

Immigration – Reaccreditation Assessment Regulations and Candidate Guidelines



CLT Accreditation

Central Law Training – Assessment Organisation

Central Law Training is authorised by The Law Society to provide the assessments for re-accreditation of members of the Immigration and Asylum Accreditation Scheme.

Please ensure that you have the most current set of Immigration Re-accreditation Candidate Guidelines and Assessment Regulations by checking our website: www.clt.co.uk

CLT accepts no responsibility for any loss or consequential loss occasioned to any person or persons taking or refraining from any action as a result of reading or using this material.

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Introduction

This Handbook explains the re-accreditation process and sets out the assessment protocols, procedures, regulations and process.

The Immigration and Asylum Scheme (IAAS) was introduced by the Legal Services Commission (LSC) in conjunction with The Law Society (TLS) in 2004. Its aim is to assess skills and knowledge identified as being a prerequisite to acting as a Caseworker in this demanding and sensitive sector.

When this scheme was set up it was envisaged that accreditation would last for three years and then scheme members would have to be re-accredited. Re-accreditation was delayed but has now been introduced for all those accredited for three or more years.

Central Law Training is the **only** Assessment Organisation that is authorised by the TLS to provide re-accreditation for the IAAS.

CLT's role is to provide a process that complies with the standards and procedures set out by TLS and the LSC to enable immigration and asylum law practitioners to become re-accredited as members of the Immigration and Asylum Accreditation Scheme.

Please Note:

TLS and LSC requirements

1. Any queries relating to a candidate's LSC number, operational guidance for the scheme, and/or legal aid payments, must be raised directly with the LSC www.legalservices.gov.uk.
2. Queries relating to exemptions, and/or accreditation at Level 3, should be raised directly with the TLS www.lawsociety.org.uk.

Contact Details	
CLT	TLS
Re-accreditation Team	Accreditation Team
<p>Call: 0121 362 7526</p> <p>Email: immreaccred@centlaw.com</p> <p>Website: www.clt.co.uk</p> <p>Address: CLT Wrens Court 52-54 Victoria Road Sutton Coldfield Birmingham West Midlands B72 1SX</p>	<p>If candidates have any enquiries about accreditation schemes or re-accreditation, please e-mail accreditation@lawsociety.org.uk.</p> <p>Solicitors and other legal professionals with queries about applying for scheme membership or re-accreditation can also call 0870 606 2566. Lines are open from 9.00–11.00am and from 2.30–4.30pm.</p> <p>Website: http://www.lawsociety.org.uk/productsandservices/accreditation/accreditationimmigrationasylum.page</p>

Section 1 – Re-accreditation, the process and bookings

1.1 What is re-accreditation?

All caseworkers and senior caseworkers who have been accredited for more than three years must now undertake re-accreditation to continue to be a member of the IAAS and to be eligible to receive public funding.

Re-accreditation consists of a Written Examination at both Caseworker (Level 1) and Senior Caseworker (Level 2) levels – the detail of the assessments is set out in [section 2](#).

2.1 How do I book?

Candidates should log onto CLT's website to access the dates of each examination sitting, once a date is selected.

- Download a booking form:

<http://www.clt.co.uk/attachments/reaccreditationbookingterms%20andconditionsJan10.pdf>

- Indicate the preferred date and location;
- Complete a registration form; and
- Provide FULL payment of fees, including the registration fee.

Once CLT receives a booking form the candidate will either receive:

- A letter confirming the date and locations of the assessment together with directions to the venue; or
- Will be contacted if the selected date/location is fully booked

3.1 Do I have to pay a Registration Fee?

There is a fee of £25 + VAT for the submission of an application for re-accreditation with TLS. The only fees to be paid to CLT are for the assessments and these are as follows:

Accredited Caseworker - Level 1: £235 (plus VAT)

Senior Caseworker with or without Supervisor status - Level 2: £255 (plus VAT)

4.1 What is the Transfer and Cancellation Policy?

4.1.1 Transfers

Transfers, where candidates can demonstrate there are exceptional circumstances such as illness, bereavement or other unforeseen events, will be free of charge provided that the candidate can provide proof of the reason for the request

For all other transfers there is a fee of £25 + VAT.

4.1.2 Cancellations

To cancel attendance at an assessment, candidates must contact the Re-accreditation Team at CLT and provide written confirmation of the instructions to cancel. When an assessment is cancelled, the following administration charges will be levied:

- 20 or more working days before the assessment to which the confirmation relates - £25.00 plus VAT.
- 10-19 days prior to the assessment/examination - £50.00 plus VAT.
- LESS THAN 10 days before an examination/assessment, or failure by a candidate to attend an examination/assessment - the entire fee for the examination/assessment is charged.

If there is a balance due to the candidate, a refund is available upon request or the sum can be applied to any other CLT assessment and/or course.

4.1.3 Liability for Cancellation Charges/Fees

The candidate and the firm are jointly and severally liable for payment of all fees due to CLT. Thus, where CLT has received part payment for any assessment, and the candidate cancels it, the candidate and his/her firm remain liable to CLT for payment of any outstanding fees (including the cancellation fee).

5.1 Equality and Diversity

CLT is fully committed to the active promotion of equality of opportunity in the provision of all its services. In implementing this commitment CLT aims to ensure that no person receives less favourable treatment on the grounds of gender, age, race, colour, nationality, ethnic or national origin, marital status, sexual orientation, home responsibility, disability, political and religious belief.

Assessment materials will take account of the needs of different groups. CLT takes care to ensure that all assessment materials are non-discriminatory and positively reflect the diversity of candidates.

