



# Appeals Policy

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© Smart Awards Ltd

Beechwood House | Tanners Lane | Berkswell | Coventry | CV7 7DA

T: 02476 421125

E: [info@smartawards.co.uk](mailto:info@smartawards.co.uk)

W: [www.smartawards.co.uk](http://www.smartawards.co.uk)

Company Number 9079735 | VAT Number 216 7632 08

## SCOPE

1. This policy outlines how Smart Awards deals with appeals. An appeal is defined as an application for a decision taken by Smart Awards in relation to a learner or service user to be overturned. Smart Awards is committed to providing a fair and transparent appeals service.

## OFQUAL GENERAL CONDITIONS

2. I1.1: An awarding organisation must establish, maintain and comply with an appeals process in relation to all qualifications which it makes available, which must provide for the appeal for – (a) the results of assessments, (b) decisions regarding Reasonable Adjustments and Special Consideration, and (c) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.
3. I1.2: For these purposes, the appeals process must provide for – (a) the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, (b) all appeal decisions to be taken by individuals who have no personal interest in the decision being appealed, (c) all appeal decisions to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, (d) appeal decisions to be only taken by persons who have appropriate competence, and (e) timelines for the outcome of appeals.
4. I1.3: An awarding organisation must publish information on its appeals process to enable the results of assessments to be appealed.
5. I1.4: the application of an appeals process in the case of a Learner leads an awarding organisation to discover a failure in its assessment process, it must take all reasonable steps to – (a) identify any other Learner who has been affected by the failure (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and (c) ensure that the failure does not recur in the future.
6. I2.1: An awarding organisation must comply with the requirements of any appeals and complaints process established by Ofqual in the form in which it may be published by Ofqual and revised from time to time.
7. I2.2: An awarding organisation must give due regard to the outcome of any such appeals or complaints process in relation to a qualification which it makes available.
8. I2.3: Where the application of any such appeals or complaints process in the case of a Learner leads an awarding organisation to discover a failure in its assessment process, it must take all reasonable steps to – (a) identify any other Learner who has been affected by that failure, (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and (c) ensure that the failure does not recur in the future.
9. I2.4: Where Ofqual notifies an awarding organisation of failures that have been discovered in the assessment process of another awarding organisation, the awarding organisation must review whether a similar failure could affect its own assessment process.

10.12.5: Where, following a review, the awarding organisation identifies such a potential failure, it must take the same action as if a failure has been discovered in relation to it by virtue of the application of Ofqual's appeals and complaints process.

11.J1.6: Completion of a qualification by a Learner shall include the completion of any appeals process.

## SQA ACCREDITATION PRINCIPLES

12. Principle 13. The awarding body and its providers shall have clear, fair, and equitable procedures to manage appeals.

## RESPONSIBILITIES

13. This policy is for qualifications offered by Smart Awards. This policy is for Centres and learners accessing Smart Awards qualifications and related services and all those involved with the development, delivery, and quality assurance of Smart Awards qualifications. Smart Awards has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Smart Awards has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

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

In addition, Centres must have internal enquires and appeals arrangements which learners can access if they wish to appeal against a decision taken by the Centre. All appeals in relation to decisions taken by the Centre must go through the Centre appeals process before the matter can be referred to the Smart Awards appeals process.

R	Responsibilities	The person who actually carries out the process or task. The person is responsible for action/implementation. Responsibilities can be shared											
A	Accountabilities	The person who is ultimately accountable for the process or task being completed and who has the authority to make decisions, yes or no authority and veto power. Responsible person (s) is accountable to this person. Only one A can be assigned to a task											
C	Consulted	The person to be consulted prior to a final decision or action (two-way communication). People who are not directly involved with carrying out the task but are consulted with.											
I	Informed	Anyone whose work depends on the process or task and who must be updated about the progress after a decision or action has been taken (one-way communication).											
POLICY		BOARD	CEO	MD	OPS DIRECTOR	QUALITY PORTFOLIO MANAGER	STANDARDS COMPLIANCE OFFICER	QUAL ADMIN OFFICER	IT CONSULT	FINANCE AUDITOR	EQA	NOPS BOARD	CENTRES
Awarding Policies and Process													
Appeals		A	R	R	R	R	R	R	I	I	R	I	R
ASSOCIATED POLICES													
Adverse effects													
Centre recognition													
Complaints													
Malpractice/maladministration													
Qualification development													
Holiday/Sickness Cover													

