



Kaplan SQE Limited

Solicitors Qualifying Examination (SQE)

Appeals Policy

1. Introduction

1.1 Scope and purpose

Kaplan SQE Limited (Kaplan SQE) has been appointed by the Solicitors Regulation Authority ("SRA") as the sole provider of the Solicitors Qualifying Examination ("the Assessment") and the End Point Assessment Organisation ("EPAO") for Solicitor Apprentices. Kaplan SQE handles appeals in accordance with this Policy as required by the SRA.

This Policy sets out the procedures to be followed in cases where a candidate wishes to appeal against a decision of the Assessment Board. For the avoidance of doubt, an upheld appeal cannot result in a change to the pass mark or a change to a candidate's marks.

Where an appeal contains a complaint, we will suspend the complaint. The complaint process will progress once the Appeals process has been concluded. Please also refer to the Complaints Policy.

1.2 Fairness

We are committed to ensuring that this Policy is fair and transparent and is operated in a manner which:

- treats all candidates equally and fairly in the consideration of their appeals
- gives reasons for our actions taken and the decision we make
- is free from bias
- has reasonable timescales for both submissions to and responses from us.

1.3 Confidentiality

Information provided by candidates under these procedures will be treated confidentially and only shared with those persons necessary to consider their appeal.

1.4 Timescales

We expect that candidates will meet the time limits outlined in the policy. Where there are exceptional circumstances which mean a candidate cannot reasonably meet such time limits they must communicate this to us at the earliest opportunity and submit evidence to justify the delay. Where accepted, and where possible, new timescales may be agreed (see paragraphs 4.6 and 7.4).

1.5 Candidates with a disability

Where a candidate indicates that they have a disability, information will be made available to them in appropriate formats and reasonable adjustments will be made to accommodate their needs.

1.6 Review of this Policy

This Policy will be monitored on an ongoing basis and any necessary amendments will be made and implemented at the earliest opportunity. As a minimum, Kaplan SQE will review this and all associated policies on an annual basis as part of its quality assurance procedures.

2. Definitions

Mitigating circumstances:

- a) A mistake or irregularity in the administration or conduct of the assessment; or
- b) Evidence of bias in the conduct of the assessment; or
- c) Subject to the [Fit to Sit Policy](#) and [SQE Assessment Regulations](#) a candidate's illness or other personal circumstances beyond his/her reasonable control

which have, or are likely to, materially and adversely affect a candidate's marks or performance in the assessment.

3. Appeals

3.1 This Policy provides for a formal appeals process with two stages: a first stage appeal and a final appeal.

3.2 The standard of proof in an appeal is on the balance of probabilities.

4. First stage appeal

4.1 For the purpose of this Policy, a first stage appeal means a request for a review of the decision of the Assessment Board to fail a candidate in any assessment comprising SQE1 and/or SQE2 of the Solicitors Qualifying Examination (SQE) or of a finding of malpractice.

