

Appeals Policy

Abstract

This policy establishes a formal process for individuals to challenge decisions made by the organisation. It ensures a transparent and timely review of appeals

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1. Introduction

This policy is aimed at our customers who are delivering an Active IQ qualification or unit, or learners registered onto such a qualification or unit, or learners who have completed one. It sets out the process you should follow when submitting appeals to us, and the process we will follow (except in exceptional circumstances) when responding to appeals. It is also for use by our staff to ensure they deal with all appeals in a consistent manner.

2. Centre's responsibility

It is important that all staff involved in the management, assessment and quality assurance of Active IQ qualifications, along with all learners, are aware of the contents of this policy.

In addition, approved centres are required to have in place internal appeal arrangements that learners are able to access if they wish to appeal against an assessment decision made by the centre. If an individual wishes to appeal against such a decision, they must initially complete the centre's internal appeals process before bringing the matter to Active IQ.

3. Fees

For appeals requesting stage 2 of this policy (where the appeal meets the requirements set out in this policy), Centres should contact Active IQ directly for information regarding the appeals process and any associated administration costs. If the appeal is upheld, any fees will be waived and a refund issued.

This policy covers:

- appeals from learners in relation to an assessment decision on the basis that the centre did not apply procedures consistently, or that procedures were not followed properly and fairly, and as a result, the learner disagrees with the decision and wishes to challenge the outcome
- appeals from a centre in relation to an assessment decision (for either an individual learner or a cohort of learners) being overturned by Active IQ as a result of associated external verification activity

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- appeals from a centre concerning the content of a centre monitoring (EQA) report
- appeals from a centre and/or learners relating to an Active IQ decision to decline a centre's request to make reasonable adjustments or give special considerations
- appeals from a centre in relation to the application of an Active IQ sanction
- appeals from a centre in relation to action taken by Active IQ following a verification visit
- appeals from a centre on the outcome of an investigation into malpractice or maladministration, or a decision to amend a learner's (or cohort of learners') results following a malpractice or maladministration investigation
- appeals from a centre relating to a decision made by Active IQ following an investigation into a complaint about a centre, or a pattern of complaints triggering an investigation into possible malpractice or maladministration at that centre, which has resulted in a change to the centre's approval, compliance or risk status

4. Process for raising an appeal

An appeal must be made in writing within 20 working days of the date the learner/s were notified of the decision by the centre (where it was not a notification from Active IQ) against which an appeal is being made. It is therefore essential for the centre contact to advise all staff/stakeholders to retain any evidence relating to the appeal until the outcome is known.

For learners, this means 20 working days from the date the results or assessment decision were received following an exam or summative practical assessment, or 20 working days from the date of the decision in relation to reasonable adjustments or special consideration, or other relevant decision.

As a centre, if the appeal is being made on behalf of your learners, written permission must be obtained from the learner/s concerned, as grades/results can go down as well as up (where applicable) as a result of an investigation.

Learners who wish to appeal directly to Active IQ in respect of a decision that relates to them must be supported by their centre, and the centre's own appeals process should have been exhausted prior to contacting Active IQ. Where this is the case, learners must provide documented evidence that they have first completed the internal appeals process. It is expected that learners will only appeal directly to Active IQ in exceptional circumstances.

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For centre appeals raised in relation to those examples above, or learner appeals lodged with the support of the centre, the centre contact should complete the appeals form via its Active Intel home page, or by direct request via the 'Contact us' section of this policy.

Alternatively, centres may submit their own report accompanied by documents and supporting evidence.

Reports must include the following:

- centre name, address and contact details
- learner's name and Active IQ registration number
- date(s) you received notification of Active IQ's decision (where applicable)
- title, level and number (QAN) of the Active IQ qualification affected
- detailed outline and reasons for the appeal
- contents and outcome of any investigation already completed internally by the centre relating to the issue
- date of the report and the appellant's name, position and signature

5. Situations brought to our attention by the regulators

Where the regulators or others notify us of failures that have been discovered in the assessment process of another awarding organisation(s), we will review whether or not a similar failure could affect our own assessment processes and arrangements, consider whether any remedial action is necessary in relation to assessments that have been undertaken, and consider appropriate amendments to those processes for the future.

6. Initial review of the matter

Wherever possible, we will try to resolve issues before they reach an appeal stage. We will undertake an initial, informal assessment of material information and write to the centre with details of our decision. If we are unable to resolve a dispute in this way, the appeals process will be available for centres and learners (who are supported by their centres).

In all instances, we will ensure that the person carrying out this initial assessment does not have a personal interest in the dispute and was not involved in the original decision.

