



Qualifications and
Curriculum Authority



Uywodiath Cynullid Cymru
Welsh Assembly Government



Rewarding Learning

Awarding body monitoring report for: Institute of Legal Executives (ILEX)

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Introduction

Regulating external qualifications

Responsibility for regulating external qualifications lies jointly with three regulators:

- the Qualifications and Curriculum Authority (QCA)
- the Department for Children, Education, Lifelong Learning and Skills (DCELLS), the body for Wales
- the Council for the Curriculum, Examinations and Assessment (CCEA), the authority for Northern Ireland.

Following the accreditation of a qualification, the regulators systematically monitor awarding bodies against the requirements set out in the statutory regulations. The aim of this activity is to promote continuing improvement and public confidence in the quality of external qualifications.

Where an awarding body is found not to comply with relevant criteria, the regulators set conditions of accreditation. Even if an awarding body is compliant, the monitoring team may make observations on ways that the awarding body could change its systems and procedures to improve clarity or reduce bureaucracy.

Accreditation conditions and observations arising from this monitoring activity are specified at the end of each section of this report. Awarding bodies are required to produce an action plan to show how they will deal with accreditation conditions imposed as a result of a monitoring activity. The regulators will agree the action plan and monitor its implementation.

The regulators will use the outcomes of monitoring and any subsequent action taken by awarding bodies to inform decisions on the re-accreditation of qualifications, or, if necessary, the withdrawal of accreditation.

Banked documents

As part of its awarding body recognition processes the regulators require awarding bodies to submit certain documents to QCA for the purposes of 'banking' centrally. Information from banked documents will be used to inform monitoring activities and may also affect the awarding body's risk rating.

A suite of documents has been identified as suitable for banking and are those that are considered to be most crucial in supporting an awarding body's ability to operate effectively. To maintain the currency of the banked documents, awarding bodies are responsible for updating

them as and when changes occur. They are also reminded to review them at least annually at the time of completion of the self-assessment return.

About this report

This is the second monitoring activity on the Institute of Legal Executives (ILEX) and was carried out in November 2007.

The monitoring focused on the regulatory criteria relating to the following key areas:

- corporate governance
- resources and expertise
- internal assessment
- independent assessment
- determination and reporting of results
- registration
- monitoring and evaluation.

The monitoring activities included desk research of information already held by the regulators, including the previous monitoring report and most recent Awarding Body Recognition Update (ABRU) submission, attendance at awarding body meetings and scrutiny of its website. The monitoring team visited ILEX's head office to conduct interviews with staff and review documentation.

This report draws together the regulators' findings from these monitoring activities.

About ILEX

ILEX was established in 1963, being the successor to The Solicitors' Managing Clerks' Association, which was founded in 1892. ILEX is the professional and governing body that represents legal executives (and trainees). For more information on ILEX and its awarding body see the website at www.ilex.org.uk.

Corporate governance

This is subject to *The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 5, 6 and 7.

Findings

1. ILEX is a company limited by guarantee. It is governed by a council that consists of Fellows of the Institute. Twenty-seven fellows are elected to represent constituencies in England and Wales, with six more fellows co-opted. ILEX includes an awarding body as part of its organisation and there are no separately published accounts for it.
2. The council sets strategic direction but does not get involved in the detail of the awarding body's activities. The head of awards is the named point of accountability for maintaining the quality and standards of accredited qualifications. This person oversees the awarding body's activities and is part of ILEX's general management team (GMT). ILEX's chief executive officer meets with the GMT monthly and with individual members of the GMT twice a month.
3. The technical elements of awarding are overseen by an awards committee. This committee's membership consists of examiners and two people who are independent of ILEX. There is also an education quality assurance committee, which has a broader remit than the awards committee and on which council members sit. It has a strategic role, receives reports and meets three times a year. Council receives the minutes of all committees.
4. The ILEX Tutorial College (ITC) is the only live subsidiary of ILEX and, as well as being a college, it provides all of ILEX's distance learning provision. The ILEX 2006 annual report and accounts publication states that 'the principle [sic] activity of the Group during the year was that of being the professional body for Legal Executives and the provision of training courses for examination in law'. This latter activity could give rise to conflicts of interest. The regulators' monitoring team was satisfied that potential conflicts of interest are currently managed by the awarding body, but ILEX needs to keep this aspect of its business under regular review.
5. The monitoring team viewed an agreement that ILEX has with another awarding body regarding paralegal programmes. ILEX designs the qualification's question bank and assignments but the other awarding body delivers the examinations and quality assures them. The ILEX annual report was unclear as to who is the awarding body for these paralegal programmes.
6. The regulators' monitoring team examined the documents that ILEX had banked to date and found that some of them required updating.

Accreditation conditions

1. ILEX must keep their banked documents updated to ensure that they comply with the subsequent conditions of accreditation imposed by the regulators (*The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraph 6c).

