



# Appeals Policy

*CILEX End-Point Assessment*

# Purpose

1. The purpose of this policy is to set out the key principles CILEX will follow 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 apprentices undertaking CILEX End-Point Assessments (EPAs), their employers and training providers, CILEX staff and CILEX EPA assessors, and individuals involved in deciding the outcomes of appeals.

# Definitions

4. 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.
5. Subject to the principles set out in this policy and the associated procedures CILEX allows appeals of:
  - enquiries about assessment results (EARs);
  - decisions regarding reasonable adjustments, access arrangements and special consideration;
  - decisions relating to sanctions imposed following an investigation into malpractice or maladministration.

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

# Grounds for appeal

6. In all cases, an appellant must set out clearly their grounds for appeal.
7. An appellant must have genuine cause to believe, as applicable, that:
  - the case/application/decision was not dealt with in accordance with the relevant published CILEX policy and procedure/s; and/or
  - the decision for a malpractice/maladministration case was unreasonable in light of the evidence; and/or
  - the sanction imposed for a malpractice/maladministration case was disproportionate to the seriousness of the malpractice and/or inconsistent with the Sanctions Policy.

## Appeals of Enquiries about Results outcomes

8. 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 EPA assessor or against the policies, rules and regulations governing the EPA.

9. 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**

10. CILEX operates a 2-stage appeals process for appeals relating to assessment result enquiries, reasonable adjustments, access arrangements or special consideration decisions.
11. The first stage (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 in making the decision which is being appealed.
12. The second stage (Stage 2 Appeal) is the final stage of the appeals process. This stage involves a review of the Stage 1 Appeal to determine whether the outcome was fair, valid and informed by the evidence.
13. An independent person must be involved in deciding the outcome of a Stage 2 Appeal.
14. The decision in relation to a Stage 2 Appeal is final. No further appeal is permitted.
15. The procedure for requesting a Stage 1 and Stage 2 Appeal is set out in the CILEX Appeals Procedure – CILEX End-Point Assessment.

## **Appeals about malpractice/maladministration cases and associated sanctions**

16. CILEX permits apprentices to appeal the finding of a malpractice or maladministration case and/or the sanction imposed by CILEX.
17. Appeals must be made on reasonable grounds (see Grounds for appeal above).
18. Subject to the grounds for appeal being valid, the appellant will be provided with the opportunity to present their grounds for appeal and evidence at a hearing. Appellants are permitted to choose not to attend the hearing.
19. In cases where an appellant decides not to attend the hearing, the evidence presented by the appellant in support of their appeal will be considered in deciding the outcome of the appeal.

20. The appeal will consider whether the original finding was reasonable in light of the evidence and whether the sanction was fair and consistent with the relevant Sanctions Policy.
21. An independent person must be involved in deciding the outcome of the appeal.
22. 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 End-Point Assessment.

## Decision making

23. CILEX will appoint individuals to decide the outcome of appeals on a case-by-case basis.
24. CILEX will ensure that all individuals appointed to make decisions shall have the requisite competence and no personal interest in the decision being appealed. Individuals involved in deciding the outcome of an appeal (Stage 1, Stage 2, or Malpractice/Maladministration hearing) cannot have been involved in the decision which is being appealed or the investigation of the appeal. For example, an assessor who carried out a review of marking for a timed assessment in accordance with the Enquiries about Results Policy cannot consider an appeal of the same timed assessment result.
25. Where CILEX requires an independent person to be involved in deciding an appeal outcome, the independent person must not be 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.
26. 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).

## Fees

27. CILEX will charge and publish a fee for appeals.
28. The fee will be refunded if the appeal is upheld in full or in part.

## Apprentice results

29. CILEX ensures that any result issued to an apprentice which is subsequently found to be invalid following an appeal is revoked.

## Protecting the integrity of CILEX EPA

30. In the event that the consideration of an appeal identifies failings in CILEX EPA procedures, CILEX will take all reasonable steps to identify other apprentices 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 apprentices and the integrity of the EPA.

31. CILEX reserves the right to carry out further investigations including reviews of apprentices' assessments without seeking the apprentice's permission.
32. CILEX will take steps to prevent a recurrence of any failings identified in the future.

## Compliance with External Quality Assurer's appeals process

33. CILEX will comply with the requirements of any appeals or complaints process established by the External Quality Assurer for the EPA.
34. CILEX will give due regard to the outcomes of any appeals or complaints process operated by the External Quality Assurer for the EPA, as appropriate.

## Governance

35. The Awarding Body Operations Committee has oversight of appeals and their subsequent outcomes. 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

36. CILEX has a separate complaints policy. Apprentices, their employers and training providers, who are dissatisfied with any other CILEX EPA service other than those addressed by this policy are referred to the Complaints Policy.

## Policy review arrangements

37. 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.
38. This policy is also reviewed as part of CILEX ongoing quality improvement monitoring.

Summary of changes between V2.1 and previous version
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Fees Section – removed reference to fees being published on website
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