

POLICIES & PROCEDURES

Appeals Policy



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Appeals Policy

1. Introduction

As an Ofqual regulated awarding body, ABBE must abide by its regulators' Conditions of Recognition. Regarding appeals, ABBE must adhere to the following:

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 of:

- (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.

I1.2 For the purposes of Condition I1.1, an awarding organisation's 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) appeal decisions to be only taken by persons who have appropriate competence
- (d) the final decision in respect of the outcome of an appeal 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, and
- (e) timelines for the outcome of appeals.

I1.3 An awarding organisation must publish information on its appeals process to enable the results of assessments to be appealed.

I1.4 Where 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.

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2. Scope

To ensure compliance with the conditions outlined above, ABBE has put in place an Appeals Policy. This policy outlines what can be appealed against, details how appeals can be made and sets out ABBE's process for dealing with appeals.

3. Types of Appeals

ABBE will accept appeals from Learners, Centres, or individuals affected by a decision in relation to any of the following:

- ❖ Results of assessment
 - Results Enquiry
 - Assessment Decision made by an ABBE Centre
- ❖ ABBE External Quality Assurer (EQA) decision
- ❖ Special Consideration or Reasonable Adjustment decision
- ❖ Outcome following a Malpractice or Maladministration Investigation
- ❖ Outcome following an Investigation into a Complaint

3.1 Results Enquiry

A results enquiry can be made where a Centre or Learner disagrees with, or wishes to question, the results provided by ABBE for an ABBE examination. A results enquiry involves a manual re-mark of the examination.

It should be noted that, as all questions in ABBE examinations come from a live question bank, it is not possible for ABBE to provide details of specific questions or answers as part of this process.

Please note, that there is a charge for this appeal, however, this will be refunded if the appeal is upheld. Please refer to the ABBE Fees List for current prices.

3.2 Assessment Decision made by an ABBE Centre

ABBE will accept an appeal from a Learner against an assessment/quality assurance decision made by an ABBE Centre, where the Centre's own appeals procedure has been exhausted, but the Learner is not satisfied with the outcome.

Please note, that there is a charge for this appeal, however, this will be refunded if the appeal is upheld. Please refer to the ABBE Fees List for current prices.

3.3 External Quality Assurance Decision

ABBE will accept an appeal from a Centre against a quality assurance decision made by an ABBE EQA in the areas of:

- ❖ Non-compliance with the ABBE Compliance Criteria
- ❖ Validity/reliability of the Centre's assessment/quality assurance decisions

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- ❖ Withdrawal of direct claims status
- ❖ Withdrawal of Centre approval either for one specific qualification or all ABBE qualifications

Please note, that there is a charge for this appeal, however, this will be refunded if the appeal is upheld. Please refer to the ABBE Fees List for current prices.

3.4 Special Consideration or Reasonable Adjustment Decision

ABBE will accept an appeal from a Centre against a decision made by ABBE, to refuse a request for special consideration or reasonable adjustment for a Learner or group of Learners.

Please note, that there is a charge for this appeal, however, this will be refunded if the appeal is upheld. Please refer to the ABBE Fees List for current prices.

3.5 Outcome following Malpractice or Maladministration Investigation

ABBE will accept an appeal from a Centre or a Learner where they wish to appeal against the outcome, sanction imposed, or action proposed following an investigation carried out by ABBE into suspected malpractice or maladministration.

Please note, that there is a charge for this appeal, however, this will be refunded if the appeal is upheld. Please refer to the ABBE Fees List for current prices.

3.6 Outcome following an Investigation into a Complaint

ABBE will accept an appeal from a Centre or a Learner where they wish to appeal against the outcome, or sanction imposed, or action proposed following an investigation into a complaint, where the ABBE Complaints Policy has not been followed correctly.

Please note, that there is a charge for this appeal, however, this will be refunded if the appeal is upheld. Please refer to the ABBE Fees List for current prices.

4. Appeal Process

Step One

All parties must make every effort to resolve a problem or dispute informally before instigating a formal appeal. In the case of a Learner Appeal, the Learner must have exhausted the Centre's Appeal Policy before appealing to ABBE.

