

Appeals Policy

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1. Purpose

- 1.1** This policy provides Centres, learners and other eligible appellants with a formal mechanism through which they may challenge decisions made by SEG Awards/BIIAB.
- 1.2** It provides a clear framework for SEG Awards/BIIAB employees, associates, and decision makers to ensure that enquiries, reviews and appeals are managed:
- fairly;
 - consistently;
 - transparently;
 - proportionately;
 - independently;
 - without undue delay; and
 - in accordance with applicable regulatory and legal requirements.
- 1.3** This policy explains:
- the decisions that may be challenged;
 - who is eligible to submit an appeal;
 - the grounds on which an appeal may be submitted;
 - the stages of the appeals process;
 - the information an appellant must provide;
 - the arrangements for reviewing and determining appeals;
 - the possible outcomes of an appeal;
 - applicable fees and timescales;
 - arrangements for accessibility and representation; and
 - the routes available when SEG Awards/BIIAB's internal appeals process has been exhausted.
- 1.4** SEG Awards/BIIAB is committed to ensuring that appeals are determined in accordance with the principles of natural justice. Appeal decisions will be evidence-based and will be made by appropriately competent individuals who have no personal interest in the outcome.
- 1.5** No learner, Centre or other eligible appellant will be disadvantaged or treated less favourably solely because they have submitted an appeal in good faith.



2. Regulatory Context

2.1 This policy supports SEG Awards/BIIAB's compliance with applicable legislation, regulatory conditions and regulatory principles, including, where relevant:

- Ofqual's General Conditions of Recognition;
- Qualifications Wales' Standard Conditions of Recognition;
- CCEA Regulation's General Conditions of Recognition;
- the regulatory requirements applicable to qualifications regulated in Scotland;
- the Equality Act 2010;
- the UK General Data Protection Regulation;
- the Data Protection Act 2018; and
- other applicable qualification-specific regulatory documents.

2.2 This policy should be read alongside the following SEG Awards/BIIAB documents, as applicable:

- Complaints Policy;
- Malpractice and Maladministration Policy;
- Whistleblowing Policy;
- Reasonable Adjustments and Special Consideration Policy;
- Equality, Diversity and Inclusion Policy;
- Conflicts of Interest Policy;
- Data Protection Policy and relevant privacy information;
- Records Retention Schedule;
- Safeguarding Policy;
- Centre Agreement;
- Qualification specifications and assessment guidance; and
- Fees Schedule.

2.3 Where a qualification is subject to additional or qualification-specific regulatory requirements, those requirements will also apply. Where there is any inconsistency, SEG Awards/BIIAB will apply the requirement that provides the necessary regulatory protection and will explain the applicable arrangements to the appellant.



3. Scope

3.1 This policy applies to all qualifications made available by SEG Awards/BIIAB and to decisions made or actions taken by SEG Awards/BIIAB in relation to those qualifications, their assessments, approved Centres, learners and other eligible appellants.

3.1.1 Where a qualification is subject to additional qualification-specific conditions, rules or regulatory requirements, those requirements will apply in addition to this policy.

3.2 Decisions that may be appealed

Subject to the eligibility and admissibility requirements in this policy, an appeal may be made against:

- the result of an assessment;
- a decision arising from a clerical check or review of marking;
- an external moderation or external quality assurance decision;
- a decision relating to a reasonable adjustment;
- a decision relating to special consideration;
- action taken against a learner following a malpractice or maladministration investigation;
- action taken against a Centre following a malpractice or maladministration investigation;
- a sanction, condition, restriction, suspension or other action imposed by SEG Awards/BIIAB;
- a decision affecting a learner's result, achievement, credit or certification;
- a decision to invalidate assessment evidence or an assessment outcome;
- a decision to withhold or withdraw a result or certificate; and
- another decision made by SEG Awards/BIIAB, where this policy is the appropriate route for review.

3.3 An appeal may challenge the decision itself, the process through which the decision was reached, or both.

3.4 Matters concerning service, communication, delay or conduct will normally be considered under the Complaints Policy. Suspected wrongdoing may be considered under the Malpractice and Maladministration Policy or the Whistleblowing Policy.



4. Definitions

For the purposes of this policy:

4.1 Appeal

An appeal is a request for the review of a decision made by SEG Awards/BIIAB, including the process through which the decision was reached.

4.2 Appellant

An appellant is a Centre, learner, authorised representative or other eligible person who submits an appeal.

4.3 Centre

A Centre is an organisation approved by SEG Awards/BIIAB to deliver, assess or otherwise support one or more SEG Awards/BIIAB qualifications.

4.4 Complaint

A complaint is an expression of dissatisfaction about service, communication, delay, conduct or another operational matter that does not seek to overturn a decision.