CLT is also committed to ensuring that candidates' special needs are met to enable candidates to sit the assessments without any prejudice.

Section 2 – The Syllabus and the Assessments

2.1 The Law Society's Written Standards

The standards against which candidates are to be assessed are categorised into two levels of accreditation as follows:

Level One	-	Accredited Caseworker
Level Two	-	Senior Caseworker – with or without supervisor status

These standards form the syllabus for each level and the Written Examination at both levels will be testing these standards.

These Written Standards are located on the TLS's and CLT's
[http://www.clt.co.uk/Syllabus-and-Sample-Paperswebsites:](http://www.clt.co.uk/Syllabus-and-Sample-Paperswebsites)

Caseworker Standards:

http://www.lawsociety.org.uk/new/documents/accreditation/immigrationscheme_level_1_accruited_caseworker_standards.doc

Senior Caseworker Standards:

<http://www.lawsociety.org.uk/new/documents/accreditation/immigrationscheme-Level2-senior-caseworker-standards.doc>

2.2 The Immigration and Asylum Accreditation Scheme (IAAS)

2.2.1 The aim and purpose of re-accreditation

- i. The aim of the re-accreditation process for the IAAS is to ensure that members provide an assessment regime which ensures that IAAS members continue to meet the requirements of The Law Society's (TLS) written standards.
- ii. The purpose of the IAAS is to ensure that members of the scheme maintain the highest standards of professional service in the conduct of activities as advisers and representatives in the field of immigration, nationality and asylum law and practice.
- iii. The Law Society may reaccredit a Caseworker at Level One who successfully completes the Re-accreditation Written Examination assessment set for Level One.
- iv. The Law Society may reaccredit a Level 1 (accredited) / Level 2 (senior) caseworker who successfully completes the Re-accreditation Written Examination assessment set for Level Two.

2.3 The Re-accreditation Assessments

2.3.1 Accredited Caseworker Assessment – Level 1

This level consists of 1 assessment:

The Written Examination

Candidates are tested on the Written Standards set for Level One. The examination is timed and in examination conditions. It is 2 hours in length, plus 30 minutes reading time.

The examination will consist of three questions testing the knowledge areas set out in the Written Standards in Asylum, Immigration (including Nationality) and EEA law. Please note that professional ethics will be pervasive in the examination.

Pass mark

The pass mark is 50%.

Overriding faults

Notwithstanding achieving a pass mark of 50% or above a candidate will fail an assessment if he/she commits an overriding fault by:

- failing to demonstrate an ability to communicate to a high standard in written English; and/or
- committing a Gross Professional Error (GPE) when advising a client or in the actions that the candidate states that he/she would take in relation to the client's matter. For a definition of a GPE see paragraph 3.5 (iv) (b) pages 13 - 14.

2.3.2 Senior Caseworker Assessment – Level 2

This level consists of 1 assessment:

The Written Examination

Candidates are tested on the Written Standards set for Level Two. The examination is held in timed examination conditions and lasts for 2½ hours, plus 30 minutes reading time.

The examination will consist of three questions testing the knowledge areas set out in the Written Standards in Asylum, Immigration (including Nationality) and EEA law. Please note that professional ethics will be pervasive in the examination.

Pass mark

The pass mark is 50%

Overriding faults

Notwithstanding achieving a pass mark of 50% or above a candidate will fail an assessment if he/she commits an overriding fault by:

- failing to demonstrate an ability to communicate to a high standard in written English; and/or

- committing a Gross Professional Error (GPE) when advising a client or in the actions that the candidate states that he/she would take in relation to the client's matter. For a definition of a GPE see [paragraph 3.6. \(ii\)](#), and for the effect of failing due to a GPE see [paragraph 3.6.2](#).

2.3.3 Supervisor Status

Currently, there is no proposal to re-accredit at the Supervisor Level. Those Senior Caseworkers who have Supervisor status simply have to take the Level 2 re-accreditation Written Examination.

Section 3 – The Assessment Procedures and Protocols

3.1 Location of Assessments

Assessments will be held 3 times a year at various locations throughout the country including London, Birmingham and Manchester. Places are subject to availability and, as CLT reserves the right to vary or cancel any assessment or course where the occasion necessitates; a candidate may be required to travel.

Please note that neither lunch nor refreshments are provided.

3.2 Policy on Supporting Candidates with Disabilities

3.2.1 CLT's aims

- I. Ensure that teaching and assessment methods and strategies are as inclusive as reasonably possible, that candidates with disabilities have fair access to learning opportunities and that people with disabilities are in no way treated less favourably than other participants.
- II. Encourage and facilitate disclosure of disability by candidates and adapt teaching and assessment methods appropriately.
- III. Make **reasonable adjustments** to administration, teaching and assessment to meet the needs of candidates with a disability.
- IV. Actively elicit and respond to feedback from candidates with a disability, with the aim of improving their experience of CLT programme.
- V. Strive to anticipate the needs of candidates with a disability and work to continuously improve provision for all candidates to ensure equal opportunity for all.
- VI. Ensure that the venues where training and assessments are held are supportive of candidates with a disability.

3.2.2 Reasonable Adjustment Allowances

These adjustments are normally only made where a candidate can provide supporting medical evidence. The most frequent adjustment granted is that of additional time. In cases where it is considered that a candidate would benefit from extra time, this would normally be at the rate of up to a maximum of 15 minutes per hour of the assessment.

