



CILT(UK)

Awarding Organisation Policy and Procedures:

Appeals

CILT(UK) Awarding Organisation Policy Appeals

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1. Introduction

The purpose of this Policy is to outline how appeals are made by Learning Partners and how these will be administered by CILT(UK) Awarding Organisation (AO); and has been designed to ensure that such requests are dealt with fairly and consistently.

2. Scope

This policy applies to Appeals to the following for all CILT(UK) AO qualifications:

- Outcomes of Enquiries About Results (EAR)

Note: Only results that have already been through the Enquiry About Result (EAR) process are eligible for the Appeal process.

- Decisions regarding Reasonable Adjustments
- Decisions regarding Special Consideration
- Decisions relating to action taken by CILT(UK) AO with regard to a Learner or a Learning Partner following the outcome of an investigation into suspected Malpractice or Maladministration
- Stage 2 Appeals following a CILT(UK) AO Stage 1 Appeal outcome.

Note: For Centre Assessment route qualifications, this policy only applies after the Learner has exhausted the Learning Partner's Appeals process, before contacting CILT(UK) AO.

Please note: Appeals are only concerned with reviewing whether policy and procedures have been correctly followed during the relevant process. The Appeals process does not include further re-marking of Learner scripts.

Where a CILT(UK) AO sanction has been imposed on a Learner and/or a Learning Partner, the sanction will remain in place during the Appeals process.

3. Regulatory Authorities' criteria

CILT(UK) AO is an awarding organisation recognised by The Office of Qualifications and Examinations Regulation (Ofqual) in England, Qualification Wales and the Council for the Curriculum, Examinations and Assessment (CCEA) Regulation in Northern Ireland.

In addition to statutory duties, this policy is intended to meet the relevant regulatory requirements as set out by Ofqual / QW / CCEA, and has been compiled with reference to current best practice, including guidance issued by the Joint Council for Qualifications (JCQ).

4. Definitions

Appeal

A process through which an awarding body may be challenged on the outcome of an enquiry about results or, where appropriate, other procedural decisions affecting a centre (or Learning Partner) or individual candidates.

Assessment

The process of making judgements about the extent to which a candidate's work meets the assessment criteria for a qualification or unit (or component), or part of a unit (or component).

Awarding Organisation

An organisation or consortium that awards qualifications. To be eligible to award regulated qualifications, awarding organisations must meet the requirements of the regulatory authorities.

Balance of probabilities

The balance of probability standard means being satisfied an event occurred if, based on the evidence, the occurrence of the event was more likely than not.

Enquiry about results

A process through which an awarding organisation may be asked to check one or more of the steps leading to a reported result.

Learner

A person who is registered to take a qualification and to be assessed as part of that qualification.

Learning Partner (or Centre)

An organisation undertaking the delivery of an assessment (and potentially other activities) to Learners on behalf of an awarding organisation. Learning Partners are typically educational institutions, training providers, or employers.

Maladministration

Maladministration is any activity, neglect, default or other practice that results in the Learning Partner or Learner not complying with the specified requirements for delivery of the qualifications as set out in the relevant codes of practice, where applicable.

Note: *For the avoidance of doubt, maladministration may be intentional or unintentional (e.g. a Learning Partner failing to inform Learners of the requirement not bring unauthorised devices into an examination and / or neglecting to ensure that this requirement has been met prior to the assessment).*

Malpractice

Malpractice, maladministration or non-compliance, includes any act, default or practice which is a breach of the published awarding body policies and procedures and/or regulatory requirements including, for example, that which:

- *compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or*
- *damages the authority, reputation or credibility of the Awarding Organisation or Learning Partner or any officer, employee or agent of the Awarding Organisation or Learning Partner.*

Note: *For the avoidance of doubt, malpractice may be intentional or unintentional (e.g. a Learner bringing an unauthorised device into an assessment).*

Qualification

An award made by an awarding body for demonstration of achievement or competence. To be eligible to award regulated qualifications, awarding organisations must meet the requirements of the regulatory authorities.

