



Appeals Procedure

Summer 2021

Results based on Teacher

Assessed Grades

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 2021, where results are issued based on Teacher Assessed Grades (TAGs).

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. This procedure applies only to results issued based on Teacher Assessed Grades. This procedure cannot be used to challenge banked assessment results i.e. results for examinations or assignments previously completed or assignment and examination results which are not based on Teacher Assessed Grades. This procedure cannot be used to challenge the qualification grading rules.
3. Where this procedure differs from the published CILEX Appeals Policy, this procedure takes precedence.

Scope

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

Overview of Appeals Process

5. A two-step process is in place:
 - Stage 1: Centre Review: involves a procedural and/or administrative review of a Teacher Assessed Grade by the centre
 - Stage 2: Appeal to CILEX: only permitted if a centre review has been requested and completed.
6. A centre review must be completed before a Stage 2 appeal can be submitted to CILEX.

Points to be considered by learners

7. Teacher Assessed Grades are grades determined by teachers at component (eg unit) level. Teachers make an informed judgement using a range of evidence. The grades are quality assured by the centre and then by CILEX. Centres inform learners about the evidence which is being used to inform Teacher Assessed Grades.
8. Teacher Assessed Grades are determined by teachers who were involved in the teaching and assessment of the learners. All Teacher Assessed Grades are subject to robust internal quality assurance by the centre before being signed off by the Head of Department or Head of Centre.

Grounds for centre review and appeal

9. A learner may request a centre review of a result which was determined by a Teacher Assessed Grade on the following grounds:
 - (i) Procedural error – the learner believes that the centre did not follow its procedure properly and consistently in arriving at the TAG (including any failure of internal quality assurance); and/or
 - (ii) Administrative error – the learner believes the centre made an administrative error in relation to the TAG; and/or
 - (iii) Unreasonable exercise of academic judgement – the learner believes the centre made an unreasonable exercise of academic judgement, either in relation to the selection of evidence to inform the TAG or the grade decided on the basis of the evidence *
 - (iv) CILEX made an administrative error in relation to the learner’s result*.

* Requests for an appeal on the grounds that the centre made an unreasonable exercise of academic judgement or CILEX made an administrative error can only be considered by CILEX. A Stage 1 centre review must have been completed initially to establish whether the centre made any procedural or administrative errors before the Stage 2 appeal is submitted to CILEX.

10. A learner may not request an appeal to CILEX on the grounds that the centre did not submit a TAG/TAGs due to insufficient evidence. Instead, a learner should raise concerns through the centre’s complaints process and, following the completion of the centre’s complaints process, may raise concerns through CILEX’s complaints process.
11. An appeal cannot be brought against the grading rules for the qualification.
12. Learners are required to set out their grounds clearly addressing the following, as applicable, to the grounds being put forward:

Centre procedural error:

Explain what the learner considers the centre failed to do, why that was a failure to follow the centre’s procedures and why that failure was important to the determination of the TAG/s;

Centre administrative error:

Explain in what way the learner considers the centre made an administrative error and the difference this made to the determination of the TAG/s.

CILEX administrative error*:

Explain in what way the learner considers CILEX made an administrative error and the difference this made to the determination of the TAG/s.

Unreasonable exercise of academic judgement*:

Explain the reason that the learner considers there was an unreasonable exercise of academic judgement in the:

- (i) selection of evidence used to determine the TAG/s – what evidence the learner considers should have been included or excluded, and why they think it was unreasonable to exclude or include it; and/or
- (ii) determination of a TAG from the selected evidence – why the learner considers the TAG derived from the evidence which was used was unreasonable.

**As noted above, the centre will conduct a centre review to check whether the centre made any procedural or administrative errors before submitting the appeal request to CILEX.*

13. Learners, who consider there was an unreasonable exercise of academic judgement should focus their grounds for the appeal on why the centre's decision was unreasonable and not why they might have preferred a different decision.

Retention of evidence to support centre review and appeals process

14. It is important that centres retain all evidence and records informing Teacher Assessed Grades. All evidence should be retained for 6 months after the release of the results or the conclusion of an appeal, whichever is later.

Sharing information with Learners

15. Centres must ensure that they have clearly communicated their processes for centre reviews and appeals requests to learners prior to the release of results.
16. A centre must not share with a learner the Teacher Assessed Grades it has submitted to CILEX or the final grades approved by CILEX before results release day or the date agreed by CILEX following the processing of certificate claims.
17. Centres must be prepared to share the sources of evidence used to inform a TAG with a learner, if a learner requests it and any special circumstances that have been considered in determining a TAG eg reasonable adjustments.

