

**CILEx Access Arrangements Policy and Procedures -
Level 3 Diploma in Law and Legal Skills
Formative Assessments Units 1, 3, 4, 5 and 6**

Policy name	CILEx Access Arrangements Policy and Procedures - Level 3 Diploma in Law and Legal Skills Formative Assessments Units 1, 3, 4, 5 and 6
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1. Introduction

This document sets out the CILEx Access Arrangements Policy and Procedures for learners who have temporary injuries, temporary illness or other indisposition and/or protected characteristics under the Equality Act 2010 for the Level 3 Diploma in Law and Legal Skills only.

Learners with disabilities which place them at a substantial disadvantage in an examination should apply for reasonable adjustments in accordance with CILEx Reasonable Adjustments Policy and Procedures. Disabilities considered for reasonable adjustments include (but are not limited to) mobility issues; sensory impairments; learning difficulties such as dyslexia, Asperger's syndrome and autism; long-term conditions such as multiple sclerosis, MND, ME, cancer treatment.

2. Purpose

CILEx recognises that access arrangements allow learners to show what they know and can do without changing the validity or demands of the assessment.

This policy sets out:

- A definition of access arrangements;
- the responsibilities of CILEx accredited centres in relation to access arrangements;

- the responsibilities of CILEx learners in relation to access arrangements;
- CILEx policy and procedures for access arrangements 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. Access Arrangements - Definition

- 4.1 Access arrangements are for learners who have temporary injuries, temporary illness or other indisposition and/or protected characteristics under the Equality Act 2010 which present a barrier to accessing the examination.
- 4.2 Centres should first consider postponing the examination to a later examination session when issues arising from temporary illness, temporary injury or indisposition and/or a protected characteristic provide less of a barrier to taking the examination.
- 4.3 Reasonable adjustments for learners with disabilities (a protected characteristic) are set out in the Reasonable Adjustments Policy and Procedures.
- 4.4 The additional protected characteristics for access arrangements are: age, gender reassignment, race, religion and belief (including philosophy), gender, sexual orientation, pregnancy and maternity, marriage and civil partnership.
- 4.5 Access arrangements are intended to assist learners to demonstrate their attainment without affecting or circumventing the examination requirements. Under the Equality Act duties, CILEx and its accredited centres must 'have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advance equality of opportunity between people from different groups and foster good relations between people from different groups'.
- 4.6 Providing there is appropriate supporting evidence, access arrangements can be made to an examination to alleviate the effect of temporary illness, temporary injury or other indisposition and/or a protected characteristic, which places learners at a substantial disadvantage. Learners should be able to demonstrate their knowledge, skills and understanding to the levels of attainment required by the specification for the qualification. Access arrangements should not give learners an unfair advantage, neither should they cause the users of the certificate to be misled regarding learners' achievements.
- 4.7 Access arrangements must not affect the validity or reliability of the examination outcomes. They may involve but are not limited to:
 - changing standard examination arrangements, for example allowing learners to have supervised rest breaks ('stopping the clock') if they have a temporary back injury, to ensure they have the full examination time;
 - providing access facilitators during assessment, such as a scribe for a learner with a recently broken arm (writing hand)
- 4.8 The use of access arrangements will not be taken into consideration during the assessment of a learner's work.

- 4.9 The Equality Act requires arrangements to be 'reasonable' for learners in terms of giving access and to organisations in terms of costs. CILEx must also consider the practicality and effectiveness of the arrangements. Other factors will be taken into account, such as the need to maintain academic standards, the assessment environment for other learners and health and safety. CILEx reserves the right to refuse an application for access arrangements if the costs of the arrangements are unreasonable and if the learner refuses to postpone taking the examination to a later examination session.
- 4.10 CILEx will not approve access arrangements which affect the security or integrity of the examination. What can be agreed will depend on the individual circumstances, cost implications and the practicality and effectiveness of the access arrangements. Other factors will be taken into account, such as the need to maintain academic standards, the examination environment for other learners and health and safety.
- 4.11 Further guidance on the types of access arrangements centres, on behalf of learners, may request are detailed in Section 12.

