



To: Sam Rees-Adams, Responsible Officer, Chartered Institute of Legal Executives (CILEx)

## Notice of Monetary Penalty

In accordance with its powers under Section 151A(2) of the Apprenticeships, Skills, Children and Learning Act 2009, and pursuant to its obligations under Section 151A(4) and 151A(5) of that Act, the Office of Qualifications and Examinations Regulation ("Ofqual") gives notice that it has imposed a Monetary Penalty in the sum of **£1,000** on the Chartered Institute of Legal Executives ("CILEx") for the reasons set out below.

1. On 18 April 2019, a Notice of Intention to impose a Monetary Penalty was issued to CILEx.
2. The Notice stated that the amount of the Monetary Penalty shall be **£50,000** unless by **30 September 2019**, CILEx submits to Ofqual a Statement of Assurance confirming that:
  - a) it has successfully implemented all of the recommendations and actions set out in its Technical Action Plan; and
  - b) it has successfully delivered the Level 3 Paralegal End Point Assessment to the cohort of apprenticeship Learners sitting the EPA in June 2019, in full compliance with the Conditions.

in which event, the amount of The Monetary Penalty shall be reduced to a nominal sum of **£1000**.

3. CILEx and interested parties were given the opportunity to make representations in respect of Ofqual's proposal. No representations were received.
4. On 30 September 2019, CILEx submitted a positive Statement of Assurance to Ofqual confirming that it had met the conditions set out in the Notice of Intention to impose a Monetary Penalty. The Statement of Assurance is at Annex A of this Notice.
5. In October 2019, the Enforcement Committee considered CILEx's Statement of Assurance and was satisfied that the conditions set out in the Notice of Intention to impose a Monetary Penalty have been met.

## Final Decision

6. For those reasons, and for the reasons set out in the Notice of Intention to impose a Monetary Penalty dated 18 April 2019, the Enforcement Committee has decided that CILEx will be required to pay a Monetary Penalty in the sum of **£1000**.

## Payment

7. CILEx must pay the Monetary Penalty within 28 days of the date of this Notice, in accordance with the Payment Instructions provided with this Notice.
8. In the event of non-payment, interest may be charged and the outstanding amount may be recovered as a debt, in accordance with section 151D of the 2009 Act.

## Appeals

9. CILEx may appeal to the First Tier Tribunal in respect of Ofqual's decision to impose the Monetary Penalty and / or in respect of the amount of that penalty, in accordance with section 151C of the 2009 Act.
10. An appeal may be made on the grounds:
  - a) That the decision was based on an error of fact;
  - b) That the decision was wrong in law;
  - c) That the decision was unreasonable.
11. Any appeal must be made within 28 days of the date of this Notice. Further information is available from HM Courts and Tribunals Service at:  
<https://www.gov.uk/guidance/exam-boards-appeal-to-a-tribunal-against-a-monetary-penalty>.

Signed: H Jones

Name: Hywel Jones  
Chair of the Enforcement Committee  
Date: 31 October 2019

Enforcement Committee:  
Hywel Jones  
Christine Ryan  
Frances Wadsworth

NOTE: Ofqual will publish this Notice on its website.

## **Annex A**

Statement of Assurance (30 September 2019)

# STATEMENT OF ASSURANCE

Chartered Institute of Legal Executives  
September 2019

# Executive Summary

CILEx is making a positive Statement of Assurance to Ofqual in relation to the delivery of EndPoint Assessments for the 2019 summer session and its ability to continue to do so for future sessions.

CILEx delivered End-Point Assessments successfully to 161 apprentices over the summer 2019 session, engaging with 4 training providers and 66 employers during that time.

The End-Point Assessments were delivered successfully across 22 Timed Assessment locations and 19 interview locations, covering 7 pathways.

The overall pass rate for the summer session was 74%.

The End-Point Assessments were delivered between 12/04/2019 when the first candidates made their Gateway submissions and 06/09/2019, when the last batch of results for the summer session was released to apprentices.

The 2019 summer session included the full range of End-Point Assessment activities, from Gateway submission and checks, Timed Assessments and Interviews, marking, IQA and Results Determination activities and results release.

CILEx was able to learn from its experiences in 2018 and deliver a successful session in 2019 and to create a delivery model which will support the ongoing delivery of End Point Assessments within the current Apprenticeship Framework until such time as more fundamental changes are able to be made to the Paralegal Apprenticeship Standard.

