

# Appeals Policy

Version v21.2

Appeals Policy	
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Policy Owner	Quality & Compliance Manager
Contact Email	compliance@tquk.org
Contact Phone Number	03333583344
Approved By	Leadership Team
Policy Relates to:	End-Point Assessment Provision, Awarding Provision
Policy is for the use of:	Learners, Apprentices, Training Providers, Recognised Centres, TQUK Employees, Third Parties,
Should be read in conjunction with:	Complaints Policy, Malpractice and Maladministration Policy, Reasonable Adjustments and Special Considerations Policy, Fees & Invoicing Policy
Relevant GCoR	I1, H6

### Introduction

Training Qualifications UK is committed to ensuring any decisions it makes remain fair, reliable and provide accurate and comparable results, however, we recognise that there may be situations where an individual wishes to appeal a decision or judgement TQUK has made.

As such, TQUK offers the below appeals policy in order to provide external parties with a means to contest decisions made by TQUK, where an individual or organisation reasonably believes TQUK has not followed its procedures and processes correctly and therefore has not made its decisions and judgements fairly.

### Internal Responsibility

The Quality and Compliance Department is responsible for the maintenance and compliance of this policy. If the Quality and Compliance Manager is absent, the Responsible Officer will appoint another member of the Leadership Team to ensure all of TQUK's actions and activities are in line with the content of this policy.

### Review arrangements

We will review the policy annually as part of our self-evaluation process and revise it as and when necessary, in response to feedback, trends from our internal monitoring arrangements, changes in our practices, actions from the regulatory authorities or external agencies, or changes in legislation.

The annual review of this policy will be undertaken by the Quality and Compliance Department approximately four weeks prior to the submission of TQUK's Statement of Compliance to our regulators. Any amendments or updates to this policy will be approved by TQUK's Leadership Team.

Where the regulators notify TQUK of failures that have been discovered in the appeals processes of another awarding organisation, TQUK will review whether or not a similar failure could affect our appeal processes and arrangements and take action to amend this policy where necessary.

## Who can Appeal?

### 1. A TQUK Recognised Centre

A TQUK Recognised Centre may wish to appeal decisions TQUK has made in relation to the centre, specifically quality assurance decisions such as application of a sanction on a Recognised Centre following an investigation into malpractice or maladministration. A Recognised Centre may wish to query the results of a Learner's or a cohort of Learners' assessment, the process for which is covered under the section 'Enquiries about Results' below.

### 2. A Training Provider

A Training Provider may appeal if it believes TQUK has not followed its procedures fairly and consistently when coming to an assessment decision regarding one of its Apprentices. The Training Provider should have the written permission of the Apprentice before appealing in this way, as the result of any appeal may impact their grade.

### 3. A Learner undertaking a regulated qualification that is not an End-Point Assessment

A Learner undertaking a regulated qualification that is not an End-Point Assessment with a Recognised Centre may wish to query the results of an assessment, in which case they should contact their centre. Recognised Centres may make Enquiries about Results on behalf of Learners.

A Learner is entitled to make a complaint about a Recognised Centre if they do not feel the centre has followed its appeals procedures correctly and should consult the Complaints Policy to establish how to go about making a complaint about a Recognised Centre.

### 4. An Apprentice undertaking End-Point Assessment with TQUK

An Apprentice undertaking End-Point Assessment with TQUK who believes procedures have not been applied fairly and consistently in arriving at a judgement of attainment must first consult with their Training Provider if they wish to query a decision made by TQUK. Appeals relating to End-Point Assessment provision should be submitted by the Training Provider.

## Learners undertaking a TQUK endorsed course

Learners undertaking a TQUK endorsed course with a TQUK Recognised Centre should utilise the centre's own appeals process and are not able to appeal directly to TQUK as TQUK is not involved in assessment decisions relating to endorsed courses. Such a Learner is still entitled to make a complaint about a TQUK Recognised Centre in relation to an endorsed course and should consult the Complaints Policy to establish how to go about making a complaint about a centre.

## The Appellant

For the purposes of this document, the Appellant is considered to be the person or organisation who completes and submits the Appeal Form as outlined in the 'Appeals Process' section, or who makes the Enquiry about Results, as detailed in the 'Enquiries about Results (EAR)' section.

## Grounds for Appeal

An appeal is the process through which an Appellant can dispute that TQUK have applied procedures fairly, appropriately and in line with its policies. In order for an appeal to be successful, the Appellant must prove on the balance of probability that TQUK has not acted in line with its procedures in fairly arriving at a judgement.

The Appellant must have genuine cause to believe TQUK has not followed its procedures and will have to explain the reasons why they believe this.

