

Enquiries and Appeals Policy

1. Scope

University Of Applied Research & Development aims to ensure that all decisions are fair, consistent and based on valid judgements. However, we recognise that there may be occasions when you wish to enquire or appeal a decision or judgement.

This policy applies to:

- Examination results;
- Outcomes of applications for reasonable adjustments or special considerations; • Decisions made in relation to a qualification or risk status; and
- Decisions made in relation to a sanction placed on a Site.

This policy does not cover appeals against decisions about Site approval applications and qualification approval applications.

The intended audience for this document is:

- University Of Applied Research & Development Directors and Board of Trustees
- University Of Applied Research & Development Core and Associate staff, including personnel in University Of Applied Research & Development subsidiaries
- All staff of University Of Applied Research & Development Delivery Partners associated with University Of Applied Research & Development provision
- All staff in University Of Applied Research & Development recognised and partner Sites
- Learners
- Qualification Regulators
- Industry Regulators

The appeal process will provide for the effective appeal of results on the basis that University Of Applied Research & Development (the Awarding Organisation) did not apply processes and procedures consistently or that processes and procedures were not followed properly and fairly. This policy and procedure satisfies the relevant Conditions and Principles set out by the various Qualifications Regulators

An enquiry or appeal can be raised by:

- The Learner;
- a Learner's representative; or
- the Site.

This document explains the process that Sites, and in some cases Learners, need to go through if they wish to question a decision in relation to the above. There may be fees associated with each

stage of the process and so this document should be read alongside the **University Of Applied Research & Development Tariff**. This is available from University Of Applied Research & Development on request.

There are **3 stages** of enquiry or appeal, depending on the nature of the decision. Each must be completed before progression to the next stage:

- Enquiry and Review – Stage 1
- Internal Appeal – Stage 2
- Independent Appeal Panel and Review – Stage 3

Please note that if a Site made the awarding decision, rather than University Of Applied Research & Development directly, the Site Appeal Process should be followed first. If the Learner is dissatisfied with the outcome of the Site Appeals process they may then make an appeal to University Of Applied Research & Development directly and this must be done **within 10 working days** of the receipt of the outcome of the Site Appeal.

2. Stage 1 – Enquiry and Review

2.1 Examination Results

An enquiry about an examination result gives the Site or the Learner the opportunity to question the result of an assessment **marked by University Of Applied Research & Development**.

The Site may make the enquiry on behalf of the Learner. However, in exceptional circumstances, a Learner may apply directly to University Of Applied Research & Development.

If you are the Site:

- You must gain the consent of the Learner before making the application on their behalf; and
- Make the Learner aware that the result/grade may be lowered as a result of the enquiry.
- The enquiry must be submitted **within 25 working days** of the results being issued to the Site.
- Enquiries/appeals must be accompanied with a copy of the official notification of results, along with the original certificate where one has been provided, any other relevant and supporting documentation, and proof of identification of the individual Learner (either a copy of the individual learner's Birth Certificate or a copy of the photo page of their Passport).
- The enquiry/ appeal must be submitted to assurance@nocn.org.uk

If you are the Learner:

- You must be aware that the result/grade may be lowered as the result of the enquiry.

- If you are applying directly to University Of Applied Research & Development, you must submit the details of your enquiry/Appeal to assurance@nocn.org.uk **within 25 days** of the results being issued by University Of Applied Research & Development to the Site.
- You must provide proof of identification.

University Of Applied Research & Development will **acknowledge** your enquiry/appeal application **within 3 working days** of receipt.

University Of Applied Research & Development Head of Assurance will review the enquiry/appeal and the appellant will be informed that the enquiry/appeal is in or out of scope **within 5 working days** of receipt of the enquiry/appeal by University Of Applied Research & Development.

University Of Applied Research & Development will respond to your enquiry/appeal within **20 working days** of receiving it.

There are **two** types of enquiry available depending on the type of **examination**:

- a) An **administrative check** for **multiple choice examinations**. University Of Applied Research & Development will ensure that the Learner responses have been accurately recorded. University Of Applied Research & Development will check the overall mark and grade (if grading is applicable to the qualification).
- b) A **review of marking** is available for **written examinations**. An administrative check will be conducted first and then an examiner/marker will re-mark the script.