A candidate would not normally be allowed rest periods as such, but should be granted a specified period of additional time which they may manage as they need according to their professional advice. Any candidate granted both extra time and rest periods will be treated as an exceptional case.

If a candidate is taken ill during an assessment, but is capable of continuing after treatment, any time lost may be added at the end of the assessment.

In certain cases, if candidates who are unable to write for any reason may use a person to take dictation or a dictation machine. Normally, only the usual examination time will be allowed for dictation.

In cases where candidates are permitted to use a personal computer (PC), the candidate will not have access to any information to assist them in their assessment, the PC will serve purely as a word processor (the spell check will not be enabled).

A candidate will not normally be allowed to type, dictate or have their answers transcribed because of habitually illegible handwriting, but we will consider individual circumstances.

3.2.3 Disabilities / Special Needs Application

Candidates with a disability/special need must inform CLT at least **20 working days** prior to the training/assessment by indicating this on the enrolment form. This information will be recorded on CLT's central booking system and on CLT tracking spreadsheet and will only be used for dealing with the request and for statistical purposes.

The request should be accompanied by an appropriate medical certificate or psychological/needs assessment that is no more than 12 months old and should refer to the nature and degree of the condition and recommendations as to its management during the examinations and the course, if appropriate. If there is any doubt about the validity or accuracy of the assessment provided, the condition should be assessed as soon as possible by an appropriately qualified practitioner approved by CLT and an assessment provided. A delegate with an assessment that is more than 12 months old will normally be required to obtain a review assessment.

In the case of accidental injuries or acute illness, or if a candidate's disability is diagnosed after enrolment, for example, a broken limb which happens a short time before the assessment, candidates are required to contact the Programme Co-ordinator as soon as possible. Each request should be accompanied by a medical certificate indicating the nature of the injury or illness and recommendations as to how this should be managed during the training/assessment.

The Programme Co-ordinator will ensure that the necessary arrangements are put in place. However, there may be occasions where such needs cannot be met due to financial constraints and/or other constraints outside CLT control. Confirmation will be sent to the candidate of arrangements made by CLT in advance of the assessment / course.

CLT will reserve the right to cancel or refuse a candidate's enrolment for training / assessment where insufficient notice has been given to CLT to make the reasonable adjustments required.

Failure to notify CLT about a disability prior to the assessment taking place cannot be considered as a mitigating factor nor can reasonable adjustments be made once the assessment has taken place.

3.2.4 Religious Requirements

Candidates with religious requirements may apply for special arrangements to be made in relation to any assessment.

Any request for special arrangements must be received by CLT 20 working days prior to the assessment. CLT reserve the right to cancel or refuse a candidate's registration for an assessment and/or examination where insufficient notice has been given to CLT to make the special arrangements required.

CLT will make every reasonable effort to make arrangements to meet the candidate's needs. However, there may be occasions where such needs cannot be met due to financial constraints and/or other constraints outside CLT's control.

3.3 Identification

At the assessment venue candidates **MUST** produce evidence of both name and address, the following items will be accepted for:

Name: a passport or photographic driving licence;

Address: a utility bill, photographic driving licence or CLT confirmation letter

Candidates, who fail to satisfy the invigilator as to his/her identity, may be refused entry to the assessment.

3.4 Examination/Assessment Regulations

3.4.1 The Written Examinations

Assessments are held under timed examination conditions and are subject to the following conditions:

- Besides the permitted materials outlined in Appendix B candidates must **not** bring any other material into the assessments or examinations;
- Mobile phones are not allowed, even if it is to be used only as a clock/timer.
- The examination invigilator will brief candidates regarding the assessment they are sitting.
- The Written Examination includes reading time at the beginning of the assessment. During this reading time, candidates can read the examination paper and make rough notes on the paper provided and on the examination paper but must **not** write in the answer book.
- **The invigilator is unable to answer questions about the examination paper.** If candidates are uncertain about the facts or believe that there is an inaccuracy in the paper, candidates should continue to answer the question(s) and explain the reason for his/her assumptions in the answer. Please note that if an error is found in the paper, this will be dealt with during the marking and moderation process and candidates will not be penalised.
- At the end of the assessment, all candidates must remain seated and quiet until all exam papers are collected. Candidates then need to collect their belongings and file out **QUIETLY** as other candidates may still be working.

3.4.2 The Procedure for Dealing with Allegations of Cheating

Any allegation of cheating shall be considered under The Procedure for Dealing with Allegations of Cheating (which is CLT's standard procedure for all types of assessment), which can be found at Appendix A.

A candidate who is found to have cheated in any examination or assessment shall normally fail that assessment. Further, The Assessment Board will report the candidate to the Law Society where it is of the opinion that the offence has a bearing on the candidate's character and suitability to be an immigration or asylum caseworker.

Assessment offences include (but are not limited to):

- Copying, stealing, appropriation or use of the work of another
- Permitting or assisting another to copy, appropriate or use one's own work
- Taking into an assessment any materials or aids other than permitted materials
- Consulting unauthorised material, in or outside the assessment room during an assessment
- The use of a mobile telephone during the assessment
- Being party to impersonation where another person sits an assessment in the place of the actual candidate or a candidate is knowingly impersonated by another
- Leaving the assessment venue to refer to concealed notes
- Using, attempting to use, assisting another to use or attempting to assist another to use any other unfair, improper or dishonest method to gain advantage in any part of the formal assessment process
- Obtaining an unseen assessment in advance of the assessment
- Paying or offering inducements to another person to obtain an advance copy of an unseen assessment.
- Making false declarations in order to receive special consideration by Assessment Boards
- Falsifying information
- Plagiarism i.e. where the published work or ideas of another person are presented as a candidate's own.
- Presenting or submitting work that is not the candidate's own unaided work.

