



To: Linda Ford, Responsible Officer, Chartered Institute of Legal Executives (CILEx)

## Notice of Intention to impose a 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, Ofqual gives notice that it proposes to impose a Monetary Penalty in the sum of between **£1,000** and **£50,000** on CILEx for the reasons set out below.

### Powers

1. The Chartered Institute of Legal Executives (CILEx) is recognised as an awarding body by The Office of Qualifications and Examinations Regulation ('Ofqual') under section 132(1) of the Apprenticeships, Skills, Children and Learning Act, 2009 ("the 2009 Act") and is subject to the General Conditions of Recognition ("the Conditions") which Ofqual is required to set and publish under Section 134 of the 2009 Act<sup>1</sup>.
2. Ofqual may impose a Monetary Penalty on an awarding body if it appears to Ofqual that the awarding body has failed to comply with the Conditions.
3. Ofqual may not impose a Monetary Penalty in an amount which exceeds 10% of the awarding body's turnover.

### Background

4. In 2016, CILEx was approved by The Skills Funding Agency to deliver the End Point Assessment for the Level 3 Paralegal Apprenticeship ("the EPA"). This is a qualification regulated by Ofqual. Ofqual is also the External Quality Assurer ("EQA") for the EPA. The Assessment Plan was approved and published by the (then) Institute for Apprenticeships<sup>2</sup> ("IfA") on 1 June 2018<sup>3</sup>.
5. This apprenticeship was developed as part of the government's Trailblazer initiative. Trailblazers are groups of employers that come together as the creators and early adopters of new apprenticeship standards. Focused on the specific knowledge, skills and behaviours for their sector, they work together, supported and guided by the Institute [for Apprenticeships and Technical

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<sup>1</sup> The version of the Conditions in force at the time relevant to these events is dated October 2017.

<sup>2</sup> Now the Institute for Apprenticeships and Technical Education ("IfATE").

<sup>3</sup> Annex A - Paralegal Apprenticeship Standard, Level 3: End-Point Assessment Plan (May 2018).

Education], to develop new programmes of learning that will directly impact their workforce<sup>4</sup>. CILEx is the sole provider of this apprenticeship EPA.

6. The EPA is comprised of two Timed Assessments (“TA1” and “TA2”) and one Interview component (“the Interview”). The apprenticeship Learners (“the Learners”) must achieve a minimum of a pass in both of the Timed Assessments and a pass in the Interview component in order to achieve an overall pass grade for the EPA. TA1 is worth 25% of the overall assessment, TA2 25% and the Interview 50%. All outcomes set out in the Paralegal Standard are tested in the TA2 and the Interview components.

## **The Incident**

7. In June 2018, CILEx delivered the EPA for the first time to a cohort of 73 Learners. The Learners were employed by 20 different employers and took the EPA across 21 different Centres. Technical issues were encountered in both of the Timed Assessments and in the Interview component of the EPA.

### Event notification

8. On 26 June 2018, CILEx submitted an event notification informing Ofqual of a potential Adverse Effect in relation to technical issues that had affected the 73 Learners who had taken their Timed Assessments during the week commencing 18 June 2018.
9. All 73 Learners were affected by the technical issues to varying degrees during the Timed Assessments. This included receiving error messages, experiencing delays and difficulties accessing the assessment, and being unable to upload their work onto the e-platform. A total of four TA1 assessments were lost entirely. Part of one TA2 assessment was lost (with the majority recovered). Some assessments were completed offline. Other assessments were saved locally and then manually uploaded by CILEx, but may have been incomplete. Two apprentices re-scheduled their assessments to another date due to delays accessing the system.
10. On 4 July 2018, CILEx reported that further technical difficulties had been encountered with the Skype connections for the Interview component of the EPA which began during the week commencing 25 June 2018. The first four Interviews took place on 26 June 2018 and the remainder throughout July 2018. Due to the geographical spread of the Centres, the availability of assessors and the timeframes for the Interviews, it was not practical for face-to-face Interviews to be carried out. Technical issues were reported with the use of Skype for Business including difficulties establishing a connection between the assessor and the apprentice, poor connectivity and poor sound quality.

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<sup>4</sup> <https://www.instituteforapprenticeships.org/developing-apprenticeships/trailblazer-groups/>

11. Only four of the Interviews were fully conducted by Skype video, allowing the assessors to see the apprentice for the duration of the Interview, as required by the Assessment Plan. The remainder of the Interviews were conducted using Skype audio or teleconference which was not in accordance with the Assessment Plan. In 42 of those Interviews, Skype video was used for the identity checks to be completed before switching to audio or teleconference for the remainder of the Interview. Invigilators were physically present in the room with the Learner for all of the 73 Interviews. In some cases, invigilators were employed by the Learners' employers and therefore had an interest in the Learners performing well in the assessment, giving rise to a Conflict of Interest within the meaning of Condition A4.

### Incident Management

12. In August 2018, CILEx engaged with Ofqual as its External Quality Assurer (EQA) to discuss its approach to results determination in light of the incident. A series of discussions took place about the best way to:

- a) estimate the grades for the four apprentices whose TA1 had been lost; and
- b) mitigate the adverse effect that the technical issues had on the remaining 69 Learners.

13. Ofqual advised that the following principles should be followed:

- a) Results should reflect the level of attainment demonstrated by the Learner in all relevant assessments;
- b) Any results which do not reflect the level of attainment demonstrated by the Learner in an assessment have been calculated using a methodology which prioritises differentiation between Learners on the basis of attainment in like assessments;
- c) Any and all results, including but not limited to final aggregated results, should be calculated in accordance with the Assessment Plan.

### Issuing results

14. In relation to the four Learners whose TA1 assessments were lost, it was necessary to delay the issue of the Learners' results by four days in order to agree the best approach to determining their results.

15. The approach taken allowed CILEx to be satisfied that each Learner had achieved all the required outcomes for the standard within the assessment evidence available, and that the grade reflected the level of attainment demonstrated by the Learner in what they had done in a like assessment.

16. All 73 Learners were given special consideration by offering them a free resit opportunity which would not cap the outcome at a pass. Although that approach was not in line with the Assessment Plan (which states that re-sits are not permitted for the purpose of improving a grade from pass to distinction), it was

agreed that this approach to mitigating the Adverse Effect gave priority to the provision of assessments which accurately differentiate between Learners on the basis of the level of attainment they have.

### Investigations

17. CILEx conducted its own investigation into the technical failings that had occurred and submitted to Ofqual a report of its findings on 3 September 2018. The findings included a list of recommendations which formed part of a Technical Action Plan of improvements to be implemented. CILEx also conducted a further 'wider' (non-technical) review of the EPA delivery and submitted to Ofqual a further report of those findings on 8 November 2018<sup>5</sup>.

### *Findings from the technical investigation - The Timed Assessments*

18. CILEx used a 'managed file attach' question type on an e-platform for the Timed Assessments. This allowed CILEx to attach templates for the apprentices to download in order to complete their assessments and then submit via the e-platform.