An appeal should be made as soon as possible after the event, the timescales given in Appendix One are absolute maximums.

Step Two

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Appeals must be made to ABBE in writing using the **ABBE Request for Appeal form**, the full grounds of the appeal must be set out in the form. When submitting the form, it must be accompanied by the relevant fee. These funds must be cleared before the appeal process can begin.

Step Three

Within two working days, ABBE will acknowledge the receipt of the appeal and will explain to the Appellant that the appeal process cannot begin until the funds for the appeal have cleared.

Step Four

Once the funds for the appeal have cleared, ABBE will liaise with the Learner, ABBE Centre and other relevant parties as required to establish the facts and will request information, evidence or documents relevant to the appeal. This may include contacting the Learner or Centre to discuss the appeal and/or request for further information or clarification.

Step Five

The evidence gathered will be reviewed by a member of the ABBE team in conjunction with any issues or concerns highlighted on the Appeal Form. The findings from the review will be presented to an Appeal Panel convened by the Compliance Manager (the terms of reference for the panel are detailed in Appendix Two).

For a results enquiry, ABBE will appoint a member of staff to re-mark the assessment and to investigate any issues/concerns indicated on the Appeal Form. ABBE will ensure that a marker who did not carry out the original marking will re-mark the assessment under appeal. If the assessment was originally marked electronically, it will be re-marked by hand. The results from the re-mark and the findings from any investigation into issues or concerns raised, will be presented to an Appeal Panel convened by the Compliance Manager.

The panel will make a decision on the outcome of the appeal and any subsequent actions or sanctions required.

Step Six

Following the decision of the panel, ABBE will provide a written response to the Appellant with details of the outcome. The outcome will be either that the appeal is upheld, or that it is rejected.

The outcome should be within 30 working days of receiving the appeal form or fee (whichever is the later). However, wherever this is not possible, for example if all the required evidence cannot be gathered within this time, then ABBE will contact the Appellant within 30 working days, to let them know the revised timescale.

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Step Seven

Where an appeal or result enquiry is upheld, the fee will be refunded to the Appellant. If it's necessary to visit a Centre during the course of the investigation, ABBE will charge for this visit and/or other fees as necessary (e.g. courier fees to send assessment evidence). Please note, these fees are non-refundable.

Step Eight

If during the investigation ABBE discovers a failure in its assessment process, ABBE will take all reasonable steps to:

- ❖ Identify any other Learner who has been affected by the failure
- ❖ Correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure
- ❖ Ensure that the failure does not recur in the future

Step Nine

Where an Appellant believes that ABBE has not followed this Appeals Policy and Procedure correctly, they may make a further appeal. The purpose of the further appeal is to determine whether the ABBE Appeals Policy and Procedure was followed correctly during the original appeal. Please note, a further appeal is not to accept new evidence or submissions, or to review the original decision which was appealed. However, if the further appeal identifies a potential compromise to the integrity of the original appeal outcome, the original appeal will be reconsidered.

To make a further appeal, contact the CEO in writing, at ABBE Enquiries ABBEenquiries@bcu.ac.uk within five working days of receiving the appeal outcome. The fee paid for the original appeal will be payable.

ABBE will acknowledge receipt of the further appeal within five working days. The CEO will determine whether the appeal can be accepted, where it is not accepted the CEO will explain why.

If the request is accepted, the Appellant will be advised of how to make the appropriate payment, the fee must be made within five working days of receiving payment details. Upon receipt of payment, the further appeal will be instigated. If payment is not made within five working days, it will be assumed that the Appellant no longer wishes to proceed with the further appeal and the case will be permanently closed.

The further appeal will be carried out by two individuals, at least one of whom is not directly employed by ABBE. They must have appropriate competence, must not have been involved in the original appeal, or have any personal interest in the appeal. The reviewers will examine the evidence provided for the original appeal and will also gather any further evidence or information as required. This may include contacting the Appellant or any third parties concerned with the appeal, to gather further information, or for clarification or to discuss the appeal.

