

CILEx Appeals Policy and Procedures

CILEX END-POINT ASSESSMENT

Introduction

1. This document sets out the Appeals Policy and Procedures for CILEx End-Point Assessments.
2. Subject to the requirements set out in this policy, CILEx accepts appeals in relation to the following:
 - Enquiries about End-Point Assessment Results;
 - Reasonable adjustments or access arrangements;
 - Special consideration.
3. CILEx also accepts appeals in relation to malpractice decisions. Information about the appeals process in relation to malpractice decisions is provided in the *CILEx Malpractice and Maladministration Policy and Procedures – CILEx Apprentices (End-Point Assessment)* which is available on the CILEx website.

Purpose

4. CILEx is responsible for securing and maintaining the standards of its qualifications and assessments. Consequently, CILEx has developed policies and procedures to underpin the delivery of its qualifications and assessments to protect users, including apprentices, and ensure that valid and reliable decisions are made following consideration of all available evidence.
5. CILEx seeks to be fair and transparent in its dealings with employers and apprentices. In this regard, CILEx permits appeals against decisions as set out above in cases where the apprentice/employer/training provider has genuine cause to believe that CILEx has not followed its procedures.

Scope

6. This policy applies to Apprentices undertaking CILEx End-Point Assessments and their employers and training providers, CILEx staff, CILEx Independent End-Point Assessment Assessors, members of the CILEx Review Panel and members of the CILEx Appeals Panel.

Overview of the CILEx Appeals Process

7. CILEx operates a two-stage appeals process.
8. Stage 1 Appeals involve a preliminary investigation of the appeal which is considered by **CILEx Review Panel**. The membership of the CILEx Review Panel comprises CILEx officers with the requisite competence, who have not been previously involved in the case.

9. Stage 2 Appeals are considered by a panel of three members from the pool of **CILEx Appeals Panel** members. A minimum of one of the members is independent (ie not a member of CILEx staff, a CILEx assessor or an individual working for CILEx or otherwise connected to CILEx (including being a member of other CILEx boards, committees and panels) for a minimum of 5 years).
10. The decision of the CILEx Appeals Panel is final. No further appeal is permitted.

Requirements for Appeals

11. The requirements which have to be met in order to request a Stage 1 Appeal are set out below.

Type of appeal	CILEx requirements
EPA result enquiry	An enquiry about an EPA result must have been requested, processed and the outcome issued.
Appeal of a decision in relation to a reasonable adjustments*, access arrangements* or special consideration application	A reasonable adjustments, access arrangements or special consideration application and supporting evidence must have been submitted to CILEx by the published deadline for applications and the decision issued.

***Important:** If an Apprentice or employer/training provider, on behalf of an Apprentice, would like a reasonable adjustments or access arrangements application to be reconsidered by CILEx because they have new information/evidence, this is **not** considered to be an appeal. Apprentices/employers/training providers in this situation should contact the Assessment Team at CILEx with the new information/evidence in order that the application can be reassessed.

Grounds for Appeal

12. The grounds for appeal must be on the basis that CILEx has not applied its procedures consistently or that procedures were not followed properly and fairly. The applicant must have genuine cause to believe that CILEx has not followed its procedures and should set out clearly, with reasons, which procedures have not been followed or fairly applied.
13. An appeal cannot be brought against the academic judgement of a CILEx Independent End-Point Assessment Assessor or against the regulations governing the End-Point Assessment.
14. CILEx will consider each appeal application to determine whether the grounds for appeal are sufficient and valid.

Procedures for Stage 1 Appeals

15. Applicants (Apprentices/employers/training providers) must request a Stage 1 Appeal within 15 working days of the date of the correspondence setting out the CILEx decision which is being appealed, using the **CILEx End-Point Assessment Appeals form**, available on the CILEx website.
16. Employers/training providers requesting a Stage 1 Appeal on behalf of an Apprentice must have the Apprentice's explicit written permission. Employers/training providers must ensure that they retain a copy of the written consent for at least six months following the appeal. CILEx reserves the right to request to see a copy of the Apprentice's written consent.
17. The Appeals form must be sent to the CILEx Education Compliance Team.
18. Applicants should set out clearly and concisely the grounds for appeal and ensure that any evidence in support of the Stage 1 Appeal application is submitted with the Appeals form.
19. Applicants must pay the Stage 1 Appeal fee.
20. CILEx will consider whether or not to accept the application for a Stage 1 Appeal based on:
 - the grounds for appeal;
 - whether the requirements for the appeal have been met;
 - the timescale for the Stage 1 Appeal application.
21. CILEx will confirm whether the Stage 1 Appeal application has been accepted within 5 working days of its receipt by CILEx. An applicant, who has not received an acknowledgement within 5 working days, should contact the CILEx Education Compliance Team.

Stage 1 Appeals – Preliminary investigation and consideration by the CILEx Review Panel

22. Stage 1 Appeals involve an investigation of the Stage 1 Appeal application in accordance with the grounds underpinning the appeal and the supporting evidence submitted by the applicant. The investigation is conducted by a member of the CILEx Education Compliance Team and reported to the CILEx Review Panel. The investigation involves a review of CILEx records and reports relating to the initial decision and/or enquiry, as applicable, against the relevant CILEx policies and procedures, to consider whether the correct procedures have been followed.
23. The CILEx Review Panel will consider, as appropriate, the evidence gathered during the investigation including any records relating to the original decision, the relevant CILEx policy and procedures and their application and any relevant CILEx precedents in reaching a decision.

