



# Enquiries about Results and Appeals Policy

Version Reference: POL008-V23-2

Department: AO



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## Enquiries about Results and Appeals Policy

### Version Control: POL008-V23-2

The following table presents the version control of this policy:

Version	Date	Reason for Change	Changes approved by:
POL008-V23-2	31/07/2023	Policy refreshed and reformatted on new document template. Examples of possible appeals removed and timescales adjusted.	SS

Please note: This version replaces all previous versions.

#### 1. Introduction

Fairness to all learners is central to this policy and we are committed to quality assurance processes that are based on impartial, evidence-based judgements. However, all centres and learners are entitled to enquire about, or appeal against, assessment or other decisions.

#### 2. Purpose

The purpose of this policy is to make sure that centres and/or individual learners know how they can enquire about assessment, or other decisions, or appeal against an outcome of an enquiry.

This document details the process that should be followed when submitting enquiries about results and appeals to FutureQuals and the process in which we will respond.

It is intended for all Centre staff involved in the management, administration, delivery, assessment and quality assurance of FutureQuals qualifications. Centres must ensure that all relevant personnel are made aware of the information contained in this policy.

The policy is also intended for use by FutureQuals staff to ensure that all enquiries about results and appeals are dealt with consistently.

#### Links to other policies

This policy should be read in conjunction with the following policies and procedures:

- Equality, Diversity and Inclusion policy
- Malpractice and maladministration policy
- Sanctions Policy
- Reasonable Adjustments and Special Considerations Policy
- Complaints Policy

#### 3. Links to Regulatory Criteria

Regulator	Regulatory rule or guidance document	Regulatory condition / principle
CCEA	General Conditions of Recognition	C2, D4, H6, I1, I2,
Ofqual	General Conditions of Recognition	C2, D4, H6, I1, I2,

Document Title: Enquiries About Results & Appeals Policy

Version No: POL008-V23-2

Document Owner: AO Operations

Qualifications Wales	Standard Conditions of Recognition	C2, D4, H6, I1, I2,
SQA Accreditation	Regulatory Principles (2021)	RP5, RP13, RP14, RP17

#### 4. Definitions

An appeal is a formal request to consider a change to a decision.

FutureQuals must establish, maintain and comply with an appeals process in relation to all qualifications which it makes available, which must provide for the appeal of –

- the results of assessments,
- decisions regarding Reasonable Adjustments and Special Consideration, and
- decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

#### 5. Responsibilities

##### Centres

All FutureQuals approved Centres must have their own auditable internal appeal arrangements which learners can access if they wish to make an enquiry about an assessment result or appeal against a decision taken by a centre. All appeals must be clearly documented and Centres are required to inform learners of the procedure they should follow in the event of an appeal against an assessment decision.

If an individual wishes to appeal against a decision taken by a centre it must first go through the centre's appeals process before bringing the matter to FutureQuals.

If the Centres internal appeals procedure is exhausted or the appeal is against an external assessment decision, learners may appeal to FutureQuals but only on the basis that the centre or FutureQuals did not apply procedures consistently or that procedures were not followed properly and fairly.

A centre may make an enquiry about a test or assessment result on behalf of one or more learners. Learners should discuss their case with the centre before the request is made. It is only possible to request an enquiry for an assessment that is marked by FutureQuals.

##### Learners

When a learner's internally assessed results vary considerably from the result they expect, the learner may make an enquiry about the assessment result to the centre that will follow its own internal procedures. An enquiry about results is a formal request, in writing, for a review of an assessment decision.

If the assessment was set and marked by FutureQuals, learners may enquire about their results before making a full appeal.

An appeal is a formal request, in writing, for a review of the outcome of the enquiry that is conducted by FutureQuals.

For a learner to make an enquiry, either of the centre or of FutureQuals, they must have been registered with FutureQuals and received a learner registration number before any assessment decision was made.

## 6. Policy

A request can be made either for an administration check, or for a re-mark. A fixed fee is charged when a request is made for this service.

