensure that Apprentices do not benefit from breaching CILEx regulations;
 - deter other Apprentices from breaching CILEx regulations;
 - maintain confidence in CILEx EPA.
- (ii) Where the Committee's decision is that one or more of the allegations against the Apprentice has been proved, the Committee must determine the penalty to be imposed on the Apprentice commensurate with the gravity of the malpractice proven and in accordance with the penalties criteria as set out in Appendix I.
- (iii) The penalties criteria inform the level of penalty imposed on an Apprentice. The criteria are **not exhaustive** but provide a benchmark against which individual cases are considered.
- (iv) CILEx reserves the right to apply penalties flexibly, if particular mitigating or aggravating circumstances are identified.

Referral to CILEx Regulation Ltd

- (v) In the event that the Committee finds that:
 - malpractice is proven, and
 - the Apprentice is a member of CILEx

the Committee may refer the case to CILEx Regulation Ltd which considers whether the conduct of CILEx members is a breach of the CILEx Code of Conduct.
- (vi) CILEx Regulation Ltd may conduct a further investigation and determine what action to take against the CILEx member. CILEx Regulation Ltd may:
 - decide there is no case to answer and reject the allegation
 - decide there is a case to answer and either:
 - i refer the case to the Disciplinary Tribunal or
 - ii where the CILEx member admits the misconduct (and it is appropriate to do so in the circumstances) and they consent the matter can be concluded by deciding:
 - to impose conditions in relation to their future conduct or on their employment.
 - to require undertakings to be given in relation to their future conduct.
 - to reprimand and/or warn.
 - If the matter is referred to the Disciplinary Tribunal it, additionally, can impose a fine on a member and/or exclude them from membership of CILEx.
- (vii) CILEx Regulation Ltd will notify the CILEx Education Compliance Team of any finding made by CILEx Regulation Ltd.

14. Appeals

- (i) An Apprentice may appeal against:
 - (a) a finding of the Qualifications Malpractice Committee that one or more allegations has been proved;or

- (b) any penalty imposed by the Qualifications Malpractice Committee; or
 - (c) a decision of the Qualification Malpractice Committee that the integrity of the EPA has been compromised and therefore Apprentices' work for the EPA (or an EPA component) cannot be accepted.
- (ii) CILEx may appeal against:
- (a) a finding of the Qualifications Malpractice Committee; or
 - (b) any penalty imposed by the Qualifications Malpractice Committee; or
 - (c) a decision of the Qualifications Malpractice Committee that the integrity of the EPA has not been compromised and therefore Apprentices' work for the EPA (or an EPA component) can be accepted.
- (iii) A written request for an appeal must be made within 20 working days of the date of the correspondence from the Qualifications Malpractice Committee Clerk confirming the Qualifications Malpractice Committee's decision and the penalty agreed by the Committee. This deadline will normally be set out in the letter confirming the decision of the Qualifications Malpractice Committee.
- (iv) The appeal request must be addressed to the Qualifications Appeals Committee at the offices of CILEx and include:
- (a) the name and address of the appellant;
 - (b) the date, nature and other relevant details of the decision which is the subject of the appeal;
 - (c) a concise statement of the grounds of the appeal;
- (v) The request for an appeal must be signed by the appellant and be accompanied by a copy of any documents on which the appellant proposes to rely for the purposes of the appeal. It is important that all relevant documentation is included at this point as there will be limited opportunities to submit additional information later in the process.

15. Grounds for appeal

- (i) Appellants must set out the grounds on which they rely. The grounds must be reasonable and relate to the case in question. The following are examples of reasonable grounds:
- the case was not dealt with in accordance with the published CILEx policy and procedures;
 - the Qualifications Malpractice Committee decision was unreasonable in light of the evidence presented to the Committee;
 - the penalty was not appropriate in accordance with the CILEx penalties criteria; or
 - the evidence supporting a decision by the Qualifications Malpractice Committee to accept/not to accept the work of an Apprentice is sufficient/insufficient.
- (ii) The following are examples which by themselves do not constitute grounds for an appeal:
- The Apprentice regrets his/her actions;
 - The Apprentice has a previously unblemished record.
- (iii) Requests for appeals are checked by a CILEx Officer. The grounds for appeal are checked for their validity. Subject to the grounds for appeal being valid the appeal will be submitted for formal consideration by the Qualifications Appeals Committee.

16. Notice and arrangements for the Qualifications Appeals Committee hearing

- (i) The Clerk to the Qualifications Appeals Committee shall as soon as reasonably practical organise a Qualifications Appeals Committee hearing.

- (ii) The Clerk shall contact the appellant to confirm whether the appellant wishes to attend the Qualifications Appeals Committee hearing prior to finalising a date for the hearing.
- (iii) The appellant may be accompanied by a relative or friend. In such cases, the appellant must provide the Clerk with the name and address of the person to accompany them no later than 10 days before the date of the hearing.
- (iv) Legal representation is not normally permitted at Qualifications Appeals Committee hearings, as a Qualifications Appeals Committee hearing is not a legal function.
- (v) If the appellant wishes to be legally represented, this must be discussed with the Clerk before a hearing date is finalised. In the event that legal representation for the appellant is agreed, CILEx reserves the right to also be legally represented. CILEx will not be liable for any professional fees incurred by the appellant.
- (vi) Appeals are normally considered by the Qualifications Appeals Committee within 50 working days of receipt of the written request for an appeal.