24. The Stage 1 Appeal investigation does not include a re-mark.

Stage 1 Appeal Outcome

25. In the event that the CILEx Review Panel identifies that any of the correct CILEx policies and procedures were not followed, it will determine the remedial action to be taken. This may or may not include referring an assessment decision for a further review, as directed by the Panel, or changing the decision in relation to a reasonable adjustments, access arrangements or special consideration application. In such cases, the Stage 1 Appeal fee paid by the applicant will be refunded by CILEx.
26. The CILEx Review Panel will agree a summary of its findings to be provided to the applicant.
27. The findings of the CILEx Review Panel will be notified to the Apprentice/employer/training provider within 25 working days of the date of the acknowledgement letter confirming that the Stage 1 Appeal has been accepted.

Procedures for Stage 2 Appeals

28. A Stage 2 Appeal can only be requested if a Stage 1 Appeal has been requested and the outcome received by the Apprentice/employer/training provider.
29. Applicants must apply for a Stage 2 Appeal within 15 working days of the date of the notification of the Stage 1 Appeal outcome, using the **CILEx End-Point Assessment Appeals form**, available on the CILEx website.
30. Employers/training providers requesting a Stage 2 Appeal on behalf of an Apprentice must have the Apprentice's explicit written permission. Employers/training providers must ensure that they retain a copy of the written consent for at least six months following the appeal. CILEx reserves the right to request to see a copy of the Apprentice's written consent.
31. The Appeals form must be sent to the CILEx Education Compliance Team.
32. Applicants must set out clearly and concisely the grounds for the appeal including the reason for challenging the Stage 1 Appeal outcome and escalating the appeal to the CILEx Appeals Panel. Applicants should submit any evidence to support their Stage 2 Appeal application.
33. Applicants must pay the Stage 2 Appeal fee.
34. CILEx will consider whether or not to accept the application for a Stage 2 Appeal based on:
- the grounds for appeal;
 - whether the requirements for the appeal have been met;

- the timescale for the Stage 2 Appeal application.

35. CILEx will confirm whether the Stage 2 Appeal application has been accepted within 5 working days of its receipt by CILEx. An applicant, who has not received an acknowledgement within 5 working days, should contact the CILEx Education Compliance Team.

Stage 2 Appeals – CILEx Appeals Panel

36. The Clerk of the CILEx Appeals Panel will arrange a meeting of the Panel within 40 working days of the date of the acknowledgement letter confirming that the Stage 2 Appeal application has been accepted.

37. The Clerk is a CILEx Officer who has not been involved in any decisions or investigations relating to the appeal application.

38. The CILEx Appeals Panel will carry out a re-examination of the evidence including:

- the applicant's Stage 2 Appeal application, including the grounds for appeal and supporting evidence;
- the evidence gathered during the Stage 1 Appeal investigation and the findings of the CILEx Review Panel;
- the relevant CILEx reports, policies and procedures.

Test applied by the CILEx Appeals Panel

39. The CILEx Appeals Panel will decide whether CILEx has acted in accordance with its procedures and applied the procedures properly and fairly in arriving at judgements.

40. The CILEx Appeals Panel is not permitted to re-mark or re-assess an Apprentice's work.

CILEx Appeals Panel Decision

41. Decisions of the CILEx Appeals Panel are made by a majority vote of the Panel members present.

42. In the event that the CILEx Appeals Panel requires further information in order to reach a decision, the Panel may defer its decision.

43. In the event that the CILEx 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 Appeals Panel finds that CILEx has either not acted in accordance with its procedures or has not applied its 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 applicant will be refunded by CILEx.

45. The remedial action determined by the CILEx Appeals Panel may or may not include referring an assessment decision for a further review, as directed by the Panel, or changing the decision in relation to a reasonable adjustments, access arrangements or special consideration application.
46. Irrespective of whether the CILEx 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 Appeals Panel may make recommendations for further action to be taken to protect the integrity of CILEx qualifications and/or assessments, where appropriate.
47. The findings of the CILEx Appeals Panel are recorded by the Clerk.
48. The CILEx Appeals Panel will agree a summary of its findings to be provided to the applicant.
49. The Clerk will notify the applicant of the decision of the CILEx Appeals Panel within 5 working days of the meeting. The decision of the CILEx Appeals Panel is final.

Fees and Payments

50. The current fees for appeals are available on the CILEx website.
51. Apprentices must enclose the relevant fee with their appeal application.
52. Employers/training providers, applying for an appeal on behalf of an Apprentice, may request to be invoiced for the appropriate fee. CILEx will invoice employers/training providers within 5 working days of CILEx receipt of the Appeals form. Payment terms will be strictly 28 days from the date of the invoice.

Monitoring Appeals

53. CILEx monitors the appeals it receives and considers the outcomes of appeals to facilitate the ongoing review of CILEx policies and procedures.
54. In the event that consideration of an appeal identifies shortcomings or failings in CILEx policies, procedures or performance, CILEx determines the corrective action to be taken and measures to be put in place to prevent a recurrence of the shortcomings or failings identified.

Protecting the Integrity of CILEx Qualifications

55. In the event that the outcome of an appeal brings the validity of assessment results into question, CILEx will take action to protect the interests of Apprentices and the integrity of the End-Point Assessment. CILEx reserves the right to carry out further investigations including reviews of the assessments of Apprentices without consulting employers and training providers or seeking the Apprentices' permission.

Retention of Materials

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

Useful Contacts

57. For more information about appeals, contact the Membership Contact Team – membership@cilex.org.uk

Policy Review Arrangements

58. This policy and procedure are subject to a three-year review cycle. However, the policy and procedure may be reviewed more frequently to address regulatory changes, operational feedback or concerns brought to the attention of CILEx to ensure the policy and procedure remain fit for purpose.
59. This policy and procedure are also reviewed as part of CILEx ongoing quality improvement monitoring.