

APPEALS PROCEDURE

Introduction

This policy provides learners with an opportunity to raise any concerns or worries they may have arising from any aspect of learning or working with JS Consult. This policy is aimed at JS Consult centres who are delivering and learners who are registered on Ofqual qualifications, regulated qualifications or units or courses within the UK. It sets out the steps to follow when submitting appeals about results, assessment methods and Qualifications' decisions and the steps we will follow when reviewing the cases, in order that appeals can be received, considered and resolved fairly.

Learners who wish to appeal about their assessment results or about a decision affecting their learning should either be supported by their programme manager or should have exhausted their centre's own appeals process before appealing to the appropriate awarding body.

EXAMPLES

- Learning not meeting the qualification criteria.
- Assessment process badly organised.
- Staff not trained to make fair judgement.
- Poor marking of work or recording of observation.

In the latter case, learners must provide awarding bodies with evidence that they have first appealed to their centre. Learners are encouraged to seek to resolve any issues initially by informal discussion with your tutor and or a member of JS Consult staff. Learners may wish to take notes of any discussions.

OUR RESPONSIBILITY

It is important that Centre staff involved in the management, assessment and quality assurance of regulated qualifications or units or courses, and learners, are fully informed of the contents of the policy.

JS Consult have internal appeal arrangements which learners can access if they wish to appeal against a decision taken by assessors or tutors, which will include a named contact at the centre. These arrangements have to be transparent and accessible in order that appeals from learners can be received, considered and resolved fairly.

On any external awarding body visits, External Quality Assurers may check, from time to time, that centre staff and learners are aware of the contents and purpose of this policy.

AREAS COVERED BY THE POLICY

Appeals relating to Ofqual regulated qualifications. Appeals from learners and/or centres in relation to an assessment result/decision on the basis that an awarding body did not apply procedures consistently or those procedures were not followed properly and fairly. Appeals from centres and/or learners relating to an awarding body decision to decline a centre's request to make reasonable adjustment or give special considerations.

Appeals from centres and/or learners in relation to the application by an awarding body of a sanction/action on a centre resulting from an external quality assurance visit or an investigation into malpractice or maladministration or a decision to amend a learner/set of learners' results following a malpractice or maladministration investigation.

APPEAL PROCEDURE

Stage 1

If the Learner is in disagreement with their tutor concerning the assessment decision, the Learner has the right to appeal. In the first instance it is advisable that they discuss their concerns with the assessor when

most cases of assessment decision appeals are resolved. All assessment decisions are verified by an Internal and External Verifier, to ensure that assessments decisions are consistent and fair.

If the complaint is still not settled to the Learner's satisfaction, then they should in writing and forwarded to the Lead Quality Assurance Officer, within 10 days of being notified of the assessment decision. The decision will be reviewed and a response issued within 7 days of the appeal being received. If the learner is still not satisfied with the outcome, the Internal Verifier will set a date for the appeal within 10 working days of receipt, at this time the Apprenticeship Manager; will also be notified, hopefully to attempt to reach agreement between the learner and the tutor at the earliest opportunity. They will standardise and record any appeal to ensure openness and fairness. Record, track and validate any appeal.

The learner will also have the right to complain directly to your awarding body, if you are not satisfied with the above outcome.

Stage 2

If learners are dissatisfied with the outcome of the initial review of the appeal, they may proceed to the independent appeal stage and the awarding body will arrange for an independent review to be carried out. Forward the appeal to the Awarding Body when a learner considers that a decision continues to disadvantage them after the internal appeals process has been exhausted This will be carried out by someone who is not an employee, an assessor working, or otherwise connected to the awarding body. They will be someone with the relevant competence to make a decision in relation to the appeal and will not have a personal interest in the decision being appealed.

The Independent Reviewer will review all the evidence which was submitted in the above stages from the centre and review whether the awarding body has applied procedures fairly, appropriately and consistently in line with the policy.

The independent review process may involve:

- A discussion with the appellant or the learner and awarding body personnel.
- A request for further information from the appellant, the learner or awarding body personnel.
- A centre visit by authorised awarding body personnel.

The Independent Reviewer's decision is final in relation to how the awarding body will rule on appeals and the outcome of the review confirmed within 20 days of receipt of the review request. 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).

SUCCESSFUL APPEALS

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

Amend the profile record of the centre concerned.

Identify any other learners who have been affected and correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g., amend the results for the learner(s) affected following an appropriate investigation).

Undertake a review of internal processes and procedures, 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.

The appropriate awarding body paperwork needs to be completed appeals, which is available from the website or on request from the relevant awarding body. Alternatively, reports may be submitted accompanied with documents and supporting evidence.

Reports must include:

- Centre name, address and Centre reference number.
- Learner's name and registration number.
- Date(s) the centre or the learner received notification of the awarding body's decision.
- Title and number of the qualification affected or nature of service affected.
- Full nature of the appeal.
- Contents and outcome of any investigation carried out by the centre or the learner relating to the issue.
- Date of the report and the appellant's name, position and signature.

REVIEW

This policy will be reviewed on an annual basis or following changes to Government updates, as well as statutory guidance in relation to Covid-19 and company risk assessment policies and processes.