A Recognised Centre may appeal when it has genuine cause to believe TQUK procedures and processes have been applied unfairly or inconsistently when making a decision:

- on an assessment result
- to decline a request to make reasonable adjustments or special considerations
- to apply a sanction or action on a centre resulting from a verification visit or investigation
- to amend results following an investigation
- to refuse to print certificates
- regarding staff approval
- regarding recognition of prior learning
- on the outcome of an Enquiry about Results
- regarding centre recognition or qualification approval

A Recognised Centre may also make an Enquiry about Results as outlined in the 'Enquiries about Results' section below.

A Training Provider may appeal on behalf of an Apprentice when they and the Apprentice believe:

- assessments were not conducted fairly or in line with TQUK's outlined processes or the regulations of the relevant external quality assurer
- the Apprentice was unfairly excluded from participating in an assessment activity
- to decline a request to make reasonable adjustments or special considerations
- the relevant standard competencies have been demonstrated, but not acknowledged
- the internal quality assurer was not given access to all supporting evidence to support an accurate assessment decision
- there was unfairness or impropriety on the part of one or more of the assessors/internal quality assurers which led to inaccurate results being issued.

If you are unsure as to whether you have grounds for an appeal, we encourage an initial enquiry be made to the Compliance Team, who will be able to advise on whether or not your enquiry would constitute an appeal.

If an Appeal is submitted and the grounds are unclear, TQUK may ask for clarification before commencing investigation.

## Qualification Evidence

Recognised Centres must retain all qualification evidence until they receive their results, and throughout any appeals process. It will only be possible to appeal the result of an assessment if the qualification evidence is retained for review.

**Appeals relating to access arrangements, reasonable adjustments or special consideration**

The process by which a decision is made whether to apply reasonable adjustments or special considerations is outlined in the Reasonable Adjustments and Special Considerations policy. A Recognised Centre or Training Provider who wishes to appeal such a decision should consult the Reasonable Adjustments and Special Consideration Policy first in order to understand the process TQUK applies when deciding whether or not to apply a reasonable adjustment or special consideration.

If, after consulting the relevant policy, the Recognised Centre or Training Provider disagrees with the decision made and has reasonable grounds to believe that TQUK has not followed its processes and procedures correctly then an appeal should be made following the process below.

**Enquiries about Results (EAR)**

An Enquiry about Results is a review of the marking or moderation of a particular assessment component or examination script for an examination which has been externally marked, or has been internally marked and externally moderated. This is the appropriate course of action where:

- a Learner's results differ widely from the reasonable expectation of their assessor where an assessment has been externally marked.
- a Learner's results are unexpected compared to their peers or other members of their cohort where an assessment has been externally marked.
- a cohort's results as a whole differ widely from the reasonable expectation of their assessor where an assessment has been externally moderated but was internally marked.
- an Apprentice's examination result differs widely from the reasonable expectation of their on-programme assessor.

An enquiry about results only applies to End-Point Assessment components which are examinations set and marked by TQUK. An enquiry about results does not apply to the results of an End-Point Assessment in its entirety and will only address issues related specifically to the examination. Apprentices and Training Providers should use the normal appeals procedure for appeals relating to other elements of an End-Point Assessment.

A Recognised Centre or Training Provider may apply to receive the script from an examination before deciding to pursue an enquiry about results by notifying TQUK, who will forward an electronic copy of the scripts. This is only possible where an examination is delivered as part of a session and is subsequently retired, rather than in live 'on-demand' use.

Enquiries about Results must be submitted through Recognised Centre or Training Provider. If an individual Learner or Apprentice wishes to make an Enquiry about Results they should contact their centre or Training Provider, who will be able to make the enquiry on their behalf.

There are two routes for a Recognised Centre to follow when making an Enquiry about Results; clerical check (which may lead to a review of marking) or review of moderation, depending on whether or not the assessment was internally or externally marked.

### Clerical Check

Where an assessment has been externally marked and the Appellant wishes to query a result, TQUK will perform a clerical check to ascertain that the marking of the assessment has been recorded and processed correctly, namely that:

- all sections of the exam paper have been marked
- marks have been recorded accurately and added up correctly
- where applicable, grade boundaries have been applied correctly to produce the final grade
- where applicable, special considerations have been applied accurately
- if any administrative errors have occurred when applying the mark scheme

If a discrepancy is found, TQUK will arrange for any errors to be rectified. It is important to note that results may go up, down or stay the same as the result of this kind of review. As such, the Appellant must obtain written consent from the Learner or Apprentice before it asks for a clerical check.

A clerical check is expected to take 10 working days from when the Appellant formally instructs TQUK to undertake the check. TQUK will inform the Appellant if circumstances dictate that this timescale cannot be met.

