

POLICIES & PROCEDURES

Appeals Policy



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Appeals Policy

1. Introduction

As an Ofqual regulated awarding body, ABBE must abide by the General 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.

2. Purpose

To ensure compliance with the conditions outlined above, ABBE has put in place an Appeals Policy.

Appeals Policy

The purpose of this policy is to outline how, and the instances in which, an appeal can be made to ABBE. It also explains how ABBE will handle the appeal to ensure that all appeals are dealt with professionally, and in a timely manner.

The policy details the process of how appeals are handled and the steps we will take to resolve them.

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. Definition

An appeal is a formal request for a review of a decision reached when a learner or centre believes that ABBE has not applied its procedures correctly, fairly, or consistently.

An appeal challenges the outcome of a decision, not the general service or conduct of the organisation. It can be used when a learner or centre believes that ABBE's decision:

- ❖ Was based on incorrect or incomplete information
- ❖ Was inconsistent with how similar cases are normally handled
- ❖ Was unfair or unreasonable in light of the evidence
- ❖ Resulted from a malpractice or maladministration finding that the centre or learner disputes

4. Types of Appeals

ABBE will accept appeals from Learners or ABBE Centres, affected in relation to any of the below:

- ❖ Appeal against Outcome of Malpractice or Maladministration Investigation
- ❖ Appeal against Outcome of Complaint Investigation, only where the complaints policy has not been followed correctly
- ❖ Appeal against Outcome of Special Consideration or Reasonable Adjustment request
- ❖ Appeal against Outcome of Assessment Enquiry
- ❖ Appeal against Outcome of External Quality Assurance Activity

The appeals procedure does not comprise of the following:

- ❖ a reassessment of external assessments
- ❖ a review of assessment decisions or assessment content

These should be handled in line with the ABBE Assessment Enquiry Policy in the first instance. Where an Appeal is raised against the outcome of an Assessment Enquiry, all assessment decisions will be reconsidered during the course of the Appeal.

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Please note, that there is a charge for all ABBE appeals. However, this will be refunded if the appeal is upheld. The fee will **not** be refunded if the appellant chooses to withdraw or discontinue an appeal. Please refer to the ABBE Fees List for current prices.

Appeal against Outcome of 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.

Appeal against Outcome of Complaint Investigation

ABBE will accept an appeal from the original complainant where they wish to appeal against the outcome following an investigation into a complaint, only where the ABBE Complaints Policy has not been followed correctly.

ABBE will accept an appeal from a centre where they wish to appeal against the outcome, or sanction imposed, or action proposed following an investigation into a learner complaint concerning them.

Appeal Against Outcome of Special Consideration or Reasonable Adjustment

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

Appeal against Outcome of Assessment Enquiry

ABBE will accept an appeal from a centre or a learner against a decision made following the outcome of an assessment enquiry.

Appeal against Outcome of External Quality Assurance Activity

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 and any resulting sanction(s)
- ❖ Validity/reliability of the Centre's assessment/quality assurance decisions
- ❖ Withdrawal of direct claims status
- ❖ Withdrawal of Centre approval either for one specific qualification or all ABBE qualifications

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5. 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 to make an appeal in Appendix One are absolute maximums.

Step Two

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 supporting documentation.

Step Three

ABBE will acknowledge the appeal within five working days of receipt and will confirm whether the appeal can be accepted in line with the Appeals Policy. Where the appeal can be accepted, ABBE will request payment of the fee.

The appeal process will not begin until the funds for the appeal have cleared.

Step Four

Once the funds for the appeal have cleared, ABBE will appoint an Investigator who may liaise with the relevant parties to establish the facts and request further information, evidence or documents relevant to the appeal. The Investigator will be a person of appropriate competence who has no personal interest in the outcome of the appeal.

Step Five

The Investigator will produce a report on their findings of the investigation and may advise ABBE of any subsequent actions or sanctions required.

Step Six

ABBE will convene an Appeals Panel to review the Investigator's report.

The Appeals Panel must be impartial and must not have had any involvement in the incident. The Panel should comprise of three individuals, and one of which must be completely independent to ABBE and **cannot** 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:

- ❖ ABBE Team Members
- ❖ ABBE EQAs

The Investigator may be invited to the Appeal Panel meeting to present and clarify their findings.

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Step Seven

Following the review by the Appeals Panel, ABBE will provide a written response to the Appellant with details of the outcome, including a summary of the Investigator's report.

The outcome will be either that the appeal is upheld, or that it is rejected. Where an appeal is upheld, the fee will be refunded to the Appellant.

Step Eight

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

- ❖ Identify any other Learner or centre who may have 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

If after receiving the outcome of the appeal, the appellant believes that ABBE has failed to comply with Ofqual's General Conditions of Recognition or has failed to follow its own procedures, where the qualification is Ofqual regulated, the appellant can complain to The Office of Qualifications and Examinations Regulation (Ofqual).

6. Vexatious Correspondence or Behaviour

ABBE staff have the right to work without fear of abuse, intimidation, or harassment. Threatening or abusive correspondence or behaviour will not be tolerated under any circumstances, and ABBE staff will not engage with persistent or harassing contact from appellants. If this kind of behaviour occurs, ABBE will treat it as vexatious.

Vexatious behaviour includes, but is not limited to:

- ❖ Abusive, intimidating or threatening written or telephone correspondence or physical behaviour in a face to face meeting.
- ❖ Abusive, intimidating, threatening or false posts on social media, forums, or other online platforms.
- ❖ Persistent repeated contact without providing any new information or evidence, or harassment of any kind.
- ❖ Making unreasonable demands on ABBE staff, e.g. outside the remit of the appeal.
- ❖ Making accusatory or malicious remarks about or against ABBE, ABBE staff or representatives, or ABBE centres.
- ❖ Making statements known to be false/inaccurate/misleading.

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Vexatious behaviour will be dealt with appropriately, which may include reporting to the police where it is believed that an offence has been committed.

Vexatious behaviour may be reported to the ABBE Senior Leadership Team and Board, either of which may request specific action be taken against the perpetrator as a result.

7. 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 to be Made to ABBE

Appeal Type	Timescale
Appeal against an Outcome of Malpractice or Maladministration Investigation	Within 10 working days of receipt of the Malpractice or Maladministration Investigation outcome
Appeal against Outcome of Complaint Investigation	Within 10 working days of receipt of the Complaint Investigation outcome
Appeal against Outcome of Special Consideration or Reasonable Adjustment request	Within 10 working days of receipt of the Special Consideration or Reasonable Adjustment decision
Appeal against Outcome of Assessment Enquiry	Within 10 working days of receipt of the Assessment Enquiry outcome
Appeal against Outcome of External Quality Assurance Activity	Within 10 working days of receipt of the External Quality Assurance Centre monitoring Report Form

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