5. CILEx Duties/Responsibilities

CILEx as a regulated awarding organisation seeks to:

- 5.1 Consider access arrangements in relation to the defined needs of the individual learners based on issues arising from their protected characteristics and/or their temporary illness, temporary injury or other indisposition, and explained in the supporting evidence. The evidence of need is required to maintain the rigour and standard of the examination.
- 5.2 Approve valid access arrangements for examinations, on the basis of clear, documented evidence from a qualified professional.
- 5.3 Ensure that access arrangements do not reduce the reliability or validity of the examination so that academic credibility is maintained. The qualification of learners who had access arrangements must have the same credibility as those of other learners. Achievement of such qualifications must give a realistic indication to a potential employer of what the holder of the certificate can do.
- 5.4 Ensure that the provision for access arrangements 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 that all learners are aware of the CILEx Access Arrangements policy at the beginning of their CILEx course.
- 6.2 Centres delivering the Level 3 Diploma in Law and Legal Skills are expected, with the agreement of the learner, to apply for access arrangements on the learner's behalf.
- 6.3 Ensure that all arrangements requested will assist learners to demonstrate their attainment without affecting or circumventing examination requirements.
- 6.4 Ensure that buildings used for examinations are accessible and appropriate for learners who have issues arising from their protected characteristics and/or temporary illness, temporary injury or other indisposition, as far as is practicable.

- 6.5 Centres applying for access arrangements on a learner's behalf should send all specific enquiries, requests for advice and completed application forms to CILEx as soon as possible and before the deadlines set out in the Key Dates and Deadlines for the Level 3 Diploma in Law and Legal Skills.

7. Responsibilities of Learners

- 7.1 Learners must ensure that they are familiar with CILEx's Access Arrangements Policy and Procedures - Level 3 Diploma in Law and Legal Skills.
- 7.2 Learners should discuss their access arrangements with their centre in order that their centre can apply to CILEx on their behalf.
- 7.3 It is a learner's responsibility to provide evidence which supports the application as detailed in Section 9.
- 7.4 Learners are encouraged to discuss any examination-related needs with their centres.
- 7.5 Learners should note that failure to comply with the CILEx Access Arrangements Policy and Procedures might lead to grades or results being withheld and/or to an investigation into the matter.
- 7.6 Learners who receive access arrangements for examinations will NOT be entitled to receive special consideration (see CILEx Special Consideration Policy and Procedures) for the same circumstances.

8. Learners Eligible for Access Arrangements

- 8.1 Learners will only be eligible for access arrangements if issues arising from their protected characteristic and/or temporary illness, temporary injury, other indisposition, places them at a substantial disadvantage in the examination situation.
- 8.2 Learners (and centres acting on a learner's behalf) should first consider postponing the examination to a later examination session when issues arising from their temporary illness, temporary injury or indisposition and/or their protected characteristic provide less of a barrier to taking the examination.
- 8.3 Learners will only be eligible for access arrangements if supporting evidence accompanies the application from the accredited centre in accordance with the requirements in Section 9.

9. Supporting Evidence for Access Arrangements Applications

- 9.1 Centres are responsible for ensuring that appropriate supporting evidence accompanies all requests to CILEx for access arrangements to ensure that CILEx is able to provide each learner with the necessary assistance.
- 9.2 Supporting evidence must be sufficient, valid and reliable from an appropriately qualified professional. Learners need to explain to this professional the circumstances around their level of study and the format of the examination.
- 9.3 Appropriate supporting evidence may include:
- Written evidence from an independent, external specialist (for example, medical, psychological, clinical, religious, social care professional);
 - Written evidence from qualified staff engaged by the accredited centre.

The written evidence must normally be recent i.e. produced within the last 3 months and address the following:

- state the name, title and professional credentials of the person who carried out the assessment of the learner and produced the evidence;
- set out the barrier to taking the examination;
- recommend the access arrangements required to reduce this barrier.

9.4 The supporting evidence will be used to assess the access arrangements application. If the access arrangements are not reasonable (as defined in Section 4), they will not be agreed. The health and safety issues for learners will be considered since for some learners, postponing the examinations will provide more appropriate health and safety outcomes. In some circumstances, alternative access arrangements will be suggested which are more practical for particular situations.

10. Applying for Access Arrangements

- 10.1 Centres should complete the 'Application for Access Arrangements' form (see Appendix 1) when applying for access arrangements.
- 10.2 Applications for access arrangements must be sent to the Assessment Team at CILEx as soon as the learner and centre are aware that these will be required.
- 10.3 Applications received after the deadline or without the required supporting documentation may not be processed in time for the learner to take the examination, or they may be rejected.

11. Access Arrangement Appeals

Centres wishing to appeal the outcome of an access arrangements application are entitled to do so. CILEx has in place a two-stage appeals process.

