



# Appeals Procedure

*CILEX End-Point Assessment*

# Introduction

1. This procedure describes the way in which CILEX implements its CILEX Appeals Policy – CILEX End-Point Assessment in relation to appeals of the following:
  - Enquiries about results;
  - Reasonable adjustments decisions;
  - Access arrangements decisions;
  - Special consideration decisions.
2. The procedure for appeals in relation to sanctions imposed on an apprentice following an investigation into malpractice or maladministration is set out in the CILEX Malpractice and Maladministration Appeals Procedure – CILEX End-Point Assessment.

## Scope

3. This procedure applies to apprentices, their employers and training providers, CILEX staff, CILEX EPA assessors, and individuals involved in deciding the outcomes of 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	A review of marking of the assessment result must have been requested, in accordance with the relevant Enquiries about Results policy and procedure, processed and the outcome issued.
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 procedure, 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 out in the relevant policy and procedure must have been met.

**\*Important:** If an apprentice or an employer/training provider, on behalf of an apprentice, 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. Apprentices/employers/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. CILEX permits apprentices or employers/training providers acting on behalf of an apprentice to request an appeal.
6. 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.
7. Appellants should download and complete the CILEX End-Point Assessment Appeals Form, available on the CILEX website and submit it as instructed on the form.
8. Employers/training providers requesting a Stage 1 Appeal on behalf of an apprentice must have the apprentice's explicit written permission. Employers/training providers must ensure that they retain a copy of the apprentice's written consent for at least six months following the appeal. CILEX reserves the right to request to see a copy of the apprentice's written consent.
9. Appellants must set out clearly and concisely the grounds for appeal in accordance with the requirements set out in the CILEX Appeals Policy – CILEX End-Point Assessment and ensure that any evidence in support of the Stage 1 Appeal application is submitted.
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. An investigator, with the requisite competence, is appointed to investigate the Stage 1 Appeal. The investigator must have no personal interest in the decision being appealed and must not have been involved at an earlier stage in the decision being appealed.
13. The investigation examines the grounds for appeal and evidence submitted by the appellant. A review of CILEX records and reports relating to the decision being appealed is undertaken. The investigator considers whether there is evidence in support of the grounds for appeal and whether there is evidence that the relevant CILEX policies and 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. The investigation focuses on whether the correct processes have been followed properly and fairly.
15. The investigator produces a report setting out the findings of the investigation conducted.

# Stage 1 Appeal Outcome – CILEX Review Panel

16. The CILEX Review Panel is responsible for deciding the outcome of a Stage 1 Appeal. Panel members are appointed on a case-by-case basis in accordance with the Terms of Reference and the requirements set out in the Appeals Policy.
17. The CILEX Review Panel considers the grounds and evidence presented by the appellant along with the investigation report, 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 to reach a decision.
18. The Panel decides whether to uphold, partially uphold or reject the appeal. The Panel will uphold or partially uphold the appeal where it finds that any of the relevant CILEX policies and procedures have not been followed or applied fairly.
19. The Panel will agree the remedial action to be taken if the appeal is upheld or partially upheld. Remedial action may include:
  - (i) referring a decision for a further review, as directed by the CILEX Review Panel, for example, requiring a review of a timed assessment;
  - (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.
20. If the appeal is upheld or partially upheld as set out above, the Stage 1 Appeal fee paid by the appellant will be refunded by CILEX.
21. The CILEX Review Panel will agree a summary of its findings to be provided to the appellant.
22. 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.

## Procedures for Stage 2 Appeals

23. 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.
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 should download and complete the CILEX End-Point Assessment Appeals Form, available on the CILEX website and submit it as instructed on the form.
26. Employers/training providers requesting a Stage 2 Appeal on behalf of an apprentice must have the apprentice's explicit written permission. Employers/training providers must ensure that they

retain a copy of the apprentice's written consent for at least six months following the appeal. CILEX reserves the right to request to see a copy of the apprentice's written consent.

27. A Stage 2 Appeal is a continuation of a Stage 1 Appeal for appellants who do not agree with the outcome of the Stage 1 Appeal. Appellants are not required to set out any further grounds for appeal or present any further evidence.
28. 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 – CILEX Qualifications Appeals Panel**

29. The CILEX Qualifications Appeals Panel is responsible for deciding the outcome of a Stage 2 Appeal. Panel members are appointed on a case-by-case basis in accordance with the Terms of Reference of the CILEX Qualifications Appeals Panel and the requirements set out in the Appeals Policy.
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 consider the following:
  - the appellant's Stage 1 Appeal application, grounds for appeal and supporting evidence;
  - the Stage 1 Appeal investigation report and evidence and the findings of the CILEX Review Panel;
  - the CILEX reports, policies and procedures relevant to the decision being appealed.
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. The CILEX Qualifications Appeals Panel decides whether to uphold, partially uphold or reject the Stage 2 Appeal. In reaching this decision it will decide whether it fully or in part agrees with the findings of the CILEX Review Panel in relation to whether CILEX had acted in accordance with its procedures and applied the correct policies and procedures properly and fairly, or whether it disagrees with the CILEX Review Panel's findings.
35. Decisions of the CILEX Qualifications Appeals Panel are made by a majority vote of the Panel members present.
36. The CILEX Qualifications Appeals Panel may defer its decision if further information is required to reach a decision.

37. The CILEX Qualifications Appeals Panel is not permitted to re-mark or re-assess apprentice work.
38. The CILEX Qualifications Appeals Panel will reject the appeal if it agrees in full the decision of the CILEX Review Panel.
39. The CILEX Qualifications Appeals Panel will uphold or partially uphold the appeal if it:
  - disagrees or in part disagrees with the findings of the CILEX Review Panel or
  - it finds that the Stage 1 Appeal was not conducted in accordance with the relevant CILEX Appeals Policy or Appeals Procedure or
  - it does not agree with any remedial action taken by the CILEX Review Panel.
40. In the event that the CILEX Qualifications Appeals Panel fully or partially upholds a Stage 2 Appeal, it will determine the remedial action to rectify the failing/s identified which led to the Panel fully or partially upholding the Stage 2 Appeal. 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 an apprentice's timed assessment 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. In addition to any remedial action and irrespective of whether the CILEX Qualifications Appeals Panel upholds or rejects the appeal, it may make recommendations to CILEX to inform its ongoing process of review and improvement. These recommendations are for CILEX consideration only.
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. Following the submission of the appeal form by an apprentice, CILEX will add an invoice to the apprentice's account for the appeal fee. Apprentices must pay the appeal fee through their myCILEX.
48. Employers/training providers requesting an appeal, on behalf of an apprentice, will be invoiced for the appropriate fee within five 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.
- 50. The fee is refunded if the appeal is upheld in full or in part.

## Monitoring Appeals

- 51. 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.
- 52. Reports are provided to the Awarding Body Operations Committee and the Qualifications Committee in accordance with the governance requirements.

## Protecting the Integrity of CILEX EPA

- 53. The CILEX Responsible Officer or an officer appointed by the Responsible Officer oversees any further investigations required in relation to cases which have identified concerns about potential failings in CILEX assessment procedures.
- 54. Where appropriate, the CILEX Qualifications Delivery team will oversee the revoking of results where the appeals process (and any subsequent investigations) have identified that apprentice results are invalid.

## Retention of Materials

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

## Review Arrangements

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

Summary of changes between V3.0 and previous version
Procedures for Stage 1 Appeals section updated to reflect current application process
Whole document re-worded to provide clarity regarding decision making process, responsibility for decisions, information and evidence informing decisions
Fees and Payments section updated with the current payment process