

Appeals Policy

Document Control		
Document Number:	ADEL-002	Effective from: 01-10-2022
Linked Regulatory Requirements:	Ofqual GCoR: 12	
Version Number & Date:	V2.4, 22-08-2024	Review date: 10-06-2024
Date of Next Review:	18-12-2024 (6-month review)	Classification Level: Public/General

Approved by: Executives Weekly Meeting

Date version approved: 10-06-2024

Version Number	Date	Changes
V2.3	10-06-24	Approved by Executives
V2.4	22-08-24	External copy document control sheet updated and contact information added.

Disclaimer: The master document is controlled electronically. Printed copies of this document are not controlled. Document users are responsible for ensuring printed copies are valid prior to use. This an external copy

ADEL-002, V2.4 – Aug 24

Visit ncfe.org.uk Call 0191 239 8000

Table of Contents

1. Introduction.....	5
1.1 Purpose.....	5
1.2 Scope.....	5
1.3 Responsibilities/Duties	5
1.4 Definitions	5
1.5 Location	5
2. Process.....	6
2.1 Appeals exclusions and restrictions.....	6
2.2 Appeal acceptance criteria	6
2.3 Submission Timescales.....	6
2.4 Who can submit an appeal?	6
3. Stages of an appeal	7
3.1 Stage 1 - Preliminary Review	7
3.2 Stage 2 – Appeal Hearing	7
3.3 Fees.....	7
3.4 Stage 1 – Preliminary Stage.....	7
3.4.1 Appeal acceptance.....	7
3.4.2 Timescales following the acceptance of an appeal application.....	8
3.4.3 Appeal review	8
3.4.4 Appeal outcome	8
3.4.5 Appeal upheld	8
3.4.6 Appeal rejected	8
3.5 Stage 2 – Appeal Hearing	9
3.5.1 Submitting an appeal to the Independent Appeals Committee.....	9
3.5.2 Appeal acceptance.....	9
3.5.3 Appeal hearing	9
3.5.4 During the appeal hearing	10
3.5.5 Appeal outcome	10
3.5.6 Appeal upheld	10
3.5.7 Appeal not upheld	11
3.6 Appeals to our regulators	11

Disclaimer: The master document is controlled electronically. Printed copies of this document are not controlled. Document users are responsible for ensuring printed copies are valid prior to use. This an external copy

4. Initial Equality Impact Assessment	11
5. References to Associated Documents	11
6. Implementation and Dissemination	11
7. Monitoring Arrangements	11
8. Data Retention	12
9. Contact Information	12

1. Introduction

This policy sets out NCFE's framework for dealing with appeals to ensure that we're outlining and applying our processes, procedures, and policies in a fair and consistent way for our centres and learners.

1.1 Purpose

This policy forms part of NCFE's quality assurance arrangements allowing you (the appellant) to outline your views or concerns in relation to a decision or action NCFE has taken.

1.2 Scope

This policy relates to all awarding and End-Point Assessment operations within and across NCFE.

1.3 Responsibilities/Duties

The Quality Assurance Manager and Provider Assurance Manager are responsible for ensuring that this policy is up to date and adhered to.

The Quality Assurance Officers and Provider Assurance Officers are responsible for ensuring that outcomes in relation to appeals are in line with this policy.

A designated centre contact with permission from the Head of Centre is responsible for adhering to this policy, which is to be read alongside the [JCQ Appeals Booklet](#). Support is available from NCFE where required to submit appeals.

1.4 Definitions

Word/Acronym	Definition
EPA	End Point Assessment
EPRS	Exam Procedure Review Service
JCQ	Joint Council for Qualifications

1.5 Location

This policy is available for learners and centres on the NCFE website.

2. Process

Overview of appeals

The purpose of an appeal is to ascertain if we have applied the correct processes, procedures, and policies in a fair and consistent way.

2.1 Appeals exclusions and restrictions

The appeals procedure will not comprise the following:

- a reassessment of external assessments
- a review of assessment decisions
- a review of the content of external quality assurance or assessment audit visit reports

2.2 Appeal acceptance criteria

The list below details what types of appeals we'll accept:

- outcome of an enquiry about results or an assessment decision relating to externally or internally assessed units (post results services).
- outcome of an application for reasonable adjustments or a special consideration
- outcome of a maladministration or malpractice investigation
- outcome of a decision to impose a sanction resulting from a malpractice or maladministration investigation.
- outcome of a review of an appeal (Stage 1) decision
- termination of product and/or centre approval status for maladministration or malpractice, or termination for breach of the centre agreement.

