



# Appeals Policy

## Introduction

This policy includes the procedure for making an appeal to Qualsafe Awards (QA) and describes how our staff will deal with it.

Appeals can be made by:

- Learners
- Trainers
- Centre staff
- Anyone involved with QA

Learners, Trainers or Centre staff must make their appeal to their Centre initially, QA can only consider an appeal after the Centre has had the opportunity to resolve the appeal.

## Grounds for an appeal

Appeals can be made about an assessment or any other decision made by QA or one of our approved Centres, including:

- Quality/results of assessments
- Decisions for reasonable adjustments or special considerations
- Administration errors
- Decisions on Centre Approval applications
- Withdrawal of certification or action plans resulting from monitoring audits
- Decisions relating to any action following a malpractice/maladministration investigation

Learners have the right to appeal against assessment decisions if they think:

- The Trainer has made the wrong assessment decision
- There has been a clerical error in recording a result

If a Learner is not satisfied with the outcome of the Centre appeals process, they can appeal to QA.

Only people who have appropriate competence and no personal interest in the decision being appealed will make appeal decisions.

## Centre's responsibility

Our Centres should give Learners, Trainers or Centre staff information about their own appeals process and access to a copy of *QA Appeals Policy*.

Centres can arrange to have a Learner reassessed or their work checked by a Trainer/Assessor not previously connected to the Learner. If the Centre does not have an alternative assessor, they can contact QA and we will appoint one for them.

The Centre should record and document all evidence and information about the appeal, including who carried out the reassessment and the outcome. Centres must forward these records to us for reporting purposes and make them available for inspection for quality assurance and audit purposes.

## Appeal records

QA will keep records of all appeals we deal with and submit information about their number, type and outcomes to the Qualification Regulators (e.g. Ofqual) as required.

## Alternatives to an appeal

There are several less formal options available before registering an appeal, these are making:

- An enquiry
- An informal 'appeal', that is having a discussion with QA to see if the issue can be resolved

# Appeals to Qualsafe Awards

## Registering an appeal

If the alternatives have failed to produce a satisfactory outcome for the Centre or person and they feel that they have grounds for an appeal, they should register their appeal with QA. They can do this by completing an Appeal Form (available in the Downloads section of the QA website) and by emailing this to [appeals@qualsafeawards.org](mailto:appeals@qualsafeawards.org)

They must include all relevant information, including their reasons for the appeal and all supporting evidence, and this must be done within 20 working days from receipt of the Centre appeal decision or other situation giving rise to the appeal. Any appeal received more than 20 working days after the Centre appeal decision was issued will be rejected.

## Dealing with an appeal

- Log the appeal and allocate a reference code. If applicable, links will be made to the appropriate Conditions of Recognition
- Complete an investigation within 20 working days of receiving the query, unless further information or a Centre visit is needed
- Tell the appellant whether the appeal is:
  - Upheld – detailing any actions to be taken and who by
  - Not upheld – detailing the reasons and their right to request an appeal review by our Governing Body

In the case of assessment decisions, our Operations and Compliance Manager will focus on whether the procedures were:

- Consistent with the appropriate Conditions of Recognition
- Applied properly and fairly when making assessment decisions

If we find a discrepancy, we will inform the appellant and Centre and issue a corrected result immediately to the Learner (via their Centre).

## Appeals review

If an appeal is not upheld and the appellant is unhappy with the findings they can ask the QA Governing Body to review the appeals procedure, conduct and decision.

An appellant requesting an appeal review is required to pay a £40.00 review fee, refundable if the appeal is upheld (cheques made payable to *Qualsafe Awards*).

The appellant should make their request in writing no more than 15 working days from the QA appeal decision being issued. Appeal review requests received more than 15 working days after the QA appeal decision was issued will be rejected.

- Details of the original appeal
- A statement about why they think the appeal process was flawed or the decision was incorrect

The Governing Body will consider the appeal. For appeal purposes, the group will be made up of three members of the Governing Body or other independent people appointed by QA if necessary. Members of the appeals group will be appointed for a specific appeal and will be completely independent of the organisation involved.

The Governing Body is not permitted to re-mark or reassess work but may request the work is re-marked or reassessed if they establish the correct procedures have not been followed.

Our Governing Body will:

- Complete their review within 15 working days of reviewing the query
- Tell the appellant if the appeal is:
  - Upheld - detailing any action to be taken and who by (the review fee is also returned)
  - Not upheld - detailing the reasons, any further actions to be taken and who by and their right to complain to Ofqual if they are dissatisfied with any aspect of the outcome or process

### Complaints – Ofqual

public.enquiries@ofqual.gov.uk

Telephone: 0300 303 3344

Monday to Friday, 9am to 5pm

## Appeal outcome affects Learners

If an appeal outcome throws doubt on other results, QA will also investigate these results. We will do everything we can to protect the interests of all Learners and the integrity of the units and/or regulated qualifications. We will cooperate fully with the qualification regulators in any follow-up investigations and agreed remedial action, including:

- Identifying any other Learners affected
- Arranging for all affected Learners' evidence to be reassessed by another assessor
- Informing the Centre certification is suspended for decisions by the original Assessor, pending remedial training
- Arranging for a cross section of Learners' evidence from that Centre, across assessors, time, units and awards to be re-checked by another assessor to make sure the failure in the assessment process does not recur
- Informing the Centre if other assessors are included in the investigation and any action needed
- Recording action taken against the relevant assessors on our Customer Portal to make sure inappropriate actions cannot take place
- Amending original judgements when required and informing the Centre and Learner, providing revised documentation as necessary
- Arranging an external quality assurance visit to draw up an action plan with the Centre's Responsible Person, to develop staff and the Centre Internal Quality Assurer if necessary
- Our External Quality Assurer confirming completion of the action plan to QA
- Re-instating the Centre with an appropriate risk rating status. Re-checking Learners' evidence for Trainers at appropriate intervals to ensure consistent accurate judgements are being made
- Lowering risk rating once we are satisfied that judgements are accurate

## Assessment methods challenged because of appeal

If the validity of a particular assessment method is challenged as a result of an appeal, who will take action to maintain the integrity of the qualification and protect the cohort of Learners, including:

- Forwarding the assessment process for consideration by the Governing Body. They will inform QA of their findings and any action to be taken to protect the cohort of Learners
- Immediately contacting all affected Learners and telling them what will happen next
- Informing all affected Centres of the suspect assessment process and taking appropriate action to protect the integrity of the qualification
- Keeping a record of all suspect material to make sure it is not used in future assessments
- Keeping a record of the appeal and outcome and provide details to the regulators as required

## Timescale for appeals

Appeals must be made within 20 working days of the original decision or incident.

We will acknowledge appeals within five working days of receipt.

We will investigate and notify our decision within 20 working days.

Our Governing Body will hold their review and notify their decision within 15 working days.

\*If the investigation will take longer than target working days for the decision we will tell the appellant.

## Qualseafe Awards

### Policy review arrangements

QA will review this policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to customer and Learner feedback, changes in our practices or the outcome of investigations.

In addition, we may update this policy in light of operational feedback to make sure our arrangements for dealing with appeals remain effective and fit for purpose.

### Contact us

If you have any queries about the contents of the policy, contact our customer service team:

Tel: 0845 644 3305

Email: [info@qualseafeawards.org](mailto:info@qualseafeawards.org)



Anita Goodfellow

**Chief Executive**

1 August 2017

Owner: CEO

Regulatory References: Office of Qualifications and Examination Regulations (Ofqual) *General Conditions of Recognition (C2,I1)*

QA Documents Referenced: *QA Customer Complaints Policy*