



Special Consideration Procedure

CILEX Regulated Qualifications

Introduction

1. This procedure describes the way in which CILEX implements its Special Consideration Policy for the CILEX regulated qualifications listed in Appendix 1. This procedure should be read in conjunction with the Special Consideration Policy – CILEX Regulated Qualifications.

Scope

2. This procedure applies to CILEX learners, training providers, training provider staff and associated contractors, CILEX staff and contractors involved in the assessment and/or delivery of CILEX regulated qualifications.

Applying for Special Consideration

3. To request special consideration, learners should complete the online Special Consideration application on myCILEX.
4. Evidence to support the application must be uploaded with the application.
5. Training providers seeking to make an application on behalf of a learner should contact the CILEX Customer Service team. Training providers must have the learner's explicit written permission. CILEX reserves the right to request to see a copy of the learner's written consent.

Learners eligible to apply for Special Consideration

6. Learners who are fully prepared for a timetabled external examination may be eligible for special consideration if their performance in an assessment has been affected by adverse circumstances beyond their control. Adverse circumstances may include:
 - temporary illness/accident/injury at the time of the assessment;
 - bereavement affecting the individual at the time of the assessment;
 - domestic crisis arising at the time of the assessment;
 - serious disturbance during the assessment.

Requests that are not eligible for Special Consideration

7. Learners are not eligible for special consideration for internal assessments, for example, Professional Skills assessments and internal assignments. Training providers set the assignment timetables or timelines for the submission of work for marking and learners should discuss any issues with their training provider.
8. Learners will not be eligible for special consideration if preparation or performance in an external examination is affected by:
 - long term illness or other difficulties during the course affecting revision time, unless the illness or circumstances manifest themselves at the time of the assessment;

- pregnancy unless other medical conditions resulting from pregnancy have arisen. This will require medical, psychological or clinical evidence;
 - bereavement occurring more than six months before the assessment, unless an anniversary has been reached at the time of the assessment or there are ongoing implications such as an inquest or court case;
 - domestic inconvenience such as moving house, lack of facilities, taking holidays, at the time of the assessment;
 - minor disturbance during the assessment, for example, momentary noise disturbance;
 - consequences of committing a crime or being charged with an offence;
 - consequences of taking alcohol or non-prescribed drugs;
 - consequences of non-compliance with CILEX regulations;
 - failure of a training provider to prepare learners properly for the examination for whatever reason, including: staff shortages, building work or lack of facilities;
 - misreading the timetable or CILEX assessment documentation and/or failing to access the examination at the right time;
 - misreading the examination instructions and answering the wrong questions;
 - making personal arrangements such as a wedding or holiday arrangements which conflict with the assessment timetable;
 - failure to complete the course of study;
 - ongoing disabilities unless a temporary illness has also affected the learner at the time of the examination or where the disability exacerbates what would otherwise be a minor issue;
 - sitting the examination during unsociable hours (for example, learners taking the assessment overseas).
9. Learners who receive reasonable adjustments/access arrangements for external examinations will not be entitled to receive special consideration for the same circumstances.

Evidence requirements

10. Learners/training providers must provide sufficient and appropriate supporting evidence for all requests for special consideration. If sufficient or appropriate supporting documentation is not submitted the application will be rejected.
11. In the event of temporary illness, temporary injury or other medical indisposition, the learner must provide written evidence from medical, psychological or clinical professionals. The written evidence must state the name, title and professional credentials of the person who carried out the medical assessment of the learner. The written evidence must set out the nature of temporary illness/temporary injury/medical indisposition and the extent to which the learner was affected at the time of the assessment, including the effects of any medication that the learner may be taking.
12. In the event of significant system technical disturbance during an examination, CILEX will only consider applications where there is evidence that the learner completed the system check prior to the examination.

Timelines

13. The CILEX Special Consideration application and supporting evidence must be submitted by the deadline set out in the Key Dates and Deadlines for the qualification. Applications submitted after the deadline will not be considered.
14. CILEX will process applications for special considerations and notify learners of the outcome by the published results release day for the external examination session.

Decisions on Special Consideration requests

15. Applications for special consideration with appropriate supporting evidence are considered.

Decisions on Mark Adjustments

16. When making decisions for mark adjustments, each request and the supporting evidence is considered individually against the Maximum Allowance Criteria for mark adjustments.
17. Any post-examination adjustment will reflect the difficulty faced by the learner at the time of the examination but will always be a minor adjustment (usually a maximum of 3% of the marks available for the assessment, and in exceptional circumstances 5%), as to do more would jeopardise the standard of the assessment.
18. Special consideration cannot be applied on a cumulative basis, for example, having a domestic crisis as well as a viral illness at the time of the examination.