For multiple choice question examinations taken through our online assessment system XAMS that we use for the delivery and marking of multiple-choice tests, we will check the learners' completed answers against the responses held in the system. This will ensure the system has correctly picked up and recorded the learner's response. We will then check to ensure the correct outcome was awarded.

If an administration check is requested, this will involve:

- a check to ensure the mark has been added correctly;
- a check that all sections have been marked; and
- that the final grade has been calculated properly.

There are some things that cannot be appealed, essentially anything:

- Submitted to us more than 30 working days after the key date.
- That took place before FutureQuals received the learner's registration or after the learner's registration period has expired.
- That is or should be dealt with under an employer's disciplinary or grievance procedure.
- Involving another Awarding Organisation.
- Involving points of law.

## 7. Process

Where a centre believes that either they or a learner has grounds for an enquiry or an appeal to FutureQuals, they should submit it in writing addressed to the Responsible Officer at: [ao@futurequals.com](mailto:ao@futurequals.com)

When submitting an appeal relevant supporting information must be supplied such as:

- Centre name, address and FutureQuals number.
- learner's name and FutureQuals registration number.
- key date(s) the centre or the learner received notification of a decision.
- date an assessment or test took place.
- whether a remark or an administrative check is required.
- title and number of the FutureQuals qualification affected or nature of service affected (if appropriate).
- a clear statement of the grounds for the enquiry and/or appeal i.e. full details of the nature of the appeal including any evidence that is relevant to the appeal and, where a centre internal appeal has taken place, the outcome of any investigation carried out relating to the issue and the documentation relating to that appeal (in the case of an assessment appeal, this may

include the learners work, records of assessment, internal quality assurance and the internal appeal).

- the appellants name, position and signature.

All initial review and/or appeals will be acknowledged within two working days.

Centres (and learners) have 30 working days from the key date to lodge an appeal with FutureQuals. The key date, dependent on the nature of the appeal, may be the date at which an internal appeals procedure concluded, or that a FutureQuals External Quality Assurer or other member of FutureQuals staff reported his/her decision.

If a centre appeals on behalf of the learner, the centre must ensure that it has obtained the written permission of the learner(s) concerned as results can go down as well as up because of an investigation i.e., a pass mark could go down to a fail mark.

Learners who have registered and been assessed by a centre and wish to appeal about an assessment result or associated decision should be supported by their centre. The learner must have exhausted the Centre's own appeals process before appealing directly to FutureQuals and provide evidence of this.

Situations brought to our attention by the regulatory authorities where failures have been identified in the assessment process of another awarding organisation will trigger FutureQuals to review whether a similar issue could affect our assessment processes and arrangements.

### **Initial review of an Appeal request or an Enquiry about a Result**

On receipt of the request, the Responsible Officer will convene a panel made up of senior members of FutureQuals staff not involved in the circumstances surrounding the appeal and that have no personal interest in the outcome of the review or appeal decision.

The panel will undertake an initial assessment of the potential appeal to ensure the application is complete, within the scope of the policy and, to ascertain if the issue can be resolved before it goes to a formal appeal.

An external consultant (normally an External Quality Adviser (EQA) or Senior Examiner) who is independent of the matter under review may provide specialist knowledge input to the panel.

If the request falls within the scope of the policy the appellant will be notified within two working days.

The Panel will consider the evidence submitted and, if necessary, request additional information be provided before reaching its conclusion. The panel will consider whether the required procedures were followed correctly and whether they were applied fairly, consistently and properly in arriving at judgements.

The Panel will recommend either the appeal is:

- Upheld; or
- Not upheld

The recommendation will be confirmed to the appellant within 10 working days.

- If the review upholds the appeal, the learner or centre will be advised of any actions required to conclude matters and fees will be refunded.
- If the review does not uphold the appeal, the centre or learner will be told that they may make a formal appeal to the Independent Appeal Panel.

If the review request relates to a test or assessment result that has been externally set and marked by FutureQuals or undertaken via our online XAMS systems (including multiple-choice tests) and involves a remark or administrative check, the panel will include the Principal Examiner, a subject Assessment Marker and the Responsible Officer. Members of the panel will not include any individual that has a personal interest in the outcome of the remark.