11.1 Stage 1 Appeals

- Stage 1 Appeals are considered by the **CILEx Internal Review Panel**.
- The membership of the CILEx Internal Review Panel comprises Senior Managers at CILEx with no direct interest in the case;
- In order to appeal an access arrangements decision, centres must have submitted the application by the published deadline. Only in exceptional circumstances will appeals against access arrangement decisions be accepted for applications which were not submitted by the published deadline;
- Centres must apply for a Stage 1 Appeal within 20 working days of the date of the CILEx decision letter in relation to the access arrangements application, using the Stage 1 Appeal form. Centres are not permitted to submit any additional evidence or supporting documentation as part of the appeals process;
- Centres, requesting a Stage 1 Appeal, will be invoiced for the appropriate fee within 5 working days of the application being received. Payment terms will be strictly 28 days from the date of the invoice. Non-payment of invoices may result in CILEx services being suspended;
- CILEx will send an acknowledgement letter to confirm receipt of a Stage 1 Appeal form within 5 working days of its receipt by CILEx;

- The CILEx Internal Review Panel will determine whether CILEx applied its policy and procedures properly and fairly in arriving at judgements, through reviewing the original application, the supporting evidence submitted with the application, and the rationale for the decision. The CILEx Internal Review Panel will only consider the evidence which was presented to CILEx with the original reasonable adjustments application;
- The outcome of a Stage 1 Appeal will be notified to the centre within 25 working days of the date of the acknowledgement letter;
- If the CILEx Internal Review Panel finds that the correct procedures have not been followed, it will inform the applicant and remedial action will be taken. This may or may not include changing the decision on the application. The appeals fee paid will be refunded by CILEx.

11.2 Stage 2 Appeals

- Stage 2 Appeals are considered by the **CILEx Independent Review Panel**. The membership of Independent Review Panel includes independent members who are not assessors working for CILEx or members of CILEx staff;
- A Stage 2 Appeal can only be requested if a Stage 1 Appeal has been requested and the outcome received by the centre.
- The centre must provide a clear reason why it considers that CILEx did not follow due process and a reason for escalating the appeal to the Independent Review Panel;
- The Independent Review Panel will draw upon the facts from the application and the 1st appeal stage (CILEx Internal Review Panel). The Independent Review Panel will only consider whether CILEx has followed required procedures consistently and has applied them properly and fairly in arriving at judgements;
- Centres must apply for a Stage 2 Appeal within 20 working days of the date of the notification of the Stage 1 Appeal outcome using the Stage 2 Appeal form. Centres, requesting a Stage 2 Appeal, will be invoiced for the appropriate fee within 5 working days of the application being received. Payment terms will be strictly 28 days from the date of the invoice. Non-payment of invoices may result in CILEx services being suspended;
- CILEx will send an acknowledgement letter to confirm receipt of a Stage 2 Appeal form within 5 working days of its receipt by CILEx;
- Independent Review Panel meetings are held a maximum of 40 working days after a request for a Stage 2 Appeal (independent review) has been received.
- If the Independent Review Panel finds that the appropriate procedures have not been followed, it will inform the centre and recommend appropriate action to CILEx accordingly. In such cases the appeal fee will be refunded;
- If the Independent Review Panel confirms the decision of the CILEx Internal Review Panel, the centre is advised accordingly;
- The decision of the Independent Review Panel is issued within **5 working days** of the Panel meeting;
- The decision of the Independent Review Panel is final;
- No further appeal is permitted after the independent review.

Important: Please note if a centre would like an access arrangements application to be reconsidered by CILEx because it has new information /evidence, this is **not** considered to be an appeal. In this situation centres should contact the Assessment

Team at CILEx with the new information/ evidence in order that the application can be reassessed.

11.3 Fees for Access Arrangements Appeals

	Fee
Stage 1 Appeal	£25
Stage 2 Appeal	£25

If an appeal is upheld the fee is refunded.

12. Range and Types of Access Arrangements

Section 12 sets out examples of the range of access arrangements which may be considered. CILEx will only approve access arrangements for which there is supporting evidence in accordance with the requirements in Section 9. CILEx must be satisfied that the access arrangements approved compensate for the barrier to the examination without modifying or invalidating CILEx examination requirements or reducing the integrity of CILEx qualifications.

12.1 Commonly Requested Access Arrangements

Detailed below are some examples of access arrangements for examinations. This is not an exhaustive list:

- Supervised rest breaks (stopping the “clock” for each break, for example, to relieve temporary back pain, so the learner is given the full examination time);
- Use of a scribe if the temporary injury is to the hand used for inputting, (this would also require separate accommodation to reduce the noise effects on other learners).

Further details are provided on the different access arrangements available in Section 12.3.