Decisions on rearranging a timetabled external examination

19. When making decisions for rearranging an examination, each request and the supporting evidence is considered individually against the criteria for rearranging an assessment.
20. For applications relating to bereavement of immediate family member, major accident/injury and very serious disruptive domestic crisis, CILEX will only consider applications where the adverse circumstance occurred within the four-week period leading up to the examination.
21. For requests to rearrange an examination for a future session due to significant system technical disturbance during the assessment, CILEX will only consider applications where there is evidence that the learner completed the system check prior to the assessment.

Maximum Allowance Criteria for Mark Adjustments

22. The criteria detailed below are not exhaustive. These criteria are applied to each request. In the event that a different set of circumstances is presented, the criteria provide a benchmark to ensure any decision reached is consistent with the maximum allowance criteria. Normally the consideration given will not exceed 3% and under no circumstances will the consideration given exceed 5%.

Special Consideration – Maximum Allowance Criteria	
Max Allowance	Types of Conditions
5%	Maximum allowance for exceptional circumstances occurring shortly before or at the time of the examination, which may include: <ul style="list-style-type: none"> terminal illness of learner terminal illness of member of the immediate family¹ very recent death of a member of the immediate family very serious and disruptive domestic crisis leading to acute anxiety about the family
4%	Very serious problems occurring shortly before or at the time of the examination such as: <ul style="list-style-type: none"> life-threatening illness of learner or member of immediate family very recent death of member of extended family² major surgery severe disease severe or permanent bodily injury serious domestic crisis
3%	A more common category: serious problems occurring immediately before or at the time of the examination which may include: <ul style="list-style-type: none"> traumatic experience such as death of a close friend or distant relation illness of a more serious nature flare-up of severe congenital conditions such as epilepsy, diabetes, severe asthmatic attack broken limbs organ disease physical assault trauma domestic crisis witnessing a distressing event serious and prolonged disruptive incident during the examination which was not compensated by other measures (e.g. extra time), for example, significant system technical disturbance during the assessment, CILEX will only consider applications where there is evidence that the learner completed the system check prior to the assessment.
2%	The most common category: problems occurring immediately before or at the time of the examination, which may include: <ul style="list-style-type: none"> hay fever on day of examination illness at the time of the examination broken limb on the mend viral illness concussion the effects of pregnancy (not pregnancy per se) extreme distress on day of examination not examination related stress
1%	Reserved for minor problems occurring immediately before or at the time of the examination, which may include: <ul style="list-style-type: none"> minor ailments

¹ Immediate family is normally considered to include parents, siblings, spouse, civil partners and children only (including step-parents, step-siblings and step-children)

² Extended family is normally considered to include grandparents, aunts, uncles, and cousins

	<ul style="list-style-type: none"> ▪ headache ▪ noise during the examination which is more than momentary and was not compensated by other measures, e.g. extra time ▪ stress or anxiety (not examination related stress) for which medication has been prescribed
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Criteria for Rearranging an Assessment

23. In exceptional adverse circumstances which occur at the time of the examination, CILEX will consider rearranging the examination for a future session at no extra charge. Adverse circumstances CILEX will consider are:
- bereavement of immediate family member within the four-week period leading up to the assessment;
 - major accident/injury endured by the learner within the four-week period leading up to the assessment;
 - very serious and disruptive domestic crisis in the four-week period leading up to the assessment;
 - significant system technical disturbance during the assessment as a result of issues with the CILEX assessment platform. CILEX will not consider applications relating to issues encountered due to learner equipment or internet connection issues.

Retention of materials

24. CILEX retains special consideration applications and supporting evidence for 12 months.

Review arrangements

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

Summary of changes between V3 and previous version
Applying for special consideration section updated to reflect the application process via myCILEX

CILEX Regulated Qualifications:

CILEX Level 2 Award in Legal Studies
CILEX Level 2 Certificate in Legal Studies
CILEX Level 2 Diploma in Legal Studies
CILEX Level 2 Certificate for Legal Secretaries
CILEX Level 2 Diploma for Legal Secretaries
CILEX Level 3 Certificate for Legal Secretaries
CILEX Level 3 Diploma for Legal Secretaries
CILEX Level 3 Certificate in Law and Practice
CILEX Level 3 Diploma in Law and Practice
CILEX Level 6 Certificate in Law
CILEX Level 6 Diploma in Law and Practice
CILEX Level 6 Diploma in Legal Practice (Graduate Fast-track Diploma)