Note: The above list is not exhaustive.

3.5 Marking and Moderation Process

One of the most important aspects of assessing a candidate's examination script is to ensure that marking is always fair and consistent. The procedure we apply is fair and rigorous. All the Written Examination scripts are blind marked the assessor only knows the candidate's ID number.

3.5.1 Written Examination marking procedure

i. First marking

All the scripts are sent out to an assessor for first marking.

ii. Second Marking

Only scripts that fall within the banding of 45% to 52% are second marked, unless a first marker specifically requests that a script be second marked. All overriding fault scripts are second marked.

iii. Moderation

A selection of scripts is sent to the external moderator(s) for moderation (i.e., review and agreement). The selection includes:

- Scripts that fall within the banding of 45% and 52%;
- A selection of passes from each assessor including low, median and high passes;
- All scripts requested by the assessors to be moderated;
- All overriding fault scripts;
- Any script increased from a fail to a pass by the second marker.

Once the scripts have been moderated, the Assessment Board meets to discuss and agree the results.

3.6 Overriding fault in English

3.6.1 Overriding Faults

There are two overriding faults which may cause a candidate to fail an assessment notwithstanding the candidate has scored a pass mark of 50% or over and these are detailed below:

i. Overriding fault in English

It is a requirement of the Law Society's standards that candidates must demonstrate the ability to communicate to a high standard of written English in the Written Examination. Candidates who fail to demonstrate a high standard must fail overall. Candidates will receive notification of the reason for failing the assessment.

ii. Gross professional errors

A gross professional error (GPE) is an error which, had it been made in relation to a client in a real life situation, might in the opinion of the Assessment Board have led to disciplinary action being taken by the Law Society against the individual or the partner(s)/solicitors within a firm. Examples of a GPE are as follows:

- misleading the court;
- assisting the client to commit a criminal offence e.g. advising the client to overstay;
- knowingly putting forward false information on behalf of the client;
- inventing evidence;

- continuing to act where there is a conflict of interests between clients or between the client and the firm;
- breaching client confidentiality.

Note: that the above list is illustrative and is not exhaustive.

3.6.2 Procedure for Assessing a GPE

When a first marker assess that an overriding fault has occurred, the process the candidate's script goes through is as follows:

- the script is second marked by an experienced marking team leader;
- the comments of the first and second marker are reviewed by the Course Director who also comments on the GPE
- all the comments are provided to the Moderator who independently reviews the finding of an overriding fault
- all overriding faults are further considered by the Assessment Board before a final decision is made.

The Assessment Board's decision on overriding faults is final and there is no appeal against the Board's decision.

TLS requires Assessment Organisations to report to it any findings by an Assessment Board that a candidate has made a GPE. If a candidate is found to have made a GPE he/she will receive a letter detailing the reason for the assessment of a GPE and a copy of that letter will be sent to TLS.

3.6.3 Effect of Failing Due to a GPE

TLS will suspend the candidate's membership of the IAAS.

In order to be able to resit the assessment, the candidate must make an application to the Law Society for permission to retake it. CLT will not be able to accept a booking for a candidate to take a resit without the written authority of the Law Society.

3.7 Re-sits

Only one re-sit is permitted without requiring assent from TLS and all re-sits must be taken and passed within 6 months of your current membership expiring.

3.7.1 The Effect of Failing a Re-sit attempt

In the event that a candidate fails after one re-sit (the second attempt), the candidate may apply to the Law Society in writing by email (accreditation@lawsociety.org.uk) or by post to request the opportunity to take a third assessment. The Law Society will only grant such requests in exceptional circumstances which include, but are not limited to, long-term illness or bereavement. The Law Society will deal with requests for a second re-sit on a case by case basis.

Unless TLS give permission for a second re-sit, the effect of failing the first re-sit attempt for an IAAS member is that his/her membership of the IAAS will be terminated (including and Supervisor membership) and he/she will then be required to take the full accreditation process (i.e. all assessments at either Level 1 or Level 2). Re-taking the accreditation process can be either at the previous level of accreditation or a lower level. Any issues about termination of membership must be raised with The Law Society. CLT is unable to deal with scheme membership issues.

3.8 The Assessment Board

- a. The Assessment Board comprises of the following members:
 - i. The Programme Development Director
 - ii. The External Moderator
 - iii. The Team Leader
 - iv. The Assessors (as required)
- b. The Board shall normally be chaired by the Programme Development Director (in this/her absence, it will be chaired by his/her nominee).
- c. The External Moderators' decisions on issues of academic judgement shall be final.
- d. A Law Society representative may attend the Assessment Board.
- e. The terms of reference of the Assessment Board are:
 - i. To ensure that draft re-accreditation assessments are properly scrutinised and approved;
 - ii. To ensure that all assessments are properly conducted;
 - iii. To ensure that all assessments are properly assessed and marked;
 - iv. To decide whether a candidate has passed or failed an assessment;
 - v. To decide on the information to be given to candidates who fail a re-accreditation assessment;
 - vi. To make recommendations to CLT on any matter concerning the re-accreditation Assessments.

Once the Assessment Board has met to discuss and ratify the results, the results will be released to candidates, normally within three working days.

The results will be posted onto each candidate's log in page on CLT's website and a hard copy letter will be sent to all candidates.

TLS will be notified of each candidate's result.

