

# CILEx REGULATIONS for COMPETENCE QUALIFICATIONS



**The CILEx Regulations for Competence Qualifications apply to learners undertaking CILEx Competence Qualifications for the CILEx Level 3 and 4 Legal Services Qualifications:**

## **Protecting the integrity of the CILEx Competence Qualifications**

CILEx has a responsibility to protect the integrity of its Competence Qualifications and to take appropriate measures to ensure that the assessment of a learner's competence is valid.

Learners are required to comply with the regulations set out below. A breach of the regulations may also be a breach of the CILEx Code of Conduct which may also be investigated. Learners must sign the Evidence Record Sheet to confirm compliance with CILEx Regulations for Competence Qualifications.

## **Regulations**

1. Learners must behave professionally, honestly and with integrity in compiling evidence to demonstrate competence against the CILEx assessment criteria. Learners whose actions may be considered to undermine the integrity of CILEx qualifications will be investigated by CILEx in accordance with the CILEx Student Malpractice Policy and Procedures. The following acts as guidance as to actions which may be construed as undermining the integrity of CILEx qualifications:
  - (i) Falsifying evidence to demonstrate competence against the CILEx assessment criteria;
  - (ii) Misleading accredited centre staff or CILEx representatives with regard to a learner's competence against the CILEx assessment criteria;
  - (iii) Failing to ensure that work undertaken to demonstrate competence is a learner's own work. Where work undertaken is the product of a project or a form of collaboration between one or more parties, then this must be clearly identified;
  - (iv) Using evidence which is more than 5 years old to demonstrate a learner's competence against the CILEx assessment criteria;
  - (v) Altering or interfering with CILEx assessment documentation, for example, results notifications or certificates.
2. Learners must use the appropriate scheme documentation in the way indicated in the Qualifications Handbook to organise their evidence and facilitate easy and appropriate access to evidence by assessors and quality assurers.
3. Learners must discuss their evidence of competence against the CILEx assessment criteria, when requested to do so by CILEx or a representative acting on behalf of CILEx.
4. Learners must consult clearly and receive approval from workplace supervisors in relation to evidence they wish to use which may be sensitive and/or confidential in nature. Such evidence must be used sensitively and appropriately in the assessment process.

## Penalties for malpractice

CILEx may impose penalties on a learner in the event that malpractice is proven. The Qualifications Malpractice Committee determines the penalties to be imposed. The criteria below inform the level of penalty imposed on a learner who has been found to have breached the Regulations for Competence Qualifications. The criteria are **not exhaustive** but provide a benchmark against which individual cases are considered.

In order to ensure the integrity of CILEx qualifications it is important that CILEx takes action in cases where the integrity of an assessment or qualification has been compromised. CILEx will, where possible, take action to protect CILEx learners caught up in malpractice incidents through no fault of their own. However, in some cases in order to protect the integrity of the CILEx qualifications it may be necessary for CILEx to withhold and/or revoke the results/certificates of CILEx learners or not accept work from CILEx learners, who were not themselves culpable for the malpractice which took place, where there is evidence that the assessment has been compromised and that results and/or certificates may be invalid.

Penalty	Criteria
Written warning	<b>Minor breach of the regulations which does not affect the integrity of the assessment</b> <ul style="list-style-type: none"><li>• Failure to use scheme documentation in the way indicated in the Qualifications Handbook, which does not affect the integrity of the assessment.</li></ul>
Assessment for the unit declared void	<b>Significant breach of the Regulations for Competence Qualifications which affects the integrity of the assessment, for example:</b> <ul style="list-style-type: none"><li>▪ Engaging in activities which undermine the integrity of the CILEx competence qualifications</li><li>▪ Falsifying evidence of competence</li><li>▪ Failure to disclose that work undertaken to demonstrate competence was undertaken collaboratively with one or more parties</li><li>▪ Misleading accredited centre staff or CILEx representatives regarding competence against the CILEx assessment criteria</li><li>▪ Using evidence which is more than 5 years old to demonstrate their competence against the CILEx assessment criteria</li><li>▪ Refusing to discuss a learner's evidence of competence against the CILEx assessment criteria, when requested to do so by CILEx or a representative acting on behalf of CILEx</li></ul>

The Student Malpractice Policy and Procedures is available on the CILEx website.

## CILEx Regulation Ltd

The Qualifications Malpractice Committee may refer proven cases of malpractice to CILEx Regulation for further investigation where it believes the malpractice could amount to a breach of the CILEx code of conduct. CILEx Regulation may:

- decide there is no case to answer and reject the complaint
- decide there is a case to answer and either:
  - (i) refer the case to Disciplinary Tribunal or
  - (ii) if you admit the misconduct, and it is appropriate to do so in the circumstances, with your consent the matter can be concluded by deciding:
    - to impose conditions in relation to your future conduct or if you are an individual, on your employment.
    - to require you to give undertakings in relation to your future conduct.

- to reprimand and/or warn you.
- If the matter is referred to the Disciplinary Tribunal it, additionally, can impose a fine on a member or exclude them from membership of CILEx.