See **University Of Applied Research & Development Tariff** for charges.

Outcomes

There are three possible outcomes to an enquiry:

- The examination result is upgraded, for example, from a Fail to Pass. University Of Applied Research & Development will amend its records and if applicable, send a certificate to the Site/Learner which reflects the achievement.
- The examination result is confirmed.
- The examination result is downgraded. The issue of a certificate will depend on the outcome.

If the examination result is confirmed or downgraded, then the appellant may appeal (**Stage 2**).

2.2 Reasonable Adjustments and Special Considerations

An enquiry/appeal regarding the decision made about an application for Reasonable Adjustments or Special Considerations.

If you are the Site:

- The reasons for the appeal must be submitted to University Of Applied Research & Development **within 10 working days** of the decision being issued to the Site.

- The appeal must be accompanied by a clear reason for the disagreement and any supporting evidence.
- The appeal must be submitted to assurance@nocn.org.uk

If you are the Learner:

- You will need to appeal through the Site you are registered with if the reasonable adjustment is one which does not require University Of Applied Research & Development permission and authorisation.
- If you have gone through the appeals process at the Site and feel that the decision has disadvantaged you, then you should contact University Of Applied Research & Development via email (assurance@nocn.org.uk) within 10 working days of been told of the decision.

University Of Applied Research & Development will respond **within 10 working days**.

If the Site wishes to appeal the decision from Stage 1, then the appellant may progress to **Stage 2**. This must be submitted **within 10 working days** of the Stage 1 decision. Details of fees are available in the **University Of Applied Research & Development Tariff**.

2.3 Site Sanctions

This gives the Site the opportunity to request a review of the status/sanction applied if it feels it has been applied incorrectly.

If the enquiry/appeal is regarding a sanction that has been applied following an external quality assurance activity, then this will involve a different External Quality Assurer repeating the original monitoring activity.

If the enquiry/appeal is regarding a sanction that has been applied following the outcome of an investigation into suspected or alleged malpractice/maladministration, then the investigation findings, report and evidence will be reviewed by a member of the University Of Applied Research & Development Management Team.

If the sanction was placed on the Site for financial reasons, then the Site **cannot** request an enquiry or appeal.

The Site will need to:

- Submit the reasons the Site disagrees with the decision that has been made to University Of Applied Research & Development **within 10 working days** of the notification. This may be supported by evidence.
- Appeals must be submitted to assurance@nocn.org.uk

University Of Applied Research & Development will acknowledge your enquiry/appeal application **within 3 working days** of receipt.

University Of Applied Research & Development Management will review the enquiry/appeal and the appellant will be informed that the enquiry/appeal is in or out of scope within **5 working days** of receipt of the enquiry/appeal by University Of Applied Research & Development.

University Of Applied Research & Development will respond to your enquiry/appeal within **20 working days** of receiving it.

Outcomes

There are two possible outcomes to the appeal against a sanction:

- The level of sanction is reduced. University Of Applied Research & Development will amend the Site record and risk status.
- The level of sanction is confirmed.

If the decision on the level of sanction is confirmed, then the Site may appeal (**Stage 2**). Details of fees and charges are published in the **University Of Applied Research & Development Tariff**.

The Stage 2 appeal must be submitted to University Of Applied Research & Development **within 10 working days** of the notification of the Stage 1 outcome.

3. Stage 2 – Internal Appeal

Stage 2 is only available if a Site wishes to appeal against the outcome of Stage 1.

Learners may only appeal the outcome of the enquiry about an examination result.

See University Of Applied Research & Development Tariff for fees.

3.1 Appeals (excluding the withdrawal of Site Approval or qualification approval)

The appellant must submit the appeal to University Of Applied Research & Development within **10 working days** of being notified out the Stage 1 outcome.

The appeal must be sent to assurance@nocn.org.uk and detail the specific reason why the appellant believes that University Of Applied Research & Development did not make a fair or valid judgement or follow the correct processes and procedures during Stage 1. Additional supporting documentation and evidence must be provided and referenced.

