

## Enquiries and Appeals

### 1 General

- 1.1 The scope of this policy covers the decisions made and actions taken by BIIAB Qualifications Limited<sup>1</sup> with regard to its relationships with centres<sup>2</sup> and their learners<sup>3</sup> and to its compliance with the appropriate Regulator.<sup>4</sup>
- 1.2 Our Regulators require us to ensure that learners and/or centres can appeal against:
- assessment decisions and/or outcomes, including external assessment results;
  - the outcome of an investigation into suspected malpractice;
  - decisions concerning requests for reasonable adjustment or special considerations.
- 1.3 We always endeavour to ensure that all enquiries are resolved to the satisfaction of the centre and the learner before any full appeals process is invoked.
- 1.4 Where an enquiry or appeal against our actions or decisions is upheld, any charges will be refunded or rescinded. Where the original awarding decision is upheld, the cost of the enquiry or appeal will be charged to the organisation appealing on behalf of the learner.
- 1.5 If centres or learners wish to have further advice on any matters concerning this policy, they should contact [complianceandregulation@biiab.co.uk](mailto:complianceandregulation@biiab.co.uk)
- 1.6 In turn, we require all centres which have a duty of care for learners to have an accessible appeals policy and procedure to enable expressions of dissatisfaction about results or any decisions affecting the outcomes of assessment.

1.6.1 For internal assessment decisions the centre's procedure should:

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<sup>1</sup> BIIAB Qualifications Limited is a recognised awarding organisation and part of the Skills and Education Group.

<sup>2</sup> A 'centre' in the context of this document applies to organisations, whether a training organisation, educational institution or employer that deliver BIIAB Qualifications Limited qualifications and / or assessments to individuals and as such has a duty of care with respect to the individual as a learner.

<sup>3</sup> When referring to a learner throughout this policy it is also deemed to represent the terms candidate or apprentice.

<sup>4</sup> Ofqual in England; Qualification Wales; CCEA Regulation in NI for regulated qualifications; Scottish Qualifications Authority; the IfA for Apprenticeships

- identify the person with whom the learner should lodge an initial enquiry or appeal: this would usually be the learner's tutor or assessor;
- state the method by which an appeal should be made;
- state what the next steps should be if unresolved: this should include submission to the person responsible for internal quality assurance;
- state what the next steps should be if still unresolved: this may include submission to the Head of Department/Quality, or to other persons who are independent of the internal assessment decision making process;
- include procedures for a referral if the learner is still unhappy with the outcome: see paragraph 10 below;
- stipulate clear timelines for dealing with each step and retention of evidence.

1.6.2 For external/independent assessment or external moderation decisions the intention of an enquiry must be to change the outcomes of the assessment decision.

The centre must:

- stipulate clear timelines to learners for making an enquiry which takes into account the timescales and guidelines in this document;
- must provide the following information in writing:
  - centre name;
  - learner name and Registration ID;
  - title and number<sup>5</sup> of the qualification/units;
  - date of the assessment decision (as applicable);
  - date of external moderation (as applicable).

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<sup>5</sup> As referenced in the Qualification Guide.

## 2 Centre Enquiries about Test/Independent Assessment Decisions

2.1 Where results are seriously at variance with those expected by the centre/learner, one of the following may be requested:

- a simple clerical check on accurate reporting of figures. This must be in writing within 10 working days of the notification of results to the centre. The figures will be checked and the centre notified of the outcome.
- a re-mark of an examination script/external assessment. Any such request must be in writing and within 10 working days of the notification of results to the centre. A remark will be undertaken by a different examiner/assessor usually the Lead Examiner/Lead Assessor. The re-mark/re-assessment will include a report on the Lead Examiner/Lead Assessor's findings.

2.2 If the centre or learner remains dissatisfied with the outcome of the report the centre may request a formal appeal.

## 3 Centre Enquiries about External Moderation Decisions

3.1 Where an External Quality Assurer (EQA) notifies a centre that its assessment decisions have not met the qualification standard and the centre disagrees with the decision, the centre may request a re-moderation.

3.1.1 All requests must be made in writing within 10 working days of receipt of the external moderation report and before claiming certification.

3.1.2 The assessment evidence presented for re-moderation must include the original work of the learner and the evidence and outcome of the initial assessment and internal moderation activity. The evidence may be reviewed remotely or during a visit to the centre.

3.1.3 Following a review of the evidence the Lead or Deputy Lead EQA files a report which is submitted to the Centre. The report confirms if the original assessment decision is to be upheld or not.

3.2 If the centre or learner remains dissatisfied with the outcome of the report the centre may request a formal appeal.

## **4 Centre Enquiries about Reasonable Adjustments and Special Consideration Decisions**

- 4.1 Centres may request a review of any actions taken regarding any decision not to approve a request for Reasonable Adjustments or Special Consideration.
  - 4.1.1 All such requests must be made within 10 working days of receipt of the decision and must include additional evidence in support of that request.
  - 4.1.2 All additional evidence received will be reviewed and the centre informed of a decision within 10 working days.
- 4.2 If the centre or learner remains dissatisfied following further discussions the centre may request a formal appeal.

