



Appeals Policy

CILEX Regulated Qualifications

Purpose

1. The purpose of this policy is to ensure that CILEX is consistent and fair when considering appeals, ensuring valid and reliable decisions are made taking account of the available evidence.
2. This policy should be read in conjunction with the relevant Appeals Procedure for the decision being appealed.

Scope

3. This policy applies to CILEX learners, Heads of Training Providers, other accredited training provider staff and associated contractors, CILEX staff and assessors and other CILEX contractors involved in qualification and/or assessment delivery for CILEX Regulated Qualifications (Appendix 1) and individuals involved in deciding the outcomes of appeals.

Definitions

4. Regulated qualification in the context of this policy means a CILEX qualification which is regulated by Ofqual and/or Qualifications Wales and/or CCEA. The list of qualifications appears in Appendix 1.
5. The term 'learners' in the context of this policy includes all individuals studying for the regulated qualifications listed in Appendix 1.
6. The term 'assessment' in the context of this policy includes assessments taken towards CILEX regulated qualifications, for example, external examinations.
7. An appeal is a formal request for the review of a decision. An appeal considers whether CILEX followed the correct policies and procedures and applied these policies and procedures fairly.
8. Subject to the principles set out in this policy and the associate procedures CILEX allows appeals of:
 - enquiries about assessment results (EARs);
 - decisions regarding reasonable adjustments, access arrangements and special consideration;
 - decisions relating to sanctions imposed on a learner, CILEX accredited training provider or an accredited training provider member of staff, following an investigation into malpractice or maladministration;
 - other administrative decisions, for example, exemption application decisions or decisions taken in cases of missing scripts¹.

CILEX will determine whether a decision an appellant is seeking to appeal is within the scope of this policy and the associated procedure.

¹ A missing script in this context may include a learner's response to an assessment which is lost, damaged or similar whether produced electronically or in hardcopy

Grounds for appeal

9. An appellant must set out clearly their grounds for appeal.
10. An appellant must have genuine cause to believe that:
 - the case/application/decision was not dealt with in accordance with the relevant published CILEX policy and procedure/s; and/or
 - the decision (including sanctions for malpractice/maladministration cases) was unreasonable in light of the evidence.

Appeals of Enquiries about Results outcomes

11. An appellant appealing an enquiry about an assessment result must have genuine cause to believe that CILEX has not applied its procedures fairly and consistently. An appeal cannot be brought against the academic judgement of a CILEX assessor or against the policies, rules and regulations governing the qualification.
12. CILEX will consider each appeal application to determine whether the grounds for appeal are sufficient and valid.

Appeals of enquiries about assessment results, reasonable adjustments, access arrangements and special consideration decisions

13. CILEX operates a 2-stage appeals process for appeals relating to assessment result enquiries, reasonable adjustments, access arrangements or special consideration decisions.
14. A Stage 1 Appeal requires an investigation to be conducted by a person with the requisite competence who has no personal interest in the decision being appealed. The investigation examines the grounds for appeal presented by the appellant and considers whether CILEX followed the correct policies and procedures and applied these policies and procedures fairly.
15. The outcome of a Stage 1 Appeal is decided by the CILEX Review Panel.
16. Stage 2 Appeals can only be requested following the issue of the Stage 1 Appeal outcome.
17. The CILEX Qualifications Appeals Panel is responsible for deciding the outcome of Stage 2 Appeals. The Panel examines the evidence gathered during the Stage 1 investigation along with the appellant's grounds for appeal to determine the outcome.
18. The decision of the CILEX Qualifications Appeals Panel is final. No further appeal is permitted.
19. The procedure for requesting a Stage 1 or Stage 2 Appeal is set out in the CILEX Appeals Procedure – CILEX Regulated Qualifications.

Appeals about malpractice/maladministration cases and associated sanctions

20. Appeals of sanctions imposed following an investigation into malpractice or maladministration are formally heard by the CILEX Qualifications Appeals Panel.
21. Appellants are provided with the opportunity to attend the hearing and present their appeal. Appellants are permitted to choose not to attend the hearing.
22. A CILEX representative with oversight of, or involvement in the investigation of the case will also be provided with the opportunity to attend the hearing.
23. In cases where the appellant decides not to attend the hearing, the evidence presented by the appellant in support of the appeal will be considered by the Panel in order to reach a decision.
24. The decision of the CILEX Qualifications Appeals Panel is final. No further appeal is permitted.
25. The procedure for appealing a decision relating to a sanction imposed following a malpractice/maladministration investigation is set out in the CILEX Malpractice and Maladministration Appeals Procedure – CILEX Regulated Qualifications.