If an administration check has been requested the panel will:

- check to ensure the mark has been added correctly;
- check that all sections have been marked; and
- check that the final grade has been calculated properly.

If a re-mark has been requested, the paper will be copied and marked separately by the Principal Examiner and the subject Assessment Marker. Once the assessment has been re-marked, a final result is decided upon in conjunction with the Responsible Officer.

### **Notification of outcome of remark or administrative check**

The learner or centre will receive formal notification of the final result within 20 working days of the request and any appropriate fee being paid.

- If the review resulted in a change of final result, the learner or centre will be advised of any actions required to conclude matters and fees will be refunded.
- If the result remained the same, the centre or learner will be told that they may appeal to the Independent Appeal Panel.

### **Independent Appeal Procedure**

If an appeal has not been upheld at the review stage, the appellant may request in writing that an appeal be passed to FutureQuals' Independent Appeal Panel for decision. The written request to the FutureQuals Responsible Officer must be made within 10 working days of the notification of the review, remark or administrative check decision. The Terms of Reference for the Independent Appeal Panel can be found at the rear of this policy in Appendix 1.

All requests will be acknowledged within 2 working days of receipt.

FutureQuals' Independent Appeals Panel is made up of the FutureQuals COO, a subject specialist that has not been involved in the original appeal and an independent person that is not employed by FutureQuals, or in any other way connected to the organisation that has the appropriate knowledge and skills to make a decision on the subject matter.

The Panel will convene within 10 working days of the request being received by the Responsible Officer. The Panel will evaluate all the evidence submitted and decide if FutureQuals has applied the procedures fairly, appropriately and consistently in line with the FutureQuals policy and recommend either the appeal is:

Upheld; or  
Not Upheld

The decision of the Independent Appeal Panel is final.

### **Notification of outcome of appeal**

The learner or centre will receive formal notification of the outcome within 20 working days of the start of the independent appeal process.

- If the appeal is upheld, the learner or centre will be told of any actions required to conclude matters and fees will be refunded.
- If the appeal is not upheld the learner or centre will be given the reasons in a report.
- The centre will be notified of any subsequent actions.

All initial reviews, appeals and subsequent outcomes are reported to the Executive Committee and to the FutureQuals Governing Body. The appeal and its outcome will be used to inform our self-assessment and self-evaluation activities and will feedback into our qualification development and review process where necessary.

### **Further outcomes of an appeal**

In a situation where an appeal has been successful or where an investigation has taken place following a notification from the regulatory authorities that indicates a failure in our processes, FutureQuals will consider the outcome and take actions such as:

- Amend the record of the centre concerned.
- Convene a standardisation meeting.
- Identify any other learners who have been affected and correct or, if it cannot be corrected, mitigate as far as possible the effect of the failure (e.g., reassess learner at a particular centre and/or reassess learners taking the same assessment at other centres and amend the results for the learner(s) affected).
- 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.
- agree any remedial action required by the regulatory authorities and/or co-operate with any follow-up investigations.
- If the matter under appeal has led to an adverse effect that the regulatory authorities are unaware of, the relevant regulator will be informed immediately.

### **Fees**

All fees associated with the appeals process are detailed in the FutureQuals' Fees and Pricing Policy, which is available from our AO Operations team or can be downloaded from the website.

All fees relating to an appeal will be refunded if the appeal is upheld.

### **Ofqual**

Learners registered on a qualification regulated by Ofqual have a further right of appeal to the regulator.



Ofqual will only conduct the review if FutureQuals appeals process has been exhausted and will consider whether we have followed due process in considering the appeal.

### **SQA Accreditation**

Learners registered on a qualification that is regulated by the SQA Accreditation have a further right of appeal to the regulator.

SQA Accreditation will only conduct a review if FutureQuals appeals process has been exhausted and will consider whether we have followed due process in considering the appeal.

SQA Accreditation may not overturn assessment decisions or academic judgements following a referral, but activities may be undertaken to assess the effectiveness of the FutureQuals Appeals policy.

