



# **Immigration Accreditation Assessment Regulations**

<b>TABLE OF CONTENTS</b>
--------------------------

	<b>Page No.</b>
<b>Contact Details</b> .....	3
<b>Section 1 – The Assessments</b> .....	4
1.1 Trainee Casework Assistant, Casework Assistant, Senior Caseworker Exams.....	4
1.2 Supervisor – Supervisors Timed Assessment.....	4
<b>Section 2 - The Assessment Procedures and Protocols</b> .....	5
2.1 Assessment Regulations .....	5
2.2 Candidate Behaviour .....	5
2.3 The Procedure for Dealing with Allegations of Cheating .....	5
2.4 Marketing and Moderation Process .....	5
2.5 Professional Conduct & Gross Professional Error (GPE) and Drafting, English ..... and Overriding Fault in English (OEF)	6
2.6 The Assessment Board .....	7
2.7 Notification of Results.....	7
2.8 Scheme Membership and Certificates .....	8
2.9 Policy on Supporting Candidates with Disabilities.....	8
2.10 Mitigating/Extenuating Circumstances, Complaints and Appeals.....	10
2.11 Complaints .....	10
2.12 Appeals .....	10
2.13 Candidate Services .....	10
2.14 Privacy Notice .....	11
2.15 Corresponding from Third Parties.....	11
2.16 Provision of Assessment Scripts.....	11
2.17 Provision of Pass and Fail Rates.....	11
<b>Section 3 - Training Programmes</b> .....	12
<b>Section 4 - Appendices</b> .....	13
Appendix A – Permitted Materials for the Supervisors Timed Assessment.....	13
Appendix B - The Procedure for Dealing with Allegations of Cheating.....	14

<b>CONTACT DETAILS</b>
------------------------

<b>Central Law Training</b>	<b>The Law Society</b>
<b>Professional Accreditations</b>	<b>Accreditation Unit</b>
Call: 0121 362 7735	Further help or support If you need any further guidance or support, contact the Accreditation Unit on: Telephone: 0207 320 5797
Email: <a href="mailto:immigration@clt.co.uk">immigration@clt.co.uk</a>	(lines are open 09:00 - 17:00 Monday to Friday)
Website: <a href="http://www.clt.co.uk">www.clt.co.uk</a>	Email: <a href="mailto:accreditation@lawsociety.org.uk">accreditation@lawsociety.org.uk</a>
Address: CLT Fort Dunlop 6 <sup>th</sup> Floor Fort Parkway Birmingham B24 9FD	

## SECTION 1 –THE ASSESSMENTS

### 1.1 Trainee Casework Assistant, Casework Assistant, Senior Caseworker Exams

These exams are set in accordance with the Candidates' Guidance Notes and Syllabus for Trainee Casework Assistant, Casework Assistant, Senior Caseworker Exams provided by the Law Society.

The most current version of the Candidates' Guidance Notes and Syllabus can be found on the CLT website <http://www.clt.co.uk/qualifications/immigration-and-asylum-accreditation-scheme/examination-information-and-candidate-guidance-notes.aspx>

### 1.2 Supervisors Timed Assessment (Supervisor)

#### **Exam Duration**

3 hours + 45 minutes reading time

#### **Pass Mark**

The pass mark is 50%

The assessment requires candidates to answer questions based on the review of case studies, files and a typical day's in-tray.

## SECTION 2 – THE ASSESSMENT PROCEDURES AND PROTOCOLS

### 2.1 Assessment Regulations

The assessments are held online under timed examination conditions and are subject to the following conditions:

Candidates can refer to hard (**not electronic**) copies of the permitted material detailed in the Candidates' Guidance Notes and Syllabus. The most current version of the Candidates' Guidance Notes and Syllabus can be found on the CLT website <http://www.clt.co.uk/qualifications/immigration-and-asylum-accreditation-scheme/examination-information-and-candidate-guidance-notes.aspx> The permitted materials for the Supervisors Timed Assessment can be found in **Appendix A**.

- Other than the device they are using for the assessment candidates are strictly prohibited from using any other device during the assessment i.e. mobile phones, ipad etc, even as a timer/clock.
- If a candidate is found to have accessed prohibited materials, the Law Society will be informed and accreditation may be refused or withdrawn
- 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.

### 2.2 Candidate Behaviour

Any candidate who is threatening or abusive towards a member of CLT's staff may be prevented from sitting assessments with CLT. Such behaviour may also be reported to the Law Society and/or any other professional body of which the candidate is a member.

### 2.3 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 B**.

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.

### 2.4 Marking and Moderation Process

All the assessment scripts are "blind marked"; scripts are identified only by the candidate's number.

- 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%;
- All scripts requested by the assessors to be moderated;
- Where the assessor believes the candidate has committed a Gross Professional Error or an overriding fault in English

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

## 2.5 Professional Conduct & Gross Professional Error (GPE) and Drafting, English and overriding fault in English (OEF)

### Casework Assistant and Senior Caseworker Exam

For more details in relation to these areas please see the Candidate' Guidance Notes and Syllabus. The most current version of the Candidates' Guidance Notes and Syllabus can be found on the CLT website

<http://www.clt.co.uk/qualifications/immigration-and-asylum-accreditation-scheme/examination-information-and-candidate-guidance-notes.aspx>

### Supervising Senior Caseworker - Supervisors Timed Assessment

Professional Conduct will be assessed throughout the exam. If the candidate is found to have committed a gross professional error, s/he will fail the examination irrespective of the overall mark obtained.

A gross professional error is defined as: *“a serious departure from, or breach of, the standards of professional conduct and ethics”*.