19. The technical investigation conducted by CILEx identified two root causes of the delivery failure in relation to the Timed Assessments:

- a) Insufficient in-house technical expertise in relation to the e-platform.
- b) Inadequacy of support and guidance from the e-platform supplier.

20. CILEx also identified the following contributory factors:

- a) CILEx did not set up the additional functionality restrictions on the downloaded files. This allowed apprentices to use the 'save as' function in error, saving their work to the local machine rather than uploading to the e-platform.
- b) Shortcomings in the functionality of 'managed secure file attach' questions means that the system relies on users saving their work and ensuring the final version is saved before it is uploaded.
- c) The testing of the secure file attach questions was insufficient. The testing was undertaken by staff who were familiar with and reasonably competent users of the e-platform and therefore the issues relating to the apprentices using the 'save as' functionality in error were not identified and addressed.
- d) Insufficient guidance for apprentices resulting in apprentices using the 'save as' function in error.
- e) Lack of training on the e-platform provided to invigilators. Had invigilators been more familiar with the 'managed file attach' question functionality,

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<sup>5</sup> The Enforcement Committee has seen a copy of both Investigation reports and the Technical Action Plan, the contents of which are summarised in this document.

they may have been able to quickly rectify some of the issues experienced by apprentices.

*Findings from the technical investigation - the Interview component*

21. The technical investigation conducted by CILEx identified one root cause of the delivery failure in relation to the Interviews:

- a) Lack of in-house experience of delivering assessment using video conferencing products. The reliability and performance issues with Skype were not appreciated when the Interview delivery model was developed.

22. CILEx also identified the following contributing factor:

- a) Limitations of Skype for Business. Poor performance, including the impact of firewall settings.

*Findings from the technical investigation - other contributory factors*

23. The technical investigation also identified the following, more general, contributory factors:

- a) The employer driven delivery model relies on employers ensuring they have downloaded and tested the e-platform and Skype for Business as instructed. Not all employers fully engaged with the set-up requirements to facilitate the effective delivery of the EPA.
- b) Illness and turnover of staff and the lack of suitable resource available on the market impacted on the EPA development schedule.

*Findings from the wider investigation*

24. The wider investigation identified that new assessment production and delivery processes were developed specifically for these assessments which were first delivered in June 2018. A number of issues associated with delivering a new qualification product, including late publication of the revised assessment plan by IfA, impacted on CILEx's ability to develop its processes effectively. In particular, it had limited ability to test the new assessment arrangements prior to delivery and policies and processes that were used successfully for other qualifications were shown to have shortcomings for EPA assessments.

*Recommendations and Technical Action Plan*

25. CILEx made the following recommendations which formed the basis for its Technical Action Plan<sup>6</sup>:

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<sup>6</sup> CILEx updated the Technical Action Plan in April 2019 to record the progress made against the recommendations to date and to strengthen the assurances around the level of technical support and the recruitment and training of invigilators.

- a) Review the contract with the e-platform supplier and explore options for improving and increasing the level of technical support.
- b) Implement a more effective electronic assessment solution for the timed assessments which addresses the following functionality as a minimum: provides automated 'save' and upload functionality in order that reliance on the apprentice to save and upload the assessment is removed; provides a user-friendly, intuitive assessment experience.
- c) Consider alternative video conferencing products for the Interview delivery
- d) Review and implement a more comprehensive e-assessment testing model
- e) Provide practice tests for apprentices using the 'new' assessment solution for timed assessment delivery and develop more comprehensive guidance for apprentices
- f) Implement an improved training plan for invigilators
- g) Review CILEx EPA delivery model
- h) Review resources for CILEx EPA delivery

## **Regulatory Action**

### The Enforcement Process

26. On 3 December 2018, following a review of the technical and wider investigation reports, the Executive Director for Vocational and Technical Qualifications referred the matter to the Legal Moderation and Enforcement Team ("LME Team") to consider how the matter should be resolved.
27. On 6 December 2018, the LME Team wrote to CILEx informing it that Ofqual would be considering taking regulatory action against CILEx in respect of a number of alleged breaches of the Conditions in relation to the incident set out above. On the same date, Ofqual issued CILEx with a notice (under Condition B4) requiring it to provide details of its turnover for the most recent business year (as defined in secondary legislation) and the amount of income CILEx generated from the affected cohort of 73 Learners who sat the Level 3 Paralegal Apprenticeship End-Point Assessments in June 2018.
28. On 14 December 2018, CILEx submitted to Ofqual details of its total annual turnover and provided a breakdown of what proportion of the turnover relates solely to CILEx's functions as an awarding body. It also provided details of the income received from the affected cohort of 73 Learners, along with the cost of delivering the EPA to those Learners in June 2018 and the additional costs incurred arising from the incident<sup>7</sup>.

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<sup>7</sup> The Enforcement Committee has seen a copy of the financial information provided by CILEx in response to B4 Notice of 6 December 2018. A high-level summary of that information is provided in this document.

29. These figures show that CILEx ran the EPA in June 2018 at a loss. There were also additional costs of dealing with the incident, resulting in an overall deficit of £54,812.
30. On 23 January 2019, CILEx provided Ofqual with details of its projections for its future EPA delivery. These figures show that CILEx anticipates that it will continue to operate the EPA at a loss in 2019 and 2020.
31. On 30 January 2019, CILEx made written representations to Ofqual setting out the context and mitigating circumstances surrounding the incident which it asked to be taken into account when determining any regulatory action. In summary, CILEx submitted that:
- a) it identified and accepted breaches of the Conditions and self-reported them to Ofqual.
  - b) it conducted a thorough investigation into both the technical and wider issues, submitting its findings to Ofqual voluntarily, together with an action plan.
  - c) it has made significant progress against the action plan, demonstrating that it has addressed all the issues of non-compliance. All actions are either completed or are ongoing and due to be tested during the EPA delivery in June 2019.
  - d) The number of Learners impacted (73) was relatively small when compared with other cases in which Ofqual has imposed a Monetary Penalty where Learner numbers have in some cases been in the thousands.
  - e) CILEx is a Chartered Body, not a commercial organisation, and as such has public interest duties, obligations and considerations as well as its responsibilities as an awarding body.
  - f) CILEx genuinely believed that it could deliver the EPA in June 2018 to the required standard and in compliance with the Conditions, despite having to deliver under time pressure as a result of the late publication of the Assessment Plan.
  - g) CILEx considered that the impact of delaying the delivery of the EPA would have been too significant on Learners in terms of their employment prospects, progression to higher qualifications and implications on funding.
  - h) The absence of key members of staff was a result of unprecedented and unpredictable circumstances.
  - i) As a result of being an early adopter of the Trailblazer Apprenticeship qualification and the concept of an EQA not being introduced until late on in the delivery, CILEx did not have an opportunity to benefit from engagement and sharing of learning and good practice with Ofqual and other EPA Organisations.
  - j) There is no requirement for Centres and Employers to inform CILEx of the number of Learners enrolled until they enter the gateway. From that point, CILEx has 14 weeks to deliver the EPA and issue results. It

therefore has limited ability to provide advance planning for some aspects of the assessment.