17. Qualification Appeals Committee documentation

- (i) The documentation presented to the Qualifications Appeals Committee will be:
 - the documentation presented to the Qualifications Malpractice Committee;
 - the record of the Qualifications Malpractice Committee's decision;
 - the appellant's statement of the grounds of appeal;
 - the documents provided by the appellant on which the appellant is relying for the purposes of the appeal.
- (ii) Where any material is considered by CILEx to be of a confidential nature, CILEx may make any such material available to the Qualifications Appeals Committee under such circumstances as are necessary to protect the confidentiality of the material.
- (iii) The Clerk will provide the Qualifications Appeals Committee, appellant and the other party (ie the Apprentice or the CILEx Education Compliance Team, as appropriate) with the hearing documentation approximately 10 working days prior to the hearing.
- (iv) It will not normally be possible for additional materials to be tabled on the day of the hearing. The decision whether to allow any additional materials to be tabled will be made by the Chair at the hearing, with the consent of the other party.

18. Qualifications Appeals Committee

Composition of the Committee

- (i) Appeals shall be heard by a committee of three members from the pool of Qualifications Appeals Committee members. A minimum of one member will be an independent member (ie not a member of CILEx staff or an assessor working for CILEx or otherwise connected to CILEx).
- (ii) Committee members are appointed to the pool for a term of three years which may be extended by a further term of three years.

- (iii) The Committee members attending a hearing shall have no personal interest² in the appeal/s being considered.
- (iv) The Committee members attending a hearing must not have been members of the Qualifications Malpractice Committee which considered the case.
- (v) The members of the Qualifications Appeals Committee present at the hearing shall choose one of their number to act as Chair for the purposes of the appeal.

Conduct of meetings

- (vi) Qualifications Appeals Committee hearings shall be held at the offices of CILEx unless the Committee decides otherwise. Hearings will not be held outside the United Kingdom.
- (vii) The Clerk is responsible for arranging Qualifications Appeals Committee hearings and providing administrative support to the Committee including producing the hearing record and reporting the decision to the appellant and the other party.
- (viii) In the event that the appellant has chosen not to attend the hearing or has failed to confirm their attendance at the hearing, the Committee will continue to consider all the documentary evidence supplied by the appellant.
- (ix) The Qualifications Appeals Committee shall give the appellant and the other party the opportunity of being heard, if either party wishes. Both the appellant and the other party can choose not to present their evidence to the Committee.
- (x) In the event that either party has stated it wishes to attend the hearing and be heard by the Committee, and the party does not present itself at the hearing on the given date and time, the hearing will proceed in the party's absence.
- (xi) The hearing will take the form of a re-examination of the evidence and reports and other relevant documentation presented to the Qualifications Malpractice Committee and the appellant's appeal statement and supporting documentation.
- (xii) The Chair and the Committee members will have the opportunity to question the appellant and the other party if these parties have chosen to attend the hearing.
- (xiii) Neither the appellant nor the other party are permitted to be present for the Committee's deliberations and decision making process.

The decision: Qualifications Appeals Committee

- (xiv) The Qualifications Appeals Committee will decide, on the balance of probabilities:
 - whether there was sufficient evidence to support a finding of Qualifications Malpractice committee; and
 - the appropriateness of the original penalty in light of the CILEx malpractice penalties criteria for Apprentices (Appendix I).
- (xv) The Qualifications Appeals Committee may determine that malpractice is proven and/or confirm or amend the penalty imposed by the Qualifications Malpractice Committee.

² The definition of a conflict of interest is set out in the Conflicts of Interest Policy

- (xvi) In the event that a decision by the Qualifications Malpractice Committee to accept or not to accept the work of an Apprentice is being appealed, the Qualifications Appeals Committee will determine whether there was sufficient/insufficient evidence to support the decision.
- (xvii) Decisions shall be made by a majority vote of the committee members present at the hearing.
- (xviii) The Qualifications Appeals Committee must set out the reasons for its decision.
- (xix) A record of the decisions of the Committee is made by the Clerk.

After the hearing

- (xx) The appellant will be notified of the Committee's decision within 5 working days of the meeting.
- (xxi) The other party (ie the Apprentice or the CILEx Education Compliance Team, as appropriate) will be notified of the Qualifications Appeals Committee's decision within 5 working days of the meeting.
- (xxii) A report of the hearing will be prepared and may be provided to the appellant and the other party within 25 working days. This report is confidential to the parties to the appeal.
- (xxiii) The appellant and the other party will be offered the opportunity to correct errors of fact made in the report. The decision whether to accept these amendments will be at the discretion of the Chair of the Qualifications Appeals Committee.
- (xxiv) The Qualifications Appeals Committee may make recommendations to CILEx in relation to any issues/concerns which emerged during the appeals hearing. The Clerk will provide the CILEx Education Compliance Team with the Committee's recommendations and this team is responsible for disseminating the Committee's recommendations to the appropriate members of CILEx staff.
- (xxv) The decision of the Qualifications Appeals Committee is final and no further appeal is permitted.