3.9 Candidate behaviour

CLT's staff are entitled to work in a safe environment, free from the risk of physical violence and verbal abuse. Any candidate who is threatening, aggressive, violent or verbally abuses a CLT member of staff on the day of the assessment will not be allowed to take the assessment and may be removed from the examination venue by the venue's security staff. Should a candidate's behaviour warrant it the police may be called.

Depending upon the seriousness of the candidate's behaviour at the examination venue, and following an investigation into the incident he/she may be prevented from sitting any further assessments with CLT.

Any candidate who verbally abuses CLT staff over the telephone will be warned to moderate their behaviour. Should the candidate fail to do so, CLT staff will have the right to terminate the telephone call.

3.10 Notification of Results

To ensure that results are sent to the correct address candidates are requested to notify CLT of any change. Any change of address must be notified to CLT in writing and oral notifications will not be accepted.

Results will be posted onto each candidate's log in page on CLT's website within 40 working days of the assessment (provided all outstanding fees have been paid) and a hard copy letter containing the results will be sent to all candidates.

3.11 Scheme Membership and Certificates

To apply for re-accreditation to IAAS, you need to submit an application form to the Law Society. You can apply for re-accreditation either before or after you have passed the re-accreditation assessment.

The Law Society will receive confirmation from CLT of your assessment results. Upon successful completion of the assessment and your application to the Law Society for re-accreditation, the Law Society will re-accredit your membership to IAAS and send you a certificate and letter confirming that you have been re-accredited to the scheme.

Please note that CLT cannot deal with enquiries about scheme membership or certificates.

3.12 Mitigating/Extenuating Circumstances, Complaints and Appeals

3.12.1 Capability to Sit an Assessment

Please note that by attending the assessment a candidate is certifying that on that day he/she is capable of undertaking it, signing the attendance sheet confirms acceptance of this condition. Therefore, following the examination candidates cannot ask for ill health, save as set out below, or any other extenuating circumstance to be considered as a factor in assessing his/her performance.

3.12.2 Mitigating and Extenuating Circumstances

There are no mitigating or extenuating circumstances for an individual that will be taken into consideration in deciding the marks awarded for an assessment.

Events at venue

If there was an incident at the examination venue such as fire alarm, the temperature of the room or some other incident, CLT's invigilators will notify CLT and this information will be passed onto the assessors.

Candidate illness during the assessment

If a candidate is taken ill during an assessment and he/she cannot complete it, he/she will be given a deferral (i.e. the attempted assessment will not count as a fail). The candidate must contact CLT to arrange a new assessment date.

3.13 Complaints

Any complaint relating to the assessment process, including the examination venue must be lodged in writing within **7 days** of the assessment. The complaint must be addressed to the Programme Co-ordinator, at CLT. Any complaint received out of time will not, under any circumstances, be considered. On receipt of a complaint it will be acknowledged on the day of receipt and a copy of the complaints procedure will be provided.

3.14 Appeals

There is **no** appeal against the Assessment Board's academic judgment: its decision is final.

The **only** ground for an appeal is:

A candidate may allege that the assessment has not been conducted in accordance with the syllabus (i.e. the Written Standards) laid down by the Law Society. In making such an appeal the candidate must set out his/her allegations in writing and detail how the assessment fails to meet the written standards. There is a fee of £250 plus VAT for making this appeal (should the appeal be upheld – the fee will be refunded).

Such appeals must be made within 7 days of the results being posted on CLT's website. Requests received after this time will not, under any circumstances be considered.

On receipt of such an appeal, the Programme Development Director will convene a Board (Chaired by a CLT director) to review the appeal allegations.

3.15 Candidate Services

The candidate can request that:

the addition of the marks on his/her script is checked - the fee for this service is £100 plus VAT and the request must be received within 7 days of the results being posted on CLT's website. Requests received after this time will not, under any circumstances be considered.

Please Note: This service does not involve a remark of the candidate's script.

3.16 Generic Feedback and Examination Papers

Feedback about candidates' performance in general for the assessments will be available after each examination round, on CLT's website within 10 day's of the results being published. The examination papers will be published on CLT's website at the same time.

3.17 Candidate Confidentiality

CLT is registered with the Data Commissioner in order to process data and it processes data in accordance with the Data Protection Act and the eight data principles contained within the Act.

Candidates' data is used in the processing of bookings, in the assessment process and to process results.

Any sensitive personal data that is collected on the application form is used solely for monitoring equality and diversity and to produce statistics to be shared with the SRA. Please note candidates are not identified individually in any such statistics.

Any information that is collected about a candidate during the application and assessment process is kept confidential. It is stored on secure systems which can only be accessed by authorised CLT staff using passwords.

Candidates' examination scripts and assessments are securely stored for a period of 12 months, after this period they are sent for secure destruction.

In the unlikely event of candidates' information being disclosed to or accessed by unauthorised parties, CLT will notify the candidate of any breach of the Data Protection Act.

3.18 Correspondence from Third Parties

Where CLT receives correspondence from third parties about a candidate's assessment results e.g. the candidate's employer/supervisor, CLT will not respond to the third party unless his/her/its request is accompanied by a signed letter from the candidate authorising CLT to deal with the third party.

3.19 Provision of Assessment Scripts

CLT will not under any circumstances release assessment scripts. This policy is in accordance with the exemptions provided by the Data Protection Act 1998.

3.20 Provision of Pass and Fail Rates

CLT does not provide pass and fail rates for the IAAS to candidates.

Section 4 – Training Programmes

4. Training Programmes

Candidates are not required to undertake training before entering for any of the assessments. However, results have shown that candidates who have undertaken a structured training programme are significantly better equipped to succeed in assessments.