- k) CILEx is not permitted to accredit or hold a direct relationship with providers resulting in limited quality assurance mechanisms and access to information in comparison to other qualifications.
- l) CILEx agreed to become the EPA Organisation for the Paralegal Apprenticeship in order to support the Government's desire for legal apprenticeships despite it being a loss-making activity for CILEx. CILEx is the only body able to deliver the EPA.
- m) CILEx was required to commit to delivering the Apprenticeship in 2015, three years before the Assessment Plan was published in June 2018 which included the late introduction of new requirements.
- n) CILEx operates its awarding body functions on a 'not for profit' basis. As evidenced by the figures set out above, the EPA operated at a loss in 2018 and this is expected to continue for 2019, 2020 and beyond. CILEx did not financially gain from the incident and in fact incurred additional costs in rectifying it.
- o) As a Chartered Body, CILEx has very limited capacity to pay a Monetary Penalty. Any Monetary Penalty could only be paid from funds which are currently allocated to invest in developing other qualifications and would impact on future Learner experiences.
- p) CILEx is confident in its ability to deliver the EPA successfully in the future, in full compliance with the Conditions.
- q) CILEx has apologised to the Learners affected by the incident and has compensated where applicable (i.e. by providing the opportunity for free, uncapped resits).

32. On 22 March 2019, CILEx formally admitted breaches of the Conditions set out and particularised in the Admissions Document<sup>8</sup>.

33. In April 2019, the Enforcement Committee considered the case and had regard to all of the aforementioned documents, in addition to Ofqual's *Taking Regulatory Action* policy (May 2012), as well as to Ofqual's objectives and duties as set out in the 2009 Act.

#### Proposed monetary penalty

34. The Enforcement Committee considered that CILEx's admissions, when taken in conjunction with the details of the event notification and the findings in CILEx's technical and wider investigation reports, provide strong and credible evidence that CILEx has failed to comply the following Conditions (as set out and particularised in the Admissions Document):

- I. A5.2(a)
- II. A5.2(c)

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<sup>8</sup> Annex B - Admissions Document



- III. A5.2(e)
- IV. C1.1(a)
- V. C2.5(a)
- VI. C2.3
- VII. A6.1
- VIII. G8.1(b) and EPA1
- IX. G9.1
- X. G9.2(a)
- XI. G9.2(d)
- XII. G9.2(e)
- XIII. H5.1
- XIV. H6.1(e)
- XV. A4.6 and A4.7
- XVI. G7.2

35. The Enforcement Committee has considered all of the regulatory actions available to it and has decided that a Monetary Penalty is the most appropriate sanction to impose for those breaches, for the following reasons:

- a) There were a series of breaches resulting from significant failings in CILEx's resourcing, planning and contingency arrangements.
- b) This resulted in delivery failings which had a significant impact on Learners. The delivery failings occurred in both of the Timed Assessments and in the Interview component of the EPA. All 73 Learners sitting the EPA were impacted in some way and complaints were received regarding the disruption and anxiety that it had caused. Four Learners received their results late.
- c) The breaches were serious and had the potential to impact on public confidence in the qualification. This is particularly so, given that this was the first delivery of the Level 3 Paralegal Apprenticeship EPA which had formed part of a Trailblazer group, and for which CILEx was the sole provider.
- d) A Monetary Penalty is likely to improve compliance with regulatory conditions in the future (including by other awarding organisations). In particular, the proposed approach set out below, provides a strong incentive for CILEx to deliver the next EPA successfully, in full compliance with the Conditions. The imposition and publication of a Monetary Penalty will also act as a deterrent to other awarding bodies.

#### Amount of monetary penalty

36. In determining the amount of the Monetary Penalty to be imposed, the Enforcement Committee has had regard to all of the circumstances of the case and the factors set out in the *Taking Regulatory Action* policy (May 2012).

37. Having regard to the factors set out at paragraph 35 above, the Enforcement Committee initially considered that the circumstances of the case justified a Monetary Penalty in the sum of £50,000.

38. However, the Enforcement Committee considered that the factors set out at paragraph 31 above, when taken collectively, provided strong and persuasive mitigation which justified a significant reduction in that sum.
39. The Enforcement Committee therefore decided 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**.
40. Or, in the event that representations are received from interested parties or another relevant intervening factor occurs, such other amount between **£1000** and **£50,000** as the Enforcement Committee considers appropriate.
41. The Enforcement Committee is satisfied, in accordance with section 151B of the 2009 Act, that a monetary penalty in the sum between £1000 and £50,000 would not exceed 10% of CILEx's total annual turnover. The Enforcement Committee also notes that the sum is less than 10% of the proportion of turnover that relates solely to CILEx's functions as an awarding body.

## Representations

42. **CILEx** may make representations in respect of Ofqual's proposal to impose a Monetary Penalty on CILEx. Any such representations must be sent by E-mail to [EnforcementCommittee@ofqual.gov.uk](mailto:EnforcementCommittee@ofqual.gov.uk) and must be received before **4pm on Friday 31 May 2019**.
43. **Interested parties** may make representations in respect of Ofqual's proposal to impose a Monetary Penalty on CILEx. Any such representations must be sent by E-mail to [EnforcementCommittee@ofqual.gov.uk](mailto:EnforcementCommittee@ofqual.gov.uk) and must be received before **Friday 31 May 2019**.

## Next Steps

44. If CILEx is able to submit a Statement of Assurance on or before 30 September 2019, the Enforcement Committee will consider this case again on or after that date.
45. At that stage, the Enforcement Committee will consider any representations made as specified in this Notice (Representations) and will decide whether to

make a final order for the payment of a monetary penalty, and if so in what amount, and / or whether any other order should be made.

46. If CILEx is unable to submit a Statement of Assurance, the Enforcement Committee may at its absolute discretion allow a further opportunity for representations to be made to inform its final decision.

Signed:



Name: Hywel Jones  
Chair of the Enforcement Committee  
Date: 18 April 2019

Enforcement Committee:  
Hywel Jones  
Christine Ryan  
Frances Wadsworth

NOTE:

- 1) If Ofqual does not receive representations it may determine this matter after the date for representations is given, alternatively it may agree a different date for the receipt of representations.
- 2) Ofqual will publish Notice of Intention to impose a monetary penalty on its website.

## **Annexes**

- A.** Paralegal Apprenticeship Standard, Level 3: End-Point Assessment Plan (May 2018).
- B.** Admissions Document (22 March 2019).

# Paralegal Apprenticeship Standard, Level 3: End-Point Assessment Plan

May 2018

## 1.0 Introduction & Overview

This assessment plan sets out the requirements for End-Point Assessment (EPA) for the Paralegal apprenticeship standard. It is written for End-Point Assessment Organisations (EPAOs) who need to know how EPA for this apprenticeship must operate. It will also be of interest to Paralegal apprentices, their employers and training providers.

