

**CILEx Special Consideration Policy and Procedures –
Level 3 Diploma in Law and Legal Skills (Tech Level)**

Policy name	CILEx Special Consideration Policy and Procedures – Level 3 Diploma in Law and Legal Skills (Tech Level)
Policy reference	PP00028
Date of Issue	September 2017

1. Introduction

This document sets out the CILEx Special Consideration Policy and Procedures for the Level 3 Diploma in Law and Legal Skills.

2. Purpose

CILEx recognises that some learners who are fully prepared for an examination/ synoptic assessment may have been temporarily disadvantaged by temporary illness, temporary injury, other medical indisposition or non-medical indisposition. The Special Consideration Policy sets out the policy and procedures for supporting learners, who have been disadvantaged, whilst ensuring that the integrity of CILEx qualifications is maintained. The policy includes:

- a definition of special consideration;
- CILEx responsibilities in relation to special consideration;
- the responsibilities of CILEx accredited centres in relation to special consideration;
- the responsibilities of CILEx learners in relation to special consideration; CILEx policy and procedures for special consideration for the Level 3 Diploma in Law and Legal Skills.

3. Scope

This policy applies to CILEx centres accredited to deliver the CILEx Level 3 Diploma in Law and Legal Skills, CILEx learners undertaking the CILEx Level 3 Diploma in Law and Legal Skills, and CILEx Awarding Organisation staff.

4. Special Consideration – Definition

CILEx Level 3 Diploma in Law and Legal Skills – Formative Examinations

- 4.1 Special Consideration is a post-examination adjustment to a learner's marks to reflect temporary illness, temporary injury, other medical indisposition or non-medical indisposition at or near the time of the examination, which had or is reasonably likely to have had, a material effect on the learner's ability to demonstrate their level of attainment in an examination. The adjustment will reflect the difficulty faced by the learner but will always be a minor adjustment (usually a maximum of 3% and in exceptional circumstances 5%) as to do more would jeopardise the standard of the examination.
- 4.2 Special consideration cannot remove the difficulty faced by learners. CILEx examinations measure learners' knowledge, skills and understanding. The overall grades awarded must reflect the level of attainment demonstrated in the examination. CILEx has a responsibility to all its learners and members to ensure that the integrity of its qualifications is upheld. The users of the learners' certificates must not be misled regarding learners' achievements.
- 4.3 There will be situations where learners should not register for or sit the examination. Centres and learners should consider whether it would be more appropriate for the learner to sit the examination at a future examination session due to the circumstances which have arisen.

CILEx Level 3 Diploma in Law and Legal Skills – Synoptic Assessment

- 4.4 In relation to the synoptic assessment only, special consideration may include the centre making provision for a learner to be supervised for an alternative session during the synoptic assessment window, if a learner is unable to attend a pre-arranged supervised session due to temporary illness, temporary injury, other medical indisposition or non-medical indisposition. In such circumstances, the centre must be satisfied that the learner was unable to attend a pre-arranged supervised session due to temporary illness, temporary injury, other medical indisposition or non-medical indisposition.
- 4.5 Re-arranged supervised sessions can only take place during the synoptic assessment window. Learners are permitted 10 hours of supervised time over the course of the synoptic assessment window. All re-arranged sessions must have concluded by 5pm on the final day (Friday) of the synoptic assessment window.
- 4.6 The centre must keep a record of learners for whom supervised sessions were re-arranged due to temporary illness, temporary injury, other medical indisposition or non-medical indisposition. CILEx may request copies of these

records for auditing purposes or in the event of an application to CILEx for special consideration.

- 4.7 In the event that it is considered that a learner was adversely affected in a synoptic assessment due to temporary illness, temporary injury, other medical indisposition or non-medical indisposition which was not or could not be addressed by the centre offering alternative supervised sessions, the centre may make an application to CILEx for special consideration on the learner's behalf in the same way as an application is made for special consideration for a formative examination.
- 4.8 Special consideration applications made to CILEx for a synoptic assessment will consider the difficulty faced by the learner and will be limited to a post-assessment adjustment to the learner's marks to reflect the temporary illness, temporary injury, other medical indisposition or non-medical indisposition experienced at or near the time of the assessment, which had or is reasonably likely to have had, a material effect on the learner's ability to demonstrate their level of attainment in the assessment. The adjustment will always be a minor adjustment (usually a maximum of 3% and in exceptional circumstances 5%) as to do more would jeopardise the standard of the assessment.
- 4.9 Centres should **not** make an application to CILEx for special consideration on a learner's behalf, if the difficulties encountered by the learner in relation to a synoptic assessment were addressed through the centre arranging alternative supervised sessions for the learner.
- 4.10 Further guidance on the range and types of special consideration and the maximum allowance is detailed in Section 12.