Reasonable Adjustment

An adjustment made to an assessment for a qualification so as to enable a disabled Learner to demonstrate his or her knowledge, skills and understanding to the levels of attainment required by the specification for that qualification.

Regulatory authorities

Government-designated statutory organisations required to establish national standards for qualifications and secure consistent compliance with them.

Special Consideration

Consideration to be given to a Learner who has temporarily experienced an illness or injury, or some other event outside of his or her control, which has, or is reasonably likely to have, materially affected the Learner's ability to –

- (a) take an assessment, or*
- (b) demonstrate his or her level of attainment in an assessment.*

5. Stage 1 Appeal

Learners that are dissatisfied with a decision in the categories outlined under 2. Scope, may request a Stage 1 Appeal by contacting their Learning Partner to submit a Stage 1 Appeal application within 10 working days of the relevant decision notification issued by CILT(UK) AO (e.g. Enquiry About Result outcome).

A Head of Learning Partner may appeal against a finding of malpractice and/or the relevant malpractice sanction imposed on the Learning Partner or members of staff (including contracted workers), and on behalf of Learners registered through the Learning Partner.

Before making a Stage 1 Appeal application, it is recommended that the Learner or individual(s) discuss the circumstances with the Learning Partner. The Learning Partner may find it helpful to seek clarification from the Awarding Organisation. Such discussions may resolve the matter without recourse to appeal.

The Head of Learning Partner's decision as to whether to submit an application for an appeal is subject to the Learning Partner's internal appeals arrangements.

The Learning Partner must have the Learner's express permission to submit an Appeal application.

When making a Stage 1 Appeal application, the Learning Partner (on behalf of the Learner or individual) must provide a rationale for the appeal:

- Reasonable grounds that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly
- Reasonable grounds that the evidence has been misinterpreted
- Further evidence that changes the basis of the decision.

Please note: Appeals are only concerned with reviewing whether policy and procedures have been correctly followed during the relevant process. The Appeals process does not include further re-marking of Learner scripts.

If the applicant fails to provide sufficient grounds for the appeal, including supporting evidence within the stated timescale, CILT(UK) AO reserves the right to reject the application.

Please note: In the event of an appeal regarding the outcome of a suspected malpractice investigation, the following examples do not, by themselves, constitute grounds for an appeal:

- the individual did not intend to commit malpractice;
- the individual has an unblemished academic record;
- the individual could lose a place on a course of study or employment;
- the individual regrets his/her actions
- lack of awareness of the relevant assessment requirements or the CILT(UK) AO Malpractice policy.

These are indicative examples and not intended to be a definitive or exhaustive list.

If CILT(UK) AO accept the grounds for appeal, payment will then be requested from the applicant, normally the Learning Partner. In the event that payment is not received, Appeal outcomes will not be released until the relevant payment has been received in full. Where payment has not been received in a timely manner, CILT(UK) AO reserves the right to cancel Appeal applications.

6. Process

A Stage 1 Appeal consists of a review of relevant evidence by a senior CILT(UK) representative who has not had any previous involvement with or, personal interest in the matter.

The Stage 1 Appeal will take account of any additional written submission by the applicant and will focus on whether:

- CILT(UK) AO applied procedures consistently and that procedures were followed properly and fairly
- Any reasonable grounds that the evidence has been misinterpreted
- Any further evidence that changes the basis of the decision
- The review will consider, on the balance of probabilities, whether there was sufficient evidence to support the original decision, using relevant awarding organisation policies, information available to the review, and any additional information provided by the applicant. In the case of a malpractice investigation decision, whether the relevant sanction was appropriate will also be considered, based the relevant policy criteria and guidance, precedents from relevant previous cases, etc.

Please note: Appeals are only concerned with reviewing whether policy and procedures have been correctly followed during the relevant process. The Appeals process does not include further re-marking of Learner scripts.