Full time apprentices will typically spend 20 months on-programme working towards the apprenticeship standard, with a minimum of 20% off-the-job training.

This document has been developed with close involvement of CILEx Regulation and the Solicitors Regulation Authority (SRA) who may seek to rely on successful completion of this standard to provide exemptions from the formative requirements for onward qualification as either a Chartered Legal Executive (CLE) or a solicitor, subject to regulatory requirements.

Completing this standard should also provide exemptions for the Solicitor Apprentice standard and the Legal Executive Standard.

This apprenticeship has been available since September 2016 and embodies the following principles:

- it leads to the apprentice being recognised as a paralegal in the area of practice in which they have completed their apprenticeship;
- it has been designed to enable the apprentice to seek some exemption from the requirements to qualify as a Chartered Legal Executive or solicitor, subject to regulatory requirements;
- all the knowledge and competence requirements should be assessed to demonstrate a competent standard to complete the apprenticeship;
- end-point assessment methodologies have been selected on the basis that they provide a high level of validity of the relevant knowledge, skills and competencies;
- end-point assessment will be synoptic, take place at the end of the apprenticeship and will be independently assessed by an EPAO that has not been involved in the training of the apprentice.

‘Paralegal’ is a general title, which can be applied to many job roles operating in a wide range of areas of legal practice. The Paralegal Standard has identified a common core of competencies, which can be applied to all paralegals. However, the knowledge requirements (law and practice) for paralegals are different, dependent on the area of legal practice in which the paralegal works. As a result, end-point assessments must be contextualised based on the area of practice in which the paralegal works.

To ensure that the EPA can be met by all apprentices to a consistent standard, the process set out in the summary below has been developed:

### Paralegal End-Point Assessment (summary)

On-programme (typically, 20 months)	End-Point Assessment Gateway	End-Point Assessment (maximum 14 weeks)	Professional recognition (optional)*
Training to develop the occupation standard's knowledge, skills and behaviours	English/maths Level 2	Two written, timed scenario assessments	Membership of the Chartered Institute of Legal Executives (CILEx) is available
Working towards English/maths Level 2 (if required)	Submission of portfolio, to support an interview	Interview	
Completion of a portfolio of evidence	Employer satisfied apprentice is consistently working at, or above, the level of the standard	[the EPA components can be taken in any order] Graded fail, pass or distinction	

#### Paralegal Standard

\*Apprentices aiming to complete the Chartered Legal Executive apprenticeship will be required to study CILEx level 3 and 6 professional qualifications for that standard.

## 2.0 End-Point Assessment Gateway

The EPA should only start once the employer is satisfied that the apprentice is consistently working at, or above, the level set out in the standard, the pre-requisite gateway requirements for EPA have been met and that they can be evidenced to an EPAO. Employers may wish to take advice from their apprentice's training provider.

### Gateway requirements

Paralegal apprentices must have:

- completed a portfolio of evidence (ready to support an interview) which will not be assessed or graded as part of the EPA;
- achieved English and maths at level 2. Apprentices without English and maths at level 2 on entry must achieve level 2 prior to taking their EPA. For those with an education, health and care plan or a legacy statement, the apprenticeships English and maths

minimum requirement is Entry Level 3. British Sign Language qualifications are an alternative to English qualifications for whom this is their primary language.

### 3.0 End-Point Assessment Methods, Timescales & Location

The EPA comprises two distinct assessment methods:

Part 1 – two written and timed scenario assessments;  
Part 2 – an interview (supported by a portfolio of evidence).

To be ready to support an interview the portfolio should demonstrate the following:

- evidence of using knowledge and understanding of relevant law and practice\* to solve problems;
- evidence of undertaking appropriate legal research;
- evidence of assisting with a legal matter/transaction;
- evidence of balancing competing priorities;
- evidence of good file management;
- evidence of ability to work with others;
- evidence of ability to work to deadlines.

*\*The law and practice demonstrated through the portfolio should cover knowledge and understanding of the English Legal System as well as knowledge and understanding of the relevant area of law and practice.*

The evidence could come from a variety of sources, including: evidence taken from the apprentice's workload and third-party statements. The employer, in consultation with the training provider, will determine when the portfolio is ready to submit to the gateway for the EPA.

The EPA must be completed within 4 months of an apprentice going through the gateway. Successful completion of this apprenticeship will require the apprentice to have developed sufficient knowledge, skills and competence to be able to successfully complete the EPA. The portfolio will be countersigned by the employer and training provider, as confirmation that the content meets the required standard and is entirely the work of the apprentice, before being forwarded to the EPAO.

The EPA must be conducted by an organisation approved to offer EPA services against this standard, as selected by the employer, from the Education & Skills Funding Agency's (ESFA) Register of End-Point Assessment Organisations (RoEPAO).

Both parts of the EPA can be completed in any order and will be completed within 4 months after going through the gateway. The schedule for the EPA will be determined by the independent assessor.

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Both assessment methods are assessed synoptically i.e. they assess knowledge, skills and behaviours together in an integrated way. The assessment methods can be completed in any order. It is anticipated that both timed scenario assessments will take place on the same day, however this is not a requirement. This allows flexibility in scheduling and cost-effective allocation of resources.

EPAOs must ensure that the interview and timed scenario assessments are conducted in a suitable controlled environment i.e. quiet room free from distraction, with the necessary equipment for each assessment method e.g. computer. It is anticipated that EPAOs will use the apprentice's employer's premises wherever possible to minimise costs. The interviews may be conducted face-to-face or via an online platform e.g. video-conferencing. EPAOs must ensure appropriate measures to prevent misrepresentation are in place should an online option be used.

Performance in the EPA will determine the apprenticeship grade of FAIL, PASS, or DISTINCTION.

Requirements for each assessment method are detailed below.

### **Method 1 - Scenario Timed Assessments**

The timed assessments will be scenario-based tasks undertaken in controlled conditions. They will assess the ability of the apprentice to apply their legal knowledge, skills and behaviours to write a report, draft a document and solve a problem. This is effective as an assessment instrument as it simulates the work likely to be asked of a paralegal in the workplace, once the apprenticeship is complete using the knowledge, skills and behaviours in an integrated way, to demonstrate full competence against the standard.

There should be two written, timed, scenario tests, based on advance materials issued three weeks in advance, each of 1.5 hours (+/- 10%). These should be drafted to demonstrate the following learning outcomes in the apprentice's area of practice:

- knowledge and understanding of law and practice;
- application of knowledge and understanding of law in relevant area of practice to solve a problem;
- ability to draft a document;
- ability to produce accurate written work;
- ability to work to deadlines (time management).

The EPAO will mark and grade the assessments and the grade will be combined with the grade for the interview to deliver the final grade for the apprenticeship.