4.2 A first stage appeal may be made on one or more of the following grounds only:

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- 4.2.1 there are mitigating circumstances which could not have been put before the Assessment Board before it made its decision; or
 - 4.2.2 the decision of the Assessment Board, or the manner in which that decision was reached involved material irregularity and/or was manifestly unreasonable and/or irrational; or
 - 4.2.3 the candidate disputes the Assessment Board's finding of malpractice or improper conduct.
- 4.3 For the purposes of 4.2.1 the fact that the candidate was not yet aware of their results is not a reason why a mitigating circumstances claim could not have been put before the Assessment Board.
- 4.4 No appeal will be considered solely on the grounds that a candidate:
- 4.4.1 wishes to challenge the academic judgement of the assessor or the criteria applied to assess the candidate's work. Academic judgement means the professional and scholarly knowledge and expertise which the assessors have drawn on to reach a decision about a candidate's performance in an assessment;
 - 4.4.2 disagrees with the outcome of their mitigating circumstances claim; or
 - 4.4.3 did not understand or was not aware of the SQE Assessment Regulations.
- 4.5 A candidate must submit their first stage appeal by **16:00 GMT on the tenth working day after the date of release of results**. Where evidence cannot be provided within the 10 working days, the first stage appeal form must be submitted within the time limit with evidence to follow. Deadlines for submission delayed evidence will be agreed with the candidate as outlined in paragraph 4.6.
- 4.5.1 If a candidate is awaiting the outcome of a mitigating circumstances claim, the candidate must submit their first stage appeal form within 10 working days of the date of notification of the outcome of the mitigating circumstances claim
- 4.6 As noted in 1.4, candidates are expected to meet the time limits in communicating with us. In the event this is not possible candidates should contact us at enquiries@sqe.sra.org.uk to outline the reason for the delay. Amended deadlines may be agreed, where possible, with reference to ensuring that the appeal can be considered by the first stage appeals panel (the First Appeal Panel). Appeals submitted outside of the time limits will only be considered in exceptional circumstances where independent supporting written evidence can be provided as to why the required timeframes could not be met.
- 4.7 The first stage appeal must be submitted on the [SQE First Stage Appeal Form](#) that can be found in the Candidate Account. It must contain full details of the appeal and be accompanied by copies of all relevant documentation and evidence supporting the grounds for appeal.

- 4.8 Submission of a first stage appeal occurs when the appeal form has been submitted in accordance with the process and the charge under paragraph 4.9 has been paid in full. Both must be completed by the deadline stated in paragraph 4.5.
- 4.9 Receipt of the appeal will be acknowledged within 5 working days.
- 4.10 A charge of £350 will be made for a first stage appeal. This will be refunded if the appeal is upheld.
- 4.10.1 Where the basis of the first stage appeal is for failure to make provision of an agreed reasonable adjustment plan or a mistake or irregularity in the provision of the agreed reasonable adjustment plan, the candidate is exempt from payment of the first stage appeal charge.

5. Procedure for considering a first stage appeal

- 5.1 The First Appeal Panel will meet within 25 working days of the deadline by which candidates must submit their first stage appeal.
- 5.2 The First Appeal Panel will comprise three members. None of the panel members will have been members of the Assessment Board which considered the candidate's result or made a finding of malpractice or improper conduct. At least one of the members will be Solicitors of England and Wales (practising or non-practising). One member will chair the panel.
- 5.3 The First Appeal Panel will determine whether the appeal:
- 5.3.1 is made on one or more of the grounds set out at 4.2; and
- 5.3.2 is substantiated by the evidence provided.
- 5.4 The First Appeal Panel may consult with the Chair of the Assessment Board, Assessment Board members and any other relevant persons for evidence and information.

6. Decision of the First Appeal Panel

- 6.1 The First Appeal Panel will reach one of the following decisions:
- 6.1.1 uphold the appeal
- 6.1.2 dismiss the appeal
- 6.2 Where the First Appeal Panel upholds the appeal they may recommend further action. Except in the case of a successful appeal against a finding of malpractice or improper conduct (in which case the candidate's mark in the assessment will stand), candidates whose appeals are successful will ordinarily be given the opportunity to retake the assessment and have their original attempt discounted.
- 6.3 Where the attempt which was subject to the appeal is discounted, a refund for all or part of the fee of the assessment may be made, in accordance with the [SQE Assessment Terms and Conditions](#).

- 6.4 The First Stage Appeal Panel cannot change a pass mark and cannot change a candidate's marks
- 6.5 The Chair of the First Appeal Panel will advise the candidate of the decision within 35 working days of the deadline by which candidates must submit their first stage appeal, giving reasons.
- 6.6 The outcome of the appeal will be minuted and recorded in the Appeals Register which is subject to inspection by the Solicitors Regulation Authority (SRA) and will be reported to the Assessment Board.