19. Fees and payments

- (i) Apprentices must enclose the relevant fee with their request for an appeal.
- (ii) The fee is refunded if the Qualifications Appeals Committee upholds the appeal.

20. CILEx EPA results

- (i) In the event that CILEx has issued an EPA result and, following a malpractice investigation, the Qualifications Malpractice Committee has determined that the Apprentice's result is void, CILEx will revoke the result.

21. Retention of materials

- (i) CILEx retains all documentation and records in relation to a malpractice investigation which resulted in penalties being imposed on an Apprentice for six years following the decision and confirmation of penalties.

22. Reporting cases of proven Apprentice malpractice

- (i) CILEx reserves the right to notify the External Quality Assurers (EQAs) for the relevant Apprenticeship standard of allegations of malpractice and/or cases of proven Apprentice malpractice, subject to the EQAs' requirements.
- (ii) In the event that CILEx has notified the Education and Skills Funding Agency (ESFA) of an Apprentice's EPA result and the Apprentice is subsequently found to have committed malpractice in the EPA, CILEx will inform the ESFA accordingly.
- (iii) CILEx reserves the right to inform the ESFA that an Apprentice is being investigated for suspected malpractice.
- (iv) CILEx will report cases of Apprentice malpractice to the relevant authorities if proven malpractice involves a criminal act.
- (v) CILEx will report cases of Apprentice malpractice to CILEx Regulation Ltd if the Apprentice is a member of CILEx.
- (vi) All cases of proven Apprentice malpractice are reported to the CILEx Qualifications Committee for monitoring purposes.

23. Useful contacts

Amanda Pipe Education Compliance Manager
T: 01234 845758 E: amanda.pipe@cilex.org.uk

Debbie Harris Compliance Officer
T: 01234 844360 E: debbie.harris@cilex.org.uk

CILEx, Kempston Manor, Kempston, Bedford, MK42 7AB

24. Review arrangements

- (i) Following each investigation, the CILEx Education Compliance Team will review the investigation and findings to identify any lessons learnt to inform reviews of relevant policies and procedures.
- (ii) The Education Compliance Manager has overall responsibility for this policy and will ensure it is reviewed at least annually as part of the annual self-evaluation arrangements to take account of stakeholder feedback, actions from the EQAs or regulatory authorities, changes in legislation, or issues emerging from previous allegations.
- (iii) The policy may be reviewed more frequently in light of operational feedback to ensure the arrangements for dealing with cases of alleged malpractice remain effective.

Appendix I

The criteria set out below are not exhaustive and provide a benchmark to inform penalties.

Penalty	Criteria
Written warning	<p>Minor breach of the regulations which does not affect the integrity of the EPA, for example:</p> <ul style="list-style-type: none"> ▪ mobile telephone makes noise for a short period during timed assessment but is not in Apprentice's possession; ▪ minor refusal to adhere to invigilator's instructions which does not disrupt other Apprentices.
EPA component result declared void *	<p>Significant breach of the regulations which compromises, attempts to compromise or may compromise the process of EPA, the integrity of EPA or the validity of the EPA result and/or damages the reputation or credibility of CILEx, for example:</p> <ul style="list-style-type: none"> ▪ engaging in activities which undermine the integrity of the EPA; ▪ failing to produce individual and original work for the EPA; ▪ arranging to be impersonated by another individual in the EPA or impersonating an Apprentice; ▪ breaching the security of confidential EPA materials; ▪ accessing the CILEx e-assessment platform outside of the invigilated Timed Assessment sessions. ▪ refusing to comply with Invigilator's instructions which compromises the integrity the EPA; ▪ being in possession of an unauthorised device to access the internet or receive communications (e.g. mobile phone, tablet computer, smart watch or similar device) during a Timed Assessment or Interview; ▪ refusal to handover suspected unauthorised device when asked or refusal to demonstrate that a device is not in an Apprentice's possession; ▪ accessing the internet during a Timed Assessment or Interview; ▪ bringing a pre-prepared response into a Timed Assessment session; ▪ communicating or attempting to communicate with other Apprentices during a Timed Assessment; ▪ attempting to copy or copying another Apprentice's work for the EPA; ▪ severely disruptive behaviour during a Time Assessment; ▪ falsifying evidence of competence; ▪ Plagiarism – a substantial amount of material from a published work (including the internet) not referenced and presented as an Apprentice's own work; ▪ Failure to disclose that work undertaken to demonstrate competence was undertaken collaboratively with one or more parties; ▪ Misleading a CILEx EPA Assessor or CILEx representative in relation to an Apprentice's competence; ▪ Altering or interfering with CILEx assessment documentation, for example, key code slips, results notifications.

* The EPA components are the assessments which comprise the EPA ie for the Level 3 Paralegal Apprenticeship the component assessments are Timed Assessment 1, Timed Assessment 2 and the Interview.