**Sam Rees-Adams**  
**Head of Awarding Organisation**  
**CILEx Responsible Officer**

# Introduction

This Statement of Assurance sets out how CILEx has addressed the challenges it faced during the delivery of End-Point Assessment in the 2018 summer session. It provides the background to how CILEx has been able to deliver End-Point Assessment successfully throughout the summer 2019 session. This includes an explanation of the key changes to internal processes, a strengthened approach to risk management, enhanced employer and provider engagement, and targeted communication with apprentices. All these areas have been developed out of the lessons learned from the unsuccessful 2018 summer session.

It is worth noting that these lessons have also informed CILEx's approach to its delivery of End-Point Assessment services for the Level 6 Chartered Legal Executive apprenticeship. CILEx Regulation Limited is the EQA for this apprenticeship and recently carried out a readiness check and audit under the instruction of the Institute for Apprenticeships and Technical Education. Their readiness report makes reference to the lessons learned and the improvements that are evident in the approach now taken by CILEx:

*"They gave a clear explanation of the lessons learned process following the incident last year. This was rigorous and thorough"*

This Statement of Assurance also includes an update on the four outstanding actions in the Technical Action Plan provided to Ofqual in April 2019, all of which could only be re-evaluated after the delivery of the summer session.

## Process Improvement

CILEx created a multi-disciplinary EPA working group which met weekly throughout the summer session and continues to meet. Comprising representatives from all key areas within the Awarding Organisation, it has led to the following operational improvements when compared to the 2018 summer session.

### **1. Improvements to e-platform delivery.**

The deployment of an automatic save and upload function for the Timed Assessments prevented a reoccurrence of the issues experienced by apprentices in 2018. The creation of assessments within the e-platform itself ensured that there was no need for apprentices to leave the platform at any point, as had been the case in 2018. These two developments ensured a seamless experience and removed the risk of work being lost. The use of Secure Client overcame any connectivity worries, enabling apprentices to focus on performing to the best of their ability without worrying about whether they had saved their work or whether it had uploaded correctly.

CILEx worked closely with training providers before the live assessments, taking them through sample material on the new system to illustrate the

changes made since the 2018 session. Experiencing the difference for themselves enabled them to provide guidance and reassurance to the apprentices prior to the Timed Assessments.

**2. Remote monitoring of Timed Assessments and Interviews.**

This has provided CILEx with an early warning system that enables the pre-empting of some issues before they materialise, particularly in relation to the interview component of the assessment. For Timed Assessments, it enables CILEx to alert invigilators, so they can reassure apprentices about the automatic save and upload function. It also provides further tracking of paused tests, the application of extra time for Reasonable Adjustments etc. ensuring all apprentices are treated fairly.

**3. Management of Issues and Contingency Plans**

A more effective approach to use of the Incident Management Log has been implemented. The revised procedure requires senior managers to liaise with the compliance team to determine whether the incident should be investigated as a potential compliance breach. CILEx's new approach to the capture and management of issues places a premium on quick escalation and implementation of control measures, enabling issues to be dealt with early and nipped in the bud to prevent them developing into something more serious.

The log is reviewed by the compliance team and the EPA multi-disciplinary working group is made aware of any emerging patterns.

CILEx has implemented a triage system for responding to any and all feedback from apprentices following an assessment. Although the 2019 cohort of apprentices did not take part in the 2018 summer session, many of their training providers and employers did. Stakeholders were nervous and we worked closely with them before the assessments to demonstrate what had changed.

Apprentices were responded to within 24 hours, at the latest, by one of the EPA contact team. The business development team also contacted the employer and training provider directly at the same time. The reported issue was escalated to the EPA investigation team for full exploration. An informed response could then be provided to the apprentice, their employer and training provider evidencing how the issue had not impacted performance.

Post session feedback has verified that both apprentices and stakeholder experience was positively improved by these revised processes.

**4. Development of visual process maps with clear escalation points at every stage.**

The development of visual process maps which include named points of escalation ensures that any potential issue is flagged and escalated at the earliest possible stage, enabling it to be dealt with quickly and prevented from developing. The availability of these charts enables staff to be pulled on to EPA activities at short notice without an undue increase in risk. Contingency

is also shown at each stage of the process, giving greater flexibility and built in risk mitigation arrangements.

**5. Change in communication approach and content.**

All apprentices now receive a series of emails from a dedicated EPA email address. The emails are tailored to the stage of their apprenticeship journey and set out what they can expect from their End-Point Assessment. A dedicated helpline number is provided and all CILEx contact centre staff are trained to deal with any specific queries that may arise in relation to EPA so that the apprentice can receive a quick resolution to their query.

