

# Appeals Policy

## Introduction

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This policy is aimed at our customers, including learners, who are delivering/enrolled on or have taken an ABE approved qualification or unit. It sets out the process you should follow when submitting Appeals to us and the process we will follow when responding to enquiries and Appeals.

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

## Centre's responsibility

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It is 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 ABE.

## Review arrangements

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We will review the Policy annually as part of our self-evaluation arrangements and revise it as and when necessary, in response to customer and learner feedback or requests from, or good practice guidance issued by, the regulatory authorities (e.g. to align with any Appeals and Complaints process established by the regulatory authorities such as Ofqual).

If you would like to feedback any views, please contact us via the details provided at the end of this policy.

## Fees

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We will charge you or your learners a fee of £150 per subject to cover the administrative and personnel costs involved in dealing with Appeals, which would be refunded if your Appeal is successful. A separate fee structure is in place for Enquiries About Results (EARs) – see the relevant section.

## Areas covered by the Policy

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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 an ABE decision concerning a centre's application to offer an ABE qualification.
- Appeals from centres concerning the contents of a centre monitoring report.

- Appeals from centres and/or learners relating to an ABE 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 ABE 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 learner results following a malpractice or malpractice investigation.
- Appeals from centres relating to a decision made by ABE following an investigation into a complaint about a centre.
- Appeals if you believe we have not applied our procedures consistently or that procedures were not followed properly, consistently, and fairly.

If you wish to raise an issue with us which does not fall into any of the above categories, you may wish to lodge a complaint with ABE. Please consult our Complaints Policy and follow the steps laid down there. Copies of the ABE Complaints Policy can be found on the Student Portal.

### Enquiries About Results

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Learners may make an Enquiry about Results (EARs) – please note that this is not an Appeal.

There are **two** different enquiries that can be made, but because of the time taken to produce certificates, only one service can be requested for any result, so it is important to consider which service is most appropriate:

1. Clerical check
2. Review of marking and Report on performance (which also includes the Clerical check)

***NOTE: If you are considering that you may wish to make an Appeal, then you need to pursue the second option.***

**ABE must receive your request and the appropriate payment within 10 working days of the results being published.**

1. **Clerical Check** – this service provides a check of all clerical procedures that lead to the issue of a result, namely that:
  - All parts of the assessment have been marked.
  - Marks have been totaled correctly.
  - Marks have been recorded accurately on the ABE database.
  - Any adjustments have been applied.
  - The application of any agreed special consideration has been made.

***Cost: £20 per subject***

***Timescale: learners should receive the outcome of the Clerical check within 10 working days of ABE processing payment for the service***

1. **Review of marking and Report on performance** – in addition to the Clerical check, this service provides a written response from the Principal Examiner on the learner's performance in the paper. Once the clerical check has been carried out, the Principal Examiner (or a suitable deputy) will remark

the paper and provide a report on the learner's performance in relation to the assessment criteria that were used to mark the paper. If a learner wishes to identify areas of strength and weakness in order to prepare effectively for re-taking the assessment, then this service may be of particular value to them.

However, learners should note that the review of marking may result in the original grade being confirmed, raised or lowered. Where a grade is changed, the new grade will replace the original grade, whether it is higher or lower.

**Cost: £100 per subject**

**Timescale:** learners should receive the outcome of the Re-mark and Report on performance within **20 working days** of ABE processing payment for the service

### Procedure

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An Enquiry about Results can be made by completing the correct form on the ABE portal and sending it to ABE with appropriate payment to [assessment@abeuk.com](mailto:assessment@abeuk.com), or by post to:

Association of Business Executives  
Assessment Department,  
New Malden Business Centre  
46-50 Coombe Road  
New Malden, Surrey,  
KT3 4QF

NOTE: Payment must be made by debit/credit card. Forms will not be accepted unless accompanied by the correct payment and will not be actioned until payment has cleared.

**ABE must receive your request and the appropriate payment within 10 working days of the results being published.**

Fees are non-refundable but, should your enquiry identify a procedural error, the fee paid will be refunded, usually to your ABE account.

### Progressing to an Appeal

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If a learner is dissatisfied with the outcome of the Review of marking and Report on performance (which includes the Clerical check), they may raise an Appeal.

### Process for raising an Appeal

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You (and your learners) have 20 working days from the date we notified you of the decision you are Appealing against in which to lodge an Appeal against our decision - this includes assessment results; hence please advise your learners/staff to retain their course evidence until they receive their result.

If you Appeal on behalf of your learners, you must ensure that you have obtained the written permission of the learner(s) concerned as grades/results 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 either be supported by their centre and should have exhausted their centre's own Appeals process before Appealing to us. In the latter case, learners must provide us with evidence that they have first Appealed to their centre. It is expected that learners will only Appeal directly to us in exceptional circumstances.

Centres should complete the Appeals form on the ABE portal in order to submit an Appeal on behalf of a learner and or the centre and in doing so supply relevant supporting information such as the following where relevant:

- learner's name and ABE registration number.
- date(s) you or the learner received notification of ABE's decision.
- title and number of the ABE 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](#)

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Where the regulators notify us of failures that have been discovered in the assessment process of another awarding organisation we will review whether or not a similar failure could affect our own assessment processes and arrangements.

#### [Initial review of the Appeal details](#)

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Upon receipt of all Appeals our Products & Services Manager will acknowledge receipt of the Appeal within 48 hours and aim to respond fully to the initial review of the potential Appeal within 20 days. 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 contact all parties concerned to inform them of the likely revised timescale.

At all times we will ensure that ABE personnel assigned to the Appeal investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter. If the Products & Services Manager has an involvement in the substance of the Appeal, they will not be responsible for allocating a member of staff to carry out the investigation or for overseeing and managing the investigation.

The first stage will be for us to undertake an initial, informal assessment of all potential Appeal 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 we 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 we will write to the appellant (if it is from a centre this will be done electronically via email) with details of our decision to either:

1. amend our original decision in light of the new rationale/evidence being put forward and which has now been reviewed.
2. to confirm we stand by our original decision and in doing so the rationale for this decisions and request that you confirm, within 15 days, whether you now accept this decision or if wish to formally proceed to our formal Appeals process which will be carried out by an independent party.

### Seeking an independent review

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If you decided to proceed to the independent Appeal stage, we will arrange for an independent review to be carried out.

This will be carried out by someone who is not an employee of ours, as assessor working for us, or otherwise connected to our organisation. They will also be someone 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 which took place in the above stages and review if we have applied our procedures fairly, appropriately and consistently in line with our policy.

The independent review process may involve:

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

The Independent Reviewer's decision is final in relation to how ABE will consider such Appeals and we will let you know the outcome of the review within 20 days of receipt of the third Appeal. 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).

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

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

- amend the profile of the centre concerned on Integra NG.
- identify any other learners who have been affected correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g. to 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.

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

## Contact Us

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If you've any queries about the contents of the policy, please contact Products & Services Manager on +44(0)20 8329 2930 or email them at [\\_assessment@abeuk.com](mailto:_assessment@abeuk.com)