2.3 Submission Timescales

For appeals against the outcomes of post results services you must submit a Stage 1 appeal application within 30 calendar days of receiving the original decision

For any other appeal type, you must submit a Stage 1 appeal application within 14 calendar days of receiving the original decision.

You must submit a Stage 2 appeal application within 14 calendar days of the outcome of a Stage 1 appeal.

If you're dissatisfied with any other area, please follow the steps outlined within our [complaints procedure](#).

2.4 Who can submit an appeal?

A centre can submit an appeal on behalf of a learner or a group of learners, with the explicit written permission of that learner or group of learners along with permission from the Head of Centre. Learners and/or their parents or legal guardians are not permitted to submit an appeal directly to NCFE.

Disclaimer: The master document is controlled electronically. Printed copies of this document are not controlled. Document users are responsible for ensuring printed copies are valid prior to use. This an external copy

If you or any other relevant party wish to be legally represented in relation to any aspect of the appeal, we must be informed in writing; this must include details of who, what their credentials are and what interest they have in the appeal case. We reserve the right to also be legally represented.

3. Stages of an appeal

There are two Stages of an appeal, which we make available. These are:

3.1 Stage 1 - Preliminary Review

The first Stage of appeal is a desk-based procedure that is completed by NCFE staff who were not involved in the original process. The appointed member of staff, or committee of staff, under normal circumstances, will not be a subject matter expert. However, they'll be experienced on all applicable processes, procedures, and policies.

3.2 Stage 2 – Appeal Hearing

The Independent Appeals Committee will consist of, as a minimum, one independent NCFE member of staff who was not involved in the original process or Stage 1 of the appeal, and an independent person, who is not directly connected to NCFE, who will be appointed by NCFE.

3.3 Fees

A fee to cover the administrative costs at each Stage of the appeal will be charged in line with our Fees and Pricing guide, which you can find on our [website](#).

3.4 Stage 1 – Preliminary Stage

You must submit a written request for an appeal using the Appeal form available on our website, to enable us to consider the appeal application in accordance with the appeal acceptance criteria as outlined in Section 2.2. Your request should include a clear rationale as to why you believe that we did not properly or fairly apply our relevant processes, procedures, or policies and must include supporting evidence. We will accept the JCQ Application for Appeal, except for EPA Appeals which must be submitted using the NCFE Appeal Form.

Learner authorisation must be collected by the centre and retained for at least six months following the outcome of an appeal and in compliance with relevant legislation. We reserve the right to inspect such evidence. Failure to retain such evidence will be considered centre malpractice and will be dealt with in accordance with our Maladministration and Malpractice Policy found [here](#).

If your application does not include sufficient information or evidence, we'll inform you in writing, and include a final deadline for the submission of any further information and evidence to support your appeal application.

3.4.1 Appeal acceptance

The decision of whether to accept the application for an appeal is based on:

- Whether the appeal submitted falls within our acceptance criteria

Disclaimer: The master document is controlled electronically. Printed copies of this document are not controlled. Document users are responsible for ensuring printed copies are valid prior to use. This an external copy

- Whether any other relevant/required process, procedure or policy has first been completed (e.g. enquiry about results/assessment decisions)
- Whether there is sufficient evidence that our relevant processes, procedures, and policies have not been consistently and fairly applied.
- Whether learner or centre maladministration or malpractice has occurred in relation to the process or appeal
- The timescale of the application. If we reject an appeal application, the reason(s) for this will be provided to you in writing within five working days of the decision being made. This will include information about appealing to the Independent Appeals Committee where this is permitted. If we accept an appeal application, we'll appoint an independent member of staff who will send an acknowledgement letter or email within five working days.

3.4.2 Timescales following the acceptance of an appeal application.

We aim to action and resolve a review of an appeal within 20 working days of acceptance. Please note that in some cases, particularly where the case may be complex and/or an independent person is not available within this timescale, the appeal may take longer than 20 working days. In such instances, we'll advise you of the revised timescale and the reason(s) why.