12.2 Access Arrangements Categories

The list of access arrangements is organised under the following headings:

- Changes to examination conditions
- Alternative ways of presenting responses
- Use of access facilitators

12.3 Guidance on Types of Access Arrangements

Changes to examination conditions

12.3.1. Extra time

Subject to the supporting evidence learners for whom supervised rest breaks (‘clock stopping’) are not appropriate or for whom other access arrangements do not reduce the barriers, may be allowed extra time during an examination if they have issues

arising from a protected characteristic and/or temporary illness, temporary injury, other indisposition which affects speed of cognitive processing or of inputting.

The amount of additional time granted will be based on the supporting evidence (see Section 9). Normally, an additional allowance of up to 25% of the total examination time will be considered.

12.3.2. Supervised rest breaks ('clock stopping')

Subject to the supporting evidence a learner may be allowed supervised rest breaks during an examination. Supervised rest breaks may be taken either inside or outside the examination room. The duration of the breaks will not be deducted from the examination time.

12.3.3. Change in the organisation of the examination room

Subject to the supporting evidence, minor changes to the organisation of the examination room may benefit some learners with particular issues arising from protected characteristics and/or temporary illness, temporary injury or other indisposition, for example, to allow them more easily to leave the room for supervised rest breaks.

12.3.4. Separate accommodation within the centre

Subject to the supporting evidence, learners will be accommodated separately if they are using readers or scribes which may disturb other learners.

In such circumstances the usual examination conditions will apply and the examinations will be invigilated in accordance with CILEx instructions.

Alternative ways of presenting learner responses

Subject to the supporting evidence, learners wherever possible will be provided with the means to present their responses by the method most appropriate to the issues arising from their protected characteristic and/or their temporary illness, temporary injury or other indisposition, as long as the cost is not excessive and the use of these methods will not invalidate the requirements of the examination.

12.3.5. Responses on voice recorders

Subject to the supporting evidence, learners may be permitted to record their responses to questions onto voice recorders. Where the learner's responses are recorded onto voice recorders, CILEx will arrange for a transcript of the learner's responses. The transcript will be produced by a responsible adult either by writing down the answers or word processing them.

Use of access facilitators

12.3.6. Reader

A reader is a person who, when requested, will read to the learner all or part of the examination content and read back the learner's typed responses.

For learners requiring a reader and a scribe, the same person may act as both.

- 12.3.6.1. Additional time will be permitted for the use of a reader and will normally be up to 25% of the prescribed duration of the examination.
- 12.3.6.2. A reader must be a responsible adult who is able to read accurately and at a reasonable rate and should ideally have a working knowledge of the subject being examined.
- 12.3.6.3. A reader should not normally be the learner's lecturer/assessor. However, there may be particular circumstances in which it is necessary to use the learner's own lecturer/assessor, and these must be discussed with CILEx in order that CILEx can determine if such an arrangement is appropriate. On no account may a relative, friend or peer of the learner be used as a reader.
- 12.3.6.4. A learner should, wherever possible, have adequate practice in the use of a reader.
- 12.3.6.5. Learners having the services of readers must be accommodated separately to avoid disturbing other learners.
- 12.3.6.6. The reader may not act as invigilator.

12.3.7. Role of the Reader.

The reader must not emphasise any words, reading neutrally at all times and:

- must abide by examination regulations or the learner will be disqualified;
- must read only as requested by the learner. Learners may choose to read some parts of the examination themselves;
- must read accurately;
- must only read the exact wording (instructions and questions), but not give meanings of words, rephrase or interpret anything;
- must repeat instructions and examination questions only when specifically requested to do so by learners. The repetition of the instructions and questions will be agreed with and explained to learners prior to the examination;
- must read, as often as requested, the answers already recorded, but will not act as proof-reader;
- must not advise the learner regarding which questions to do, when to move on to the next question, nor the order in which the questions should be answered;
- may enable a learner with temporary issues with vision, to identify which piece of visual material relates to which question, but will neither give factual help to the learner nor offer any suggestion;
- may read numbers printed in figures as words, while pointing to the number on the screen;
- is permitted to help a learner with temporary issues with vision, using diagrams, graphs and tables to obtain the information that the on screen copy would give to a sighted learner;
- may, if requested, give a learner with temporary issues with vision, the spelling of a word which appears in a question, but otherwise spellings will not be given;
- must refer any problems during the examination to the invigilator.

