

**CILEx Special Consideration Policy and Procedures –
Level 3 and Level 6 Professional Qualifications and Level 3 and 4
Legal Services Knowledge Qualifications**

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| Policy name | CILEx Special Consideration Policy and Procedures Level 3 and Level 6 Professional Qualifications Level 3 and 4 Legal Services Knowledge Qualifications |
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1. Introduction

This document sets out the CILEx Special Consideration Policy and Procedures for the Level 3 and Level 6 Professional Qualifications and the Level 3 and Level 4 Knowledge Qualifications only. Information about the CILEx Special Consideration Policy for **competence** qualifications for the Level 3 and Level 4 Legal Services Competence Qualifications is found in:

- CILEx Special Consideration Policy - Competence Qualifications

2. Purpose

CILEx recognises that some learners who are fully prepared for an examination may have been temporarily disadvantaged by temporary illness, temporary injury, other medical indisposition or non-medical indisposition. The Special Consideration Policy sets out the policy and procedures for supporting learners, who have been disadvantaged, whilst ensuring that the integrity of CILEx qualifications is maintained. The policy includes:

- a definition of special consideration;
- CILEx responsibilities in relation to special consideration;
- the responsibilities of CILEx accredited centres in relation to special consideration;
- the responsibilities of CILEx learners in relation to special consideration;

3. Scope

This policy applies to CILEx centres accredited to deliver the CILEx Level 3 and Level 6 Professional Qualifications and/or the Level 3 and Level 4 Legal Services Knowledge Qualifications, CILEx learners undertaking the CILEx Level 3 and Level 6 Professional Qualifications or the Level 3 and Level 4 Legal Services Knowledge Qualifications and CILEx Awarding Organisation staff.

4. Special Consideration – Definition

Special Consideration is a post-examination adjustment to a learner's marks to reflect temporary illness, temporary injury, other medical indisposition or non-medical indisposition at or near the time of the examination, which had or is reasonably likely to have had, a material effect on the learner's ability to demonstrate their level of attainment in an examination. The adjustment will reflect the difficulty faced by the learner, but will always be a minor adjustment (usually a maximum of 3% and in exceptional circumstances 5%) as to do more would jeopardise the standard of the examination.

Special consideration cannot remove the difficulty faced by learners. CILEx examinations measure learners' knowledge, skills and understanding. The overall grades awarded must reflect the level of attainment demonstrated in the examination. CILEx has a responsibility to all its learners and members to ensure that the integrity of its qualifications is upheld. The users of the learners' certificates must not be misled regarding learners' achievements.

There will be situations where learners should not register for or sit the examination. Learners should consider whether it would be more appropriate to sit the examination at a future examination session due to the circumstances which have arisen.

Learners completing assessments for the Professional Skills Units (Level 3 Unit 16 Client Care Skills and Unit 17 Legal Research Skills and Level 6 Unit 22 Client Care Skills and Unit 23 Legal Research Skills) are permitted to re-do tasks/ assessments which their centres do not consider to have met the CILEx Pass criteria. Professional Skills learners affected by temporary illness, temporary injury, other medical indisposition or non-medical indisposition do not need to apply to CILEx for special consideration but should instead discuss re-attempting their assessment with their accredited centre.

5. CILEx Duties/Responsibilities

CILEx as a regulated Awarding Organisation seeks to:

- 5.1 Consider applications for special consideration in relation to the temporary illness, temporary injury, other medical indisposition or non-medical indisposition of the individual learner which arose at or near to the time of the examination which was not provided for by prior access arrangements or reasonable adjustments;

- 5.2 Determine the special consideration to be approved, subject to the maximum allowance criteria, and on the basis of clear, written evidence from a qualified professional (temporary injury, temporary illness or other medical indisposition) or other authoritative source (non-medical indisposition), for example, accredited centre Examinations Officer or Invigilator to confirm significant and ongoing noise disturbance during an examination;
- 5.3 Ensure that the special consideration does not reduce the validity or reliability of the examination so that academic credibility is maintained. The qualification of a learner who had a mark adjustment must have the same credibility as that of any other learner. As CILEx offers professional qualifications, achievement of such qualifications must give a realistic indication to a potential employer of what the holder of the certificate can reliably do;
- 5.4 Ensure that the provision for special consideration 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 with temporary illness, temporary injury, other medical indisposition or non-medical indisposition are familiar with the CILEx Special Consideration Policy and Procedures;
- 6.2 Centres delivering the Level 3 and Level 4 Legal Services Knowledge Qualifications are expected, with the agreement of the learner, to apply for special consideration on the learner's behalf;
- 6.3 Centres applying for special consideration on a learner's behalf must ensure the completed Special Consideration application forms are supported by relevant supporting documentation in accordance with the requirements in Section 11 and are received by CILEx before the deadlines set out in Section 10.