The email frequency increases as the EPA date approaches and all relevant information such as sample assessment material and EPA guidelines is drip-fed to the apprentice at the most appropriate time. The timing of this information has been carefully calculated to ensure apprentices receive all the key information without feeling overwhelmed.

The business development team is in regular contact with employers and training providers from a much earlier stage and throughout the process, to ensure all parties are provided with consistent messages from the End-Point Assessment Organisation directly.

## Technical Action Plan

The full Technical Action Plan was supplied as part of the Settlement Agreement. Four out of the 26 actions contained in the plan had a status of ‘Completed – awaiting live deployment for the next EPA session’. Those specific actions are shown below, with an update as to their status following the summer EPA session.

Recommendation	Action	Original Status	Updated Status	Rationale
Review the contract with the e-platform supplier, improving and increasing the level of technical support provided to ensure sufficient technical expertise and support service is in place for future EPAs.	To implement & test revised technical support arrangements	<i>Completed – awaiting live deployment for the next EPA session</i>	<b>Completed</b>	Increased support was provided by the e-platform supplier. To provide a faster response, invigilators contacted CILEx staff in the first instance who triaged the problem and contacted the tech support at the e-platform supplier directly if issue couldn't be resolved. This retained greater knowledge within CILEx and bypassed the general eplatform supplier helpdesk queue, guaranteeing faster resolution of any issues for apprentices. This model was originally intended for non-supplier test centres but was applied to all to provide maximum benefit and minimise risks.



<p>Implement an electronic assessment solution for the timed assessments which addresses the following functionality as a minimum: provides automated 'save' and</p>	<p>Agree &amp; implement new structure for timed assessments on e-platform</p>	<p><i>Completed – awaiting live deployment for the next EPA session</i></p>	<p><b>Completed</b></p>	<p>Automatic save and upload function in place for all Timed Assessments. Where connectivity was lost, problems did not arise as apprentices' work was held with the Secure Client system and automatically uploaded at the earliest opportunity when connectivity was restored. Within the 2019 session, there was one occasion, where automatic upload did</p>
<p>upload functionality in order that reliance on the apprentice to save and upload the assessment is removed; provides a user-friendly, intuitive assessment experience.</p>				<p>not succeed and this back up functionality was therefore tested, it worked as intended and the apprentice's work remained with Secure Client. E-platform supplier was able to perform remote extraction and the work was not lost. This would not have been the outcome had reliance remained on apprentices to save and upload their work manually. Improved functionality of system ensured that all apprentices were able to complete Timed Assessments on a more user-friendly and intuitive system than was the case last year.</p>
<p>Identify and utilise more effective video conferencing products for the interview delivery.</p>	<p>Agree &amp; implement new interview platform</p>	<p><i>Completed – awaiting live deployment for the next EPA session</i></p>	<p><b>Completed</b></p>	<p>Interview delivery was successful and all were completed on the preferred solution of Zoom, without having to resort to the back-up solution Click to Meet. Interviews were run from a range of locations, including employers' offices, conference centres, e-platform test network centres, using a number of different assessors located throughout the country. All interviews were monitored remotely by CILEx staff in real time, to ensure smooth delivery and be in a position to deal swiftly with any issues that might arise.</p>

Review CILEx EPA delivery model.	Implement any changes to model ahead of June 2019 EPA session	<i>Completed – awaiting live deployment for the next EPA session</i>	<b>Completed</b>	Scheduling was revised and contact with apprentices, employers and training providers was changed as a result of the experience in 2018. Contact begins earlier and is maintained regularly, using tailored communications for each stakeholder, increasing in frequency as Gateway approaches. More stringent readiness checks at Gateway, and working closely with training providers to curtail the amount of last minute change requests to TA and Interview dates mitigated the risks and ensured all apprentices were prepared properly for their assessments.
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## Conclusion

CILEx is delighted that it has delivered the summer 2019 End-Point Assessments successfully. This is the result of a huge amount of work by staff across the Awarding Organisation as a whole, sometimes creating additional pressures elsewhere across the organisation which then had to be appropriately managed and resourced. Thus, we do not underestimate the ongoing challenges of continuing to operate as an End-Point Assessment Organisation.

Our learning from delivering both the 2018 and 2019 EPA sessions has both informed process improvements internally but has also allowed us to identify wider issues and improvement opportunities within the Trailblazer Apprenticeship Framework itself and the Paralegal Apprenticeship Standard. These matters are not within the direct responsibility or influence of CILEx but we remain keen and willing to engage with both Ofqual and a wider range of stakeholders including the Government, the IfATE and ESFA to ensure our experience and perspective can inform future improvements to both the standard and Trailblazer scheme.