### Review of Marking

Once a clerical check has been conducted and the Appellant has been notified of the outcome, a Recognised Centre may request a further review of the original marking to establish if the mark scheme has been applied correctly. The review will ascertain whether or not:

- the mark scheme has been applied correctly where a task has only a 'right' or 'wrong' answer
- where applicable, if any academic judgements have been made unreasonably

In the second instance, the review of marking will be conducted by an assessor who was not involved in the marking of the original script, of suitable competence, and appointed and trained by TQUK. The reviewer will not re-mark the entire script, but will act to amend any errors identified in the original marking.

A review of marking is expected to take **10 working days** from when the Appellant formally instructs TQUK to undertake the review. TQUK will inform an Appellant if circumstances dictate that this timescale cannot be met, such as if appropriately qualified reviewers are not immediately available.

### Review of Moderation

Please note that this type of review is not applicable to End-Point Assessment.

For assessments where moderation is used, i.e. those that are internally marked but externally moderated, the Recognised Centre may appeal the results of the moderation process, in which case TQUK will review the original moderation to ensure that the changes have been made fairly, reliably and consistently applied.

If a Recognised Centre has concerns about one of its cohorts, then it should submit requests for a review of moderation for all candidates in the cohort. Written consent of the learners involved is not required for a Recognised Centre to appeal about moderation.

If the reviewer finds that the original mark is to be re-instated, we will not charge for this service. Otherwise, a **fee of £150** will be charged following the review conclusion in order to cover the associated costs, regardless of whether the marks or grades are to be changed.

A review of moderation is expected to take **20 working days** from when the Recognised Centre formally instructs TQUK to undertake the review. TQUK will inform a Recognised Centre if circumstances dictate that this timescale cannot be met.

For a Multiple Choice Examination, it is not possible to make an enquiry about moderation, as no moderation process takes place. It is possible to request a clerical check.

### The Appeal Process

TQUK operates a two-stage appeals process, with an initial enquiry step also recommended before any appeal is made.

1. Formal Appeal
2. Independent Review

### Initial Enquiry

We recommend any potential appellant contact TQUK first to make an initial enquiry. The purpose of this enquiry is to inform the potential appellant of the process to be followed and develop an understanding of what evidence will be required to support their appeal. The enquiry will be handled by a member of the Compliance team. No decision or judgement will be made on the relative strength of any potential appeal, and the TQUK staff member will merely advise the individual on how to proceed with an appeal should they wish to, or direct them to the appropriate channels should the enquiry in fact not constitute an appeal (for example if the subject of the enquiry falls under the scope of a complaint rather than an appeal).

### The Formal Appeal

The Appellant must complete and return the TQUK Appeal Form to formally begin the process. The Appellant should endeavour to clearly set out the grounds for their appeal in the form, and can consider the 'Grounds for Appeal' section of this document to inform their submission. The appeals form should contain a list of the supporting documents to be considered, which should include, but is not limited to:

- Names of all individuals involved, such as assessors.
- A timeline of activities.

The Appellant must submit any relevant evidence they believe may inform the case to TQUK at the point of submission. This must include the contents and outcome of any existing investigation carried out relating to the issue, and the Appellant is encouraged to include transcripts and email threads of any relevant communications where possible. Evidence submitted at a later date will not be considered.

An Appellant has **4 weeks** from the date TQUK notifies the individual of the decision in question in which to lodge an appeal. This includes assessment results.

For appeals contesting the result of an End-Point Assessment, a prospective Appellant must notify TQUK within **2 weeks** following the issuing of results that they intend to appeal the outcome. If notification of the intent to appeal is not received within **2 weeks**, it will not be possible to conduct an appeal, as after this period the outcome will be confirmed and processed. The prospective Appellant will then have up to the usual **4 weeks** from issue of the result in which to submit the completed Appeals Form and Written Consent to Appeal Form alongside any supporting documentation.

Where acting on behalf of an Apprentice, a Training Provider must obtain explicit written consent from the Apprentice before lodging the appeal. The Training Provider should be aware that, if an Apprentice has accepted their result, it is not possible to change the result of the assessment.

TQUK will confirm receipt of the appeal within **2 working days**. The formal appeal stage will take 20 working days from the day the appeal was received. This date will be communicated with the Appellant on receipt of the appeal.

The investigation into the appeal will be conducted by a suitably competent TQUK staff member who has had no prior involvement in any decisions or investigations relating to the decision in question.

If the appeal is in relation to an End-Point Assessment, it may be necessary for TQUK to conduct a re-assessment of the component/s in question utilising a third party assessor of suitable competence not involved in the original assessment. If this action is necessary, and with the agreement of the Appellant, TQUK will charge the cost incurred for the re-assessment to the Appellant. Should the appeal be upheld, TQUK will refund this charge in full.