Please note: For Stage 1 Appeals related to Centre Assessment Route for CILT(UK) AO qualifications decisions, if the matter remains unresolved once the Learning Partner Appeals process is exhausted, the Learner and the Learning Partner will be required to provide all relevant evidence to CILT(UK) AO before the case can be considered for appeal under this policy:

- The assessment task set by the Learning Partner that the Learner completed.
- The work/evidence submitted by the Learner in relation to this assessment task.
- All records of assessment and internal quality assurance.
- Contents and outcome of any investigation carried out by the Learning Partner or the Learner relating to the issue, including relevant correspondence
- Any other relevant evidence, e.g. medical evidence for Reasonable Adjustment and Special Consideration appeals.

CILT(UK) AO representatives may not be qualification subject matter experts but will have knowledge of the policies and procedures in question.

7. Applications

The applicant must complete the CILT(UK) AO Appeals application form (stating 'Stage 1 Appeal' in the email subject line) and send it as an email attachment to: qualityassurance@ciltuk.org.uk

Fee and payment

Please see the current CILT(UK) AO fee schedule available here on the CILT(UK) website: [AO Policies \(ciltuk.org.uk\)](https://www.ciltuk.org.uk/Policies)

CILT(UK) AO will invoice the Learning Partner for the payment, for further information see CILT(UK) AO's Invoicing policy available here: [AO Policies \(ciltuk.org.uk\)](https://www.ciltuk.org.uk/Policies)

Note: It is the responsibility of the Learning Partner to ensure they have received the full Appeal fee from the Learner.

Once an application has been submitted, where CILT(UK) AO require further information, the Learner and/or Learning Partner will be contacted in writing. Due to the nature of Appeals process, CILT(UK) AO will not enter into discussions regarding an Appeal while the case is ongoing.

8. Timescales

An application for Stage 1 Appeal must be made within **10 working days** of the date stated on the relevant decision notification issued by CILT(UK) AO (e.g. Enquiry About Result outcome).

Note: Where a fully completed and signed CILT(UK) AO Appeal application form has not been received by CILT(UK) AO from the Learner's Learning Partner within the relevant timescale stated in the policy, the Appeal application will not be accepted.

Incomplete forms received by CILT(UK) AO will be returned without being processed.

- The outcome of an Appeal will be provided within **50 working days** from receipt of the Stage 1 Appeal application and payment.

NB: In the event that a Stage 1 Appeal requires a more complex investigation, CILT(UK) AO may need longer than 50 working days to provide an outcome. In the event that this occurs, CILT(UK) AO will inform the Applicant as soon as possible.

9. Outcomes

The Stage 1 Appeal review will result in a written decision which will either reject, partially uphold or uphold the application. CILT(UK) AO will then provide a written response with the rationale for the decision in a letter sent by email.

- If the Stage 1 Appeal review finds that policies and procedures have not been applied consistently, properly and fairly, and the basis and/or evidence for the original decision is no longer valid, the appeal will be upheld, and the Stage 1 appeal fee will be refunded. CILT(UK)'s AO written response will outline the actions it will take to correct any issues identified, with timescales.
- There may be circumstances where a Stage 1 Appeal review finds that an appeal is partially upheld. For example where issues have been identified for correction e.g. in terms of policies and procedures, but the evidence and /or basis for the original decision remains valid (e.g. relevant regulatory requirements). In these cases, the Stage 1 appeal fee will be refunded and the original decision upheld. CILT(UK)'s AO written response will outline the actions it will take to correct any issues identified, with timescales.
- If the Stage 1 Appeal review finds that the basis and/or evidence for the original decision remains valid and policies and procedures have been applied consistently, properly and fairly, the appeal will be rejected.

If an applicant remains dissatisfied after the outcome of a Stage 1 Appeal, they may proceed to the Stage 2 Appeal. Applicants may not access the Stage 2 Appeal process without first exhausting the Stage 1 Appeal process.