The MD, CEO and Operations Director cover holiday/sickness and absenteeism for areas where the person is responsible for action/implementation of a task. The MD, CEO and Operations Director hold company wide experience to be able to carry out these tasks and hold no conflicts of interest.

## SCOPE

15. The enquiries and appeals process is two stage.

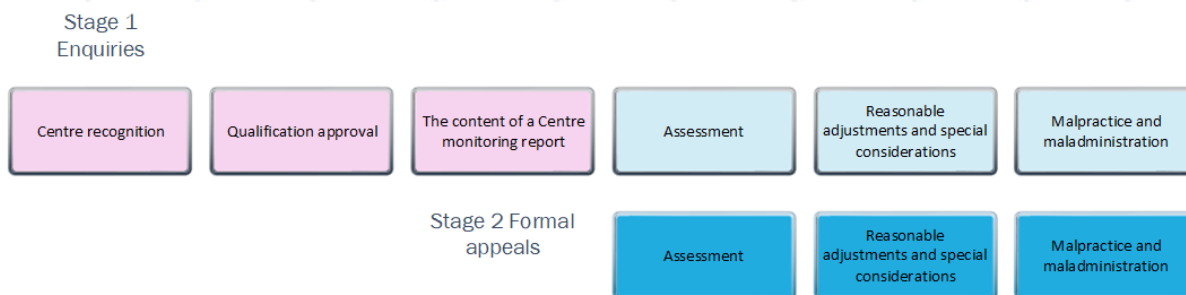
At Stage one, Smart Awards will consider enquiries about decisions made regarding:

- Centre recognition,
- qualification approval,
- the content of a Centre monitoring report,
- assessment,
- reasonable adjustments and special considerations, and
- malpractice and maladministration.

Stage two is the formal appeals stage and only decisions regarding:

- assessment,
- reasonable adjustments and special considerations; and
- malpractice and maladministration.
- may be escalated to this stage.

may be escalated to this stage.



*Please note - where the regulators notify us of failures that have been discovered in the assessment process of another Awarding organisation, we will review whether a similar failure could affect our own assessment processes and arrangements. In this instance, where we must adjust assessment decisions, there will be no appeals process.*

# APPEALS PROCESS

## Requirements of approved Centres

16. Smart Awards' approved qualification Centres must operate an appeals policy for the benefit of learners. The implementation of this may be monitored during Centre visits. Guidance on the content of Centre policies is provided in the Centre Handbook.
17. Centres and individuals have **20 working days** from the date they were informed of the decision to make an enquiry.
18. This includes decisions relating to assessment results, so learners and Centre staff are advised to retain all evidence of achievement until results are confirmed.

## Before making the Enquiry

19. Where a Centre enquires on behalf of a learner, they must ensure that the written permission of the learner concerned is obtained as investigations may result in final achievements going down as well as up.
20. Learners who wish to enquire 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 approaching Smart Awards. Learners must provide us with evidence that they have first gone through their Centre appeals process. It is expected that learners will only contact Smart Awards directly in exceptional circumstances.

## Making the Enquiry – Stage 1

21. An enquiry should be made in writing (using Annex A if possible), supplying the following information:
  - learner's name and Smart Awards' registration number,
  - date(s) you or the learner received notification of Smart Awards' decision,
  - title and number of the Smart Awards' qualification affected, or nature of service affected (if appropriate),
  - full nature of the enquiry, and
  - contents and outcome of any investigation carried out by you relating to the issue.

