

CILEx Appeals Procedure

Calculated Results

Summer 2020



Introduction

1. This procedure describes the way in which CILEx implements its Appeals Policy in relation to appeals of results for the following qualifications for Summer 2020.

Title	QAN
CILEx Level 2 Certificate in Legal Studies	600/5807/9
CILEx Level 2 Award in Legal Studies	600/5808/0
CILEx Level 2 Diploma in Legal Studies	600/5809/2
CILEx Level 2 Award in Proofreading in the Legal Environment	600/9626/3
CILEx Level 2 Award in Working in the Legal Environment	600/9627/5
CILEx Level 2 Certificate for Legal Secretaries	600/9628/7
CILEx Level 2 Diploma for Legal Secretaries	601/0108/8
CILEx Level 2 Award in Legal Information Processing	601/0255/X
CILEx Level 3 Certificate for Legal Secretaries	601/0438/7
CILEx Level 3 Diploma for Legal Secretaries	601/0569/0
CILEx Level 3 Diploma in Law and Legal Skills	601/7248/4

2. Due to the impact of Covid-19, CILEx calculated grades at component and qualification level for the qualifications set out above for learners who would have taken assessments between 20 March and 31 July 2020. CILEx's approach was set out in the Guidance for Centres: Calculation of Results documents for the relevant qualifications. Qualification grades were decided, in accordance with the relevant grading criteria rules for the qualification, on the basis of banked results for assessments already completed, Centre Assessment Grades for assessments which would have been taken in this period and, with the exception of the CILEx Level 3 Diploma in Law and Legal Skills, provisional assignments results.
3. This procedure applies only to the calculated results issued for the qualifications identified above. This procedure cannot be used to challenge banked assessment results i.e. results for examinations previously completed.

Scope

4. This procedure applies to CILEx learners, Heads of Centres, other accredited centre staff and CILEx staff involved in appeals.

Who can appeal?

5. CILEx will accept appeals from accredited centres on behalf of learners. Centres must have the learner's explicit written permission. CILEx reserves the right to request a copy of the learner's written permission.
6. Appeals should be requested via email to Exams-Covid@cilex.org.uk.

Information to be provided to centres to inform decision to appeal

7. Upon request, CILEx will provide centres with sufficient information to enable a centre to decide whether there are grounds for appeal. Sufficient information will include:
 - the centre assessment grades, provisional assignment results, where applicable, and banked results which informed the qualification result, or the unit level result/s which were issued;
 - the relevant centre historical results data, where applicable.
8. Where a centre believes an error might have been made it must explain why it believes this to be the case in order that CILEx can identify any additional information which might inform the centre's decision.
9. Requests for information should be sent via email to Exams-Covid@cilex.org.uk. The subject line should state Information Request.
10. Centres should allow 5 working days for CILEx to provide the information set out above. It may take longer for CILEx to provide additional information requested by the centre.
11. All requests for information must be made in accordance with the timelines set out below.

Centre disclosure of data to learners

12. It is the centre's decision whether it discloses the information provided by CILEx to a learner on whose behalf the centre is considering an appeal, where such disclosure is compatible with the centre's obligations under data protection and other legal requirements. The information will no longer be confidential because any disclosure will be taking place after the release of the results.

Procedures for Stage 1 Appeals

13. Stage 1 Appeals must be requested in accordance with the timelines set out below. Stage 1 Appeals should be requested via email to Exams-Covid@cilex.org.uk. The subject line should state Stage 1 Appeal. The grounds for the appeal must be clearly set out and the evidence in support of the appeal should be attached to the email.
14. CILEx will acknowledge receipt of the Stage 1 Appeal request within 5 working days of its receipt by CILEx. An appellant, who has not received an acknowledgement within 5 working days, should contact the CILEx Quality and Standards Team.