7. Responsibilities of Learners

- 7.1 Learners must ensure that they are familiar with CILEx's Special Consideration Policy and Procedures.
- 7.2 Learners studying the CILEx Professional qualifications must ensure that all requests for special consideration are made to the Awards-Operations Department at CILEx, and supported by relevant supporting documentation in accordance with the requirements in Section 11.
- 7.3 Learners studying the CILEx Level 3 or Level 4 Legal Services Knowledge qualifications should discuss their special consideration requirements with their centres in order that their centres can apply to CILEx on the learner's behalf. However, if a learner wishes to apply to CILEx directly this is permitted.
- 7.4 Learners/centres must ensure all completed Special Consideration application forms are received by CILEx before the deadlines set out in Section 10.
- 7.5 At the time of submitting an application for special consideration, the learner (or centre acting on the learner's behalf) will not know their examination result. However, CILEx will ensure that all applications which meet the 5% criteria are considered.
- 7.6 It is a learner's responsibility, in consultation with a medical, psychological or clinical practitioner, to ensure the supporting documentation sets out clearly the

temporary illness, temporary injury or other medical indisposition which led to a request for special consideration. For non-medical indispositions, learners must ensure the supporting evidence is from an authoritative source, for example, an accredited centre Examinations Officer or Invigilator to confirm significant and ongoing noise disturbance during an examination.

- 7.7 Learners should note that failure to comply with the CILEx Special Consideration Policy and Procedures might lead to a learner's grade or result being withheld and/or to an investigation into the matter.

8 Learners Eligible to Apply for Special Consideration

- 8.1 Learners who are fully prepared for an external examination may be eligible for special consideration if their performance in the examination is materially affected by adverse circumstances beyond their control. These include:

- Temporary illness/accident/injury at the time of the examination;
- Bereavement affecting the individual at the time of the examination;
- Domestic crisis arising at the time of the examination;
- Serious disturbance during the examination.

However these only apply if:

- the application of special consideration would not mislead the end-user of the certificate;
- the learner fails the examination by 5% or less.

- 8.2 Learners will **not** be eligible for special consideration if preparation or performance in the examination is affected by:

- long term illness or other difficulties during the course affecting revision time, unless the illness or circumstances manifest themselves at the time of the examination;
- pregnancy unless other medical conditions resulting from pregnancy have arisen. This will require medical, psychological or clinical evidence;
- bereavement occurring more than six months before the examination, unless an anniversary has been reached at the time of the examination or there are ongoing implications such as an inquest or court case;
- domestic inconvenience such as moving house, lack of facilities, taking holidays, at the time of the examination;
- minor disturbance to the examination such as momentary bad behaviour of other learners, a mobile phone ringing, or other momentary noise disturbance either inside or outside the examination room;
- consequences of committing a crime or being charged with an offence;
- consequences of taking alcohol or non-prescribed drugs;
- consequences of non-compliance with CILEx Examination Regulations;
- failure of the accredited centre to prepare learners properly for the examination for whatever reason, including: staff shortages, building work or lack of facilities;
- misreading the timetable or examination permit and/or failing to attend at the right time and in the right place;

- misreading the instructions on the question paper and answering the wrong questions;
- making personal arrangements such as a wedding or holiday arrangements which conflict with the examination timetable;
- failure to cover the course as a consequence of joining the course part way through;
- ongoing disabilities unless a temporary illness has also affected the learner at the time of the examination or where the disability exacerbates what would otherwise be a minor issue;

Learners who receive reasonable adjustments/access arrangements for examinations will **not** be entitled to receive special consideration for the same circumstances.

Learners will **not** be eligible for special consideration if the learner fails the examination by more than 5%.

Learners will **not** be eligible for special consideration if insufficient evidence is supplied by learners, to confirm they had been affected **at the time of the examination** by a temporary illness, temporary injury, medical indisposition or non-medical indisposition.