## **5 Centre Enquiries about Malpractice and Maladministration Decisions**

- 5.1 Centres may request a review of any sanction applied or actions taken as a result of proven malpractice and/or maladministration.
  - 5.1.1 All such requests must be made within 10 working days of receipt of the decision and must provide additional/mitigating evidence in support of a review.
  - 5.1.2 The evidence received will be reviewed and the centre informed of a decision within 10 working days.
- 5.2 The centre may request a formal appeal if the centre or learner remains dissatisfied with the outcome.

## **6 Learner Enquiries**

- 6.1 Internal Assessment Decisions
  - 6.1.1 A learner must follow the centre's procedures when disputing any internal assessment decisions.
  - 6.1.2 If the dispute remains unresolved we may act as an independent adjudicator: see paragraph 10 below.

## 6.2 External Moderation Decisions

Learners who disagree with the grading decisions agreed by the centre and the EQA may enquire about that decision directly to [complianceandregulation@biiab.co.uk](mailto:complianceandregulation@biiab.co.uk)

### 6.2.1 Learners must confirm that they:

- have discussed the rationale for the assessment decision in line with the EQA's feedback with their assessor;
- will put in writing the reasons why they feel the decision is unsound;
- will provide all the original evidence for moderation to the centre;
- will be responsible for any fees in order to undertake the enquiry.

### 6.2.2 The centre must confirm that it:

- has discussed the rationale for the original decision with the learner;
- will facilitate the re-moderation of the work at the centre if this is appropriate;
- has made the learner aware that fees will be payable.

6.2.3 Learners may nominate an appropriate representative to act on their behalf **only** if they are unable to represent themselves, for example by reason of disability, on medical grounds, or because they are under the age of 18. Learners wishing to nominate a representative must do so at the beginning of the process, giving a clear reason why they cannot represent themselves. If this is not done, we will be unable to communicate with that nominated representative.

## 7 Appeals

7.1 An appeal must be made by the centre's nominated contact within 10 working days of receiving our decision following the outcome of an initial enquiry. At this stage, the focus will be on the procedures followed and the evidence initially provided. No new evidence will be admitted at this stage.

7.2 Once an appeal has been received, we will notify the centre/learner of the procedures and steps to be taken at the start of the appeals process. This will include:

7.2.1 Convening an Appeals Panel which will include individuals who have no personal interest in the decision being appealed and at least one decisionmaker who is not an employee, a sub-contractor or otherwise connected to BIIAB Qualifications Limited.

7.2.2 Gathering all appropriate evidence which will include:

- original learner evidence;
- initial enquiry reports;
- relevant Group policy and procedure;
- timelines throughout the process.

7.2.3 The cost and the timescales for the panel review.

7.3 Minutes of the meeting will be taken and will be approved by the Chair of the Panel.

7.4 The decision of the Appeals Panel will be final and the outcome communicated to the appellant within 5 working days of the panel meeting.

## 8 Outcomes of Enquiries and Appeals

8.1 Where an enquiry has the potential to have an adverse effect we will inform the Regulators as per their requirements.

8.2 Where an enquiry or an appeal is upheld and the outcome is seen to have a wider impact on other centres or learners, we will ensure that:

- the error is corrected, or if it cannot be corrected for any reason, the effect of such an outcome is mitigated;
- policies and procedures are reviewed to prevent any future recurrence;
- additional training of staff/sub-contractors is undertaken.

## 9 Timescales

We aim to keep the centre informed at all stages of the enquiries and appeals processes and will:

- acknowledge written enquiries and appeals within 5 working days of receipt;
- complete all actions within the timescales specified;

- act without undue delay when an Appeals Panels needs to be convened;
- retain all evidence pertaining to an enquiry/appeal for a minimum period of three months.

## **10 Adjudication of Centre Internal Assessment Decisions**

- 10.1 We may act as an independent adjudicator. This procedure will apply where a learner has appealed to the centre against an internal assessment decision which cannot be resolved by the centre.
- 10.2 Centres must put requests in writing, outlining the results of their own appeals procedure.
- 10.3 Where we agree to review a learner's internal assessment evidence, the evidence will usually be included with other evidence to be presented for external moderation.
- 10.3.1 Where the above is not possible or appropriate the assessment evidence will be reviewed separately and a charge for this service made directly to the centre.
- 10.4 Outcomes of this review will be confirmed within 10 working days of the review of evidence by the EQA.

## **11 Appeals against other Decisions**

- 11.1 Any other enquiries/appeals against decisions made by BIIAB Qualifications Limited will be dealt with via our Complaints Policy.

## **12 Quality Assurance**

This policy is reviewed annually to ensure it continues to meet the needs of our approved centres, learners and the Regulators to which we are subject.