Stage 1 – Centre Reviews

Centre arrangements for centre reviews and submitting appeals

18. Centres must have:
 - documented arrangements for conducting centre reviews and requesting appeals;
 - the sources of evidence used to determine TAGs readily available for learners in order that they can decide whether to request a review;
 - details of special circumstances that were considered in determining a learner's TAG/s readily available for learners to review to decide whether to request a review.
19. Centres must process any request for a centre review from a learner. Failure to do so could lead to a malpractice investigation.
20. Centres are encouraged to use a form which records as a minimum the following information in relation to each centre review:
 - (i) Learner name;
 - (ii) Qualification title;
 - (iii) Component level TAG/s being challenged;
 - (iv) Grounds for the request – see above
 - (v) A clear statement that the grade/s may be raised, lowered or stay the same, with which the learner must sign to confirm consent to the possible outcomes;
 - (vi) A section to record the outcome of the centre's review with reasons.
21. The centre must keep a record of all centre review requests received and their outcomes. These must be provided to CILEX if an appeal is made to CILEX.
22. CILEX may ask a centre to provide information about the centre review requests it has received.
23. Centre reviews must be undertaken by a member of staff who has no personal interest in the decision being challenged.
24. To determine the outcome of a centre review, centres will need to consider:
 - The grounds presented by the learner and any evidence the learner has provided;
 - The centre approved policy and approach to determining TAGs and whether this has been followed properly and consistently;
 - The evidence which was used to determine the TAG/s;
 - Assessment records for the learner, including information about mitigating circumstances or approved access arrangements/reasonable adjustments;
 - A record of the TAGs which were signed off and submitted to CILEX;
 - Any other relevant centre records.
25. The centre should carry out a procedural and administrative review for any requests where the grounds include the unreasonable exercise of professional judgement or CILEX administrative error. Centres should not in these circumstances conduct a review of the professional judgements reached.
26. In the event a procedural or administrative error is identified, the centre needs to decide whether this impacted the TAG/s submitted to CILEX. A procedural or administrative error may

not have had an impact on the TAG/s, in which case the outcome would be that the grade stays the same. Examples of procedural errors may include but not be limited to:

- Failing to follow the centre's process for determining or quality assuring TAGs;
- Failing to apply reasonable adjustments or access arrangements which have been agreed.

Reporting outcome of centre review

27. In the event that the outcome of the review confirms a grade change is necessary, due to a procedural or administrative error, the centre must submit a grade correction request to CILEX within 3 working days and before the centre can confirm the review outcome to the learner. (The learner will have provided their consent on the review form, as advised above.) Requests must be sent to Exams-Covid@cilex.org.uk.
28. Requests for grade correction must be signed off by the Head of Centre, Head of Department or a designated member of senior staff and include the following:
 - the outcome of the centre review;
 - the reason for the decision.
29. The grade correction request will be considered by CILEX before a final decision about changing the grade is reached.
30. CILEX will confirm its decision with the centre to be shared with the learner. The centre must also provide the learner its review decision. In the event CILEX does not agree the grade correction request, it will provide its reasons to the centre.
31. The centre's decision provided to the learner should address the following:
 - whether or not the review found a procedural failure or administrative error;
 - if it did, provide details of the error;
 - the reason for the centre's finding;
 - whether there was a grade change and, if yes, confirmation of the new grade;
 - a reason for the grade change, or the grade not changing, including any additional explanation from CILEX, if CILEX did not approve the centre's grade correction request;
 - details of how to submit an appeal, if the learner wishes to and the timelines for doing so.

Stage 2 Appeals to CILEX

Requesting an appeal

32. A learner may only request a Stage 2 appeal to CILEX **AFTER** they have received the outcome of their centre review.
33. Learners have the right to request that the centre submits an appeal to CILEX, irrespective of whether a procedural or administrative failure was found and whether or not a grade changed as a result of a centre review.

34. Learners are not permitted to submit appeal requests directly to CILEX but must request their centre submits an appeal on their behalf.
35. Centres, if requested by a learner, must submit an appeal on a learner's behalf following a centre review. A refusal to submit an appeal on behalf of a learner could be investigated as malpractice.
36. Stage 2 appeals to CILEX must be requested in accordance with the timelines set out below. appeals should be requested via email to Exams-Covid@cilex.org.uk. The subject line should state Stage 2 appeal to CILEX. All the information to support the appeal request, as set out below, must be attached to the email.

Grounds for appeal

37. The grounds for appeal must be clearly set out in the request for the appeal. See *Grounds for centre review and appeal* section above for further information.
38. A learner who is dissatisfied with the outcome of a centre review into an alleged administrative error by the centre should appeal on the basis that the centre failed to follow the review procedure properly and fairly.

Information required by CILEX

39. The appeal information submitted to CILEX must include:
 - learner name;
 - qualification title;
 - component level TAG/s being challenged;
 - grounds for the request – see above
 - a clear statement that the grade/s may be raised, lowered or stay the same, with which the learner must sign to confirm consent to the possible outcomes;
 - the outcome of the centre's review with reasons;
 - any evidence to support the appeal.