For the timed scenario assessments:

- apprentices must complete two timed scenario assessments during the EPA period;
- the timed assessments must assess apprentices against the standard's knowledge and skills as shown in Annex A;
- each timed assessment must last for 1.5 hours (+/-10%);
- apprentices must pass both timed assessments to pass this assessment method. If they fail one of the timed assessments they can re-sit the part they have failed using the same advance materials, but the task(s) used must be different to the one(s) they faced originally. If they fail both they must re-sit both parts with new advance materials;
- the EPAO must release advance materials three weeks before the timed assessments are scheduled to allow the apprentice to undertake the necessary legal research and preparation for the assessments;
- both timed assessments must be based around practical tasks reflecting work that would be undertaken by the apprentice in their relevant roles and based on one set of advance materials;
- timed Assessment 1 must comprise a single, scenario-based, practical task in which the apprentice must prepare a draft report, which will demonstrate the apprentice's competence in report writing;
- timed Assessment 2 must comprise two scenario-based, practical tasks. Part 1 will require apprentices to draft an email to a client. Part 2 will require apprentices to carry out a smaller activity specific to their area of practice. For example, preparing a checklist for conveyancing. Together both tests will demonstrate the apprentice's competence in Legal Practice and Drafting;
- apprentices can take into each timed assessment their research notes, which can be handwritten or typed, together with any other reference material that they would use for such tasks in their job roles;
- the timed assessments must be delivered electronically;
- EPAOs must ensure any reasonable adjustments are in place and apprentices must make any requirement requests at least 1 month prior to the scheduled date for the timed scenario assessments;
- apprentices must take the timed assessments in the presence of an EPAO approved invigilator;
- the timed assessments must be marked by EPAO independent assessors, following a marking guide produced by the EPAO; electronic marking is permissible;
- independent assessors must award a FAIL, PASS or DISTINCTION grade (See Annex A).
- EPAOs must ensure the timed assessment is available for apprentices within the EPA period;

- EPAOs must develop ‘test banks’ of questions and tasks of sufficient size to prevent predictability and review these annually to ensure they, and the details they contain, are fit for purpose;
- tasks must be set so that a pass will represent competence in the knowledge and skills; with a distinction representing a deeper understanding of the knowledge and skills;

## **Method 2 - Interview, supported by a portfolio of evidence**

The EPAO will conduct an interview with the apprentice, supported by the portfolio of the apprentice’s work, to check that the apprentice has a full understanding of the Paralegal Standard. The portfolio will not be assessed during the EPA.

The interview will be conducted by an independent assessor, appointed by the EPAO. They will ensure that the apprentice has a full understanding of the Paralegal Standard as well as ensuring that the work in the portfolio is the apprentice’s own. The interview will assess the knowledge, skills and behaviours as outlined in Annex A.

For the interview:

- prior to the interview and questioning, the independent assessor must have reviewed the apprentice’s portfolio and prepared 12-15 questions based on the standard outcomes;
- EPAOs must schedule the interview to take place at an agreed time and place within the EPA period, giving an apprentice a minimum of 2-weeks’ notice of the time, date and venue;
- the interview must take place on a one-to-one basis between an independent assessor and an apprentice;
- the interview and questioning must take place concurrently;
- the interview must be 50 minutes in length (+/- 10%);
- must take place in a quiet room away from workplace distraction and influence;
- if the interview is run remotely, the independent assessor must be able to see the apprentice (for example when using SKYPE);
- the EPAO must specify any equipment and software required for the interview if taking place remotely;
- the EPAO must give guidance on the structure of the interview;
- EPAOs must produce sample questions as a guide for independent assessors;
- the questions must be competency-based and relate to the evidence of work within the portfolio. EPAOs must develop ‘test banks’ of questions of sufficient size to prevent predictability and review them regularly to ensure they, and the questions they contain, are fit for purpose.;
- apprentices may refer to their portfolio, and evidence contained within the portfolio, when answering the questions;

- EPAOs must ensure any reasonable adjustments are in place and apprentices must make any requirement requests at least 1 month prior to the scheduled date for the interview and questioning;
- the interview and questioning must be recorded electronically;
- questions must seek to assess competence evidenced through the portfolio and/or depth of understanding to assess performance against the distinction criteria;
- independent assessors must assess the interview and give a FAIL, PASS or DISTINCTION grade. (See Annex A)
- the EPAO will create a report template for the assessor to submit to confirm the grade.

#### 4.0 Apprenticeship Grading

The Paralegal apprenticeship will be awarded a grade of **FAIL**, **PASS** or **DISTINCTION**.

The grade will be determined by the combined results from the timed scenario assessments and the interview. Apprentices will need to pass all assessment components to pass the apprenticeship. The final overall grade must be determined by independent assessors. The Grading Combinations table (see below) indicates how the final grade of the apprenticeship will be awarded.

Independent assessors' decisions will be subject to moderation by the EPAO (see section 8). Decisions should not be confirmed until after moderation. The grading criteria are shown in Annex A.

##### Grading Combinations

Timed Scenario Assessment grade (must achieve a pass in both scenario timed assessments)	Interview (supported by portfolio) grade	EPA grade
Fail	Fail	Fail
Pass	Fail	Fail
Fail	Pass	Fail
Distinction	Fail	Fail
Fail	Distinction	Fail
Pass	Pass	Pass
Distinction	Pass	Pass
Pass	Distinction	Pass
Distinction	Distinction	Distinction

#### 5.0 Re-sits/Re-takes

If an apprentice fails any component part of the end-point assessment they can re-sit that component. A re-sit does not require further learning. If they fail all parts of the EPA then further development must be provided prior to a re-take. A re-take requires the apprentice to undertake further learning and therefore would need to go through the gateway process again.

If re-sits or re-takes are required, apprentices should complete these within 12 months. There is no limit to the number of re-sits or re-takes within this period.

The maximum grade awarded to a re-sit/re-take will be pass, unless the EPAO identifies exceptional circumstances accounting for the original fail. An apprentice cannot retake any part of the EPA in order to increase their grade from a pass to a distinction

In the event of extenuating circumstances, apprentices can be given the opportunity to rearrange their date, subject to the agreement of the independent assessor. Any appeals in relation to the outcome of the end-point assessment will be managed by the EPAO whose decision is final.