Grounds for appeal

15. A centre may appeal on procedural grounds, on the basis that the wrong data was used to calculate results for learners, or where there was an administrative error in the issuing of results by CILEx. The wrong data in these circumstances may include:
 - (i) Incorrect centre assessment grades or provisional assignment results submitted by the centre, subject to the requirements below;
 - (ii) Incorrect historical centre data considered as part of CILEx Quality Assurance process;
 - (iii) CILEx introduced an error into the information the centre submitted, for example, inputting the wrong grade in CILEx systems.
16. A centre will be able to identify where there are differences between the information it submitted to CILEx and the information CILEx holds and which was used to determine the results issued. The centre will be able to support its appeal with evidence to show the differences.
17. If, where a centre has submitted an appeal on the basis that CILEx has introduced an error into the data set it submitted, CILEx identifies that the alleged error in fact existed when that information was submitted to it, the centre may be given an

opportunity to amend its appeal and produce evidence that its initial submission included an error.

18. A centre may appeal on procedure grounds on the basis that CILEx incorrectly applied the qualification grading rules leading to an incorrect qualification result.
19. An appeal cannot be brought against the professional judgement of the centre tutors/assessors who produced the centre assessment grades. Learners who consider they could have achieved a higher grade can sit an assessment for the relevant unit/s again in the autumn. Further information is available on the CILEx website.

Incorrect Centre Assessment Grades or provisional assignment results provided to CILEx:

20. In the event that a centre appeals on the basis that there was an error in the centre assessment grades or provisional assignment results it provided to CILEx for the purposes of calculating results it must be able to show, using evidence, that it made such a mistake. Centres are not permitted at this stage to change the judgements previously reached and signed off by the Head of Centre or Head of Department.
21. Centres will be required to submit supporting evidence which clearly demonstrates the centre's error with the request for an appeal. Centres must also provide a comprehensive explanation as to why the information (centre assessment grades and/or provisional results) which had been confirmed to be accurate by the Head of Centre or Head of Department is now considered to be incorrect.
22. In the event that CILEx identifies that a centre is seeking to change the professional judgements informing the centre assessment grades which were submitted to CILEx, an investigation will be carried out in accordance with the CILEx Malpractice Policy.
23. Appeals cannot be brought against banked assessment results i.e. results for examinations previously completed.

Stage 1 Appeals – Preliminary investigation

24. CILEx has streamlined its Stage 1 Appeals process to enable cases involving the use of the wrong data or incorrect application of the grading rules to be resolved promptly, where possible.
25. Stage 1 Appeals investigations are conducted by a member of the CILEx Quality and Standards Team and involve checking the relevant information submitted by the

centre and held in CILEx systems. Where the investigation clearly identifies that the wrong data informed the results issued, or the grading rules were incorrectly applied, the investigator will make arrangements for the error to be rectified and, where applicable, revised results issued. The case will not need to be referred to the CILEx Review Panel for this action to take place.

26. In the event that an investigation identifies that other learners may be impacted by the error; a wider investigation will be conducted. In the event that the investigation identifies failings in the assessment procedure CILEx will protect the results of any learner who did not consent to the request for the appeal that led to the wider investigation.
27. For cases which are not straightforward, CILEx reserves the right to refer the decision in relation to the Stage 1 Appeal to the CILEx Review Panel. The Panel considers the evidence gathered during the investigation and the grounds presented in reaching a decision.
28. In the event that the CILEx Review Panel identifies that the relevant CILEx policies and procedures were not followed or applied fairly, it will uphold the appeal and determine any remedial action to be taken.
29. The CILEx Review Panel will agree a summary of its findings to be provided to the appellant.
30. The findings of the CILEx Review Panel will be notified to the appellant within 15 working days of the date of the CILEx acknowledgement confirming that the Stage 1 Appeal has been accepted.

Procedures for Stage 2 Appeals

31. A Stage 2 Appeal can only be requested if a Stage 1 Appeal has been requested and the outcome received by the appellant.
32. Stage 2 Appeals must be requested within 10 working days of the date of the notification of the Stage 1 Appeal outcome. Stage 2 Appeals should be requested via email to Exams-Covid@cilex.org.uk. The subject line should state Stage 2 Appeal. The grounds for the appeal must be clearly set out and the evidence in support of the appeal should be attached to the email.
33. Appellants must pay the Stage 2 Appeal fee before CILEx can process the appeal.