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Once a decision has been agreed by the reviewers based on all the available evidence, the CEO will write to the Appellant to explain the outcome, within 30 working days of receiving the appeal or fee (whichever is the later). If this is not possible, for example if all the required evidence cannot be gathered in this time, then the Appellant will be contacted within 30 working days to outline the amended timeframe.

The outcome will be one of the following:

- ❖ The further appeal is rejected. The further appeal fee will not be refunded.
- ❖ The further appeal is upheld but has no affect on the integrity of the original appeal outcome. The original appeal outcome will still stand, and the further appeal fee will be refunded.
- ❖ The further appeal is upheld, and the original appeal will be reconsidered, as it was found that the integrity of the original appeal outcome was compromised. This review of the original appeal will be carried out by two individuals who were not involved in the original appeal, following the original appeal procedure as detailed above. The reviewers must have appropriate competence, have no personal interest in the decision and at least one of whom must not be directly employed by ABBE. This could be the same two individuals who carried out the further appeal. There will be no additional charge for this review, and if the original appeal outcome is overturned, the original appeal fee will be refunded in addition to the further appeal fee.

Where the appeal fee(s) need to be refunded, they will be paid to the Appellant in full within five working days of the outcome being decided and of the Appellant providing bank details for the refund.

A flow chart detailing this process can be found in Appendix Three.

5. Continuous Improvement

To ensure that this policy remains fit for purpose and that the procedures and its outcomes are achievable, it is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of ABBE. This policy is also reviewed as part of ABBE continuous improvement monitoring through its annual self-assessment arrangements.

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Appendix One – Timescales for Appeals

Appeal Type	Timescale
Results Enquiry	Within 10 working days of the Learner or Centre receiving notification of the assessment decision
Appeal against an Assessment/Quality Assurance Decision made by an ABBE Centre	Within 10 working days of the Learner receiving notification of the assessment decision
Quality assurance decisions made by an ABBE External Quality Assurer (EQA)	Within 10 working days of the Centre receiving notification of EQA decision
Decisions regarding Special Consideration/Reasonable Adjustments	Within 10 working days of the Learner or Centre receiving notification of the decision
Decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration	Within 10 working days of the Centre or Learner receiving notification of the outcome and/or sanctions/actions
Decisions relating to any action to be taken by a Learner or a Centre following an investigation into a complaint	Within 10 working days of the Learner or Centre receiving notification of the decision

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Appendix Two – Terms of Reference for the Appeal Panel

The Appeals Panel must be impartial and must not have had any involvement in the incident. The Panel should comprise of three individuals, one of which must not be an employee of ABBE, an Assessor working for it, or otherwise connected to it.

The rest of the panel can be made up of any of the following:

- ❖ The ABBE Responsible Officer
- ❖ The ABBE Compliance Manager
- ❖ The ABBE Senior Qualifications Officer
- ❖ The ABBE Customer Services Officer
- ❖ Another member of the ABBE team
- ❖ An EQA

All members of the Panel must attend whenever the Panel is convened. Non-attendance will only be permitted in the event of extenuating circumstances, outside of the Panel's control.

The panel decides whether the appeal can be upheld, based on the initial evidence provided. Should the panel request further information and/or wishes to instigate a deeper investigation, they will allocate an investigator. The choice of investigator is based on:

- ❖ The nature of the appeal
- ❖ Who has been implicated in the allegation
- ❖ The risk rating of the centre involved

The panel can request that further investigation is carried out by either:

- ❖ The Head of Centre*
- ❖ A Member of the ABBE Team
- ❖ An EQA

**Should the Head of Centre not be permitted to investigate, ABBE will request that the Centre finds an alternative individual to investigate.*

The Panel may request further information and/or appoint additional advisers to provide specialist advice and guidance as required. However, it is the sole responsibility of the Panel to determine the outcome of the investigation, additional advisers are excluded from this decision-making process.

