



Special Consideration Policy

CILEX Regulated Qualifications

Purpose

1. CILEX recognises that some learners who are fully prepared for an assessment may have been temporarily disadvantaged by adverse circumstances beyond their control at the time of the assessment. The Special Consideration Policy sets out CILEX's policy position for supporting learners, who have been disadvantaged, whilst ensuring that the integrity of the CILEX qualifications is maintained.
2. This policy should be read in conjunction with the Special Consideration Procedure – CILEX Regulated Qualifications.

Scope

3. This policy 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.

Definitions

4. The term 'learners' in the context of this policy includes all individuals studying for the regulated qualifications listed in Appendix 1.
5. The term 'assessment' in the context of this policy includes assessments taken towards CILEX regulated qualifications, for example, external examinations, Professional Skills assessments, online examinations and internal assessments.
6. Special consideration may be applied in circumstances where a learner is materially affected by adverse circumstances beyond their control at the time of an assessment. The adverse circumstances may include temporary injury, illness, other indisposition or event outside of the learner's control.
7. Special consideration will be dependent on the nature of the assessment and the adverse circumstances encountered and may include:
 - a small post-assessment adjustment to a learner's mark;
 - rearranging an assessment for a future session at no extra charge.

Key Principles

8. In circumstances where special consideration is approved the integrity of the assessment must not be compromised.
9. Any post-assessment adjustment to a learner's marks must 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.

10. Special consideration should not give a learner an unfair advantage, neither should it mislead stakeholders regarding a learner's achievements. A learner's results must reflect the achievement in an assessment and not their potential ability.
11. CILEX does not permit, within the scope of its special consideration policy, a qualification to be awarded to a learner who has not successfully completed all the assessment components.

Eligibility for Special Consideration

12. Learners who are fully prepared for an assessment may be eligible for special consideration if their performance in an assessment is materially affected by adverse circumstances beyond their control.
13. CILEX will set out circumstances for which special consideration will not be agreed. This will include but not be limited to circumstances which are not proximate to the assessment, issues arising due a learner's own actions and personal choices, issues affecting preparation for an assessment (for example, loss of learning).
14. Learners who receive reasonable adjustments or access arrangements for assessments will not be entitled to receive special consideration for the same circumstances.
15. There will be situations where learners should not register for or take the assessment.
16. Special consideration cannot be applied where an assessment requires the demonstration of practical competence.
17. Learners will only be eligible for special consideration if supporting evidence accompanies the application in accordance with CILEX requirements.

Supporting Evidence

18. Written evidence from an authoritative source which can be validated must support applications for special consideration.
19. It is the learner's responsibility to provide sufficient evidence.

Decision making

20. CILEX decides the outcomes of special consideration applications. CILEX does not devolve special consideration decisions to training providers.
21. CILEX will set out criteria against which individual applications for a post-assessment mark adjustment will be considered and ensure that decisions are evidence based.
22. CILEX will set out the criteria which must be met for an assessment to be re-arranged for a future session at no extra charge.

23. In making decisions CILEX will consider:
 - documented, valid supporting evidence;
 - the assessment type;
 - the CILEX criteria for mark adjustments, as applicable;
 - the CILEX criteria for rearranging assessment at no extra charge, as applicable;
 - the potential impact of any special consideration on the validity of the assessment.
24. CILEX may consider whether the cost implications of rearranging an assessment are reasonable in the circumstances, before approving an application to rearrange an assessment.
25. The outcome of a special consideration request may be:
 - a mark adjustment in accordance with CILEX criteria;
 - the rearrangement of an assessment at no extra charge;
 - rejection of the application.

Special Consideration Appeals

26. Information about appealing the outcome of a special consideration application is set out in the Appeals Policy – CILEX Regulated Qualifications and the associated Appeals Procedure.

Policy review arrangements

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

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)