CLT provides examination preparation courses for both levels of the re-accreditation assessments - for more details log on to CLT's website.

Section 5 – Appendices

The Procedure for Dealing with Allegations of Cheating

This code is CLT's standard policy for all types of assessment

1 Introduction

- 1.1 It is fundamentally important that candidates are assessed fairly and on equal terms with each other for the same award. Any attempt by a candidate to gain unfair advantage over another candidate in the completion of assessment, or to assist someone else to gain an unfair advantage, is cheating.
- 1.2 Alleged academic dishonesty, which threatens the integrity of CLT's assessment procedures and the maintenance of its academic standards, is viewed as a serious offence and will be thoroughly investigated.
- 1.3 Cheating is both an academic and a professional offence. Certain professional bodies place upon candidates, registered for a programme to which they give professional recognition, an obligation to adhere to principles or standards of professional conduct. The Assessment Board will report a candidate to the Solicitors Regulation Authority where it is of the opinion that the offence has a bearing on the candidate's character and suitability to be a solicitor or the employee of a solicitor.
- 1.4 CLT will investigate all allegations of cheating in accordance with the procedure set out in this code and where the offence is admitted or proved will impose appropriate penalties.

2. Definitions and Examples of Cheating

- 2.1 A candidate who obtains or attempts to obtain an advantage in an assessment through unfair or improper means is guilty of cheating.
- 2.2 The following are indicative examples of cheating but the offence is not limited to the examples given below:
 - (i) Copying, stealing, appropriation or use of the work of another
 - (ii) Permitting or assisting another to copy, appropriate or use one's own work
 - (iii) Taking into an assessment any materials or aids other than permitted materials
 - (iv) Consulting unauthorised material, in or outside the assessment room during an assessment
 - (v) The use of an unauthorised dictionary
 - (vi) The use of an unauthorised calculator
 - (vii) The use of a mobile telephone during the assessment
 - (viii) Being party to impersonation where another person sits an assessment in the place of the actual candidate or a candidate is knowingly impersonated by another
 - (ix) Leaving the assessment venue to refer to concealed notes
 - (x) The submission of a piece of work which has previously been assessed for a different award or assessment or at a different institution as if it were new work

- (xi) Using, attempting to use, assisting another to use or attempting to assist another to use any other unfair, improper or dishonest method to gain advantage in any part of the formal assessment process
- (xii) Obtaining an unseen assessment in advance of the assessment
- (xiii) Paying or offering inducements to another person to obtain an advance copy of an unseen assessment
- (xiv) Commissioning another person to complete an assessment which is then submitted as a candidate's own work
- (xv) The use of the material of another person stored on a hard or floppy disk as if it were the candidate's own
- (xvi) The inclusion of material in an assessment which is identical or similar to material which has already been submitted for any other assessment within CLT or elsewhere.
- (xvii) Making false declarations in order to receive special consideration by Assessment Boards
- (xviii) The presentation of information in assessments based on work purported to have been carried out by the candidate which has been invented by the candidate or altered or copied or obtained by other unfair means.
- (xix) Falsifying information
- (xx) Collusion i.e. presenting joint work as the work of one individual, including giving a false certificate that the work is the candidate's own unaided work
- (xxi) Plagiarism i.e. where the published work or ideas of another person are presented as a candidate's own.
- (xxii) Presenting or submitting work that is not the candidate's own unaided work.

The above list is not exhaustive and should not be interpreted as such by candidates.

The intention to deceive is not an essential element of the offence but may be relevant to the penalty imposed when an allegation of cheating is admitted or proved.

- 2.3 An examiner, assessor, chief invigilator, invigilator or other official shall report without delay his or her suspicions of cheating or misconduct, together with any relevant evidence, to the relevant Course Director/Manager.
- 2.4 Pending an enquiry by or on behalf of the Course Director/Manager into any allegation of cheating by a candidate, the candidates' assessment result may be withheld.
- 2.5 Candidates should be aware of the seriousness with which proven cases of cheating will be dealt and the likely penalties which may be imposed. Candidates who are unclear about any of the above definitions should seek advice from CLT.
- 2.6 A lack of awareness or understanding, of these regulations will not constitute grounds for a case of cheating to be dismissed by a Cheating Hearing Panel.
- 2.7 Penalties for cheating include:
 - (i) A warning
 - (ii) A reduction of any mark awarded for the part of the formal assessment process in question
 - (iii) A reduction of total marks awarded
 - (iv) Treating the candidate as having failed the part of the formal assessment process in question
 - (v) Treating the candidate as having failed to attend or having failed to submit work for the part of the formal assessment process in question
 - (vi) Refusing to award the relevant qualification

- (vii) Requiring the candidate to withdraw from the course or assessments
- (viii) Refusing the candidate any entitlement to any re-assessment
- (ix) Such other penalty as may be appropriate in the circumstances

In deciding the appropriate penalty the following will be taken into account:

- (a) Whether there was an intention to deceive rather than incompetence, carelessness or failure to appreciate the assessment requirements
- (b) The advantage which could have been gained by the offence
- (c) Whether the candidate has admitted the offence and shown remorse

