



Appeals Procedure

CILEX Regulated Qualifications

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Introduction

1. This procedure describes the way in which CILEX implements its Appeals Policy – CILEX Regulated Qualifications in relation to appeals of the following:
 - Enquiries about Assessment Results;
 - Reasonable adjustments decisions;
 - Access arrangements decisions;
 - Special consideration decisions;
 - Other administrative decisions for example, exemption decisions, decisions in cases of missing scripts¹
2. The procedure for appeals in relation 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 is set out in the CILEX Malpractice and Maladministration Appeals Procedure – CILEX Regulated Qualifications.

Scope

3. This procedure applies to CILEX learners, Heads of Training Providers, other accredited training provider staff and associated contractors, and CILEX staff and 3rd party contractors involved in appeals.

Requirements for Appeals

4. The requirements which must be met to request a Stage 1 Appeal are set out below.

Type of appeal	CILEX requirements
Appeal of assessment result	<p>A re-mark/review of the assessment result must have been requested, in accordance with the relevant Enquiries about Results policy and procedure, processed and the outcome issued.</p> <p>For multiple choice exams only, a clerical check must have been requested, in accordance with the relevant Enquiries about Results policy and procedure and the outcome issued.</p>
Appeal of a decision in relation to a reasonable adjustments or access arrangements. *	A reasonable adjustments or access arrangements application and supporting evidence must have been submitted to CILEX by the published deadline for applications, in accordance with the relevant policy, and the decision issued.
Appeal of a decision in relation to a special consideration application	A special consideration application and supporting evidence must have been submitted to CILEX by the published deadline for applications and the decision issued. Any requirements for special consideration as set

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

	out in the relevant policy and procedure must have been met.
Other administrative decisions	<p>The decision which is the subject of the appeal must have been issued to the appellant, for example, an exemption application outcome must have been issued.</p> <p>The decision which is subject to the appeal must allow for an element of judgement.</p> <p>The grounds for the appeal must be based on CILEX's failure to apply its relevant procedure properly and fairly</p> <p>For cases where CILEX requires further evidence to reach a decision, for example, further syllabus details are required to reach a decision on an exemption application etc, an appeal cannot be requested.</p> <p>Important: the outcome of the Stage 1 Appeal is final – a Stage 2 Appeal is not permitted.</p>

***Important:** If a learner or training provider, on behalf of a learner, would like a reasonable adjustments or access arrangements application to be reconsidered by CILEX because they have new information/evidence, this is **not** considered to be an appeal. Learners/training providers in this situation should contact the Customer Service Team at CILEX with the new information/evidence in order that the application can be reassessed.

Procedures for Stage 1 Appeals

5. Appellants must request a Stage 1 Appeal within 10 working days of the date of the correspondence setting out the CILEX decision, which is being appealed.
6. Appellants must complete the online CILEX Appeals Form on the CILEX website to apply for a Stage 1 Appeal.
7. Training providers requesting a Stage 1 Appeal on behalf of a learner must have the learner's explicit written permission. Training providers must ensure that they retain a copy of the learner's written consent for at least six months following the appeal. CILEX reserves the right to request to see a copy of the learner's written consent.
8. Appellants must set out clearly and concisely the grounds for appeal in accordance with the requirements set out in the CILEX Appeals Policy – CILEX Regulated Qualifications and ensure that any evidence in support of the Stage 1 Appeal application is submitted.
9. Appellants must pay the Stage 1 Appeal fee through the MyCILEX portal.
10. CILEX will consider whether or not to accept the application for a Stage 1 Appeal based on:
 - the grounds for appeal;
 - whether the requirements for the appeal have been met;
 - the timescale for the Stage 1 Appeal application.

11. CILEX will confirm whether the Stage 1 Appeal application has been accepted within five working days of its receipt by CILEX. An appellant, who has not received an acknowledgement within five working days, should contact CILEX.

Stage 1 Appeals – Preliminary investigation

12. Stage 1 Appeals involve an investigation of the Stage 1 Appeal application in accordance with the grounds underpinning the appeal and the supporting evidence submitted by the appellant.
13. An investigator is appointed, and the findings are reported to the CILEX Review Panel. The investigation involves a review of CILEX records and reports relating to the initial decision and/or enquiry, as applicable, against the relevant CILEX policies and procedures, to consider whether the correct procedures have been followed and applied fairly.
14. A Stage 1 Appeal investigation in relation to an enquiry about an assessment result does not involve a re-mark.

Stage 1 Appeal Outcome – CILEX Review Panel

15. The CILEX Review Panel is responsible for deciding the outcome of a Stage 1 Appeal.
16. The CILEX Review Panel considers the evidence gathered during the investigation including any records relating to the original decision, the relevant CILEX policy and procedures and their application and any relevant CILEX precedents in reaching a decision.
17. In the event that the CILEX Review Panel identifies that any of the relevant CILEX policies and procedures were not followed or applied fairly, it will uphold the appeal and determine the remedial action to be taken. Remedial action may include:
 - (i) referring a decision for a further review, as directed by the CILEX Review Panel, for example, requiring a re-mark/review of a script or a review of an exemption application;
 - (ii) arranging for a fee to be refunded/waiving a fee;
 - (iii) changing the decision, where there is evidence to inform a decision and the decision does not involve an assessment judgement, for example, reasonable adjustments, access arrangements or special consideration decisions.
18. If the appeal is upheld as set out above, the Stage 1 Appeal fee paid by the appellant will be refunded by CILEX.
19. The CILEX Review Panel will agree a summary of its findings to be provided to the appellant.
20. The findings of the CILEX Review Panel will be notified to the appellant within 25 working days of the date of the acknowledgement from CILEX confirming that the Stage 1 Appeal has been accepted.
21. The finding of the CILEX Review Panel in relation to other administrative decisions, e.g. exemption decisions, missing script decisions is final, no further appeal is permitted.