34. CILEx will acknowledge receipt of the Stage 2 Appeal application within 5 working days of its receipt by CILEx. An appellant, who has not received an acknowledgement within 5 working days, should contact the CILEx Quality and Standards Team.

Stage 2 Appeals – Qualifications Appeals Panel

35. The Clerk of the CILEx Qualifications Appeals Panel will arrange a meeting of the Panel within 30 working days of the date of the acknowledgement letter confirming that the Stage 2 Appeal application has been accepted.
36. The Clerk is a CILEx Officer who has not been involved in any decisions or investigations relating to the appeal application.
37. The CILEx Qualifications Appeals Panel will carry out an examination of the evidence including:
 - the appellant’s Stage 2 Appeal application, including the grounds for appeal and supporting evidence;
 - the investigation report and evidence gathered during the Stage 1 Appeal investigation and the findings of the CILEx Review Panel, where applicable;
 - the relevant CILEx reports, policies and procedures.
38. The Panel may appoint advisers to provide advice at the meeting. Advisers are not permitted to be involved in the decision-making process.

Test applied by the CILEx Qualifications Appeals Panel

39. The CILEx Qualifications Appeals Panel will decide whether CILEx has acted in accordance with its procedures and applied the correct policies and procedures properly and fairly in arriving at judgements.
40. The CILEx Qualifications Appeals Panel is not permitted to re-assess learner work.

Qualifications Appeals Panel Decision

41. Decisions of the CILEx Qualifications Appeals Panel are made by a majority vote of the Panel members present.
42. In the event that the CILEx Qualifications Appeals Panel requires further information in order to reach a decision, the Panel may defer its decision.

43. In the event that the CILEx Qualifications Appeals Panel finds that CILEx has applied its procedures properly and fairly, the appeal will be rejected, and no further appeal is permitted.
44. In the event that the CILEx Qualifications Appeals Panel finds that CILEx has either not acted in accordance with the correct policies and procedures or has not applied its policies and procedures properly and fairly, it will uphold the appeal and determine the remedial action to be taken. In such cases, the appeals fees paid by the appellant will be refunded by CILEx.
45. Irrespective of whether the CILEx Qualifications Appeals Panel upholds or rejects the appeal, it may make recommendations in relation to any issues or concerns which it has identified during the course of conducting the appeal. In particular, the CILEx Qualifications Appeals Panel may make recommendations for further action to be taken to protect the integrity of CILEx qualifications and/or assessments, where appropriate.
46. The findings of the CILEx Qualifications Appeals Panel are recorded by the Clerk.
47. The CILEx Qualifications Appeals Panel will agree a summary of its findings to be provided to the appellant.
48. The Clerk will notify the appellant of the decision of the CILEx Qualifications Appeals Panel within 5 working days of the meeting. The decision of the CILEx Qualifications Appeals Panel is final.

Timelines

49. All requests for information to enable a centre to decide whether to make an appeal must be received by CILEx by **28 August 2020**.
50. All requests for a Stage 1 Appeal must be received by CILEx by **10 September 2020**.
51. Centres must apply for a Stage 2 Appeal within 10 working days of the date of the notification of the Stage 1 Appeal outcome.

Fees and Payments

52. Due to the streamlined Stage 1 Appeal process, CILEx will not charge for Stage 1 Appeals.
53. The fee for a Stage 2 Appeal is £75. This fee will be refunded if the appeal is upheld.
54. Centres may request to be invoiced for the appropriate fee. CILEx will invoice centres within 5 working days of CILEx receipt of the request for an appeal. Payment terms will be strictly 28 days from the date of the invoice. Non-payment of invoices may result in CILEx services being suspended.
55. CILEx reserves the right not to progress a Stage 2 Appeal application until the correct fee has been paid.

Retention of Materials

56. CILEx retains records of all appeals and their outcomes for a period of 3 years.

Review Arrangements

57. This procedure has been created to take account of the unique circumstances which apply to the qualifications in scope for Summer 2020. This procedure will be withdrawn following the conclusion of the appeals requested in accordance with the procedure.