

# CILEx Appeals Policy



## Purpose

1. CILEx is responsible for the integrity of its qualifications and assessments. 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.

## Scope

2. This policy applies to CILEx learners, Heads of Centres, other accredited centre staff and associated contractors, CILEx staff and assessors and other CILEx contractors involved in qualification and/or assessment delivery, members of the CILEx Review Panel and CILEx Qualifications Appeals Panel.

## Definitions

3. 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.
4. 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 centre or an accredited centre 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/destroyed/damaged scripts.

## Grounds for appeal

5. The appellant must have genuine cause to believe that CILEx has not applied its procedures consistently or that procedures were not followed properly and fairly. An appellant must set out reasons accordingly.

6. An appeal cannot be brought against the academic judgement of a CILEx assessor or examiner or against the policies, rules and regulations governing a qualification.
7. CILEx will consider each appeal application to determine whether the grounds for appeal are sufficient and valid.

## **Types of appeal**

### **(i) Appeals of enquiries about assessment results, reasonable adjustments, access arrangements and special consideration decisions**

8. CILEx operates a 2-stage appeals process for appeals relating to assessment result enquiries, reasonable adjustments, access arrangements or special consideration decisions.
9. 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.
10. The outcome of a Stage 1 Appeal is decided by the CILEx Review Panel.
11. Stage 2 Appeals can only be requested following the issue of the Stage 1 Appeal outcome.
12. 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.
13. The decision of the CILEx Qualifications Appeals Panel is final. No further appeal is permitted.
14. The procedure for requesting a Stage 1 or Stage 2 Appeal is set out in the CILEx Appeals Procedure.

### **(ii) Appeals about malpractice/maladministration cases and associated sanctions**

15. Appeals of sanctions imposed following an investigation into malpractice or maladministration are formally heard by the CILEx Qualifications Appeals Panel.

16. Appellants are provided with the opportunity to attend the hearing and present their appeal. Appellants are permitted to choose not to attend the hearing.
17. 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.
18. 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.
19. The decision of the CILEx Qualifications Appeals Panel is final. No further appeal is permitted.
20. 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.

### **(iii) Appeals of other administrative decisions**

21. 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.
22. CILEx operates a 1-stage appeals process for appeals of other administrative decisions.
23. CILEx will determine whether the decision the appellant is seeking to appeal is within the scope of this policy and the associated procedure.
24. 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.
25. 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.
26. The procedure for requesting a Stage 1 Appeal is set out in the CILEx Appeals Procedure.

## **Decision making**

### **(i) CILEx Review Panel**

27. Members of the CILEx Review Panel are appointed on a case by case basis in accordance with the CILEx Review Panel Terms of Reference.
28. 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.
29. 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.
30. 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.

### **(ii) CILEx Qualifications Appeals Panel**

31. 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).
32. 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.
33. 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).
34. 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

35. 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.
36. 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

37. 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.
38. 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.

### **Fees**

39. CILEx will charge a fee for appeals. The current fees are available on the CILEx website.

### **CILEx certificates**

40. 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**

41. 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.
42. CILEx reserves the right to carry out further investigations including reviews of the work/assessments of learners without consulting centres or seeking the learners' permission.

43. CILEx will take steps to prevent a recurrence of any failings identified in the future.

### **Compliance with Regulators' appeals process**

44. CILEx will comply with the requirements of any appeals or complaints process established by Ofqual, Qualifications Wales and/or CCEA, as appropriate.

45. 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**

46. 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**

47. CILEx has a separate complaints policy. Learners or centres 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**

48. 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.

49. This policy is also reviewed as part of CILEx ongoing quality improvement monitoring.