## 6.0 Internal Quality Assurance

Any organisation seeking to act as an EPAO must be on the Education and Skills Funding Agency's (ESFA) Register of End-Point Assessment Organisations (RoEPAO). They should be able to demonstrate that they have the necessary infrastructure and quality assurance processes in place to ensure the apprenticeship standard is being consistently applied. This would include:

- capacity to mark high volumes of assessments on demand;
- robust systems to quality assure the marking and grade allocation process;
- IT systems that can meet the demands for marking and grade allocation through sufficient resources and infrastructure;
- IT systems that can demonstrate robust administrative arrangements and data collection systems to be able to provide statistical data on the operation of the apprenticeship;
- staff expertise in assessment production and capacity to generate reports and attend meetings;
- ensuring invigilators are appointed to administer and confirm the EPA is carried out appropriately, mitigating malpractice;
- appointing quality assurance staff to implement and monitor robust IQA systems and procedures that support fair, reliable and consistent assessment across the organisation and over time and to undertake standardisation and moderation of EPA;
- capacity to oversee the appointment, recruitment and training of independent end-point assessors who:
  - are independent of the apprentice, their employer and training provider i.e. there must be no conflict of interest;

- are not be involved in on-programme delivery;
- can undertake assessment activities with integrity and impartiality to offer a fair and consistent assessment experience;
- can demonstrate a working knowledge of apprenticeships;
- hold, or be working towards, an assessor qualification or have relevant assessor experience, and have had training from their EPAO in terms of good assessment practice, operating the assessment tools and grading;
- must have relevant legal knowledge to be able to assess at Level 3 in a specialist area, for example Conveyancing, Civil Litigation or Tort
- are responsible for maintaining their own on-going CPD relevant to both assessment legal practice;
- undertake regular EPAO standardisation and training.

Quality assurance arrangements must be applied to the end-point assessments and include requirements setting out the probity of the assessment systems to assure consistency of standards between candidates, across different assessment venues and over time between successive sittings; to identify areas for improvement and to monitor and review assessment standards using comparative data.

### **Assessment tools and materials**

EPAOs must produce assessment tools and supporting materials for the EPA that follow best assessment practice, as follows:

- a wide selection of scenario-based tasks, such as a question bank, including advance materials for the scenario assessments;
- instructions for invigilators;
- guidance on the structure and questioning for the interview;
- guidance and recording templates for interview;
- documentation for recording assessment evidence and decisions;
- policies and procedures to govern EPA delivery and monitoring.

## 7.0 External Quality Assurance

External quality assurance for the end-point assessment for this apprenticeship standard will be undertaken by Ofqual.

## 8.0 Implementation

### Affordability

Based on current registrations this apprenticeship is expected to have approximately 200 starts a year. It is anticipated that the EPA will not represent more than 20% of the maximum funding band for this apprenticeship (Band 9 - £9,000)

The following factors should ensure the EPA is affordable:

- employers' premises should be used for EPA venues where possible;
- remote assessment is permissible, reducing travel costs;
- the portfolio, used to support the interview, is based on real work completed for the apprentice's employer, adding value to the employer.

## Annex A – Assessment Methods and Grading

<b>Assessment method key</b>	Interview	I	Scenario Timed Assessment	STA
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<b>1 Ethics, professionalism and judgment</b>	<b>Assessment method</b>
1.1 Have an understanding of the legal and regulatory requirements relevant to the role	I, STA
1.2 Maintain sufficient competence and legal knowledge to work effectively – relevant law, research	I, STA
1.3 Avoid working outside their areas of knowledge and competence, seek guidance and support where needed	I
1.4 Use understanding and analysis to solve problems	I, STA

<b>2 Technical legal practice</b>	<b>Assessment method</b>
2.1 Undertake legal and factual research and present the findings accurately and clearly	I, STA
2.2 Use precedents and draft documents, using plain and succinct language	I, STA
2.3 Assist with legal matters and transactions	I, STA

<b>3 Managing themselves and their own work</b>	<b>Assessment method</b>
3.1 Manage work activities to ensure that they are completed on time and to an appropriate standard, including: A. Keep others informed of progress B. Ability to work under pressure and willingness to accept changing priorities when new jobs need to be done C. Paying appropriate attention to detail	I
3.2 Practise good file management – prepare and collate bundles, take and file accurate notes, close and review files, maintain databases, version control	I
3.3 Work in accordance with good business practice – maintain an understanding of the basic financial drivers, time recording and billing processes relevant to the role and firm	I, STA

<b>4 Working with other people</b>	<b>Assessment method</b>
4.1 Communicate clearly and effectively, both orally and in writing	I, STA
4.2 Establish and maintain effective and professional relations with others, including an ability to work with people at all levels towards achieving internal and external clients' and team objectives	I



## Paralegal Standard Grading Criteria Guidance

### Assessment method: Scenario Timed Assessments

Ref	Paralegal Standard	Distinction - the apprentice must display all of the pass criteria and all of the following	Pass - the apprentice must display all of the following	Fail
1.1	<b>Have an understanding of the legal and regulatory requirements relevant to the role</b>		<ul style="list-style-type: none"> <li>Shows knowledge and understanding of the legal and regulatory framework by demonstrating compliance with the key principles and outcomes of the SRA Code of Conduct</li> </ul>	The apprentice does not provide sufficient evidence to demonstrate that their performance meets the requirements of the pass criteria.
1.2	<b>Maintain sufficient competence and legal knowledge to work effectively – relevant law, research</b>	<ul style="list-style-type: none"> <li>Is able to use a range of cases accurately, in order to support legal arguments</li> <li>Is able to explain how legislation interacts with common law accurately and using language that would be understood by different audiences</li> </ul>	<ul style="list-style-type: none"> <li>Shows knowledge and understanding of legal principles, and/or rules of practice</li> <li>Shows accurate knowledge and application of principal pieces of relevant legislation with knowledge of interaction with common law</li> <li>Absence of legal errors</li> <li>Presentation errors do not amount to a misrepresentation of legal matters</li> </ul>	

1.4	<b>Use understanding and analysis to solve problems</b>	<ul style="list-style-type: none"> <li>• Correctly identifies all of the legal/relevant issues</li> <li>• Shows breadth and depth in applying a relevant range of cases and legislation to the given situation</li> <li>• Shows application of comprehensive and relevant research to workload/facts to identify the full range of issues relevant to the task.</li> <li>• Demonstrates critical analysis and evaluation of problems with comprehensive identification and differentiation of issues, strengths and weaknesses to generate plausible solutions and make recommendations</li> </ul>	<ul style="list-style-type: none"> <li>• Correctly identifies the majority of the legal issues</li> <li>• Is able to apply the relevant law and practice to the facts of a case accurately</li> <li>• Shows an ability to apply a relevant case and legislation in the given situation</li> <li>• Shows an application of research which is accurate and relevant to workload/facts to identify all the main issues <i>involved</i>. Demonstrates analysis of problems to generate and identify a plausible solution.</li> </ul>	
2.1	<b>Undertake legal and factual research and present the findings accurately and clearly</b>	<ul style="list-style-type: none"> <li>• Applies research findings in an effective manner</li> <li>• Presents arguments supported by a range of evidence</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrates investigative skills by evidencing relevant legal research</li> <li>• Presents logical and structured arguments</li> <li>• Uses legal terms accurately</li> <li>• Provides explanations for the rationale of cases and effect of legislation</li> </ul>	