### Overriding Fault in English

If an overriding fault in English is found anywhere in the examination script, the candidate will fail the whole examination, irrespective of the overall mark obtained. An overriding fault in English is an error, or a combination of errors, that compromises the client”.

### Procedure for Assessing a GPE/OEF

- When a first marker assesses that a GPE or OEF has occurred, the process the candidate's script goes through is as follows:
- the script is second marked;

- all the comments are provided to the Moderator who independently reviews the finding of a GPE/OEF
- all GPE's/OEF's are further considered by the Assessment Board before a final decision is made.

The Assessment Board's decision on a GPE/OEF is final and there is no appeal against the Board's decision.

## **2.6 The Assessment Board**

The Assessment Board comprises of the following members:

- i. The Chair
- ii. The External Moderator
- iv. The Programme Manager

The Board shall normally be chaired by the Chair (in this/her absence, it will be chaired by his/her nominee).

The External Moderators' decisions on issues of academic judgement shall be final.

A Law Society representative may attend the Assessment Board.

The terms of reference of the Assessment Board are:

- i. To ensure that draft 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 an accreditation assessment;
- vi. To make recommendations to CLT on any matter concerning the accreditation assessments.

## **2.7 Notification of Results**

### **Trainee Casework Assistant**

Candidates will be given their result at the end of the online assessment. If a candidate is successful, they will be able to print off their result so they have sufficient proof for the Law Society when applying for membership.

## **Casework Assistant, Senior Caseworker and Supervising Senior Caseworker**

Results will be emailed to candidates 35 working days after the assessment takes place

Candidates will not receive notification of their results by post. An email confirming results will be sufficient proof for the Law Society when applying for membership.

### **2.8 Scheme Membership and Certificates**

Please be aware that passing the assessments does not give you automatic membership to the scheme. You must apply for the membership to the scheme.

### **2.9 Policy on Supporting Candidates with Disabilities**

#### **CLT's aims**

- 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.
- Encourage and facilitate disclosure of disability by candidates and adapt teaching and assessment methods appropriately.
- Make **reasonable adjustments** to administration, teaching and assessment to meet the needs of candidates with a disability.
- Actively elicit and respond to feedback from candidates with a disability, with the aim of improving their experience of CLT programme.
- 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.
- Ensure that the venues where training and assessments are held are supportive of candidates with a disability.

#### **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.



## **Disabilities / Reasonable Adjustment Application**

Candidates must make a Reasonable Adjustment Application to the Programme Manager 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 candidate 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 Manager 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 Manager will endeavour to 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.

## **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.

## 2.10 Mitigating/Extenuating Circumstances, Complaints and Appeals

### Capability to Sit an Assessment

Please note that by sitting 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.

### 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.

### 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.

## 2.11 Complaints

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

## 2.12 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 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 + 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 received by email. Appeals received out of time will not, under any circumstances be considered.

## 2.13 Candidate Services

### Individual Feedback

Candidates can request detailed individual feedback at a cost of £75 + VAT. All requests must be made within **7 days** of results being received by email.

This feedback is designed to give candidates guidance on how they could have improved their answer to an examination question(s) to achieve the required standard.

If you wish to apply for feedback please email [immigration@clt.co.uk](mailto:immigration@clt.co.uk) to request an application form.

#### **2.14 Privacy Notice**

Please see our website for further information <http://www.clt.co.uk/footer-area/legal-information/privacy-policy.aspx>

#### **2.15 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.

#### **2.16 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 2018.

#### **2.17 Provision of Pass and Fail Rates**

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

### **SECTION 3 – 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 accreditation assessments - for more details log on to CLT's website.

## APPENDIX A

This information is for the **Supervisors Timed Assessment ONLY**

This is an **Open Book** examination.

This means that during the assessment candidates may use any hard copy 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. Candidates may not use electronic copies of permitted materials.

### **Electronic Devices**

With the exception of the device hosting any online assessment, electronic devices such as kindles, ipads, iphones etc. are not permitted to be used during the assessment, even as a timer or clock.

### **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.

## APPENDIX B

### The Procedure for Dealing with Allegations of Cheating

#### 1. Introduction

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.

- 1.1 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.
- 1.2 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 Law Society 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.
- 1.3 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 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

- (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 your own work
- (xv) The use of the material of another person stored on a hard or floppy disk as if it were your 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 Programme Manager (PM)
- 2.4 Pending an enquiry by or on behalf of the PM 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 PM. 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 PM.
- (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 PD 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 PM will outline the allegation in writing to the candidate.

### 3.2 Preliminary Meetings for allegations of cheating

- (i) At the Preliminary Meeting the PM 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 PM 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 PM will forward to the Director.

- (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 Director 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 Director 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

Where, following the Preliminary Meeting, the PD 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 Director. 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 PM.

- (i) When making the referral the PM 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.
- (ii) Upon receipt of the formal allegation of cheating from the PM the Director will:
  - a. Where, in the opinion of the PM, 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 Director 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 Director is satisfied that the allegation of cheating has been proved then the Director 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 Director is satisfied that the allegation of cheating has not been proved the Director 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 Director 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.

(iii) 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.

(iv) 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 relevant Course Director/Manager (or in their absence a Director of CLT) will present the case against the candidate. The rules of natural justice will apply.

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

- (vi) 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
- (vii) Where a candidate fails to attend the Cheating Hearing without satisfactory mitigating or extenuating circumstances, they will be deemed to admit the allegation(s).
- (viii) 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.
- (ix) 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 Director 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.

“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