3.4.3 Appeal review

This Stage will comprise an objective, factually based review of:

- whether we've properly and fairly applied our relevant policies processes and procedures in light of the evidence presented, including any records available relating to the original decision.
- any readily available regulators' advice on similar matters, if applicable
- any readily available awarding organisation precedents, if applicable.

3.4.4 Appeal outcome

An appeal outcome letter will be sent via email to your designated centre contact, which will detail the outcome of Stage 1 within five working days of the decision being made. This will be either 'appeal upheld' or 'appeal rejected' (see Sections 3.4.5 and 3.4.6) and will include any remedial action or details of how to appeal to the Independent Appeals Committee.

Fees will then be raised in accordance with Section 3.3 of this policy.

3.4.5 Appeal upheld

If the Stage 1 review found that we had not correctly applied our processes, procedures, or policies fairly or consistently, we'll send you an appeal outcome letter via email, which will include remedial actions to be completed, including appropriate timescales.

3.4.6 Appeal rejected

If the Stage 1 review found that all processes, procedures, and policies were applied correctly and in a fair and consistent way, we'll send you an appeal outcome letter via email, which will include information on how to submit an appeal to the Independent Appeals Committee, where applicable.

Disclaimer: The master document is controlled electronically. Printed copies of this document are not controlled. Document users are responsible for ensuring printed copies are valid prior to use. This an external copy

3.5 Stage 2 – Appeal Hearing

An Independent Appeals Committee will be established to ensure that there is an additional level of independence if you're not satisfied with the decision or outcome following Stage 1 of the appeals procedure.

3.5.1 Submitting an appeal to the Independent Appeals Committee

You have the right to submit an appeal to the Independent Appeals Committee following completion of the Stage 1 appeals procedure if you're not satisfied with our decision or outcome.

You must submit a written request to the Independent Appeals Committee via the [Appeal form on the NCFE website](#), which should include a clear rationale as to why you believe that we didn't properly or fairly apply our relevant processes, procedures, or policies, and must include supporting evidence.

If your application does not include sufficient information or evidence, we'll inform you in writing, and include a final deadline for the submission of any further information and evidence to support your appeal application to the Independent Appeals Committee.

3.5.2 Appeal acceptance

The decision of whether to accept the application for an appeal is based on:

- whether a Stage 1 appeal has been completed
- whether the appeal is submitted as required and falls within our acceptance criteria
- whether you have supplied sufficient evidence that our relevant processes, procedures, and policies have not been consistently and fairly applied.
- the timescale of the application in accordance with Section 2.3.

If an application for a Stage 2 appeal is rejected, the reason(s) for this will be provided in writing within five working days of the decision being made. If the application for a Stage 2 appeal is accepted, the Independent Appeals Committee will send an acknowledgement notification within five working days of the decision being made and request all information and supporting evidence from both parties.

A copy of all materials (correspondence/documents/reports etc) relating to the appeal will be forwarded to the Independent Appeals Committee and the appellant no later than seven calendar days prior to the hearing. Only in the most exceptional circumstances will additional evidence be accepted on the day of the hearing.

You must not communicate with any member of NCFE staff regarding the appeal once you receive the appeal acceptance letter from the committee, other than when requested by NCFE to facilitate the hearing.

3.5.3 Appeal hearing

The purpose of the Independent Appeals Committee meeting is to consider your appeal application and supporting evidence from both parties to determine, on a balance of probability, whether we have properly and fairly applied our relevant processes, procedures, and policies in light of the evidence presented.

The Independent Appeals Committee will consider any readily available regulators' advice on similar matters and any readily available awarding organisation precedents.

The Independent Appeals Committee will consider all evidence from the Stage 1 appeal and will request further information and evidence from both parties where required. They will aim to make a unanimous decision when determining the outcome of the appeal.

3.5.4 During the appeal hearing

The Independent Appeals Committee may require representation from both parties to attend the appeal hearing, either in person or remotely via a suitable meeting platform such as Microsoft Teams. This will enable the members of the committee to question representatives from both parties.

The hearing will re-examine evidence presented from all parties, comments and reports provided to and by NCFE, and any observations or submission from the appellant. In an appeal concerning a clerical check, or a review of marking, the test applied by the committee will be whether:

- NCFE has applied its procedures consistently, properly, and fairly in arriving at judgements; and/or
- There has been a marking or a review of marking error.