### **Scottish Public Service Ombudsman**

In Scotland, if you have taken your qualification at a public Scottish college, you have the legal right to be able to complain to the SPSO (Scottish Public Service Ombudsman) once all other processes have been followed.

### **CCEA Regulation**

Learners registered on a qualification that is regulated by CCEA Regulation have a further right of appeal to the regulator through its Examination Procedures Review Service.

CCEA Regulation will only conduct a review if FutureQuals appeals process has been exhausted and will consider whether we have followed due process in considering the appeal.

### **Qualifications Wales**

Learners registered on a qualification that is regulated by Qualifications Wales have a further right of appeal to the regulator.

Qualifications Wales will only conduct a review if FutureQuals appeals process has been exhausted and will consider whether due process has been followed by us in considering the appeal.

FutureQuals will comply with the requirements of any appeals process established by its regulators (Ofqual, Qualifications Wales, CCEA Regulation and SQA Accreditation) and will act on the outcomes of any such process if it highlights failures in FutureQuals' systems.

## **8. Monitoring and evaluation of the policy**

The tools we use for implementing and monitoring policies, procedures and processes include regular meetings at operational and senior level. Each policy, procedure or process is assigned to a Head of Department who is responsible for its successful operation, addressing any issues arising

from it and evaluating its effectiveness in meeting its purpose. This forms part of the controls that guide our business to ensure compliance with legislative and regulatory requirements.

Data required in support of a policy, procedure or process is held in line with the FutureQuals Data Protection Policy (Privacy Standard) based on GDPR best practice.

Policies are stored on Share Point. Additionally, in line with our Business Continuity Plan, a hard copy of every policy is held in the Executive Office, should IT systems fail. It is the responsibility of the Executive Office Manager to ensure that the latest version of a policy (or procedure/process) is available in hard copy.

#### **9. Review**

This policy shall be reviewed periodically by the AO Operations Team, or updated should there be any changes to legislation, regulation or custom and practice and presented to the Executive Team (or Governing Body) for approval.

#### **10. Feedback and complaints**

We welcome your feedback, which helps us to improve the products and services we provide. We know that sometimes things go wrong, but if they do, we want to try to stop them from happening again. If you'd like to give us your feedback or you're unhappy with the service, you can contact us on [AO@FutureQuals.com](mailto:AO@FutureQuals.com)

## **Appendix 1 - FutureQuals Independent Appeals Panel Terms of Reference**

The FutureQuals Independent Appeals Panel, known as the Panel, shall consider and determine appeals submitted to it by those wishing to challenge a decision or decisions reached during the appeals process.

### **Composition**

The FutureQuals Independent Appeals Panel is made up of FutureQuals COO (Chair of the Panel), a subject specialist that has not been involved in the original appeal and an independent person that is not employed by FutureQuals, or in any other way connected to the organisation that has the appropriate knowledge and skills to make a decision on the subject matter.

A Secretary shall be present at each meeting of the Panel to take notes of the meeting but shall not be involved in the appeal proceedings.

### **Proceedings of meetings**

The Panel may appoint advisers to provide advice at the meeting but they will not be involved in the decision-making process of the appeal outcome.

The Panel shall convene when necessary to ensure that appeals are heard promptly. This will usually be within 10 working days of the appeal being received by the Responsible Officer.

At each meeting of the Panel all members must be present for the proceedings to be valid, except in the event of exceptional circumstances outside the control of the Panel or any member.

The Panel will review the original appeal decision and any further evidence provided by the appellant as part of his/her request for an appeal to ensure that procedures were applied consistently, properly and fairly.

The Panel may request additional information from the centre/learner, arrange discussions with centre staff and/or visit the centre if necessary.

The Chair may, at their discretion, adjourn or suspend proceedings for any such period as the Chair deems reasonable if the additional information is not readily available or arrangements need to be made to visit a centre.

The Chair of the panel will notify the appellant, in writing, of the Panel's decision within 20 working days of receipt of the fee.

All notes of the proceedings shall be evidence of the appeal and must be kept securely for a minimum of 3 years.



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