3. Procedures for dealing with suspected cases of cheating

3.1 Preliminary Procedures

- (a) Any candidate suspected of cheating in a supervised assessment must be approached at the time by an invigilator or assessor, wherever possible, and any unauthorised material confiscated. The candidate's examination, test, assessment answer book, where there is one, should be endorsed at this point with the exact time, date and signature of the invigilator or assessor.
- (b) Except where the candidate is causing a disturbance which is likely to affect other candidates, the suspected candidate should be permitted to complete the supervised assessment.
- (c) Before leaving the room where the supervised assessment is taking place, the candidate should be informed that the incident will be reported to the Programme Development Director. The candidate should also be instructed to attend any remaining examinations, assessments, tests or oral assessments for which they have registered to sit on the course as normal.
- (d) A full report of the incident must be written immediately after the supervised assessment, by the chief invigilator or chief assessor and submitted to the Programme Development Director.
- (e) The assessment in question should be marked as though cheating is not suspected, but the Assessment Board should not consider the candidate's marks until it has been adjudged whether or not an offence has been committed.
- (f) The Programme Development Director responsible for the course in which the assessment is located should analyse the work or conduct in question in order to assess the extent and nature of the alleged offence and determine whether there is a case to answer. If they decide there is a case to answer they will require the candidate to attend a meeting, normally within 5 working days. (Candidates resident abroad may provide written submissions in place of their attendance). Prior to the Preliminary Meeting the Programme Development Director will outline the allegation in writing to the candidate.

3.2 Preliminary Meetings for allegations of cheating

- (i) At the Preliminary Meeting the Programme Development Director will put the allegation to the candidate in the presence of a tutor or CLT Course Director/Manager or Director, unconnected with the allegation. The candidate may be accompanied at the meeting by a friend or representative. The meeting will be video taped and the recording made available in any later proceedings.
- (ii) Where the Programme Development Director is not available a Director of CLT will undertake the preliminary investigation and meeting with the candidate.
- (iii) Where a candidate is unable to attend the Preliminary Meeting due to satisfactory mitigating or extenuating circumstances, they may:
 - (a) Request that the meeting be rearranged to a date when they are able to attend; or
 - (b) Submit written representations to be considered in their absence at the Preliminary Hearing
- (iv) Where a candidate fails to attend the Preliminary Meeting without satisfactory mitigating or extenuating circumstances, they will be deemed to admit the allegation(s).

3.3 Procedure where the offence is admitted

- (i) Where a candidate admits that they have committed a cheating offence the candidate should be asked to put their admission in writing. The candidate should then be asked to sign an acknowledgement confirming that they have been advised of the possible penalties that may be imposed. The candidate should be invited to attach to their admission a statement of any circumstances that they wish to be taken into account by the Cheating Hearing Panel when it is determining the appropriate penalty.

3.4 Determination of penalty

- (i) The Programme Development Director will forward to the Director responsible for CLT's Professional Qualifications Division ("DPQD").
 - (a) Details of the offence and, in his/her opinion, the advantage, if any, that would have been gained by it; and
 - (b) The candidate's admission and any attached statement
- (ii) The DPQD will then consider the matter and decide on the appropriate penalty and notify the candidate in writing.
- (iii) A decision that a candidate should fail the course or that particular assessment will take the form of a recommendation to the relevant Assessment Board and the candidate will be advised that they may make written representations to the Assessment Board as to the recommended penalty.

3.5 Appeal against the recommended penalty

Where the DPQD makes a recommendation as to penalty to the relevant Assessment Board the candidates may make written representations to that Assessment Board.

3.6 Procedure where the offence is not admitted

- (i) Where, following the Preliminary Meeting, the Programme Development Director considers that there is prima facie evidence that an offence has been committed he/she will make a formal allegation in writing of cheating to the DPQD. This allegation must include details of the alleged offence and be accompanied by evidence in support of the allegation and details of the candidate's response when questioned by the Programme Development Director.
- (ii) When making the referral the Programme Development Director will indicate his/her views on the seriousness of the alleged allegation and whether the alleged allegation, if proved, is a minor offence and could be dealt with by way of a warning without reference to the relevant professional body.
- (iii) Upon receipt of the formal allegation of cheating from the Programme Development Director the DPQD will:
 - a. Where, in the opinion of the Programme Development Director, the alleged allegation, if proved, is a minor offence and therefore could be dealt with by way of a warning without the necessity to report the matter to the relevant professional body, the DPQD will consider the matter based on the documentary evidence provided and any statement submitted by the candidate, and decide whether or not the alleged allegation of cheating has been proved. Where the DPQD is satisfied that the allegation of cheating has been proved then the DPQD will write to the candidate and, where appropriate, their supervisor, advising them that the allegation of cheating has been proved and warning them of the serious consequences that will occur should the offence be committed again. In such circumstances the relevant assessment will be assessed and passed through the Assessment Board in accordance with normal procedure. Where the DPQD is satisfied that the allegation of cheating has not been proved the DPQD will advise the candidate in writing and the assessment will be assessed and passed through the Assessment Board in accordance with normal procedure.
 - b. Where the alleged allegation of cheating is so serious that, if proved, the appropriate penalty would be likely to be more severe than a warning the DPQD will send a copy of the allegation to the candidate, together with copies of any documentary evidence and will arrange for the matter to be heard by a Cheating Hearing Panel.
 - c. Immediately prior to the hearing, copies of any documents, which have not previously been provided to the other side, and the names of any witnesses on which either CLT or the candidate intends to rely should be provided to the other side at least 24 hours prior to the hearing.

(iv) The Cheating Hearing Panel

A Cheating Hearing Panel will comprise:

- i A Director of CLT (the chair)
- ii Two other members who are either Course Director/Managers or Managers of CLT

The members of the panel must not previously have been involved in alleging or investigating the offence in question.

Minutes of the meeting will be taken by the secretary to the panel.

