

## APPEALS POLICY

### Introduction

This policy is aimed at our Centre's and learners who are delivering/registered on or have taken a CQ approved qualification or unit. It sets out the process you should follow when submitting appeals to us and the process we will follow when responding to enquiries and appeals.

It is also for use by our staff to ensure they deal with all appeals in a consistent manner.

### Centre's responsibility

It is important that your staff involved in the management, assessment and quality assurance of our qualifications and your learners are aware of the contents of the policy.

In addition, you must have internal appeal arrangements which learners can access if they wish to appeal against a decision taken by your Centre. If an individual wishes to appeal against a decision taken by a Centre they must first of all go through the Centre's appeals process before bringing the matter to CQ.

### Review arrangements

We will review the policy annually as part of our self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback or requests from, or good practice guidance issued by, the regulatory authorities (e.g. to align with any appeals and complaints process established by the regulatory authorities such as Ofqual).

If you would like to feedback any views please contact us via the details provided at the end of this policy.

### Fees

CQ charge a fee to cover the administrative and personnel costs involved in dealing with appeals which we will refund if your appeal is successful. Please see our fees policy.

### Areas covered by the policy

This policy covers:

- Appeals from learners and/or Centres in relation to an assessment decision on the basis that we did not apply procedures consistently or that procedures were not followed properly and fairly.
- Appeals from Centres in relation to a CQ decision concerning a Centre's application to offer a CQ qualification.
- Appeals from Centres concerning the contents of a Centre monitoring report.
- Appeals from Centres and/or learners relating to a CQ decision to decline a Centre's request to make reasonable adjustments or give special considerations.

- Appeals from Centres or learners in relation to the application by CQ of a sanction/action on a Centre resulting from a verification visit or an investigation into malpractice or maladministration or a decision to amend a learner/set of learners results following a malpractice or malpractice investigation.
- Appeals from Centres relating to a decision made by CQ following an investigation into a complaint about a Centre.
- Appeals if you believe we have not applied our procedures consistently or that procedures were not followed properly, consistently and fairly.

### **Process for raising an appeal**

You (and your learners) have 20 working days from the date we notified you of the decision you are appealing against in which to lodge an appeal against our decision - this includes assessment results; hence please advise your learners/staff to retain their course evidence until they receive their result.

If you appeal on behalf of your learners you must ensure that you have obtained the written permission of the learner(s) concerned as grades/results can go down as well as up as a result of an investigation.

Learners who wish to appeal about their assessment results or about a related decision should either be supported by their Centre and/or should have exhausted their Centre's own appeals process before appealing to us. In the latter case, learners must provide us with evidence that they have first appealed to their Centre. It is expected that learners will only appeal directly to us in exceptional circumstances.

Centres should write to CQ in order to submit an appeal on behalf of a learner and or the Centre and in doing so supply relevant supporting information such as the following:

- learner's name and CQ registration number
- date(s) you or the learner received notification of CQ's decision
- title and number of the CQ qualification affected or nature of service affected (if appropriate)
- full nature of the appeal
- contents and outcome of any investigation carried out by you relating to the issue

### **Situations brought to our attention by the regulatory authorities**

Where the regulators notify us of failures that have been discovered in the assessment process of another awarding organisation we will review whether or not a similar failure could affect our own assessment processes and arrangements.

### **Initial review of the appeal details**

Upon receipt of all appeals our Quality Assurance Manager will acknowledge receipt of the appeal within 5 working days and aim to respond fully to the initial review of the potential appeal within 20 working days. Please note that in some cases the review processes may take longer, for example, if a Centre visit is required. In such instances, we'll contact all parties concerned to inform them of the likely revised timescale.

At all times we will ensure that CQ personnel assigned to the appeal investigation have the appropriate level of competence and they have had no previous involvement or personal interest in the matter. If the Quality Assurance Manager has an involvement in the appeal

matter they will not be responsible for allocating a member of staff to carry out the investigation or for overseeing and managing the investigation.

The first stage will be for us to undertake an initial, informal assessment of all potential appeal to ensure the application is complete and to ascertain if the issue can be resolved before it goes to a formal appeal. In all instances we will ensure that the person carrying out this initial check will not have a personal interest in the decision being appealed.

Following the initial review of the potential appeal we will write to the appellant with details of our decision to either:

1. amend our original decision in light of the new rationale/evidence being put forward and which has now been reviewed
2. to confirm we stand by our original decision and in doing so the rationale for this decisions and request that you confirm, within 20 working days, whether you now accept this decision or if wish to formally proceed to our formal appeals process which will be carried out by an independent party.

### Seeking an independent review

If you decided to proceed to the independent appeal stage we will arrange for an independent review to be carried out.

This will be carried out by someone who is not an employee of ours, an assessor working for us, or otherwise connected to our organisation. They will also be someone with the relevant competence to make a decision in relation to the appeal and will have not a personal interest in the decision being appealed.

The Independent Reviewer will review all the evidence which took place in the above stages and review if we've applied our procedures fairly, appropriately and consistently in line with our policy.

The independent review process may involve:

- a discussion with the appellant or the learner and CQ personnel
- a request for further information from the appellant, the learner or CQ personnel
- a Centre visit by authorised CQ personnel.

The Independent Reviewer's decision is final in relation to how CQ will consider such appeals and we will let you know the outcome of the review within 20 working days of receipt of the third appeal. If the Centre/learner is still unhappy with the outcome at this stage they are entitled to raise the matter with the relevant qualification regulator (e.g. Ofqual in England or SQA in Scotland). In the case of Scottish based complaints to the Scottish Public Service Ombudsman (SPSO) if you feel that matter has not been appropriately addressed and considered by CQ and then the regulator in Scotland the SQA – although please note SPSO will not consider complaints about academic decisions, such as the outcome of an assessment. These types of complaints are considered by the SPSO as an appeal and would therefore be considered through CQ's appeals processes.

### Successful appeals and/or issues brought to our attention by Ofqual

In situations where an appeal has been successful, or where an investigation following notification from Ofqual indicates a failure in our processes, CQ will give due consideration to the outcome and will as appropriate take actions such as:

- amend the profile of the Centre concerned in CQ's systems
- identify any other learners who have been affected correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure (eg and amend the results for the learner(s) affected following an appropriate investigation)
- review our associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected

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

### Contact us

If you've any queries about the contents of the policy, please contact our Admin and Support Team on 01359 245316 or email them at [enquiries@cqual.org](mailto:enquiries@cqual.org) or in writing to Central Qualifications, Elmtree Business Park, Elmswell, Bury St Edmunds, Suffolk, IP30 9HR