



Malpractice and Maladministration Policy

CILEX Regulated Qualifications

V1.1 FINAL
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Purpose

1. The purpose of this policy is to protect the integrity of CILEX Regulated qualifications (see list in Appendix 1) and to ensure that appropriate action is taken where there is evidence that CILEX qualifications or assessments have been compromised due to an incident of malpractice or maladministration.

Scope

2. This policy applies to CILEX learners, Heads of Training Providers, training provider staff and associated contractors, for example invigilators, CILEX staff and assessors, and other CILEX contractors involved in qualification and/or assessment delivery.

Definitions

3. 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.
4. The term 'learners' in the context of this policy includes all individuals studying for the regulated qualifications listed in Appendix 1.
5. Malpractice means any act, default or practice which breaches CILEX regulations governing CILEX regulated qualifications, examinations and assessment and/or which:
 - compromises, attempts to compromise or may compromise the process of assessment, the integrity of a qualification or the validity of a result or certificate; and/or
 - damages the reputation or credibility of CILEX.
6. Malpractice may include but not be limited to:
 - Having unauthorised materials or devices in an exam;
 - Copying, collusion or impersonation;
 - Plagiarism: reproducing work from a published source (including the internet) and presenting it as one's own work;
 - Breaching confidential assessment information;
 - Falsifying evidence to support applications for reasonable adjustments, access arrangements, special consideration, appeals;
 - Falsifying results or certificates;
 - Financial irregularities;
 - Fraud.
7. Maladministration is any activity, neglect or other practice that leads to non-compliance with CILEX regulations, policies, procedures and requirements governing qualification delivery and/or assessment.
8. Maladministration may include but not be limited to:
 - Failing to meet deadlines in relation to qualification or assessment delivery;
 - Poor administrative arrangements or records;
 - Unreasonable delays in responding to requests for information.

9. The term 'assessment' in the context of this policy includes assessments taken towards the qualification identified in Appendix 1, for example, external examinations.

Investigating allegations of malpractice or maladministration

10. CILEX evaluates all information received about potential malpractice or maladministration to consider the validity of the evidence, any action required to mitigate the impact of any irregularities and whether an investigation is required.
11. The scope of an investigation is determined by the potential seriousness of the malpractice or maladministration, the risk to CILEX qualifications and any potential adverse effect.
12. Investigations are fair and free from bias, undertaken by persons of appropriate competence who do not have a personal interest in the matter and focus on the collection and validation of evidence to establish the facts in order to determine whether malpractice/maladministration has taken place.
13. CILEX, where possible, takes appropriate action to protect learners caught up in malpractice/maladministration incidents through no fault of their own. However, CILEX will take any action necessary to prevent or mitigate an adverse effect.

Decision making

14. CILEX ensures that decisions in relation to malpractice/maladministration cases are taken by persons of appropriate competence who have no personal interest in the case and have not been involved in the investigation.
15. In the event that it is determined that malpractice/maladministration is proven, penalties/sanctions are imposed which are commensurate with the gravity of malpractice/maladministration committed and, where appropriate:
 - minimise risks to the integrity of CILEX qualifications, examinations and assessment;
 - prevent or mitigate an adverse effect;
 - ensure there is no benefit from breaching CILEX regulations or requirements;
 - maintain confidence in CILEX qualifications.

Appeals

16. Where it is determined that malpractice or maladministration has been proven and a sanction has been imposed, the person or entity may appeal in accordance with the requirements set out in the CILEX Appeals Policy – CILEX Regulated Qualifications.

CILEX Certificates

17. CILEX ensures that any certificate/result issued to a learner which is subsequently found to be invalid following a malpractice/maladministration investigation is revoked.

Reporting cases of proven malpractice/maladministration

18. CILEX ensures that the relevant regulators are informed, as appropriate, about cases of malpractice or maladministration which could either invalidate the award of a CILEX qualification, affect another awarding organisation, result in an adverse effect, or involve a criminal act. In such cases CILEX will agree appropriate action with the regulatory authorities.
19. CILEX reports cases of learner malpractice to CILEX Regulation Ltd if the learner is a member of CILEX.

Policy review arrangements

20. 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.
21. This policy is also reviewed as part of CILEX ongoing quality improvement monitoring.

CILEX Regulated Qualifications:

CILEX Level 2 Award in Legal Studies
CILEX Level 2 Certificate in Legal Studies
CILEX Level 2 Diploma in Legal Studies
CILEX Level 2 Certificate for Legal Secretaries
CILEX Level 2 Diploma for Legal Secretaries
CILEX Level 3 Certificate for Legal Secretaries
CILEX Level 3 Diploma for Legal Secretaries
CILEX Level 3 Diploma in Law and Legal Skills
CILEX Level 3 Certificate in Law and Practice
CILEX Level 3 Diploma in Law and Practice
CILEX Level 6 Certificate in Law
CILEX Level 6 Diploma in Law and Practice
CILEX Level 6 Diploma in Legal Practice (Graduate FastTrack Diploma)