12.3.8. Scribe (formerly Amanuensis)

Subject to the supporting evidence, CILEx may agree the use of a scribe. A scribe is a responsible adult who types a learner's dictated answers to the questions. If a learner dictates answers on to a tape, a responsible adult must type the dictated answers to the questions

- 12.3.8.1 The scribe must not perform tasks which are part of the examination.
- 12.3.8.2 Additional time will be permitted for the use of a scribe and will normally be up to 25% of the prescribed duration of the examination.
- 12.3.8.3 A scribe should be able to produce an accurate record of the learner's answers; must type accurately and at a reasonable speed; and should ideally have a working knowledge of the subject being examined.
- 12.3.8.4 A scribe should not normally be the learner's own lecturer/assessor. However, there may be particular circumstances in which it is necessary to use the learner's own lecturer/assessor and these must be discussed with CILEx in order that CILEx can determine if such an arrangement is appropriate. On no account may a relative, friend or peer of the learner be used as a scribe.
- 12.3.8.5 A learner should, wherever possible, have adequate practice in the use of a scribe.
- 12.3.8.6 A learner using a scribe should be accommodated separately to avoid disturbing other learners.
- 12.3.8.7 The scribe may not also act as an invigilator.

Role of the Scribe

During the examination, scribes:

- must check with learners for which parts of the examination they wish to have their responses scribed. Learners may choose to type some responses themselves;
- must not give factual help to the learner, not offer any suggestions, not suggest when the answer is complete;
- must not advise the learner which questions to do, when to move on to the next question, or the order in which the questions should be answered;
- must abide by the regulations or the learner will be disqualified;
- must type answers exactly as they are dictated. Where spelling accuracy and punctuation is being tested, the scribe will follow explicit instructions from the learner with regard to spelling and punctuation. The scribe will not take responsibility for spelling of technical words;
- must type a correction if requested to do so;
- may at the learner's request read back what has been recorded, but must not make any comment about any part of the learner's response;
- must immediately refer any problems in communication during the examination to the invigilator.

13. 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
D2.1	An awarding organisation must ensure that it complies with the requirements of Equalities Law in relation to each of the qualifications which it makes available.
G6.1	For the purposes of this condition, Reasonable Adjustments are adjustments made to an assessment for a qualification so as to enable a disabled Learner to demonstrate his or her knowledge, skills and understanding to the levels of attainment required by the specification for that qualification
G6.2	An awarding organisation must, in accordance with Equalities Law, have in place arrangements for making Reasonable Adjustments in relation to qualifications which it makes available
G6.3	An awarding organisation must publish details of its arrangements for making Reasonable Adjustments, which must include details as to- (a) how a Learner qualifies for a Reasonable Adjustment, and (b) what Reasonable Adjustments will be made.

Appendix 1

ACCESS ARRANGEMENTS APPLICATION FORM 2020



Applications for access arrangements are considered before an examination. Centres should refer to the **CILEx Access Arrangements Policy and Procedures – Level 3 Diploma in Law and Legal Skills – 2020** for information about CILEx policy and procedures.

This form should be completed by centres as far in advance of the examination as possible and no later than the following deadlines:

March 2020 Examinations:	17 February 2020
June 2020 Examinations:	11 May 2020
November 2020 Examinations:	12 October 2020

Learner's Junior Membership Number:		Learner's Name:	
Examination Centre:			

EXAMINATION/S FOR WHICH APPLICATION IS MADE:

Unit Title	Date of Examination

REASONS FOR THE ACCESS ARRANGEMENTS REQUEST:

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FULL DETAILS OF THE ACCESS ARRANGEMENTS REQUIRED as set out in the supporting evidence, taking account of the examples given in the CILEx Access Arrangements Policy and Procedures.

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In addition to the summary in box above, supporting evidence must be submitted with this form. Supporting evidence must be sufficient, valid and reliable and must be in writing from independent, external specialists (for example, medical, psychological, clinical, religious or social care professionals). The evidence must set out the barrier to taking the examination arising from the protected characteristic and/or temporary illness, temporary injury or indisposition and explain the access arrangements required to reduce this barrier. Learners need to explain to this professional the circumstances around their level of study and the format of the examination.

Evidence attached to form	Insert X to confirm
Medical, psychological, clinical, religious or social care evidence:	
Other evidence accompanies this form:	

Please note that it is the centre’s responsibility to ensure that all relevant evidence is provided in support of the application

DECLARATION

I confirm that the information provided on this form is accurate.

Name of Centre:	
Name of Centre Contact:	
Telephone Number of Centre Contact:	
E-mail Address of Centre Contact:	
Signature of Centre Contact:	
Date:	

The completed form should be sent to the Assessment Team at CILEx assessment@cilex.org.uk

For queries about access arrangements, contact the Membership Contact Team membership@cilex.org.uk