2.2	<b>Use precedents and draft documents, using plain and succinct language</b>	<ul style="list-style-type: none"> <li>• Uses a range of relevant precedents when drafting to produce documents which are appropriate for purpose and context</li> </ul>	Uses clear, concise and appropriate language when drafting which applies a relevant precedent, and is free from colloquialism and jargon to produce documents which are appropriate for purpose and context	
2.3	<b>Assist with legal matters and transactions</b>	<ul style="list-style-type: none"> <li>• Demonstrates independent thinking in fulfilling the requirements of the task.</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrates the ability to assist with legal matters and transactions, producing work that fulfils the requirement of the task</li> </ul>	
3.3	<b>Work in accordance with good business practice – maintain an understanding of the basic financial drivers, time recording and billing processes relevant to the role and firm</b>	<ul style="list-style-type: none"> <li>• Communicates timing considerations with the client</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrates an appreciation of client billing requirements through appropriate records</li> </ul>	
4.1	<b>Communicate clearly and effectively, both orally and in writing</b>	<ul style="list-style-type: none"> <li>• Uses persuasive and evaluative language</li> </ul>	<ul style="list-style-type: none"> <li>• Uses language which is appropriate in tone and style for the context and recipient</li> </ul>	

*Note: Outcomes 1.3, 3.1, 3.2 and 4.2 will be assessed via the Interview method only*

### Grading Criteria against Paralegal Standard

Assessment method: Interview supported by portfolio of evidence

Ref	Paralegal Standard	Distinction - the apprentice must display all of the pass criteria and all of the following	Pass - the apprentice must display all of the following	Fail
1.1	<b>Have an understanding of the legal and regulatory requirements relevant to the role</b>	<ul style="list-style-type: none"> <li>Shows understanding of the importance of legal and regulatory requirements by providing <b>more than one example</b> of key regulatory expectations of professional conduct</li> <li>Understands the consequences of a failure to keep client money safe</li> <li>Understands the benefits of respecting equality and diversity and the consequences of a failure to do so</li> </ul>	<ul style="list-style-type: none"> <li>Shows understanding of the importance of legal and regulatory requirements by providing <b>one example</b> of key regulatory expectations of professional conduct</li> <li>Shows awareness of the need to keep client money safe</li> <li>Shows awareness of the need to respect equality and diversity and to act fairly and inclusively</li> </ul>	The apprentice does not provide sufficient evidence to demonstrate that their performance meets the requirements of the pass criteria.
1.2	<b>Maintain sufficient competence and legal knowledge to work effectively – relevant law, research</b>	<ul style="list-style-type: none"> <li>Provides <b>more than one example</b> of benefits of CPD and importance of sharing knowledge with colleagues.</li> <li>Provides <b>more than one example</b> of reflecting on and</li> </ul>	<ul style="list-style-type: none"> <li>Provides <b>one example</b> of benefits of CPD and importance of sharing knowledge with colleagues.</li> <li>Provides <b>one example</b> of reflecting on and learning from work practice and colleagues</li> </ul>	

		<p>learning from work practice and colleagues</p> <ul style="list-style-type: none"> <li>• Provides <b>more than one</b> example of new skills acquisition</li> <li>• Provides <b>more than one</b> example of application of new skills in the workplace.</li> </ul>	<ul style="list-style-type: none"> <li>• Provides <b>one example</b> of new skills acquisition</li> <li>• Provides <b>one example</b> of application of new skills in the workplace</li> </ul>	
1.3	<b>Avoid working outside their areas of knowledge and competence, seek guidance and support where needed</b>	<ul style="list-style-type: none"> <li>• Shows understanding why an individual should not work outside their areas of knowledge and competence by providing <b>more than one example of either</b> disclosing when work has been beyond their personal capability <b>or</b> of seeking guidance and support where needed</li> <li>• Provides <b>more than one example</b> of making effective use of feedback</li> </ul>	<ul style="list-style-type: none"> <li>• Shows understanding why an individual should not work outside their areas of knowledge and competence by providing <b>one example of either</b> disclosing when work has been beyond their personal capability <b>or</b> of seeking guidance and support where needed</li> <li>• Provides <b>one example</b> of making effective use of feedback</li> </ul>	
1.4	<b>Use understanding and analysis to solve problems</b>	<ul style="list-style-type: none"> <li>• Provides <b>more than one example</b> of problem-solving in the workplace describing: <ul style="list-style-type: none"> <li>○ the problem,</li> <li>○ any relevant law or practical point</li> <li>○ the solution and</li> <li>○ any decisions taken</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Provides <b>one example</b> of problem solving in the workplace describing: <ul style="list-style-type: none"> <li>○ the problem,</li> <li>○ any relevant law or practical point</li> <li>○ the solution and</li> <li>○ any decisions taken</li> </ul> </li> </ul>	
2.1	<b>Undertake legal and factual research and present the findings accurately and clearly</b>	<ul style="list-style-type: none"> <li>• Provides <b>more than one example</b> of carrying out legal or factual research in practice</li> </ul>	<ul style="list-style-type: none"> <li>• Provides <b>one example</b> of carrying out legal or factual research in practice identifying:</li> </ul>	

		identifying: <ul style="list-style-type: none"> <li>○ the issue</li> <li>○ the objective</li> <li>○ the sources used</li> <li>○ the outcome of the research and</li> <li>○ how the findings were presented</li> </ul>	<ul style="list-style-type: none"> <li>○ the issue</li> <li>○ the objective</li> <li>○ the sources used</li> <li>○ the outcome of the research and</li> <li>○ how the findings were presented</li> </ul>	
2.2	<b>Use precedents and draft documents, using plain and succinct language</b>	<ul style="list-style-type: none"> <li>● Provides <b>more than one example</b> of using precedents or of drafting documents using plain and succinct language</li> <li>● provides supporting explanation as to the purpose of the document</li> </ul>	<ul style="list-style-type: none"> <li>● Provides <b>one example</b> of using precedents or of drafting documents using plain and succinct language</li> <li>● provides supporting explanation as to the purpose of the document</li> </ul>	
2.3	<b>Assist with legal matters and transactions</b>	<ul style="list-style-type: none"> <li>● Provides <b>more than one example</b> of assisting in a legal matter and transaction describing:             <ul style="list-style-type: none"> <li>○ their role</li> <li>○ their contribution to</li> <li>○ in the management and progression of the matter</li> <li>○ the outcome</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Provides <b>one example</b> of assisting in a legal matter and transaction describing:             <ul style="list-style-type: none"> <li>○ their role</li> <li>○ their contribution to</li> <li>○ in the management and progression of the matter</li> <li>○ the outcome</li> </ul> </li> </ul>	
3.1	<b>Manage work activities to ensure that they are completed on time and to an appropriate standard, including:</b>	<ul style="list-style-type: none"> <li>● Demonstrates an understanding of why the work activities A-C are important through providing <b>more than one example</b> of each of the following:</li> </ul>	<ul style="list-style-type: none"> <li>● Demonstrates an understanding of why the work activities A-C are important through providing <b>one example</b> of each of the following:</li> </ul>	

