

## 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 consistently and according to established processes.

### Centre's responsibility

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It is important that centre staff and 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, they must first of all go through the centre's Appeals process before bringing the matter to ABE.

### Review arrangements

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ABE will review the policy annually as part of our self-evaluation arrangements and revise it 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 send feedback on 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 costs involved in dealing with Appeals. This fee will be refunded if your Appeal is successful. A separate fee structure is in place for Enquiries About Results (EARs) – see the relevant policy document relating to EARs.

## 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 relating to unsuccessful EAR applications.
- 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 and is governed by a separate Policy document. Learners who wish to Appeal about their assessment results or about a related decision should use the ABE EAR procedures.

## Process for raising an Appeal

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You (and your learners) have 10 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 EAR 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.

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 a similar failure could affect our own assessment processes and arrangements and take any necessary action to remedy that failure.

### Initial review of the Appeal details

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ABE acknowledges receipt of Appeals within two working days and aim to respond fully to the initial review of the 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, we will contact all parties concerned to inform them of the likely revised timescale.

At all times we 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 there is a potential conflict of interest, another member of the Quality team will be assigned to undertake the investigation.

The first stage will be for us to undertake an initial review of the Appeal to ensure the application is complete and to ascertain if the issue can be resolved before it goes to a formal Appeal.

Following the initial review we will write to the appellant (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 an outline of the outcomes and decisions.

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 you 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, an 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 who can demonstrate, using the ABE Conflict of Interest Declaration procedures, that they have no personal interest in the Appeal outcome.

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.

ABE will let the centre/learner know the outcome of the independent review within 20 working days of receipt of the formal stage of 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:

- 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 with them any remedial actions that need to be taken.

#### Contact Us

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If you've any queries about the contents of the policy, please contact the Quality, Risk & Standards Department on +44(0)20 8329 2930 or email them at [Complaints@abeuk.com](mailto:Complaints@abeuk.com).