## During the enquiry

22. Upon receipt of all enquiries Smart Awards will acknowledge receipt of the enquiry within **2 working days** and will undertake an initial, informal assessment of the documentation to ensure the information is complete, within scope and to ascertain if the issue can be resolved.
23. A review of the decision will be undertaken by the Quality, Portfolio and Communications Manager to ensure procedures have been applied fairly, appropriately, and consistently in line with our policies.

24. Where the enquiry is regarding an assessment decision, a second External Quality Assurer/Marker will review the original decision. Where however the assessment evidence has already been assessed by the Lead Assessor as part of their sampling, this will be referred to an external consultant. Where the second reviewer or consultant overturns the decision of the first reviewer, Smart Awards will amend the result, reclaim any certificates issued and generate a new certificate where required.
25. Where an appeal against assessment brings the outcome of other results into serious question this would be considered a potential 'Adverse effect' as other learners may be affected.
26. For end-point assessments the Lead Independent Assessor will review the documentation relating to the results and will not be informed of the decision of the first assessor. They may conduct a telephone interview with the appellant as part of this process.

### Following the Enquiry

27. Decisions following an enquiry will be fed back to the appellant within a further **8 working days**. Where the appellant does not accept a decision following an enquiry and that decision relates to:

- assessment,
- reasonable adjustments and special considerations; or
- malpractice and maladministration.
- they may proceed to the formal appeals stage (Stage two).

All appellants will be informed of the relevant fee to take a case to the formal appeals stage.

### Stage 2 - Formal appeal

28. Appellants have **10 working days** to appeal to Smart Awards following a decision made at the enquiry stage and to pay any required fees.
29. The request to go to appeal must be made in writing (using Annex B if possible) – either by letter or email.
30. Smart Awards will aim to complete the appeals process within **20 working days** of receipt of this notification.
31. A full review of the original decision and outcome of the enquiry will take place which will consider all the evidence provided and will determine whether relevant Smart Awards procedures have been applied fairly, appropriately and consistently in line with our policy.
32. The appeal panel will consist of external individuals who are independent (selected on the basis that they have sufficient knowledge and ability) which ensures that the appeal decision is made by people that are not employees of Smart Awards, assessors working on behalf of Smart Awards or otherwise connected to Smart Awards. A person from the Industry Board will be involved in the panel as an independent person in any appeal decisions. This would then go to a Smart Awards Board member to make a final decision – whether to agree actions or sanctions

33. Please note that in some cases the review processes may take longer, for example if a Centre visit is required. In such instances, we will keep all parties fully informed to inform them of revised timescales and progress.

### Following the appeal

34. We will write to the appellant Centre with details of the decision to either:

- amend the original decision considering a review of any new rationale/evidence put forward, or
- to confirm the original decision and provide a rationale.

35. 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).

### Appeal to regulators

36. Where the appellant is not content with the decision made, they may appeal to the relevant regulatory body (SQA Accreditation in Scotland, Ofqual in England).

37. Where a referral is made to SQA Accreditation, they may undertake activities to assess the effectiveness of Smart Awards' and/or the provider's appeals process to ensure they are in line with regulatory requirements. Where SQA Accreditation raises any concerns Smart Awards and/or provider will take appropriate, preventative and/or corrective action to prevent re-occurrence.

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

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

- amending the profile of the Centre concerned on our systems,
- identifying 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. and amend the results for the learner(s) affected following an appropriate investigation), and
- reviewing 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.

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



## ANNEX A: Enquiries



## Enquiry Form

**Name:**

**Address:**

**Email address:**

**Phone number:**

**Date informed of Smart Awards' decision:**

**Describe what you are enquiring about including any qualification(s) /end-point assessments concerned**

*(include full title and number of the Smart Awards' qualification affected or nature of service affected (if appropriate)):*

**List persons/ learners concerned**

*(Smart Awards' registration numbers):*

**List any other information attached with this form:**

*(contents and outcome of any investigation carried out by you relating to the issue):*