Procedures for Stage 2 Appeals

22. A Stage 2 Appeal can only be requested for assessment result enquiries, reasonable adjustments, access arrangements or special consideration decisions if a Stage 1 Appeal has been requested and the outcome received by the appellant.
23. Stage 2 Appeals are not permitted for other administrative decisions including exemption applications and missing script decisions. In such cases the outcome of the Stage 1 Appeal outcome is final.
24. Appellants must apply for a Stage 2 Appeal within 10 working days of the date of the notification of the Stage 1 Appeal outcome.
25. Appellants must complete the online CILEX Appeals Form on the CILEX website to apply for a Stage 2 Appeal.
26. Training providers requesting a Stage 2 Appeal on behalf of a learner must have the learner's explicit written permission. Training providers must ensure that they retain a copy of the learner's written consent for at least six months following the appeal. CILEX reserves the right to request to see a copy of the learner's written consent.
27. Appellants must set out the grounds the appellant wishes the Panel to consider. Appellants should submit any evidence in support of their Stage 2 Appeal alongside their application.
28. Appellants must pay the Stage 2 Appeal fee through the MyCILEX portal.
29. CILEX will acknowledge receipt of the Stage 2 Appeal application within five working days of its receipt by CILEX. An appellant, who has not received an acknowledgement within five working days, should contact CILEX.

Stage 2 Appeals – Qualifications Appeals Panel

30. The Clerk of the CILEX Qualifications Appeals Panel will arrange a meeting of the Panel within 30 working days of the date of the acknowledgement letter confirming that the Stage 2 Appeal application has been accepted.
31. The Clerk is a CILEX Officer who has not been involved in any decisions or investigations relating to the appeal application.
32. The CILEX Qualifications Appeals Panel will carry out an examination of the evidence including:
 - the appellant's Stage 2 Appeal application, including the grounds for appeal and supporting evidence;
 - the investigation report and evidence gathered during the Stage 1 Appeal investigation and the findings of the CILEX Review Panel;
 - the relevant CILEX reports, policies and procedures.

33. The Panel may appoint advisers to provide advice at the meeting. Advisers are not permitted to be involved in the decision-making process.

CILEX Qualifications Appeals Panel Decision

34. Decisions of the CILEX Qualifications Appeals Panel are made by a majority vote of the Panel members present.
35. The CILEX Qualifications Appeals Panel may defer its decision if further information is required to reach a decision.
36. The CILEX Qualifications Appeals Panel will decide whether CILEX has acted in accordance with its procedures and applied the correct policies and procedures properly and fairly in arriving at judgements.
37. The CILEX Qualifications Appeals Panel is not permitted to re-mark or re-assess learner work.
38. The CILEX Qualifications Appeals Panel will reject the appeal if it finds that CILEX has applied its procedures properly and fairly.
39. In the event that the CILEX Qualifications Appeals Panel finds that CILEX has either not acted in accordance with the correct policies and procedures or has not applied its policies and procedures properly and fairly, it will uphold the appeal.
40. The CILEX Qualifications Appeals Panel will determine the remedial action to rectify the failing/s identified for appeals which are upheld. Remedial action may include but not be limited to:
 - (i) referring a decision for a further review, as directed by the Panel, for example, requiring a further review of a trainee's examination responses by an assessor with the requisite technical expertise;
 - (ii) requesting that a fee is refunded/waived;
 - (iii) changing the decision for a reasonable adjustments, access arrangements or special consideration application.
41. Irrespective of whether the CILEX Qualifications Appeals Panel upholds or rejects the appeal, it may make recommendations in relation to any issues or concerns which it has identified during the course of conducting the appeal. In particular, the CILEX Qualifications Appeals Panel may make recommendations for further action to be taken to protect the integrity of CILEX qualifications and/or assessments, where appropriate.
42. The findings of the CILEX Qualifications Appeals Panel are recorded by the Clerk.
43. The CILEX Qualifications Appeals Panel will agree a summary of its findings to be provided to the appellant.
44. The Clerk will notify the appellant of the decision of the CILEX Qualifications Appeals Panel within five working days of the meeting.
45. The decision of the CILEX Qualifications Appeals Panel is final, no further appeal is permitted.

Fees and Payments

46. The current fees for appeals are available on the CILEX website.
47. Learners must make the payment via their MyCILEX portal.
48. Training providers requesting an appeal, on behalf of a learner, will be invoiced for the appropriate fee within 5 working days of CILEX receipt of the request. Payment terms will be strictly 30 days from the date of the invoice. Non-payment of invoices may result in CILEX services being suspended.
49. CILEX reserves the right not to progress an appeal application until the correct fee has been paid.

Monitoring Appeals

50. CILEX monitors appeals received and the associated outcomes, reporting accordingly to the relevant teams to inform self-evaluation activities and the ongoing review of CILEX policies and procedures.
51. Reports are provided to the Awarding Body Operations Committee and the Qualifications Committee in accordance with the governance requirements.

Protecting the Integrity of CILEX Qualifications

52. The CILEX Quality and Standards Team oversees any further investigations required in relation to cases which have identified concerns about potential failings in CILEX assessment procedures.
53. Where appropriate, the CILEX Quality and Standards Team will oversee the revoking of certificates where the appeals process (and any subsequent investigations) have identified that learner results/certificates are invalid.

Retention of Materials

54. CILEX retains records of all appeals and their outcomes for a period of three years.

Review Arrangements

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