Consideration of Stage 2 appeal by CILEX

40. CILEX will decide whether to accept a request for an appeal based on the following:
 - whether the grounds are valid and within the scope of the appeal process;
 - whether a centre review has been completed;
 - whether the request for an appeal is received by CILEX within the timelines for appeal set out below;
 - whether the learner has confirmed their consent to the grade being raised, lowered or staying the same.
41. If CILEX does not accept a request for an appeal it will provide the reason/s.

42. CILEX will evaluate the grade which is being appealed in light of the grounds for the appeal which have been put forward.
43. CILEX will appoint a reviewer to evaluate the appeal depending on the grounds for appeal. For appeals on the grounds of the exercise of unreasonable academic judgement, the reviewer will be a subject expert. In all cases the reviewer will have no personal interest in the decision being appealed.

Procedural grounds

44. In most cases, procedural errors and centre administrative errors will have been identified and resolved at the centre review stage.
45. CILEX will consider whether there is sufficiently persuasive evidence that the centre deviated from its own procedures in the way/s identified by the learner in the grounds for appeal. This will not involve a step-by-step evaluation of the merits of the centre's procedure but will focus on whether the centre followed that procedure properly and consistently in determining the TAG.

CILEX administrative error

46. CILEX will review its records to check for administrative errors as set out in the grounds for appeal. Where necessary, CILEX may consult the centre to clarify queries which arise.

Unreasonable exercise of academic judgement

47. CILEX acknowledges that where professional judgement is exercised, there will often be a range of different decisions, which could reasonably be made. CILEX will consider whether the TAG was unreasonable and not whether a different grade would have been reasonable.
48. CILEX will not be seeking to review the marking of individual pieces of evidence which informed a TAG. A holistic approach will be taken by the reviewer.
49. CILEX will only conclude that there has been an unreasonable exercise of academic judgement if the TAG was clearly wrong ie that there was no basis upon which the grade could have been properly given.
50. Where the grounds for appeal relate to the selection of evidence, the reviewer will consider the centre's procedure in relation to the selection of evidence, for example, that the same sources of evidence should be consistent across a cohort. The review will consider whether an academic decision to depart from or not depart from the procedure was unreasonable.

Outcome of appeals

51. The appeal will either be rejected or upheld in whole or in part. If an appeal is upheld, it will not necessarily result in a change of grade for the learner.
52. Where an unreasonable exercise of academic judgement is confirmed, CILEX will amend the grade and report accordingly with reasons to the centre.

53. Where CILEX identifies a procedural error or finds alternative evidence which should have been included in the evidence to inform a TAG and the TAG may have been impacted as a result, CILEX will require the centre to review the TAG. Following the centre’s review of the TAG the centre must inform CILEX whether it considers that the grade should be changed. CILEX reserves the right to impose a grade change. Subject to further quality assurance checks, CILEX will amend the grade and report the outcome of the appeal, with reasons, to the centre.
54. In all case the centre must share the outcome of the appeal with the learner.

Correcting results

55. Where a centre review or appeal identifies errors in results for learners who have not requested a review or an appeal CILEX will consider Ofqual’s Guidance on Correcting Incorrect Results before deciding the action to be taken.

Centre Contacts

56. Centres which submitted TAGs to CILEX must provide CILEX with the name and contact details of a member of staff with whom CILEX can liaise about centre reviews or appeals, if required.

Timelines for centre reviews and appeals

CILEX Level 3 Diploma in Law and Legal Skills

3 – 20 August	Learners request centre reviews
3 – 24 August	Centre undertakes centre reviews
3 – 31 August	Centre submits appeals to CILEX

CILEX will aim to complete Stage 2 appeal within 20 working days. However, if additional information is required from the centre, an appeal may take longer.

CILEX Legal Secretaries and Studies qualifications

57. All requests for centre reviews must be made directly to the centre within 10 working days of the release of the results to learners.
58. Centres undertake centre reviews within the 15-day window after the results are released to learners.
59. Centres submit appeals to CILEX promptly following the centre review and within 20 working days of the release of the results.
60. As noted above, CILEX will aim to complete Stage 2 appeals within 20 working days. However, if additional information is required from the centre, an appeal may take longer.

Fees and Payments

61. The fee for a Stage 2 Appeal is £25. This fee will be refunded if the appeal is upheld.
62. 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.

Retention of Materials

63. CILEX retains records of all appeals and their outcomes for a period of 3 years.

Review Arrangements

64. This procedure has been created to take account of the unique circumstances which apply to the qualifications in scope for Summer 2021. This procedure will be withdrawn following the conclusion of the appeals requested in accordance with the procedure.