



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.

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 claims
- 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 claim.

1.4 Timescales

We consider that candidates will normally be able to meet the time limits in communicating with us. Where there are circumstances which mean a candidate cannot reasonably meet such time limits they must communicate this to us at the earliest opportunity.

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 proceedings to accommodate their needs.

1.6 Review of this Policy

This Policy will be monitored by Kaplan SQE 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 ongoing 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 materially and adversely affects a candidate's marks or performance in the assessment.

3. Request for clarification of result

3.1 A candidate may wish to raise a query about the decision of the Assessment Board and seek early clarification of their result. In these circumstances the candidate should first raise the issue by email to us within 7 working days of being informed of the exam result.

3.2 In the event that the candidate remains dissatisfied and considers they have grounds for an appeal they may lodge a first stage appeal within 10 working days from the date of the response from Kaplan SQE to the clarification of result.

4. Request for a clerical check

- 4.1 A candidate may request a clerical check for errors in the calculation or collation of marks.
- 4.2 Requests must be submitted on the Request for a Clerical Check Form within 15 working days of the notification of the result to which the request relates.
- 4.3 A fee of £100 will be charged for a clerical check. This fee will be refunded if an error is found.
- 4.4 Where a request for a clerical check is made and the candidate remains dissatisfied and considers they have grounds for an appeal they may lodge a first stage appeal within 10 working days of receiving the result of the clerical check.

5. Appeals

- 5.1 This Policy provides for a formal appeals process with two stages: a first stage appeal and a final appeal.
- 5.2 Where a candidate submits an appeal which also contains a complaint, we will suspend consideration of the appeal until the complaint has been investigated according to the SQE Complaints Policy. The appeal process will continue once the complaints process has been concluded.
- 5.3 The standard of proof in an appeal is on the balance of probabilities.

6. First stage appeal

- 6.1 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.
- 6.2 A first stage appeal may be made on one or more of the following grounds only:
 - 6.2.1 there are mitigating circumstances which could not have been put before the Assessment Board before it made its decision; or
 - 6.2.2 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
 - 6.2.3 the candidate disputes the Assessment Board's finding of malpractice or improper conduct.

6.3 For the purposes of 6.2.1 the fact that the candidate was not yet aware of their results is not a reason why mitigating circumstances could not have been put before the Assessment Board. If there is a concern that there was an administrative error in the results, this should be addressed by a request for a clerical check.

6.4 No appeal will be considered solely on the grounds that a candidate:

6.4.1 wishes to challenge the academic judgement of the assessor or the criteria applied to assess the candidate's work;

6.4.2 disagrees with the outcome of their mitigating circumstances claim; or

6.4.3 did not understand or was not aware of the SQE Assessment Regulations.

6.5 Subject to 3.2 and 4.4 above, a candidate wishing to appeal on one or more of the grounds in 6.2 must submit their appeal within 10 working days of the date of the decision of the Assessment Board in respect of which the appeal is made. Where evidence cannot be provided within the 10 working days, the first stage appeal should be submitted within the time limit with evidence to follow.

6.6 The first stage appeal must be submitted on the appropriate form (*add link*), contain full details of the appeal and be accompanied by copies of all relevant documentation and evidence supporting the grounds for appeal. Receipt of a first stage appeal occurs when the appeal, together with all accompanying evidence and documentation has been received and the charge under 6.7 has been paid in full. Receipt of the appeal will be acknowledged within 5 working days.

6.7 A charge of £350 will be made for a first stage appeal. This will be refunded if the appeal is upheld.

7. Procedure for considering a first stage appeal

7.1 The Head of Equality and Quality (or their nominee) will chair a first stage appeals panel (the First Appeal Panel) within 25 working days of the deadline by which candidates must submit their first stage appeal.

7.2 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).

7.3 The First Appeal Panel will determine whether the appeal:

7.3.1 is made on one or more of the grounds set out at 6.2; and

7.3.2 is substantiated by the evidence provided.

7.4 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.

8. Decision of the First Appeal Panel

8.1 The First Appeal Panel may reach one of the following decisions:

8.1.1 uphold the appeal

8.1.2 dismiss the appeal

8.2 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. The First Appeal Panel may also recommend a fee waiver or refund in whole or part of the assessment fee. The marks of a candidate whose appeal is successful will not be adjusted where the request relates to illness or personal circumstances beyond their reasonable control.

8.3 The Chair of the First Appeal Panel will advise the candidate of the decision within 35 working days of receipt of the appeal, giving reasons.

8.4 The Assessment Board will implement the First Appeal Panel's findings, either by decision of the Chair of the Assessment Board (acting under the authority of the Board as a whole) or by a decision at an exceptional meeting of the Board.

8.5 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).

9. Final appeal

9.1 For the purpose of this Policy, a final appeal means a request for a review of the decision of the First Appeal Panel.

9.2 A final appeal may be made on the following ground only:

- 9.2.1 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.
- 9.3 The appeal must be submitted on the appropriate form (*add link*) within 10 working days of the date the candidate was notified of the decision of the First Appeal Panel. It must contain full details of the appeal and be accompanied by copies of all relevant documentation and evidence supporting the ground for appeal. Where evidence cannot be provided within the 10 working days, the final appeal should be submitted within the time limit with evidence to follow.
- 9.4 A charge of £850 will be made for a final appeal. This will be refunded if the appeal is upheld.
- 9.5 Receipt of a final appeal occurs when the appeal, together with all accompanying evidence and documentation has been received, and the charge under 9.4 has been paid in full. The Director of Qualifications Kaplan (or their nominee) will decide, taking advice as appropriate, within 10 working days of its receipt, 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.
- 9.6 The Director of Qualifications Kaplan (or their nominee) will, unless the appeal appears frivolous or vexatious, convene a dedicated panel to consider the appeal (the Final Appeal Panel).

10. Procedure for considering a final appeal

- 10.1 The Final Appeal Panel will meet within 30 working days of the decision of the Director of Qualifications Kaplan (or their nominee) under 9.5 above.
- 10.2 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.
- 10.3 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 by the Director of Qualifications Kaplan (or their nominee).

- 10.4 The Director of Qualifications Kaplan (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.
- 10.5 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.
- 10.6 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.

11. Final Appeal Panel decision

- 11.1 The Final Appeal Panel may reach one of the following decisions:
- 11.1.1 reject the decision of the First Appeal Panel
 - 11.1.2 uphold the decision of the First Appeal Panel
- 11.2 Where the Final Appeal Panel rejects the decision of the First Appeal Panel, the Final Appeal Panel may make further recommendations.
- 11.3 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.
- 11.4 The Assessment Board will implement the Final Appeal Panel's findings, either by decision of the Chair of the Assessment Board (acting under the authority of the Board as a whole) or by a decision at an exceptional meeting of the Board.
- 11.5 The decision of the Final Appeal Panel is final.
- 11.6 The outcome of the final appeal will be minuted and recorded in the Appeals Register which is subject to inspection by the SRA.