### Results of the Formal Appeal

Following the conclusion of the Formal Appeal, TQUK will notify the appellant of its decision to either:

- Uphold the appeal and amend the original decision in light of the new rationale/evidence being put forward and which has now been reviewed, or;
- Not-Uphold the appeal, confirming that TQUK stands by the original decision, and in doing so the rationale for making this decision, or;
- Not-Uphold the appeal, confirming that TQUK stands by the original decision, however, recognises that shortcomings have been identified in the processes and procedures which led to the decision being made.

Where a Learner or Apprentice has appealed in relation to a grade they have been awarded, they must accept that the final grade awarded following the appeals process may be lower than, higher than, or the same as the grade originally awarded.

TQUK will always attempt where possible to describe to the Appellant any next steps which can be taken by the Apprentice or Learner involved to achieve a satisfactory outcome.

TQUK requests that within **10 working days** of receiving notification of the result of an appeal, an Appellant confirms to TQUK if they accept this decision or if they wish to proceed to TQUK's Independent Review process. If no response has been received from the Appellant within this time TQUK will consider the decision to have been accepted and the matter closed.

### The Independent Review

If an Appellant has received the results of an Appeal which has not been upheld and has genuine cause to believe that TQUK has not followed its Appeals Policy and procedure in determining the outcome of the Appeal, they may choose not to accept the result of the formal appeal, and instead proceed to an independent review stage.

To support this, the Appellant will be asked to detail the reasons why they believe TQUK did not follow its Appeals Policy and procedure, and come to a fair and valid judgement. TQUK will only progress an appeal to this stage if suitable grounds are provided.

If an Appellant chooses to proceed to an independent review, remedial steps suggested on conclusion of the formal appeal stage will not be applied. Once the independent review is complete, any remedial steps recommended by the independent review will be applied instead.

TQUK will appoint an independent reviewer to consider the case. The independent reviewer will be a person with the competence required to make a decision in relation to the appeal and will not have a personal interest in the outcome. As such, the independent reviewer will not be an employee of, an Assessor working for, or otherwise connected to TQUK.

The purpose of the independent review is to ascertain if TQUK has applied its appeals procedures fairly, appropriately and in line with its policies. In order for an appeal to be successful, the Appellant must prove on the balance of probability that TQUK has not acted in line with its appeals procedures in fairly arriving at a judgement.

The independent review would normally take the form of a desk-based review and include the opportunity for the reviewer to seek clarification on points raised by the Appellant.

The exact method of obtaining any clarification will be decided upon by TQUK in collaboration with the Appellant. For example where it is not practicable for all parties to conduct a face to face meeting, TQUK along with the Appellant and the independent reviewer may explore an appropriate technical solution to conducting the meeting remotely.

All of TQUK's records regarding the appeal will be made available to the reviewer.

It will not be possible for further materials to be submitted for consideration as part of the review by any party. Where any material could be considered confidential, TQUK will take any necessary steps to ensure compliance with data protection legislation.

In the event the independent review finds that TQUK has not followed its procedures properly and fairly, it will determine any remedial action to be taken. Any fees incurred for reassessment will be refunded in full. Irrespective of the outcome of the independent review, it may make recommendations to TQUK on any areas for improvement it has identified through the process and any measures that could be put into place to address these.

### **Further Avenues**

If an Appellant continues to believe that processes have not been properly followed, a complaint may be made to the regulators. TQUK can provide advice on who to contact and which regulator is applicable to the case.

An Appellant who remains dissatisfied with the procedures and processes followed by TQUK in relation to a Regulated Qualification that is not an End-Point Assessment delivered by a Recognised Centre based in England can complain to Ofqual using the below contact details:

By Email to: [public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)

By Letter to:  
Complaints - Ofqual  
Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

An Appellant who remains dissatisfied with the procedures and processes followed by TQUK in relation to a Regulated Qualification that is not an End-Point Assessment delivered by a Recognised Centre based in

Northern Ireland can complain to the Council for the Curriculum, Examinations and Assessment (CCEA) using the below contact details:

Through the online Complaints Form via the website [www.ccea.org.uk](http://www.ccea.org.uk)

By Telephone on 028 9026 1200

By Email to [complaints@ccea.org.uk](mailto:complaints@ccea.org.uk)

In all of these cases the regulator will seek to confirm that procedures have been followed correctly and not reassess work. In all but exceptional circumstance, it will also be necessary for the Appellant to have completed the appeal and independent review stages of this appeals process before a complaint will be accepted by the regulators.

An Appellant who has appealed on behalf of an Apprentice undertaking End-Point Assessment can complain to the Education and Skills Funding Agency (ESFA) using the below contact details:

By Email to: [complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk)

By Letter to:

Complaints Team

Education and Skills Funding Agency

Cheylesmore House

Quinton Road

Coventry

CV1 2WT