(v) The Cheating Hearing

- i The purpose of the hearing

The purpose of the cheating hearing is to determine whether the candidate, who is not admitting the cheating, is guilty or not guilty of cheating and, if the candidate is guilty of cheating, the appropriate penalty.

- ii The candidate may be accompanied by a friend or Representative, but not a solicitor, acting in that capacity, who may speak on their behalf.
- iii The proceedings shall be heard in private. All participants will be expected to behave in a professional, orderly and non-confrontational manner. The Chair may adjourn the meeting at any time if he/she believes that the progress of the meeting is being impeded.
- iv The chair of the panel will commence the hearing by outlining the procedure of the hearing.
- v The Programme Development Director (or in their absence a Director of CLT) will present the case against the candidate. The rules of natural justice will apply.

(vi) Members of the panel will be entitled to question the Programme Development Director, the candidate and any witness. The Programme Development Director and the candidate or their representative will be entitled to ask questions of each other and any witnesses called by either side.

(vii) Where a candidate is unable to attend the Cheating Hearing due to satisfactory mitigating or extenuating circumstances (which will include the fact that they are resident aboard), they may:

- (a) Request that the meeting be rearranged to a date when they are able to attend OR
- (b) Submit written representations to be considered in their absence at the Preliminary Hearing

- (viii) Where a candidate fails to attend the Cheating Hearing without satisfactory mitigating or extenuating circumstances, they will be deemed to admit the allegation(s).
- (ix) The Decision of the Cheating Panel
 - (a) The Cheating Panel may give a decision at the end of the cheating hearing or may reserve its decision.
 - (b) Where the Panel reserves its decision, the Chair of the Panel will, normally within 3 working days, notify the candidate in writing of the panel's decision giving reasons for the decision.
 - (c) Where the Panel does not reserve its decision and a decision is given, the decision will be confirmed in writing, normally within 3 working days.
 - (d) Where the Panel decides that the candidate should fail the whole course, or that particular assessment, the decision will take the form of a recommendation to the relevant Assessment Board and the candidate will be advised that they may make written representations to the Assessments Board as to the recommended penalty.
- (x) The Role of the Assessment Board
 - (a) Where the Cheating Panel has made a recommendation that a candidate who has admitted or been found guilty of cheating should fail the course or that particular assessment, the matter must be referred to the Assessment Board as only that Board has the power to make such a decision.
 - (b) The Chair of the Assessment Board will put the facts before the Assessment Board together with the penalty recommended by the DPQD or the Cheating panel. The Assessment Board will then consider the matter without reference to the candidate's name but rather by reference to the candidate's registrations and/or assessment number.
 - (c) Before reaching a decision, the Assessment Board must consider any written representations from the candidate regarding the recommended penalty.
 - (d) Under no circumstances can the Assessment Board reopen the investigation into whether or not the cheating offence was committed, and, except in very exceptional circumstances, the Assessment Board will not increase the penalty recommended.

4. Interpretation

"Assessments" – assignment, portfolio or coursework.

"Examinations" - written tests & tests of oral skills.

"Programme Development Director" means the Director and his/her nominee.

“Assessment Board” means the Board with the following duties:

- (i) To agree the results obtained by each candidate in the assessment process;
- (ii) To consider mitigating or extenuating circumstances notified by CLT Invigilators;
- (iii) To agree and confirm those candidates who:
 - (a) Pass an examination and/or assessment.
 - (b) Fail the examination and/or assessment have been deferred in an examination and/or assessment.

Appendix B

Permitted Materials

Immigration and Asylum Re-Accreditation Scheme

This Examination is “Open Book”. Candidates will be able to take into the examination room any material, including text books, other bound material, downloaded material, personally prepared notes and lecture notes. All documents may be annotated and underlined in as much detail as the candidate requires. Post –it notes are also allowed in this context.

Using Permitted Materials

Although reference material is permitted, it should not be relied upon to replace thorough study and revision prior to the assessments. The time allowed to complete the assessments is sufficient for candidates who have a thorough understanding of the examinable subject area, but it does not give time for answers to be looked up in permitted materials. Candidates should be thoroughly prepared before the assessments and should simply use the permitted materials as aids of reference.

Please note that desks are usual size examination desks and therefore there is limited space for reference material.

Complaints Policy and Procedure

We are committed to providing a high quality service to all our clients. When something goes wrong we need you to tell us about it, so that we can put things right. Complaints help us to improve our standards.

Complaints Procedure

1. What is a complaint?

This is any expression of dissatisfaction with the service provided.

2. Who should I complain to?

You should raise your complaint in writing with the Programme Co-ordinator.

2. How will you deal with my complaint?

Unless we can resolve your complaint immediately we will:

1. Acknowledge your complaint on the day of receipt and we will tell you the name of the person who will be dealing with your complaint.
2. Also on the day of receipt, we will record your complaint on our central register and open a file for your complaint.
4. We will then investigate your complaint, which should take no more 5 working days. If we need any additional information from you, we will ask for it at this stage.
5. At this stage, we will send you a detailed reply to your complaint. This will include suggestions for resolving the matter, where applicable. This will happen within 3 working days of us completing our investigation.
6. If after the above process has been carried out, you are still not satisfied then you can write to us again. We will arrange for the decision to be reviewed by someone has not previously been involved in your complaint to review it. We will do this within 10 working days.
7. We will let you know the result of the review within 5 working days of the end of our review. We will write to you confirming our final position on your complaint and advising you of our reasons. There will be no further review once this stage has been reached.