5. CILEx Duties/Responsibilities

CILEx as a regulated Awarding Organisation seeks to:

- 5.1 Consider applications for special consideration in relation to the temporary illness, temporary injury, other medical indisposition or non-medical indisposition of the individual learner which arose at or near to the time of the examination/synoptic assessment, which was not provided for by prior access arrangements or reasonable adjustments, or by a centre providing alternative supervised sessions for a synoptic assessment.
- 5.2 Determine the special consideration to be approved, subject to the maximum allowance criteria, and on the basis of clear, written evidence from a qualified professional (temporary injury, temporary illness or other medical indisposition) or other authoritative source (non-medical indisposition), for example, where an accredited centre Examinations Officer or Invigilator confirms significant and ongoing noise disturbance during an examination.
- 5.3 Ensure that the special consideration does not reduce the validity or reliability of an examination/synoptic assessment so that academic credibility is maintained. The qualification of a learner who had a mark adjustment must have the same credibility as that of any other learner. Achievement of CILEx qualifications must give a realistic indication to a potential employer of what the holder of the certificate can reliably do.
- 5.4 Ensure that the provision for special consideration does not compromise the integrity of the qualification.

6. Duties and Responsibilities of Centres

Centres should work in partnership with the learner and CILEx and:

- 6.1 Ensure they are familiar with the CILEx Special Consideration policy and procedures and seek guidance from the Membership Contact Team membership@cilex.org.uk at CILEx if necessary.
- 6.2 Ensure that all learners with temporary illness, temporary injury, other medical indisposition or non-medical indisposition are familiar with the CILEx Special Consideration Policy and Procedures.
- 6.3 Offer alternative supervised sessions for the synoptic assessment for learners who could not attend a supervised session due to temporary illness, temporary injury or other medical indisposition or non-medical indisposition in accordance with CILEx requirements.
- 6.4 Ensure the completed Special Consideration application forms are supported by relevant supporting documentation in accordance with the requirements in Section 11. For special consideration applications for learners with non-medical indispositions, centres must work with learners to ensure the supporting evidence is from an authoritative source, for example, an accredited centre Examinations Officer or Invigilator to confirm significant and ongoing noise disturbance during an examination.
- 6.5 Ensure all completed Special Consideration application forms are received by CILEx before the deadlines set out in the Key Dates and Deadlines for the CILEx Level 3 Diploma in Law and Legal Skills.

7. Responsibilities of Learners

- 7.1 Learners must ensure that they are familiar with the CILEx Special Consideration Policy and Procedures.
- 7.2 Learners should discuss their special consideration requirements with their centre in order that their centre can apply to CILEx on their behalf.
- 7.3 It is a learner's responsibility, in consultation with a medical, psychological or clinical practitioner, to ensure the supporting documentation sets out clearly the temporary illness, temporary injury or other medical indisposition which led to a request for special consideration.
- 7.4 Learners should note that failure to comply with the CILEx Special Consideration Policy and Procedures might lead to their grade or result being withheld and/or to an investigation into the matter.

8. Learners Eligible for Special Consideration

- 8.1 Learners who are fully prepared for an examination or synoptic assessment may be eligible for special consideration if their performance in the examination/synoptic assessment is materially affected by adverse circumstances beyond their control. These include:
 - temporary illness/accident/injury at the time of the examination/synoptic assessment;

- bereavement affecting the individual at the time of the examination/synoptic assessment;
 - domestic crisis arising at the time of the examination/synoptic assessment;
 - serious disturbance during the examination/synoptic assessment.
However, these only apply if:
 - the application of special consideration would not mislead the end-user of the certificate;
 - the learner fails the examination/synoptic assessment by 5% or less.
- 8.2 Learners will not be eligible for special consideration if preparation or performance in the examination/synoptic assessment is affected by:
- long term illness or other difficulties during the course affecting revision/preparation time, unless the illness or circumstances manifest themselves at the time of the examination/synoptic assessment;
 - bereavement occurring more than six months before the examination/synoptic assessment, unless an anniversary has been reached at the time of the examination/synoptic 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 examination/synoptic assessment;
 - minor disturbance to the examination/synoptic assessment such as momentary bad behaviour of other learners, a mobile phone ringing, or other momentary noise disturbance either inside or outside the room;
 - 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 Examination Regulations or CILEx Synoptic Assessment Regulations;
 - failure of the accredited centre to prepare learners properly for the examination/synoptic assessment for whatever reason, including: staff shortages, building work or lack of facilities;
 - misreading the timetable or examination documentation and/or failing to attend at the right time and in the right place;
 - misreading the instructions on the question paper and answering the wrong questions;
 - failure to cover the course as a consequence of joining the course part way through;
 - ongoing disabilities unless a temporary illness has also affected the learner at the time of the examination/synoptic assessment or where the disability exacerbates what would otherwise be a minor issue.
- 8.3 Learners who receive reasonable adjustments/access arrangements for examination/synoptic assessment will not be entitled to receive special consideration for the same circumstances.
- 8.4 Learners will not be eligible for special consideration if the learner fails the examination/synoptic assessment by more than 5%.
- 8.5 Learners will not be eligible for special consideration if insufficient evidence is supplied with the special consideration application, to confirm the learner had been affected at the time of the examination/synoptic assessment by a temporary illness, temporary injury, medical indisposition or non-medical indisposition.