**Email this form together with any associated evidence to**

**[info@smartawards.co.uk](mailto:info@smartawards.co.uk)**

## ANNEX B: Appeals



## Appeals Form

**Name:**

**Address:**

**Email address:**

**Phone number:**

**Date informed of Smart Awards' enquiry decision:**

**Describe what you are appealing about including any qualification(s) /end-point assessments concerned**

*(include full title and number of the Smart Awards' qualification affected or nature of service affected (if appropriate) – state specifically why Enquiry is now being escalated to an Appeal):*

**List persons/ learners concerned**

*(Smart Awards' registration numbers):*

**List any other information attached with this form:**

*(contents and outcome of any original investigation carried out by you relating to the issue – including any information supporting the escalation from Stage 1 to Stage 2):*

**Enclose the appeals fee. Note that this will be refunded if the appeal is upheld.**

**Email this form together with any associated evidence to**

**[info@smartawards.co.uk](mailto:info@smartawards.co.uk)**

## PROCESS FOR RAISING AN APPEAL

### Stage 1

40. Enquiry form received. Qualifications and Administration Officer checks:
- a. acknowledges receipt of the enquiry within **2 working days**, and
  - b. undertakes an initial, informal assessment of the documentation to ensure the information is complete, within scope and to ascertain if the issue can be resolved
41. Review of the decision will be undertaken by the Quality Team (Quality Manager and Quality, Portfolio and Communications Manager) requesting further information from the Centre/ training provider and/or Smart Awards as required.
42. Prior to writing the report, the Quality Team may need to consult the provider, any assessor, learner, or other relevant persons.
43. Where however the assessment evidence has already been assessed by the Lead Assessor as part of their sampling, this will be referred to an external independent consultant with relevant expertise to make a final decision.
44. Decisions following an enquiry will be fed back to the appellant within a further 8 working days. Where this is not possible, those looking into the matter must liaise with the Qualifications and Administration Officer who will keep the Centre informed.
45. Where the appellant does not accept a decision following an enquiry and that decision relates to:
- assessment,
  - reasonable adjustments and special considerations; or
  - malpractice and maladministration.
- they may proceed to the formal appeals stage (**Stage 2**).
46. All appellants will be informed of the relevant fee to take a case to the formal appeals stage.

### Stage 2

47. Appellants have **10 working days** to appeal to Smart Awards following a decision made at the enquiry stage and to pay any required fees.
48. Smart Awards will aim to complete the appeals process within **20 working days** of receipt of this notification.
49. A full review of the original decision and outcome of the enquiry will take place. The appeal panel (checked for independence by the Managing Director) will consist of external individuals who are independent

50. This would then go to a Smart Awards Board member to make a final decision – whether to agree actions or sanctions.
51. Smart Awards write to the appellant and Centre with details of the decision to either:
- amend the original decision considering a review of any new rationale/evidence put forward, or
  - to confirm the original decision and provide a rationale.
52. The Qualifications and Administration Officer to draft an email summarising the outcome within **30 working days** of the date that the appeal was submitted.
53. If the appeal is upheld, the Administration Officer will discuss remedial actions with the investigator.
54. If the appeal is upheld, the Administration Officer will refund the appeal fee (cheque) to the Centre.
55. The Qualifications and Administration Officer will add any actions to SAMS for monitoring and close out. This information will be presented at the next Board meeting.
56. The Qualifications and Administration Officer will ensure that any documentation relating to appeals is retained for 5 years after the conclusion of the investigation before being destroyed.
57. 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).

## VALIDITY

58. Validity and the principles of equity, fairness and practicability will be reviewed with any reported appeal. This will include checking that the qualification is still valid and appropriate for its purpose. That it still effectively tests the knowledge, skills and behaviour as prescribed within the assessment strategy. Enable results to be trusted as a measure of what a learner knows and can do. Has a purpose and content that meets the needs of the learner and is graded in line with clear and defensible prescriptions contained in the assessment plan.

## REVIEW OF THIS POLICY

59. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance from the regulators, SQA Accreditation or Ofqual.

# APPEALS FLOWCHART