Observations

1. ILEX needs to provide clarity in its annual report regarding the nature of its relationship with another awarding body on paralegal programmes.
2. ILEX should continue to ensure that ITC's activities do not give rise to any conflicts of interest with its awarding body activities.

Resources and expertise

This is subject to *The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 8 and 10.

Findings

1. The awarding body shares some resources with the rest of the ILEX group, for example IT, finance and human resources. There was no evidence that this limited the technical, financial or staffing resources it required to carry out its functions.
2. The awarding body has job descriptions for all posts and has an established group of examiners who are either practising professionals or from a relevant academic background. This stability has hidden the need for person specifications, but these are being currently drawn up. ILEX requires potential examiners to have a minimum of three years' teaching experience and relevant academic and professional qualifications.
3. Guidance is provided for both moderators and examiners in the form of written manuals, and these are revised and updated as necessary. Training has tended to be informal in the past but as ILEX addresses the needs of the proposed new qualifications framework it has plans for more formal events in the future.
4. Procedures are minimal on issues such as the design and development of qualifications because of the expertise of the current staff. ILEX is aware of the need to expand these in order to guarantee continuity.

Accreditation conditions

There are no accreditation conditions for this section.

Observations

3. ILEX should review and document more clearly its procedures, including, for example, the recruitment of staff, where it should ensure that there are person specifications.

Application of assessment methods: quality assurance and control of internal assessment

This is subject to *The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 13, 36, 38–42, 56, 57, 59 and 60–62.

Findings

1. ILEX offers flexibility in its assessment methods. Qualifications can be assessed entirely by examinations. However, ILEX also offers a mixed assessment route consisting of case studies, a portfolio and an examination. This requires both internal and external assessment.
2. All assessment is currently in English but there is a Welsh liaison officer who will provide guidance on providing assessment in Welsh if demand is sufficient.
3. For the level 3 and level 6 certificates and diplomas that were used by the regulators to test the awarding body's systems, the method of internal assessment consists of case studies and portfolios. These are set by the awarding body. They are internally assessed, internally verified where applicable and externally moderated.
4. Staff appraisals are carried out annually on all staff and consultants. Examiners and moderators are appointed annually. Contracts may be terminated or renewed depending upon performance. Evaluation of the work of moderators is carried out by the head of awards but no formal report on each moderator's work is produced.
5. ILEX contacts centres to advise them of having been selected for portfolio sampling and requires centres to send in portfolios to be moderated. Centres are required to send a minimum of three and a maximum of five portfolios to ILEX. The sample is chosen by the centre but ILEX should be controlling it. There is no guidance provided to moderators on additional sampling should this be necessary. Centre guidance on what assessment records should be retained and for how long is unclear.
6. All centres are required to send in a sample of six case-study scripts to ILEX. ILEX asks for two clear fails, two marginal results and two clear passes. ILEX cannot be sure that it sees the work of all assessors by this method but its records show that all its current centres use only one assessor per assessment method.
7. Assessment criteria and mark schemes are provided to internal markers, but exemplars are not provided for the case study. ILEX provides a detailed mark scheme. There is, however,

an exemplar portfolio, but this is only provided if a college asks for it. Clear guidance is given on the extent to which candidates can be allowed to redraft their work before assessment and the limits on the assistance that can be given to them with the work that is to be assessed.

8. Candidate identification is established and the authenticity of their work confirmed, where necessary, by the centre.
9. ILEX only uses one moderator for portfolios and one per subject on case studies, so it clearly avoids problems of standardising the work of the moderators. This also facilitates the task of ensuring that no moderator is involved with the work of any centre in which they have an interest.
10. Feedback is provided to centres by the moderator in the form of the Remote Sampling Moderation Report form. Centre assessors have the opportunity to attend training days where blind marking of past papers is used to assist standardisation. ILEX produces examiners' reports after each session of examinations.

Accreditation conditions

2. ILEX must take full control of sampling and produce reports on the work of each individual moderator (*The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 61d and f).

Observations

4. ILEX should provide clearer guidance to centres on what assessment records to keep and for how long.

Application of assessment methods: quality assurance and control of independent assessment

This is subject to *The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 13, 36, 38–42 and 56–58.

