



Appeals Policy

*CILEX Professional Qualification
(CPQ)*

Purpose

1. The purpose of this policy is to set out the key principles CILEX will follow to ensure that CILEX is consistent and fair when considering appeals, ensuring valid and reliable decisions are made taking account of the available evidence.
2. This policy should be read in conjunction with the relevant Appeals Procedure for the decision being appealed.

Scope

3. This policy applies to CILEX trainees, training providers, training provider staff and associated contractors, CILEX staff and contractors involved in the assessment and/or delivery of the CILEX Professional Qualification (CPQ), and individuals involved in deciding the outcomes of appeals.

Definitions

4. The term 'trainees' in the context of this policy includes all individuals studying for the CPQ.
5. The term 'assessment' in the context of this policy includes assessments taken towards the CPQ, for example, external examinations.
6. An appeal is a formal request for the review of a decision. An appeal considers whether CILEX followed the correct policies and procedures and applied these policies and procedures fairly.
7. Subject to the principles set out in this policy and the associated procedures, CILEX allows appeals of:
 - enquiries about assessment results (EARs)
 - decisions regarding reasonable adjustments, access arrangements and special consideration
 - decisions relating to sanctions imposed on a trainee or CILEX training provider, following an investigation into malpractice or maladministration
 - other administrative decisions, for example, exemption application decisions or decisions taken in cases of missing scripts¹.

CILEX will determine whether a decision an appellant is seeking to appeal is within the scope of this policy and the associated procedure.

Grounds for appeal

8. In all cases, an appellant must set out clearly their grounds for appeal.
9. An appellant must have genuine cause to believe, as applicable, that:
 - the case/application/decision was not dealt with in accordance with the relevant published CILEX policy and procedure/s; and/or

¹ A missing script in this context may include a trainee's response to an assessment which is lost, damaged or similar whether produced electronically or in hardcopy.

- the decision for a malpractice/maladministration case was unreasonable in light of the evidence; and/or
- the sanction imposed for a malpractice/maladministration case was disproportionate to the seriousness of the malpractice and/or inconsistent with the Sanctions Policy.

Appeals of enquiries about assessment results outcomes

10. An appellant appealing an enquiry about an assessment result must have genuine cause to believe that CILEX has not applied its procedures fairly and consistently. An appeal cannot be brought against the academic judgement of a CILEX assessor or against the policies, rules and regulations governing the qualification.
11. CILEX will consider each appeal application to determine whether the grounds for appeal are sufficient and valid.

Investigation of appeal

12. With the exception of appeals relating to malpractice or maladministration cases, an appeal involves an investigation conducted by a person with the requisite competence who has no personal interest in the decision being appealed. The investigation examines the grounds for appeal presented by the appellant and considers whether CILEX followed the correct policies and procedures and applied these policies and procedures fairly.
13. Appeals relating to malpractice or maladministration cases re-consider the evidence and findings of the malpractice/maladministration investigation, the initial decision and rationale and the grounds for appeal presented by the appellant.

Decision making

14. CILEX will set out in the relevant procedure the arrangements for deciding an appeal relevant to the decision being appealed.
15. As a minimum, the arrangements will address the following:
 - (i) The final decision must be agreed by a Panel.
 - Panel members shall be appointed on a case-by-case basis.
 - All Panel members shall have the requisite competence to consider the appeal.
 - All Panel members shall have no personal interest in the decision being appealed.
 - Panel members cannot have been involved in the decision being appealed at an earlier stage.
 - (ii) The Panel may meet in private or hold a hearing depending on the nature of the appeal.
 - (iii) The Panel will make decisions following consideration of the relevant evidence including the grounds for appeal and/or statement provided by the appellant.
 - (iv) Advisers may be appointed to advise the Panel but will not be involved in the decision-making process.

- (v) The standard of proof as to whether an appeal is upheld or not shall be on the balance of probabilities (i.e. that it is more likely than not).
- 16. CILEX may implement a two-stage decision making process where it is considered appropriate, and this must be clearly set out in the associated procedure. The procedure must clearly state where responsibility for the final decision rests, after which no further appeal is permitted.
- 17. In cases where failings in CILEX policies or procedures or the fairness of their application are identified, remedial action must be taken.
- 18. Recommendations may also be made to inform ongoing quality improvement.

Remedies

- 19. If an appeal is upheld an appropriate remedy must be agreed. Possible remedies may include but not be limited to:
 - changing a sanction in a malpractice case
 - changing a special consideration mark adjustment
 - requiring a further review of a trainee's examination response
 - refunding a fee.
- 20. All remedies must be consistent with the relevant CILEX policy and procedure pertinent to the decision being appealed.
- 21. In deciding a remedy, the Panel must not act outside its competence, for example, a Panel cannot re-mark an examination response but instead may refer the response for a further review to address failings in the application of the enquiries about assessment results procedures.

Protecting the integrity of the CPQ

- 22. In the event that the consideration of an appeal identifies failings in CILEX assessment procedures, CILEX will take all reasonable steps to identify other trainees who have been affected, to address the failings identified. Where it is not possible to correct the failings CILEX will mitigate as far as possible the impact of the failings whilst seeking to protect the interests of trainees and the integrity of the qualification.
- 23. CILEX reserves the right to carry out further investigations including reviews of the work/assessments of trainees without consulting training providers or seeking the trainees' permission.
- 24. CILEX will take steps to prevent a recurrence of any failings identified in the future.
- 25. CILEX will ensure that the relevant regulators are informed, as appropriate, where consideration of an appeal identifies an adverse effect.

Timeline

- 26. Investigations will be conducted in a timely manner. CILEX will set out the timelines for investigating and deciding appeals in the associated procedure.

Fees

- 27. CILEX will charge a fee for appeals. The current fees are available on myCILEX.
- 28. The fee will be refunded if the appeal is upheld in full or in part.

CILEX certificates

- 29. CILEX ensures that any certificate/result issued to a trainee which is subsequently found to be invalid following an appeal is revoked.

Compliance with Regulator's appeals processes

- 30. CILEX will comply with the requirements of any appeals or complaints process established by CILEx Regulation Ltd, as appropriate.
- 31. CILEX will report to CILEx Regulation Ltd cases where the consideration of an appeal leads to the identification of an adverse effect.

Governance

- 32. The Awarding Body Operations Committee has oversight of appeals and their subsequent outcomes. The Awarding Body Operations Committee reports accordingly to the CILEX Qualifications Committee. The governance arrangements enable the effective monitoring of appeals and ensure outcomes inform CILEX self-assessment activities, feeding into review processes where necessary.

Complaints

- 33. CILEX has a separate complaints policy. Trainees or training providers who are dissatisfied with any other CILEX awarding organisation service other than those addressed by this policy are referred to the Complaints Policy.

Policy review arrangements

34. This policy is subject to a three-year review cycle. However, the policy may be reviewed more frequently to address regulatory changes, operational feedback or concerns brought to the attention of CILEX to ensure the policy remains fit for purpose.
35. This policy is also reviewed as part of CILEX ongoing quality improvement monitoring.

Summary of changes between V1.2 and previous version
▪ Provided clarity to grounds for appeal. ▪ Provided clarity to fees.