7. Final appeal

- 7.1 For the purpose of this Policy, a final appeal means a request for a review of the decision of the First Appeal Panel.
- 7.2 A final appeal may be made on the following ground only:
 - 7.2.1 The decision of the First Appeal Panel, or the manner in which that decision was reached involved material irregularity and/or was manifestly unreasonable and/or irrational.
- 7.3 A candidate must submit their final stage appeal **within 10 working days of the date the candidate was notified of the decision of the First Stage Appeal Panel.**
- 7.4 As noted in 1.4, candidates are expected to meet the time limits in communicating with us. In the event this is not possible candidates should contact us at enquiries@sqe.sra.org.uk to outline the reason for the delay. Amended deadlines may be agreed, where possible. Appeals submitted outside of the time limits will only be considered in exceptional circumstances where independent supporting written evidence can be provided as to why the required timeframes could not be met.
- 7.5 The final stage appeal must be submitted on the [SQE Final Stage Appeal Form](#), that can be found in the Candidate Account It must contain full details of the appeal and be accompanied by copies of all relevant documentation and evidence supporting the ground for appeal.
- 7.6 A charge of £850 will be made for a final appeal. This will be refunded if the appeal is upheld.
 - 7.6.1 Where the basis of the final stage appeal is for failure to make provision of an agreed reasonable adjustment plan or a mistake or irregularity in the provision of the reasonable adjustment plan, the candidate is exempt from payment of the final stage appeal charge.
- 7.7 Submission of a final stage appeal occurs when the final stage appeal form and the charge under 7.6 has been paid in full.
- 7.8 The Director of Qualifications, Kaplan (or their nominee) will decide, taking advice as appropriate, within 10 working days of its submission whether the appeal is frivolous or vexatious. The Director of Qualifications, Kaplan (or their nominee) may, in their discretion, reject an appeal which they

reasonably consider to be frivolous or vexatious. The Director of Qualifications, Kaplan (or their nominee) will inform the candidate of their decision, giving reasons.

- 7.9 The Director of Qualifications, Kaplan (or their nominee) will, unless the appeal appears frivolous or vexatious, convene a Final Stage Appeal Panel to consider the appeal.

8. Procedure for considering a final appeal

- 8.1 The Final Appeal Panel will meet within 30 working days of the decision of the Director of Qualifications, Kaplan (or their nominee) under 7.9 above.
- 8.2 The Final Appeal Panel will comprise three members. None of the panel members will have been members of the Assessment Board which considered the candidate's claim or result or a member of the First Appeal Panel that considered the case. At least two of the members will be Solicitors of England and Wales (practising or non-practising). One of the solicitor members will be appointed Chair of the Panel.
- 8.3 The candidate may elect for an oral hearing or a paper-based determination. If the candidate elects an oral appeal hearing, he or she has the right to be accompanied by a friend or relative. Guidance on procedure will be provided to the candidate.
- 8.4 The Head of Equality and Quality (or their nominee) will ensure that the candidate and the Final Appeal Panel are provided with all appropriate information at least 5 working days prior to the Final Appeal Panel meeting to consider the appeal. Late evidence may be circulated only with the consent of the candidate and the Chair of the Panel.
- 8.5 If, having elected for an oral appeal hearing the candidate fails to attend, the hearing will proceed with the candidate "in absentia" and on the information already supplied. If the candidate provides a documented acceptable reason for their absence the hearing date may be rearranged.
- 8.6 The Final Appeal Panel may require the presence of a further person for the sole purpose of providing appropriate advice. This person may not participate in the discussions of the Final Appeal Panel nor are they entitled to vote in any decision.

9. Final Appeal Panel decision

- 9.1 The Final Appeal Panel will reach one of the following decisions:
- 9.1.1 reject the decision of the First Appeal Panel
 - 9.1.2 uphold the decision of the First Appeal Panel
- 9.2 Where the Final Appeal Panel rejects the decision of the First Appeal Panel, the Final Appeal Panel may make further recommendations.
- 9.3 The Final Stage Appeal Panel cannot change a pass mark and cannot change a candidates marks.

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- 9.4 The Final Appeal Panel will inform the Director of Qualifications, Kaplan (or their nominee) and the candidate of the decision of the Final Appeal Panel within 15 working days of the hearing or paper-based determination, giving reasons.
- 9.5 The decision of the Final Appeal Panel is final.
- 9.6 The outcome of the final appeal will be minuted and recorded in the Appeals Register which is subject to inspection by the SRA and reported to the Assessment Board.