Findings

1. The regulators' monitoring team attended a case study setting meeting and saw that the case studies were produced in conjunction with appropriate assessment criteria or mark schemes. These are produced, and independently checked, by suitably qualified staff who can ensure that the tasks set meet the specification requirements. ILEX compares past papers to ensure that their assessment tasks are of a standard consistent with previous ones.
2. ILEX allocates only a small number of examiners to mark each qualification. The most they have used is three when having to mark over 1000 scripts. This also helps to ensure consistency of assessment.
3. Examiners are not allowed to mark work from centres in which they have a personal interest.
4. Security of paper production and issue is thorough. A security printing firm is used. Only two senior members of the awarding body have access to the location where papers are stored. A courier firm is used to distribute the papers to named examinations officers at centres. Clear invigilation instructions are provided to centres. These instructions cover related issues such as the return of scripts to the awarding body. In addition, if centres contact the awarding body to raise relevant queries on the question papers, their concerns are passed to the markers for consideration.
5. Moderation of marking is carried out after a set number of scripts has been marked. Feedback, if required, is promptly given. If there is concern about the appropriateness of the marking then a further sample may be requested by the moderator.
6. There is no exemplar material for independent assessment but each year there are training events for examiners. Centre assessors are also invited to attend.
7. Markers are not allowed to allocate marks close to the grade boundary of a pass/fail. The guidance for examiners (2007/08) stated 'Examiners must not permit any script to remain 1 or 2% below the pass mark. If after review it is determined that the script is a fail script the mark awarded must be at least 3% below the pass mark.'

8. This practice is known as 'borderlining' and is not encouraged by the regulators. It means that an incorrect score is allocated to the script that could not be defended if the candidate were to appeal. The correct procedure is to review the borderline scripts that fail and see if there is any way in which credit for an answer can be given that has not been recognised to date. It is clear that this will mean that some candidates may fail by the smallest of margins but the line has to be drawn somewhere.

Accreditation conditions

3. ILEX must ensure that mark schemes are applied consistently by all markers and that adjustments are only made where this can be justified to ensure that results are reliable. (*The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 56, 58c, 58e and 58i).

Observations

There are no observations for this section.

Determination and reporting of results

This is subject to *The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 63–67.

Findings

1. ILEX produces qualification specifications that clearly state the required pass marks. Only units are graded. The overall qualification is marked as a pass or fail. The way in which marks are aggregated was clear.
2. A grid system is used by the awarding body to ensure that candidate assessment covers the syllabus. This is regularly reviewed every three months to ensure it is current.
3. The awards committee oversees the issuing of results and decides if marks need to be adjusted or reviewed. The committee also ensures that results are consistent with past assessment standards.
4. The regulators' monitoring team looked at minutes of the awards committee and was satisfied with the attention to detail and authority with which it carried out its work. It was clear to the regulators why decisions had been made. Where a major issue occurred a full report was on file.

Accreditation conditions

There are no accreditation conditions for this section.

Observations

There are no observations for this section.

Registration

This is subject to *The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 11 and 12.

Findings

1. ILEX approves centres for a period of 3 years. Course accreditation is annual. In order for centres to be approved, they must complete an application and undergo an approval (termed 'accreditation visit') undertaken by a regional liaison officer at which ILEX checks that the centre has all the required resources, policies and procedures. Visits used to be post-approval but ILEX is now starting to visit centres at the pre-approval stage.
2. The awarding body provides all centres with an accreditation handbook, which supplies them with the necessary information. After some debate, the regulators' monitoring team accepted that the head of centre's signature indicates an acceptance that they are the single named point of accountability for the quality assurance and management of the qualifications. The team thought that this position could be made clearer.
3. Centres are monitored in two ways. There are routine visits every 18 months. A record is maintained of which centres have been visited and when. If the centres are considered to be under-performing, they are contacted and may be visited again depending on the outcome of the initial discussions.
4. Paper files are kept on each centre and the regulatory monitoring team examined some of these. It noted that ILEX had not required its centres to agree to providing access to both the regulators and the awarding body. This must be acknowledged even though the regulators have legal powers in this respect.

Accreditation conditions

4. ILEX must require its centres to provide it and the regulators with access to premises, people and records, and to cooperate with the awarding body's monitoring activities (*The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraph 11f).

Observations

5. ILEX should review its centre documentation and see if it can make clearer the acknowledgement of who is the single named point of accountability for the quality assurance and management of the qualifications.

Monitoring and self-assessment

This is subject to *The statutory regulation of external qualifications in England, Wales and Northern Ireland (2004)*, paragraphs 33a–35 and 37.

Findings

1. ILEX monitors its work in several ways. The head of awards reviews and checks the systems after each examination session. The awards committee checks invigilator reports and oversees all issues relating to results. The chairman of examiners produces an annual report on the assessment issues. Centre visits, as mentioned in the Registration section, are becoming a regular feature of both routine inspection and centre approval.
2. The regulatory monitoring team was engaged in a number of thoughtful debates during interviews with various members of staff. This evidenced the way in which ILEX gives ongoing consideration to its activities and how they can be further improved or streamlined.
3. ILEX does not, however, have a formal procedure for checking that it is meeting the statutory regulations. This is remarkable, given the few areas where they were not meeting the regulatory criteria. It is a regulatory requirement to have such a procedure but in view of the few areas where they fell short of the current criteria this is considered to be an observation rather than an accreditation condition since the result of their current systems is effective.

Accreditation conditions

There are no accreditation conditions for this section.

Observations

6. ILEX should consider creating a simple procedure for ongoing review of its compliance with the regulatory criteria.