In an appeal related to malpractice/maladministration, the committee will consider, on the balance of probabilities, whether there was sufficient evidence to support the finding of malpractice and how appropriate the original penalty or sanction was considering the JCQ Malpractice regulations, awarding body precedents and any additional information provided by the appellant or awarding organisation.

In an appeal focusing on access arrangements, reasonable adjustments or special considerations, the committee will consider whether the awarding organisation's actions were consistent with the published procedures and were fair and a balance of probability.

3.5.5 Appeal outcome

An appeal outcome letter will be sent via email to you, which will detail the outcome of the Independent Appeals Committee within five working days of the decision being made. This will be either 'appeal upheld' or 'appeal rejected' and will include any remedial action. Under no circumstance should the appellant contact members of the Independent Appeals Committee regarding the outcome of the appeal once it has been shared with relevant parties.

Fees will be raised in accordance with Section 3.3.

3.5.6 Appeal upheld

If the Stage 2 review found that we had not correctly applied our processes, procedures, or policies fairly or consistently, we'll send you an appeal outcome email, which will include remedial actions to be completed, including appropriate timescales.

If an appeal is upheld, the committee may:

- refer the matter back to NCFE for further consideration or with recommendations.
- direct NCFE to carry out further work.

Disclaimer: The master document is controlled electronically. Printed copies of this document are not controlled. Document users are responsible for ensuring printed copies are valid prior to use. This an external copy

In cases of malpractice, remove or confirm the finding of malpractice, and/or confirm or amend the sanction.

3.5.7 Appeal not upheld

If the Stage 2 review found all processes, procedures, and policies to have been applied correctly and in a fair and consistent way the appeal will be not upheld. The decision of the Independent Appeals Committee is final and will complete our appeals procedure. We will not accept any further appeal. Should you disagree with the decision, you have the right to express your dissatisfaction regarding our actions as part of the appeals process, through our complaints procedure, which is available on our [website](#).

3.6 Appeals to our regulators

Where your appeal relates to a regulated qualification and you remain dissatisfied with our actions, you may contact our qualification regulators. Our regulators would require evidence that you have fully exhausted our appeals procedure.

For centres in England and Wales, where dissatisfaction remains with the decision of the appeal hearing relating to the outcome of a marking or moderation decision, an appeal may be made to the relevant Exam Procedure Review Service (EPRS). Please note that this service is confined to NCFE T Level qualifications only.

The Exam Procedure Review Service, which is provided by Ofqual in England and Qualifications Wales in Wales, intends to look at any application which meets their criteria and decide whether the awarding organisation followed their procedures properly. They'll only accept applications which have exhausted every Stage of the NCFE appeals process. Details of how to contact the Exam Procedures Review Service can be found on their [website](#)

4. Initial Equality Impact Assessment

An Initial Equality Impact Assessment has been completed for this policy, and no concerns were raised.

5. References to Associated Documents

- [Appeals - JCQ Joint Council for Qualifications](#)
- [Enquiries about Results and Assessment Decisions Policy](#)
- [Maladministration and Malpractice Policy](#)
- [Access Arrangements and Reasonable Adjustments Policy](#)
- [Complaints Policy](#)

6. Implementation and Dissemination

This policy is made available for access via the NCFE Website.

7. Monitoring Arrangements

This policy will be monitored in line with JCQ and reviewed by the NCFE Assessment Delivery Team.

Disclaimer: The master document is controlled electronically. Printed copies of this document are not controlled. Document users are responsible for ensuring printed copies are valid prior to use. This an external copy

8. Data Retention

NCFE will securely store information provided as part of your Appeal submission. NCFE will not keep personal data for longer than we need it. Once the retention period is over, and it is no longer justifiable to hold personal data any longer, data will be securely destroyed or anonymised.

9. Contact Information

If you have any queries about the contents of the policy, please contact the Customer Support Team.

Email: customersupport@ncfe.org.uk

Telephone*: 0191 239 8000

NCFE
Q6, Quorum Business Park
Benton Lane
Newcastle upon Tyne
NE12 8BT

*To continue to improve our levels of customer service, telephone calls may be recorded.