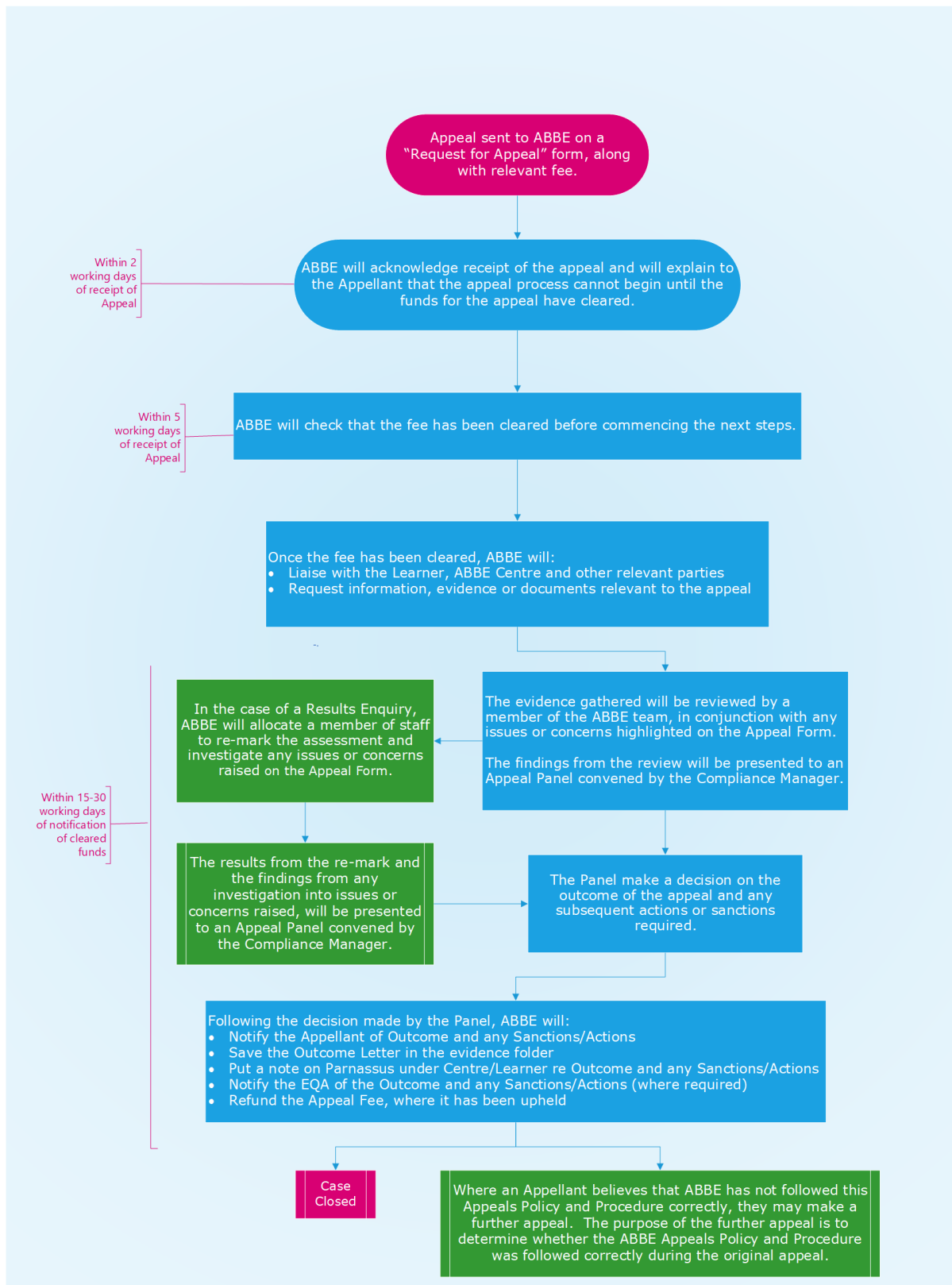
The Panel are responsible for agreeing the outcome of the appeal and any actions and/or sanctions that should be implemented.

If during the investigation ABBE discovers a failure in its assessment process, the panel will make recommendations to:

- ❖ Identify any other Learner who has been affected by the failure
- ❖ Correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure
- ❖ Ensure that the failure does not recur in the future

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Appendix Three – Appeal Process Flow Chart



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