10. Stage 2 Appeal

Learners or Learning Partners that remain dissatisfied with a Stage 1 Appeal outcome, may request a Stage 2 Appeal. When making an application for a Stage 2 Appeal, the Learner must provide grounds for the Appeal.

Before making a Stage 2 Appeal application, it is recommended that the Learner discuss the circumstances with the Learning Partner. The Learning Partner may find it helpful to seek clarification from the Awarding Organisation regarding the process. Such discussions may resolve the matter without recourse to a Stage 2 appeal. **Note:** At this stage, the CILT(UK) AO will not enter into further discussion regarding the outcome of the Stage 1 Appeal.

The Head of Learning Partner's decision as to whether to submit an application for an appeal is subject to the Learning Partner's internal appeals arrangements.

The Learning Partner must have the Learner's express permission to submit a Stage 2 Appeal application.

Rationale for Stage 2 Appeal

When making a Stage 2 Appeal application, the Learner must provide a rationale for the appeal, above and beyond the grounds for the Stage 1 Appeal:

- Reasonable grounds that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly
- Reasonable grounds that the evidence has been misinterpreted
- Further evidence that changes the basis of the decision.
- The review will consider, on the balance of probabilities, whether there was sufficient evidence to support the original decision, using relevant awarding organisation policies, information available to the review, awarding organisation precedents and any additional information provided by the applicant. In the case of a malpractice investigation decision, whether the original penalty or sanction was appropriate will also be considered.

Please note: Appeals are only concerned with reviewing whether policy and procedures have been correctly followed during the relevant process. The Appeals process does not include further re-marking of Learner scripts.

If the applicant fails to provide sufficient additional grounds for the Stage 2 appeal, including supporting evidence within the stated timescale, CILT(UK) AO reserves the right to reject the application.

Please note: In the event of an appeal regarding the outcome of a suspected malpractice investigation, the following do not, by themselves, constitute grounds for an appeal:

- the individual did not intend to commit malpractice;
- the individual has an unblemished academic record;
- the individual could lose a place on a course of study or employment;
- the individual regrets his/her actions
- lack of awareness of the relevant assessment requirements or the CILT(UK) AO Malpractice policy.

These are indicative examples and not intended to be a definitive or exhaustive list.

If CILT(UK) AO accept the grounds for appeal, payment will then be requested from the applicant, normally the Learning Partner. In the event that payment is not received, Appeal outcomes will not be released until the relevant payment has been received in full. Where payment has not been received in a timely manner, CILT(UK) AO reserves the right to cancel Appeal applications.

11. Process

In accordance with regulatory requirements, a Stage 2 Appeal consists of a review by at least one independent person:

- The final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it
- Who has no personal interest in the decision being appealed,
- Who is a person with appropriate competence to undertake the review
- A minimum of one CILT(UK) AO senior representative not involved in the original event or the Stage 1 Appeal will also participate.

The review will take account of the evidence generated by the original event, the Stage 1 Appeal and any additional written submission of the applicant for the Stage 2 Appeal. It will focus on whether:

- CILT(UK) AO applied procedures consistently and that procedures were followed properly and fairly
- Any reasonable grounds that the evidence has been misinterpreted
- Any further evidence that changes the basis of the decision.

NB: For Stage 2 Appeals related to Centre-assessed route for CILT(UK) AO qualifications decisions, if the matter remains unresolved once the Learning Partner Appeals process is exhausted, the Learner and the Learning Partner will be required to provide all relevant evidence to CILT(UK) before the case can be considered for appeal under this policy:

- The assessment task set by the Learning Partner that the Learner completed
- The work/evidence submitted by the Learner in relation to this assessment task
- All records of assessment and internal quality assurance
- Contents and outcome of any investigation carried out by the Learning Partner or the Learner relating to the issue, including relevant correspondence
- Any other relevant evidence, e.g. medical evidence for Reasonable Adjustment and Special Consideration appeals.

The CILT(UK) AO and independent representatives may not be qualification subject matter experts but will have knowledge of the policies and procedures in question.

