



# Malpractice and Maladministration Policy

*CILEX End-Point Assessment*

# Purpose

1. The purpose of this policy is to protect the integrity of CILEX End-Point Assessments (Appendix 1) and to ensure that appropriate action is taken where there is evidence that the CILEX End-Point Assessments (EPAs) have been compromised due to an incident of malpractice or maladministration.

# Scope

2. This policy applies to apprentices taking EPAs, CILEX staff and CILEX EPA assessors, and other CILEX contractors involved in EPA development or delivery.

# Definitions

3. Malpractice involves any act, default or practice which:
  - compromises, attempts to compromise, or may compromise the process of assessment, the integrity of the EPA or the validity of an EPA result; and/or
  - damages the reputation or credibility of CILEX.
4. Malpractice is likely to involve some form of intent but may also involve recklessness or negligence.
5. Malpractice may include but not be limited to the following.
  - Breaching the CILEX Regulations governing EPAs.
  - Cheating, or facilitating cheating, in an EPA, for example:
    - having unauthorised materials or devices in a Timed Assessment, Interview, Professional Discussion or Presentation with Questions and Answers
    - copying, collusion or impersonation
    - plagiarism i.e. reproducing work from a published source (including the internet) and presenting it as one's own work
    - breaching or sharing confidential assessment information.
  - Falsifying evidence to support applications for reasonable adjustments, access arrangements, special consideration or appeals.
  - Falsifying evidence of competence.
  - Falsifying results.
6. Maladministration is any activity, neglect or other practice that leads to non-compliance with CILEX regulations, policies, procedures, and requirements governing EPA delivery, including Gateway requirements. Maladministration may involve but not be limited to mistakes, carelessness, incompetence, or poor process.
7. In summary, malpractice and maladministration are related and sit on the same spectrum. In this regard, CILEX does not focus on whether an act, default, neglect, or practice is defined as malpractice or maladministration but instead focusses on preventing, investigating and taking action to protect the integrity of the EPA and the reputation and credibility of CILEX.
8. An Adverse Effect is defined 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.

## Preventing malpractice and maladministration

9. CILEX assesses the risk of malpractice and maladministration for the EPAs it delivers and puts in place measures to reduce the risks identified.
10. The range of measures CILEX puts in place may include, as applicable:
  - written agreements/contracts with 3<sup>rd</sup> parties involved in the development, or delivery of EPAs
  - establishing robust conditions for assessment which, as far as possible, prevent malpractice or maladministration
  - issuing regulations governing EPAs
  - implementing processes for EPA development and delivery which reduce the risk of malpractice/maladministration
  - implementing processes for managing Conflicts of Interest and safeguarding confidential assessment materials relevant to EPAs
  - ensuring robust security measures are in place to protect confidential assessment materials and information
  - training of CILEX staff and 3<sup>rd</sup> parties involved in the development, or delivery of EPAs.

The above list is not exhaustive and other measures are established specific to the risks associate with EPAs.

## Investigating allegations of malpractice

11. 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.
12. The scope of an investigation is determined by the potential seriousness of the malpractice or maladministration, the risk to the EPA and any potential adverse effect.
13. 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.
14. CILEX, where possible, takes appropriate action to protect apprentices 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

15. 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.
16. 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, take account of the consequential impact on the apprentice or other 3<sup>rd</sup> party and, where appropriate:
  - minimise risks to the integrity of the EPA
  - prevent or mitigate an adverse effect
  - ensure there is no benefit from breaching CILEX regulations or requirements
  - maintain confidence in the EPA.

## Appeals

17. Where it is determined that malpractice/maladministration has been proven and a sanction has been imposed, the person or other 3<sup>rd</sup> party may appeal in accordance with the requirements set out in the CILEX Appeals Policy – CILEX End-Point Assessment.

## Reporting cases of proven malpractice/maladministration

18. CILEX ensures that the relevant regulators are informed, as appropriate, about cases of malpractice/maladministration which could either invalidate EPA results, affect another awarding organisation or End-Point Assessment Organisation, result in an adverse effect or involve a criminal act. CILEX reserves the right to contact the regulators before the case has been concluded if it considers that the suspected malpractice/maladministration could have an adverse effect. In such cases CILEX will agree appropriate action with the regulatory authorities.
19. CILEX reports cases of apprentice malpractice/maladministration to CILEx Regulation Ltd if the apprentice 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.

Summary of changes between V3.0 and previous version
▪ Added Appendix 1 that lists the End-Point Assessments offered by CILEX.

### CILEX End-Point Assessments

CILEX Level 3 End-Point Assessment for ST0245 Paralegal Apprenticeship Version 1.2

CILEX Level 3 End-Point Assessment for ST0245 Paralegal Apprenticeship Version 1.3

CILEX Level 6 End-Point Assessment for ST0244 Chartered Legal Executive Apprenticeship Version 1.0

CILEX Level 6 End-Point Assessment for ST0244 Chartered Legal Executive Apprenticeship Version 1.1

CILEX Level 7 End-Point Assessment for ST1368 Chartered Legal Executive Litigator and Advocate Apprenticeship Version 1.0