	<p><b>A. Keep others informed of progress</b></p> <p><b>B. Ability to work under pressure and willingness to accept changing priorities when new jobs need to be done</b></p> <p><b>C. Paying appropriate attention to detail</b></p>	<p>A. Keeping others informed of progress</p> <p>B. Working under pressure and changing priorities when new jobs need to be done</p> <p>C. Paying appropriate attention to detail</p>	<p>A. Keeping others informed of progress</p> <p>B. Working under pressure and changing priorities when new jobs need to be done</p> <p>C. Paying appropriate attention to detail</p>	
3.2	<p><b>Practise good file management – prepare and collate bundles, take and file accurate notes, close and review files, maintain databases, version control</b></p>	<ul style="list-style-type: none"> <li>Provides <b>more than one example</b> of preparing and collating bundles, taking and filing accurate notes, closing and reviewing files, maintain databases and version control</li> </ul>	<ul style="list-style-type: none"> <li>Provides <b>one example</b> of preparing and collating bundles, taking and filing accurate notes, closing and reviewing files, maintain databases and version control</li> </ul>	
3.3	<p><b>Work in accordance with good business practice – maintain an understanding of the basic financial drivers, time recording and billing processes relevant to the role and firm</b></p>	<ul style="list-style-type: none"> <li>Provides <b>more than one example</b> of workload management in which they have balanced priorities appropriately, organised and managed time effectively and efficiently and shown an appreciation of client billing requirements</li> </ul>	<ul style="list-style-type: none"> <li>Provides <b>an example</b> of workload management in which they have balanced priorities appropriately, organised and managed time effectively and efficiently and shown an appreciation of client billing requirements</li> </ul>	
4.1	<p><b>Communicate clearly and effectively, both orally and in writing</b></p>		<ul style="list-style-type: none"> <li>Uses language which is clear, accurate and appropriate in tone and style for the context and recipient and is coherent</li> </ul>	

4.2	<b>Establish and maintain effective and professional relations with others, including an ability to work with people at all levels towards achieving internal and external clients' and team objectives</b>	<ul style="list-style-type: none"> <li>• Shows understanding of the need to establish and maintain effective and professional relations with others by providing <b>more than one example</b> of working effectively and proactively with others and assisting their supervisor in achieving client and team</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Shows understanding of the need to establish and maintain effective and professional relations with others by providing <b>one example</b> of working effectively and proactively with others and assisting their supervisor in achieving client and team</li> </ul>	
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## Admissions Document

- A. The Chartered Institute of Legal Executives (**CILEx**) is recognised as an awarding body by The Office of Qualifications and Examinations Regulation ('Ofqual') under section 132(1) of the Apprenticeships, Skills, Children and Learning Act, 2009 ("the 2009 Act") and is subject to the General Conditions of Recognition ("the Conditions") which Ofqual is required to set and publish under Section 134 of the 2009 Act<sup>1</sup>.
- B. In 2016, CILEx was approved by The Skills Funding Agency to deliver the End Point Assessment for the Level 3 Paralegal Apprenticeship ("the EPA"). This is a qualification regulated by Ofqual. The EPA is comprised of two Timed Assessments ("TA1" and "TA2") and an Interview component ("the Interview").
- C. In June 2018, CILEx delivered the EPA for a cohort of 73 Learners. On 26 June 2018, CILEx notified Ofqual of a potential Adverse Effect in relation to technical issues that had affected the 73 Learners who had taken their Timed Assessments during the week 18 June 2018. All 73 Learners were affected by the technical issues to varying degrees. Four Learners' assessments for TA1 were lost entirely.
- D. On 4 July 2018, CILEx reported that further technical difficulties had been encountered with the Skype connections for the Interview component of the EPA which began during the week commencing 25 June 2018. This caused all but four of the interviews to be conducted in a way that was not in accordance with the assessment plan.
- E. CILEx conducted two investigations (a technical and a wider investigation) in order to identify the root cause of the delivery issues. The investigation findings identified a failure to comply with a number of the Conditions.
- F. CILEx therefore hereby formally admits that it has failed to comply with the following Conditions:

### Availability of adequate resources and arrangements

- I. **A5.2(a)** – in relation to:
- a lack of in-house technical expertise with the e-platform;
  - a lack of in-house experience of delivering assessments using video conferencing products; and
  - illness and turnover of staff resulting in the need to recruit new, untested assessors.
- II. **A5.2(c)** – in relation to:

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<sup>1</sup> The version of the Conditions in force at the time relevant to the events which give rise to these admissions is dated October 2017.

- shortcomings in the functionality of the secure file attach question; and
- limitations of Skype for Business.

- III. **A5.2(e)** – in relation to:
- insufficient testing of the secure file attach question;
  - insufficient guidance provided to apprentices taking the timed assessment; and
  - shortcomings in policies and procedures in relation to EPAs.

#### Arrangements with Third parties

- IV. **C1.1(a)** – in relation to:
- the inadequacy of support and guidance provided by the e-platform supplier.

#### Arrangements with Centres

- V. **C2.5(a)** – in relation to:
- a lack of training provided to invigilators in relation to the e-platform.

- VI. **C2.3** – in relation to:
- a lack of engagement from Centres with the set-up requirements to facilitate the effective delivery of the EPA.

#### Identification and management of risks

- VII. **A6.1** – in relation to:
- a failure to fully identify and manage the risks associated with the use of the e-platform and Skype for Business.

#### The assessment plan

- VIII. **G8.1(b)** and **EPA1** – in relation to:
- the use of teleconferencing as a contingency measure for the interview component being in breach of the assessment conditions set out in the assessment plan.

#### Delivering the assessment

- IX. **G9.1** – in relation to:
- a failure to deliver the assessment effectively and efficiently.
- X. **G9.2(a)** – in relation to:
- a failure to deliver an assessment that was fit for purpose.
- XI. **G9.2(d)** – in relation to:
- technical errors preventing Learners from properly demonstrating their level of knowledge, skills and understanding to accurately reflect their level of attainment.
- XII. **G9.2(e)** – in relation to:
- assessors being unable to differentiate accurately and consistently between Learners with different levels of attainment.

#### Results based on sufficient evidence

XIII. **H5.1** – in relation to:

- the grades for four Learners, whose assessments for Timed Assessment 1 were lost, being determined by how the Learners performed in a like assessment (Timed Assessment 2) rather than their actual performance in the assessment.

Issuing results

XIV. **H6.1(e)** – in relation to:

- the late issue of results for four Learners whose assessments for Timed Assessment 1 were lost.

Conflicts of interest

XV. **A4.6 and A4.7** – in relation to:

- the fact that the invigilators worked for the employer and therefore had an interest in the Learners performing well in the assessment. Interviews were conducted without the independent assessor being able to see the Learner and identification questions were performed over the telephone.

Arrangements for Special Consideration

XVI. **G7.2** – in relation to:

- the fact that the Special Consideration policy was not fit for purpose in relation to EPAs and could not be applied without causing a breach of the assessment plan.

Signed:



Name: Linda Ford, Responsible Officer, Chartered Institute for Legal Executives

Date: 22/3/19.