For the Stage 2 Appeal, the independent representative will be appointed by CILT(UK) AO. To ensure impartiality, the independent representative will be required to make a written Conflict of Interest declaration in accordance with the relevant CILT(UK) AO policy. They will not have had any involvement with CILT(UK) for a minimum of the past five years, as an employee, consultant or supplier. These representatives may not be qualification subject matter experts but will have knowledge of awarding organisation policies and procedures.

12. Applications

The applicant must complete the CILT(UK) AO Appeals application form (stating 'Stage 2 Appeal' in the email subject line) and send it as an email attachment to: qualityassurance@ciltuk.org.uk

Fee and payment

Please see the current CILT(UK) AO fee schedule available here on the CILT(UK) website: [AO Policies \(ciltuk.org.uk\)](https://ciltuk.org.uk/AO-Policies)

CILT(UK) AO will invoice the Learning Partner for the payment, for further information see CILT(UK) AO's Invoicing policy available here: [AO Policies \(ciltuk.org.uk\)](https://ciltuk.org.uk/AO-Policies)

Note: It is the responsibility of the Learning Partner to ensure they have received the full Appeal fee from the Learner.

Once an application has been submitted, where CILT(UK) AO require further information, the Learner and/or Learning Partner will be contacted in writing. Due to the nature of Appeals process, CILT(UK) AO will not enter into discussion regarding an Appeal while the case is ongoing.

13. Timescales

An application for a Stage 2 Appeal must be made within **10 working days** of the date stated on the appeals outcome notification letter.

The outcome of an Appeal will be provided within **50 working days** from receipt of the Stage 2 Appeal application and payment.

Note: Where a fully completed and signed CILT(UK) AO Appeal application form has **not** been received by CILT(UK) AO from the Learner's Learning Partner within the above timescale, the Appeal application will **not** be accepted.

Note: In the event that a Stage 2 Appeal requires a more complex investigation, CILT(UK) AO may need longer than 50 working days to provide an outcome. In the event that this occurs, CILT(UK) AO will inform the Applicant as soon as possible.

14. Outcomes

The Stage 2 Appeal review will result in a written decision which will either reject, partially uphold or uphold the application. CILT(UK) AO will then provide a written response with the rationale for the decision in a letter sent by email.

- If the Stage 2 Appeal review finds that policies and procedures have not been applied consistently, properly and fairly, and the basis and/or evidence for the original decision is no longer valid, the appeal will be upheld, and the Stage 2 appeal fee will be refunded. CILT(UK)'s AO written response will outline the actions it will take to correct any issues identified, with timescales.
- There may be circumstances where a Stage 2 Appeal review finds that an appeal is partially upheld. For example where issues have been identified for correction e.g. in terms of policies and procedures, but the evidence and /or basis for the original decision remains valid (valid (e.g. relevant regulatory requirements). In these cases, the Stage 2 appeal fee will be refunded and the original decision upheld. CILT(UK)'s AO written response will outline the actions it will take to correct any issues identified, with timescales.

If the Stage 2 Appeal review finds that the basis and/or evidence for the original decision remains valid and policies and procedures have been applied consistently, properly and fairly, the appeal will be rejected.

The Stage 2 Appeal decision is **final**, no further appeals will be accepted and CILT(UK) AO will consider the matter closed.

Should the applicant remain dissatisfied after a Stage 2 Appeal, they have the opportunity to raise a complaint under the CILT(UK) AO Complaints policy.

15. References

CCEA Regulation, 2023 *“General Conditions of Recognition (January 2023)”*

HM Government, 2022 *“Balance of Probabilities”*

Joint Council for Qualifications, 2022 *“A guide to the awarding bodies’ appeals processes (June 2022)”*

Office of Qualifications and Examinations Regulation, 2023 *“Ofqual Handbook: General Conditions of Recognition (June 2023)”*

Qualifications and Curriculum Authority, 2006 *“NVQ Code of Practice - Revised”*

Qualification Wales, 2021 *“Standard Conditions of Recognition (January 2021)”*