9 Applying for Special Consideration

- 9.1 Learners or centres, acting on behalf of learners, can apply for special consideration. Learners/centres should ensure they are familiar with the CILEx Special Consideration Policy and Procedures and should seek guidance if necessary from the Awards-Operations Department at CILEx.
- 9.2 Learners/centres should complete the Special Consideration Application form (see Appendix 1) and return it to CILEx by the deadlines set out in Section 10. This form is available on the CILEx website.
- 9.3 The form must be accompanied by appropriate supporting evidence as set out in Section 11.
- 9.4 Applications for special consideration will only be considered for the specific examination. As such, an application cannot be carried over into the next or any future examination session.

10 Deadlines for Special Consideration Applications

The deadlines for the receipt by CILEx of special consideration requests are as follows (**deadlines shown here** https://www.cilex.org.uk/study/information_for_students/key_dates_and_deadlines)

Any applications received after this deadline will **NOT** be considered.

Evidence to Support a Request for Special Consideration

- 11.1 The onus is on the learner/centre to provide sufficient and appropriate supporting evidence for all requests for special consideration. If sufficient or appropriate supporting documentation is not submitted the application will be rejected.
- 11.2 In the event of temporary illness, temporary injury or other medical indisposition, the learner (or centres acting on the learner's behalf) must provide written evidence from medical, psychological or clinical professionals. The written evidence must state the name, title and professional credentials of the person who carried out the medical assessment of the learner. The written evidence must set out the nature of temporary illness/temporary injury/medical indisposition and the extent to which the learner was affected **at the time** of the examination, including the effects of any medication that the learner may be taking.
- 11.3 Where the indisposition is not medical, learners must provide evidence from an authoritative source, for example, accredited centre Examinations Officer, or Invigilator report to confirm significant and ongoing noise disturbance during an examination;

11 Decisions on Special Consideration Requests

- 12.1 Applications for special consideration with appropriate supporting evidence are considered subject to the learner **failing the examination concerned by 5% or less**. Each request and the supporting evidence is considered individually against the maximum allowance criteria to determine whether it is appropriate to allow the additional marks required to upgrade the examination result to a pass.
- 12.3 Special consideration requests for learners failing an examination by 5% or less are **not** automatically upgraded to a pass grade.
- 12.4 Normally, a **maximum** increase of 3% is agreed if a special consideration request is approved. In exceptional circumstances up to a 5% increase may be conferred.
- 12.5 Special consideration cannot be applied on a cumulative basis, for example, having a domestic crisis as well as a viral illness at the time of the examination.

12 Maximum Allowance Criteria

The criteria detailed below are not exhaustive. These criteria are applied to each request. In the event that a different set of circumstances is presented, the criteria provide a benchmark to ensure any decision reached is consistent with the maximum allowance criteria. Normally the consideration given will not exceed 3% and under no circumstances will the consideration given exceed 5%.

| <u>SPECIAL CONSIDERATION - MAXIMUM ALLOWANCE CRITERIA</u> | |
|--|---|
| Max Allowance | Types of Conditions |
| 5% | <p>Maximum allowance for exceptional circumstances occurring shortly before or at the time of the examination, which may include:</p> <ul style="list-style-type: none"> ○ terminal illness of learner ○ terminal illness of member of the immediate family ○ very recent death of a member of the immediate family ○ very serious and disruptive domestic crisis leading to acute anxiety about the family |
| 4% | <p>Very serious problems occurring shortly before or at the time of the examination such as:</p> <ul style="list-style-type: none"> ○ life-threatening illness of learner or member of immediate family ○ very recent death of member of extended family ○ major surgery ○ severe disease ○ severe or permanent bodily injury ○ serious domestic crisis |
| 3% | <p>A more common category: serious problems occurring immediately before or at the time of the examination which may include:</p> <ul style="list-style-type: none"> ○ traumatic experience such as death of a close friend or distant relation ○ illness of a more serious nature ○ flare-up of severe congenital conditions such as epilepsy, diabetes, severe asthmatic attack ○ broken limbs ○ organ disease ○ physical assault trauma ○ domestic crisis ○ witnessing a distressing event ○ serious and prolonged disruptive incident during the examination which was not compensated by other measures (for example extra time) |
| 2% | <p>The most common category: problems occurring immediately before or at the time of the examination, which may include:</p> <ul style="list-style-type: none"> ○ hay fever on day of examination ○ illness at the time of the examination ○ broken limb on the mend ○ viral illness ○ concussion ○ the effects of pregnancy (not pregnancy per se) ○ extreme distress on day of examination not examination related stress |
| 1% | <p>Reserved for minor problems occurring immediately before or at the time of the examination, which may include:</p> <ul style="list-style-type: none"> ○ minor ailments |

| | |
|--|---|
| | <ul style="list-style-type: none"> ○ headache ○ noise during the examination which is more than momentary and was not compensated by other measures, e.g. extra time ○ illness of another learner which leads to disruption in the room ○ stress or anxiety (not examination related stress) for which medication has been prescribed |
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13 Special Consideration Appeals