If the application does not include the required information, it will be returned to the appellant. A deadline for re-submission will be given. This must be met in order for the appeal to be heard.

University Of Applied Research & Development will acknowledge receipt of information received **within 3 working days**.

Two University Of Applied Research & Development Managers, not involved in the original decision will review the application, supporting documentation and any records relating to the original decision made by University Of Applied Research & Development. This will be reviewed **within 25 working days** of receipt. They will consider whether the review was properly conducted and whether the decision was reasonable.

University Of Applied Research & Development will write to you **within 5 working days** of their meeting to inform you of the decision and reasons for it.

Sites have the right to appeal against the outcomes of the Stage 2 appeal. This is Stage 3.

3.2 Appeals – Withdrawal of Site Approval or qualification approval

Where Sites have received a notice of the withdrawal of Site Approval or approval to deliver a qualification(s), they may appeal to the University Of Applied Research & Development Responsible Officer.

The appellant must, within **5 working days** of the receipt of notice of Withdrawal of Site Approval or approval to deliver qualification(s), email or write to the Head of Assurance in University Of Applied Research & Development stating they wish to appeal the decision.

University Of Applied Research & Development will acknowledge receipt of this **within 3 working days**.

Within a further **10 working days** from University Of Applied Research & Development acknowledgement, the Site is to formally submit to the Responsible Officer an appeal application documenting clearly:

- The basis of the appeal.
- The documented evidence the Site relies upon for the notice of Withdrawal of Site Approval or delivery of a qualification(s) being overturned; and
- Proposals for dealing with the Adverse Effect created by the incident(s) or reasons which resulted in the Withdrawal of Site Approval or delivery of qualification(s) being issued.

This document must only deal with the reasons for University Of Applied Research & Development issuing the notice of Withdrawal of Site Approval or delivery of a qualification(s). Appeal applications which raise matters that are not relevant or in addition to matters integral to Site Approval will not be considered. Appeal applications which include such matters will not be processed and will be returned to the Site.

Within **5 working days** of receipt of the appeal application, University Of Applied Research & Development will raise with the Site any further information it may require in order to process the appeal. This may include further evidence or clarification of the evidence provided.

The Responsible Officer will only consider the appeal when full and final documentation has been submitted by the Site.

The Responsible Officer will carry out the appeal review and inform the Site of the decision within **15 working days** of the receipt of the appeal application with full and final documentation.

The decision of the Responsible Officer will be final and there will be no further right to appeal.

Outcomes

There are two possible outcomes to the appeal against withdrawal of Site approval or delivery of a qualification:

- The level of sanction is reduced. University Of Applied Research & Development will amend the Site record and risk status.
- The level of sanction is confirmed.

4. Stage 3 – Independent Appeal Panel and Review

Stage 3 is only available if you wish to appeal the outcome of Stage 2 (with the exception of Withdrawal of Site approval or qualification approval).

See **University Of Applied Research & Development Tariff** for fees.

The Independent Appeal Panel ensures there is an independent avenue for appeal if the appellant is not satisfied with the outcome of Stage 2.

The Panel will be comprised of two members of the Regulation and Enhancement Committee.

The appellant must submit the appeal within **10 working days** of the date of notification of the Stage 2 outcome. This must be submitted to the University Of Applied Research & Development Responsible Officer via email.

University Of Applied Research & Development will acknowledge receipt of the application within **3 working days** and send you details of the panel hearing.

The Independent Appeal Panel will meet **within 30 days** of receipt of the appeal.

University Of Applied Research & Development will write to you within **10 working days** of the meeting with the Appeal Panel's decision and their reasons for the decision.

The Independent Appeal Panel's decision is final.

If a review is required, additional fees will be applicable.

Note:

If your appeal is upheld at any stage, appeals fees paid will be refunded, records will be adjusted and if applicable, replacement documentation will be issued without further charge.

University Of Applied Research & Development aim to meet all stated timescales, but there may be circumstances that prevent them from being met. In such cases, University Of Applied Research & Development will advise you and keep you informed of progress.

5. Quality Assurance

This policy will be reviewed on an annual basis. Next review date: April 2019