

CILEx Sanctions Policy



Purpose

1. CILEx has a responsibility to protect the integrity of CILEx qualifications, the interests of its learners, CILEx's reputation.
2. CILEx accredited centres and accredited centre staff must act in accordance with the CILEx accredited centre agreement, comply with the CILEx accreditation standards and the CILEx rules and regulations governing the delivery and assessment of CILEx qualifications.
3. Learners taking CILEx qualifications must comply with the rules and regulations governing CILEx qualifications and assessments.
4. The purpose of this policy is to set out the principles governing CILEx's approach to the implementation of sanctions on learners, centres and centre staff. These principles ensure that sanctions are decided fairly, applied consistently and transparently, and that adverse effects are prevented or mitigated.

Scope

5. This policy applies to CILEx learners, Heads of Centres, accredited centre staff and associated contractors, CILEx staff and assessors and other CILEx contractors involved in qualification and/or assessment delivery.

Definitions

6. **Sanction:** Sanctions are the penalties applied by CILEx to centres, centre staff or learners due to non-compliance with the CILEx accreditation standards, CILEx centre agreement and/or the rules and requirements governing the delivery and/or assessment of CILEx qualifications.
7. **Adverse effect:** 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 accordance 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 or requirements;
 - deter others from breaching CILEx regulations;
 - maintain confidence in CILEx qualifications.
9. Centre sanctions may be applied to a CILEx accredited centre 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 centre agreement and/or CILEx accreditation standards.
10. Centre staff sanctions may be applied to a member of staff at an accredited centre to address failings by centre staff in relation to delivery and/or assessment of CILEx qualifications, malpractice and maladministration.
11. Learner sanctions may be applied to a learner who has breached CILEx rules or regulations, to mitigate the impact breach, ensure that a learner does not gain an advantage and/or deter other learners from breaching CILEx rules and regulations.

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 1 (Centre Sanctions), Appendix 2 (Learner sanctions), Appendix 3 (Centre 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. Centre sanctions may be imposed at qualification or centre level.

15. Sanctions may be applied flexibly, if particular mitigating or aggravating circumstances are identified.
16. When deciding centre 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 centres to continue studying CILEx qualifications.
17. CILEx will advise centres 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 Head of Awarding Organisation or a Manager nominated by the CILEx Head of Awarding Organisation.
19. Centre sanctions and centre staff sanctions may be decided by the CILEx Qualifications Malpractice Panel, CILEx Qualifications Appeals Panel, the Head of Awarding Organisation and CILEx Officers responsible for overseeing centre monitoring and quality assurance or centre investigations.

Informing centres

20. In the event that a sanction is imposed on a centre or a member of centre staff, the Head of Centre 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 Centre will be responsible for ensuring compliance with the sanction/s and any associated actions.
22. The Head of Centre will normally be advised about sanctions imposed on the centre's learners.

Reviewing centre sanctions

23. The CILEx Accreditation team is responsible for monitoring the correct action taken by a centre 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 centre 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. Centres, centre staff and learners may appeal against sanctions imposed by the CILEx Qualifications Malpractice Panel in relation to an incident of malpractice or maladministration. Centres, centre staff or learners should refer to the CILEx Appeals Policy and the CILEx Malpractice and Maladministration Appeals Procedure.
28. Sanctions imposed by CILEx for other reasons cannot be appealed. In such circumstances centres 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 will be retained for three 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.

Appendix 1 – Accredited Centre 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 Centre Standards, accredited centre 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 Centre Standards, accredited centre 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 centre to deliver specific CILEx qualification/s	Significant or repeated failure to comply with the CILEx Accredited Centre Standards, accredited centre 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 Centre Standards, accredited centre 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

Appendix 2 – Learner sanctions

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. ▪ Tearing out pages from an examination answer booklet. ▪ 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 exam/assessment which is not authentic ▪ Attempting to breach or breaching the security or confidentiality of confidential assessment materials

	<ul style="list-style-type: none">▪ Altering or interfering with CILEx assessment documentation, for example, examination permits, key code slips, results notifications or certificates.
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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.

Appendix 3 – Centre Staff Sanctions

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