9. Applying for Special Consideration

- 9.1 Centres, acting on behalf of learners, should apply for special consideration.
- 9.2 Centres should complete the Special Consideration Application form available on the CILEx website and return it to CILEx Assessment Team awards@cilex.org.uk by the deadlines set out in the Key Dates and Deadlines for the Level 3 Diploma in Law and Legal Skills.
- 9.3 The form must be accompanied by appropriate supporting evidence as set out in Section 10.
- 9.4 Applications for special consideration will only be considered for the specific examination/synoptic assessment. As such, an application cannot be carried over into the next or any future examination session/synoptic assessment window.

10. Evidence to Support a Request for Special Consideration

- 10.1 Centres are responsible for ensuring that, in consultation with the learner, they 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.
- 10.2 In the event of temporary illness, temporary injury or other medical indisposition, the centre, acting on the learner's behalf, 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 nature of temporary illness/temporary injury/medical indisposition and the extent to which the learner was affected at the time of the examination/synoptic assessment, including the effects of any medication that the learner may be taking.
- 10.3 Where the indisposition is not medical, evidence must be provided from an authoritative source; such as, an accredited centre Examinations Officer or Invigilator to confirm, for example, significant and ongoing noise disturbance during an examination.

11. Decisions on Special Consideration Requests

- 11.1 Applications for special consideration with appropriate supporting evidence are considered subject to the learner failing the examination/synoptic assessment concerned by 5% or less. Each request and the supporting evidence is considered individually against the maximum allowance criteria to determine whether it is appropriate to allow the additional marks required to upgrade the examination/synoptic assessment result to a pass.
- 11.2 Special consideration requests for learners failing an examination/synoptic assessment by 5% or less are not automatically upgraded to a pass grade.
- 11.3 Normally, a maximum increase of 3% is agreed if a special consideration request is approved. In exceptional circumstances up to a 5% increase may be conferred.

11.4 Special consideration cannot be applied on a cumulative basis, for example, experiencing a domestic crisis as well as a viral illness at the time of the examination/synoptic assessment.

12. Range and Types of Special Consideration and Maximum Allowance Criteria

12.1 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%.

<u>SPECIAL CONSIDERATION – MAXIMUM ALLOWANCE CRITERIA</u>	
Max Allowance	Types of Conditions
5%	<p>Maximum allowance for exceptional circumstances occurring shortly before or at the time of the examination/assessment, which may include:</p> <ul style="list-style-type: none"> ○ terminal illness of learner ○ terminal illness of member of the immediate family ○ very recent death of a member of the immediate family ○ very serious and disruptive domestic crisis leading to acute anxiety about the family
4%	<p>Very serious problems occurring shortly before or at the time of the examination/assessment which may include:</p> <ul style="list-style-type: none"> ○ life-threatening illness of learner or member of immediate family ○ very recent death of member of extended family ○ major surgery ○ severe disease ○ severe or permanent bodily injury ○ serious domestic crisis
3%	<p>A more common category: serious problems occurring immediately before or at the time of the examination/assessment which may include:</p> <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 (for example extra time)

2%	<p>The most common category: problems occurring immediately before or at the time of the examination/assessment, which may include:</p> <ul style="list-style-type: none"> ○ hay fever on day of examination/assessment ○ illness at the time of the examination/assessment ○ broken limb on the mend ○ viral illness ○ concussion ○ extreme distress on day of examination (or at the time of a synoptic assessment) not examination related stress
1%	<p>Reserved for minor problems occurring immediately before or at the time of the examination/assessment, which may include:</p> <ul style="list-style-type: none"> ○ minor ailments ○ headache ○ noise during the examination which is more than momentary and was not compensated by other measures, e.g. extra time ○ illness of another learner which leads to disruption in the room ○ stress or anxiety (not examination related stress) for which medication has been prescribed

13. Special Consideration Appeals

Centres wishing to appeal the outcome of a special consideration application are entitled to do so, subject to the centre having submitted the special consideration application by the published deadline and the learner having failed the examination/synoptic assessment concerned by 5% or less. Information about appeals can be found in *CILEx Qualifications Appeals Policy and Procedures*.

14. Regulatory References

CILEx is required by Ofqual to demonstrate compliance with the General Conditions of Recognition.

This policy addresses the following General Conditions of Recognition:

C2.3h	Require the Centre to undertake the delivery of the qualification required by the awarding organisation in accordance with Equalities Law
G7.1	<p>For the purposes of this condition, Special Consideration is consideration to be given to a Learner who has temporarily experienced -</p> <p>(a) an illness or injury, or</p> <p>(b) some other event outside of the Learner's control,</p> <p>which has had, or is reasonably likely to have had, a material effect on that Learner's ability to take an assessment or demonstrate his or her level of attainment</p>
G7.2	An awarding organisation must have in place clear arrangements for Special Consideration to be given to Learners in relation to qualifications which it makes available

G7.3	An awarding organisation must publish details of its arrangements for giving Special Consideration, which must include details as to - (a) how a Learner qualifies for Special Consideration, and (b) what Special Consideration will be given
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