Learners/centres wishing to appeal the outcome of a special consideration application are entitled to do so, subject to the learner having submitted their special consideration application by the published deadline and having failed the examination concerned by 5% or less. Information about appeals is set out in the CILEx Qualifications Appeals Policy and Procedures.

14 Regulatory References

CILEx is required by Ofqual, Qualifications Wales and CCEA to demonstrate compliance with the General Conditions of Recognition.

This policy addresses the following General/Standard Conditions of Recognition:

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| C2.3h | require the Centre to undertake the delivery of the qualification required by the awarding organisation in accordance with Equalities Law |
| G7.1 | For the purposes of this condition, Special Consideration is consideration to be given to a Learner who has temporarily experienced - (a) an illness or injury, or (b) some other event outside of the Learner's control, which has had, or is reasonably likely to have had, a material effect on that Learner's ability to take an assessment or demonstrate his or her level of attainment |
| G7.2 | An awarding organisation must have in place clear arrangements for Special Consideration to be given to Learners in relation to qualifications which it makes available |
| G7.3 | An awarding organisation must publish details of its arrangements for giving Special Consideration, which must include details as to - (a) how a Learner qualifies for Special Consideration, and (b) what Special Consideration will be given |

Appendix 1

SPECIAL CONSIDERATION APPLICATION FORM



Applications for special consideration are considered after an examination has taken place. Learners/centres should refer to **CILEx Special Consideration Policy and Procedures – Level 3 and Level 6 Professional Qualifications and Level 3 and 4 Legal Services Knowledge Qualifications** for information about CILEx policy and procedures.

This form should be completed by learners or centres either electronically or manually and returned to the Awards–Operations Department at CILEx no later than the deadlines shown here

https://www.cilex.org.uk/study/information_for_students/key_dates_and_deadlines

For queries about special consideration contact the Awards-Operations Department.

| | | | |
|-----------------------------------|--|----------------------|--|
| Learner Membership Number: | | Learner Name: | |
| Examination Centre: | | | |

EXAMINATION/S FOR WHICH SPECIAL CONSIDERATION IS REQUESTED:

| Level (ie 3, 4 or 6) | Unit | Date of Examination |
|----------------------|------|---------------------|
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| | | |

REASON/S FOR SPECIAL CONSIDERATION REQUEST:

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EVIDENCE:

For temporary illness, temporary injury, medical indisposition: in addition to your statement, **written evidence** from a medical, psychological or clinical professional must be submitted. The written evidence must state the name, title and professional credentials of the person who carried out your medical assessment. The written evidence must set out the nature of temporary illness/temporary injury/medical indisposition and the extent to which you were affected **at the time** of the examination, including the effects of any medication that you may be taking.

For a non-medical indisposition, you must provide evidence from an authoritative source.

| | |
|------------------------------------|----------------------------|
| | Insert X to confirm |
| Evidence is accompanies this form: | |

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

DECLARATION FOR APPLICATIONS MADE BY LEARNERS

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

| | | | |
|-----------------------|--|-------|--|
| Signature of Learner: | | Date: | |
|-----------------------|--|-------|--|

DECLARATION BY LEARNERS FOR DATA PROTECTION LEGISLATION

To process your application, we need your consent to share the information on this form with CILEx staff and the colleagues with whom they work, when they consider your application under the relevant Policy and Procedures. Insert 'X' in the table below to confirm whether you give your consent.

| | | | |
|------------------------|--|------------------------------|--|
| Yes I give my consent: | | No I do not give my consent: | |
| Signature of Learner: | | Date: | |

DECLARATION FOR APPLICATIONS MADE BY A CENTRE ON BEHALF OF A LEARNER

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

| | |
|-------------------------------------|--|
| Name of Centre: | |
| Name of Centre Contact: | |
| Telephone Number of Centre Contact: | |
| Email Address of Centre Contact: | |
| Signature of Centre Contact: | |
| Date: | |