7. Formal appeal process

Stage 1

Upon receipt of all appeals, following the initial review outlined above, the Lead External Quality Assurer will acknowledge receipt of the appeal within two working days and aim to

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respond fully to the appeal within 20 working days. Please note that in some cases the review process may take longer: for example, if a centre visit is required, if further information is sought from the appellant or others, or if the matter is particularly complex.

In such instances we will contact all parties concerned to inform them of the likely revised timescale. The appeal will be reviewed by Active IQ's Compliance Group.

Active IQ will ensure that the people carrying out the stage 1 review do not have a personal interest in the dispute and have not been involved in the original decision.

Following the review of the appeal at stage 1, we will write to the appellant with details of, and summarised reasons for, our decision to either:

1. amend our original decision; or
2. uphold the original decision

If the original decision is upheld following the stage 1 review, the appellant must confirm within 15 working days if they wish to proceed to stage 2 of the appeals process.

Stage 2: Independent review appeals process (fee chargeable)

If you oppose the stage 1 outcome and wish to appeal this decision you must describe, in writing, why you disagree with the stage 1 appeal decision, and provide any additional supporting evidence that has not previously been provided within 20 working days of the stage 1 outcome being communicated. Active IQ will not accept an appeal outside of this timeframe.

The new additional supporting evidence will be reviewed by the Active IQ Compliance Group in the first instance, if it is found to support the appellants disagreement with the original appeals decision, Active IQ will arrange for an independent review to be carried out.

This review will be carried out by the Active IQ independent appeals panel.

The Active IQ appeals panel will include:

- a minimum of two individuals
- at least one individual will not have been an employee of Active IQ, and will have relevant expertise and or experience of quality assurance and the regulatory landscape
- they must have the relevant competence to make a decision in relation to the appeal; and
- they must not have a personal interest in the decision outcome

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The independent review panel will review all the evidence that was provided in the original decision, the internal centre-level appeal process (if appropriate) and the stage 1 Active IQ

appeals process and subsequently check whether Active IQ applied its procedures fairly, appropriately and consistently in line with this policy.

The independent review process may or may not involve the following (at the sole discretion of Active IQ and the independent review panel):

- a request for further information from the appellant, the learner or Active IQ personnel
- a discussion with the appellant, or the learner and Active IQ personnel
- a centre visit

Upon completion of stage 2:

1. the stage 1 decision may be upheld, with consequential impact on the original decision
2. the stage 1 decision may be amended, with consequential impact on the original decision
3. recommendations may be made more generally to Active IQ

It is anticipated that stage 2 will take approximately 25 working days from the receipt date of the stage 2 application. It may take longer depending on the enquiries required, in which case the appellant will be kept informed.

The appellant may contact Ofqual (England), Qualifications Wales or CCEA (Northern Ireland) directly, to raise a formal complaint regarding the appeals process. Regulators will always want confirmation that all other internal and external procedures have been formally exhausted prior to their involvement and will seek evidence to confirm this is the case. Upon receipt they may or may not agree to hear the complaint but will provide reasons for their decision.

8. Issues brought to our attention by a regulator

In situations where an appeal has been successful following a complaint to a regulator, or where an investigation following notification from a regulator indicates a failure in our processes, Active IQ will give due consideration to the outcome and will, as appropriate, take actions such as, but not limited to:

- amending the risk profile of the centre concerned
- identifying any other learners who have been affected and correcting, or, where it cannot be corrected, mitigating as far as possible, the effect of the failure (e.g. amending the results for the learner/s affected following an appropriate investigation)

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- reviewing our associated processes and policies to ensure that the failure does not occur again, or mitigating the situation as far as possible if the failure that occurred cannot be corrected

We will also co-operate with any follow-up investigations required by the regulators and, if appropriate, agree any remedial action with them.

9. References to associated documents

- Active IQ's role of the external quality assurer policy
- Active IQ's reasonable adjustment and special considerations policy
- Active IQ's malpractice and maladministration policy

10. Implementation and dissemination

This policy will be implemented immediately upon approval and available on Active IQ website.

11. Monitoring arrangements

This policy will be reviewed in three months by relevant Active IQ and NCFE colleagues to ensure document is aligned and fit for purpose following full integration of Active IQ.

12. Data retention

Active IQ will securely store information provided as part of your appeal submission. Active IQ will not keep personal data for longer than we need it. Once the retention period is over, and it is no longer justifiable to hold personal data any longer, data will be securely destroyed or anonymised.

13. Contact us

If you have any queries about the contents of the policy, please contact our EQA team on:
E: ev@activeiq.co.uk
T: +44(0)1480 467 950
T: +44(0) 845 688 1278

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