



# Malpractice and Maladministration Policy

*CILEX Regulated Qualifications*

# 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 the 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 development or 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. The term 'assessment' in the context of this policy includes assessments taken towards the qualifications identified in Appendix 1, for example, external examinations.
6. Malpractice involves any act, default or practice 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.
7. Malpractice is likely to involve some form of intent but may also involve recklessness or negligence.
8. Malpractice may include but not be limited to:
  - Breaching the CILEX Regulations governing CILEX regulated qualifications, examinations and assessment.
  - Cheating, or facilitating cheating, in an assessment, for example:
    - having unauthorised materials or devices in an examination
    - 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, appeals.
  - Providing inappropriate assistance to learners completing assessments.
  - Falsifying results or certificates.
  - Financial irregularities.
  - Fraud.

9. 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. Maladministration may involve but not be limited to mistakes, carelessness, incompetence or poor process.
10. Examples of maladministration may include:
  - Failing to meet deadlines in relation to qualification or assessment delivery.
  - Poor administrative arrangements or records.
  - Unreasonable delays in responding to requests for information.
  - Inadvertently giving misleading information.
  - Failing to follow correct procedures.

The above examples are not exhaustive.

11. 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 its qualifications and the reputation and credibility of CILEX.
12. 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

13. CILEX assesses the risk of malpractice and maladministration for each qualification it delivers and puts in place measures to reduce the risks identified.
14. The range of measures CILEX puts in place may include, as applicable:
  - training provider approval process and ongoing monitoring of training providers
  - written agreements with training providers
  - written agreements/contracts with 3<sup>rd</sup> parties involvement in the development, delivery, or award of qualifications
  - establishing robust conditions for assessment which, as far as possible, prevent malpractice or maladministration
  - issuing regulations governing CILEX examinations and assessments
  - implementing processes for qualification and assessment development and delivery which reduce the risk of malpractice/maladministration
  - implementing processes for managing Conflicts of Interest and safeguarding confidential assessment materials relevant to each qualification

- 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, delivery or award of CILEX qualification and assessment.

The above list is not exhaustive and other measures are established specific to the risks associated with a particular qualification.

## Investigating allegations of malpractice or maladministration

15. 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.
16. 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.
17. 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.
18. 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

19. 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.
20. 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 individual or entity 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

21. 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 and Results

22. 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

23. 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. 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.
24. CILEX reports cases of learner malpractice to CILEx Regulation Ltd.

## Policy review arrangements

25. 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.
26. This policy is also reviewed as part of CILEX ongoing quality improvement monitoring.

Summary of changes between V2.2 and previous version
<ul style="list-style-type: none"><li>Removed qualifications no longer offered by CILEX (Appendix 1).</li><li>Amended reporting of cases to CILEx Regulation Ltd; all learners must be members of CILEX to take an examination/assessment.</li></ul>

**CILEX Regulated Qualifications**

CILEX Level 6 Certificate in Law

CILEX Level 6 Diploma in Law and Practice

CILEX Level 6 Diploma in Legal Practice (Graduate FastTrack Diploma)