



# Appeals policy

## Introduction

This policy is provided for all customers, primarily approved centres but also including learners who are delivering, enrolled on or have taken a Training Qualifications UK regulated or endorsed, qualification or unit. It sets out the process to follow when submitting appeals to TQUK and the process we will follow when responding to enquiries and/or appeals.

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

## TQUK and TQUK HK internal responsibility

The Quality Assurance Department is responsible for the maintenance and compliance of this policy. If the Quality Manager is absent the Managing Director would appoint another member of the SMT to ensure all TQUK actions and activities are in line with the content of this policy.

## Centre's responsibility

It's 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 it must first of all go through the centre's appeals process before bringing the matter to TQUK.

## 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 customer 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 Assurance Department approximately four weeks prior to the submission of TQUK's Statement of Compliance to Ofqual. Any amendments or updates to this policy will be approved by TQUK's SMT.

If you have any points or feedback regarding this policy, please contact us via the details provided at the end of this policy.

## Fees

To appeal against a decision, there is a fee of £100. This fee is to cover the administrative cost to TQUK.

## 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 TQUK decision concerning a centre's application to offer a TQUK qualification.
- Appeals from centres concerning the contents of a centre monitoring.
- Appeals from centres and/or learners relating to a TQUK 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 TQUK 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 maladministration investigation
- Appeals from centres relating to a decision made by TQUK following an investigation into a complaint about a centre.
- Appeals if you believe TQUK has not applied our procedures properly, consistently and fairly.

## Process for raising an appeal

An approved TQUK centre (and learner/s) have 4 weeks from the date TQUK notifies the centre of the decision in which to lodge an appeal. This includes assessment results. Centres must retain all course evidence until they receive their results.

If an appeal is being made on behalf of a learner/s, the centre must ensure they have obtained the written permission of the learner(s) concerned. Learners must be informed that grades/results of assessments 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 be supported by their centre and should have exhausted their centre's own appeals process before appealing to TQUK. In the latter case, learners must provide TQUK with evidence that they have first appealed to their centre. It's expected that learners will only appeal directly to TQUK in exceptional circumstances.

When submitting an appeal please provide relevant supporting information such as the following where relevant:

- learner's name and date of birth
- date(s) you or the learner received notification of TQUK's decision
- title and number of the TQUK 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 TQUK of failures that have been discovered in the assessment process of another awarding organisation, TQUK will review whether or not a similar failure could affect our assessment processes and arrangements.

## Initial review of the appeal details

Upon receipt of all appeals, TQUK will acknowledge receipt of the appeal within 48 hours. TQUK will then 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, TQUK will contact all parties concerned to inform them of the likely revised timescale.

The first stage will be for TQUK to undertake an initial, informal assessment of all potential appeals 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, TQUK 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 TQUK will then write to the appellant with details of the decision to either:

1. amend the original decision in light of the new rationale/evidence being put forward and which has now been reviewed
2. confirm that TQUK stands by the original decision, and in doing so the rationale for this decisions. TQUK will request that the centre confirms to TQUK, within 7 working days, whether they accept this decision, or if the centre wishes to proceed to TQUK's formal appeal review process, which will be carried out by an independent party.

## Seeking an independent review

If a centre decides to proceed to the independent appeal stage, TQUK will arrange for an independent review to be carried out.

This will be carried out by someone who is not an employee of TQUK or otherwise connected to the organisation. The Independent Reviewer will be a person 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 from all stages and review if TQUK has applied procedures fairly, appropriately and consistently in line with all policies.

The independent review process may involve:

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

The Independent Reviewer's decision is final in relation to how TQUK will consider such appeals. The centre will be informed of the outcome of the review within 14 working days of receipt of the review request. If the centre/learner feels at this stage that TQUK has not followed its own procedure correctly, they are entitled to raise the matter with the relevant qualification regulator (e.g. Ofqual in England).

## 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 TQUK processes, TQUK will give due consideration to the outcome and will as, appropriate, take actions such as:

- amend the record of the centre concerned
- identify any other learners who have been affected, 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)
- 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

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

On completion of the appeal, the Managing Director will complete a lessons learned summary to ensure TQUK learn from experiences of dealing with appeals and improve all ways of working.

The Managing Director will assign actions to the relevant team (s) and record them in the action log.

The Managing Director will also define the period of time set before the Centre may re-apply for Centre Approval dependent upon circumstances.

## Contact us

If you've any queries about the contents of the policy, please contact us on 03333 583344 or email [quality@tqk.org](mailto:quality@tqk.org)

## Appendix 1

	Definition	Example
Malpractice	This term relates to any activity or practice which occurs through deliberate actions, neglect or default of other practice contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates.	This may refer to a situation where a centre has produced evidence of any observation on a learner that did not occur or embellished a genuine observation to record evidence that was not seen.
Maladministration	This term describes any activity or practice which results in non-compliance with administrative regulations and requirements. It covers the application of persistent mistakes or poor administration within a centre (e.g. keeping inappropriate learner records).	This may refer to a situation where a centre has lost the assessment materials of candidates by failing to follow their own administrative procedures.