Appeals of other administrative decisions

26. In its role as an awarding organisation, CILEX may make other decisions which impact on a learner's results or their completion of a qualification. Such decisions, which involve an element of judgement, may be subject to a review within the parameters of this policy and the associated procedure.
27. CILEX operates a 1-stage appeals process for appeals of other administrative decisions.
28. CILEX will determine whether the decision the appellant is seeking to appeal is within the scope of this policy and the associated procedure.
29. A Stage 1 Appeal requires an investigation to be conducted by a person with the requisite competence who has no personal interest in the decision being appealed. The investigation examines the grounds for appeal presented by the appellant and considers whether CILEX followed the correct policies and procedures and applied these policies and procedures fairly.
30. The outcome of a Stage 1 Appeal is decided by the CILEX Review Panel. The decision of the CILEX Review Panel is final, and no further appeal is permitted.
31. The procedure for requesting a Stage 1 Appeal is set out in the CILEX Appeals Procedure – CILEX Regulated Qualifications.

Decision making

CILEX Review Panel

32. Members of the CILEX Review Panel are appointed on a case-by-case basis in accordance with the CILEX Review Panel Terms of Reference.
33. All Panel members shall have the requisite competence and no personal interest in the decision being appealed. Panel members cannot have been involved in the decision being appealed at an earlier stage.
34. The CILEX Review Panel is responsible for considering the Stage 1 Appeal investigation report, evidence, and findings in order to determine whether on the balance of probabilities CILEX followed the correct policies and procedures and applied these policies and procedures fairly.
35. In cases where the CILEX Review Panel identifies failings in the policies or procedures used or the fairness of their application, it is responsible for determining the remedial action to be taken.

CILEX Qualifications Appeals Panel

36. Members of the CILEX Qualifications Appeals Panel are appointed on a case-by-case basis in accordance with the CILEX Qualifications Appeals Panel Terms of Reference. A minimum of one of the members must be independent (i.e. 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).
37. All Panel members shall have the requisite competence and no personal interest in the decision being appealed. The Panel members cannot have been involved in the decision being appealed at an earlier stage.
38. The standard of proof as to whether an appeal is upheld or not shall be on the balance of probabilities (i.e. that it is more likely than not).
39. In cases where the Panel identifies failings in the policies or procedures used or the fairness of their application, it is responsible for determining the remedial action to be taken.

Meetings to consider Stage 2 Appeals

40. The Panel examines the evidence in light of the grounds for appeal and considers the appropriateness of the Stage 1 investigation, associated findings and the decision of the CILEX Review Panel.
41. Meetings of the CILEX Qualifications Appeals Panel to consider Stage 2 Appeals of enquiries about assessment results, reasonable adjustments, access arrangements or special consideration decisions are held in private.

Hearings

42. The CILEX Qualifications Appeals Panel hearing involves the re-examination of the evidence to consider the grounds for appeal and determine whether CILEX applied the correct policies and

procedures consistently and fairly in its investigation of the case, associated findings and decision-making, including the determination of the sanction/s.

43. The deliberations and decisions of the Panel are made in private (closed session), neither the appellant nor the CILEX representative are permitted to attend the closed sessions.
44. Hearings may be held face-to-face or remotely.

Fees

45. CILEX will charge a fee for appeals. The current fees are available on the CILEX website.

CILEX certificates

46. CILEX ensures that any certificate/result issued to a learner which is subsequently found to be invalid following an appeal is revoked.

Protecting the integrity of CILEX qualifications

47. In the event that the consideration of an appeal identifies failings in CILEX assessment procedures, CILEX will take all reasonable steps to identify other learners who have been affected, to address the failings identified. Where it is not possible to correct the failings CILEX will mitigate as far as possible the impact of the failings whilst seeking to protect the interests of learners and the integrity of the qualification.
48. CILEX reserves the right to carry out further investigations including reviews of the work/assessments of learners without consulting training providers or seeking the learners' permission.
49. CILEX will take steps to prevent a recurrence of any failings identified in the future.

Compliance with Regulators' appeals process

50. CILEX will comply with the requirements of any appeals or complaints process established by Ofqual, Qualifications Wales and/or CCEA, as appropriate.
51. CILEX will give due regard to the outcomes of any appeals or complaints process operated by the regulators in relation to a CILEX regulated qualification, as appropriate.

Governance

52. The Awarding Body Operations Committee has oversight of appeals and their subsequent outcomes through reports provided by the CILEX Quality and Standards Team. The Awarding Body Operations Committee reports accordingly to the CILEX Qualifications Committee. The governance arrangements enable the effective monitoring of appeals and ensure outcomes inform CILEX self-assessment activities, feeding into review processes where necessary.

Complaints

53. CILEX has a separate complaints policy. Learners or training providers who are dissatisfied with any other CILEX awarding organisation service other than those addressed by this policy are referred to the Complaints Policy.

Policy review arrangements

54. 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.
55. 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 FastTrack Diploma)