4.5 Initial enquiry

An initial enquiry is an operational reconsideration of the original decision. Depending on the matter, it may take the form of a clerical check, review of marking, reconsideration of evidence, additional external quality assurance activity or another appropriate review.

4.6 Informal appeal

An informal appeal is an independent review of the disputed decision and the process through which it was reached, undertaken by an appropriately competent individual with no previous involvement in the decision under appeal.

4.7 Formal appeal



A formal appeal is a structured review undertaken by an Appeals Panel following the outcome of an informal appeal.

4.8 Working day

A working day is Monday to Friday 09.00-17.00, excluding public holidays in England and any published SEG Awards/BIIAB closure period.

4.9 Adverse Effect

An Adverse Effect is something that has gone wrong, or might go wrong, in a way that could significantly affect learners, qualification standards, the validity of results, the delivery of qualifications or public confidence.

5. Who may submit an appeal

5.1 An appeal may be submitted by:

- An approved Centre
- an approved Centre on behalf of a learner;
- an approved Centre on behalf of a group of learners;
- a learner directly affected by the decision;
- an authorised representative acting on behalf of a learner;
- an individual directly affected by a malpractice or maladministration decision.

5.2 Where a Centre appeals on behalf of a learner, the Centre must normally confirm that:

- the learner has been informed of the appeal;
- the learner consents to the appeal being made;
- the learner understands that an assessment result may increase, decrease or remain unchanged; and
- permission for relevant personal information to be used and shared for the purpose of determining the appeal has been granted.

5.3 SEG Awards/BIIAB may accept a Centre-led appeal affecting a group of learners where the same decision, assessment issue or alleged procedural failure applies to all affected learners.

- 5.4** A learner may appoint a representative to act on their behalf. SEG Awards/BIIAB will require written authority and proof of identity before communicating with the representative or disclosing personal information.
- 5.5** Where the appellant is under 18 or may otherwise require support, SEG Awards/BIIAB will consider appropriate arrangements for parental, guardian, advocate or representative involvement, subject to safeguarding and data protection requirements.

6. Grounds for an appeal

- 6.1** An appeal must identify one or more grounds on which the decision should be reviewed.
- 6.1.1** In relation to an assessment result, an appellant may appeal on the basis that SEG Awards/BIIAB did not apply its procedures consistently or that its procedures were not followed properly and fairly.
- 6.2** Grounds for appeal may include that:
- a relevant policy, procedure, qualification requirement or regulatory requirement was not applied correctly;
 - a procedure was not followed properly or fairly;
 - a policy or procedure was applied inconsistently;
 - relevant evidence was not considered;
 - irrelevant information materially influenced the decision;
 - an administrative, marking, moderation, calculation, processing or reporting error occurred;
 - the decision was not supported by sufficient and appropriate evidence;
 - bias or an actual, potential or perceived conflict of interest materially affected the decision;
 - an individual involved in the decision did not possess the required competence;
 - the principles of natural justice were not observed;
 - a reasonable adjustment or special consideration request was not handled appropriately;
 - an action or sanction was not reasonable or proportionate in light of the available evidence;

- SEG Awards/BIIAB did not apply its published requirements fairly or consistently; or
- relevant new evidence has become available that could not reasonably have been provided earlier.

6.3 Dissatisfaction with an assessment result or decision, without an identifiable ground for appeal, will not normally be sufficient for an appeal to proceed.

6.4 An appeal does not ordinarily provide an opportunity for an assessment to be completed again or marked again without reference to the original marking. A further assessment review may be directed where the appeal identifies an error, inconsistency, procedural failure or other material concern.

7. Centre Responsibilities and Internal Appeals

7.1 Centres must maintain, implement and publish an accessible internal appeals procedure enabling learners to challenge internal assessment decisions and other Centre decisions that may affect achievement, results or certification.

7.2 A Centre's internal appeals procedure must:

- inform learners of their right to appeal;
- explain how an appeal may be submitted;
- identify the stages of the internal process;
- include clear submission and response timescales;
- provide for review by an appropriately competent person;
- ensure that the final internal decision is taken by a person who was not responsible for the original decision;
- provide for the identification and management of conflicts of interest;
- allow learners to be represented or supported where appropriate;
- explain how reasonable adjustments to the process may be requested;
- ensure that learners are not disadvantaged for appealing in good faith;
- require records and evidence to be retained; and
- explain when a matter may be escalated to SEG Awards/BIIAB.

7.3 A learner who wishes to challenge an internal assessment decision must normally complete the Centre's internal appeals process before submitting an appeal to SEG Awards/BIIAB.

- 7.4** SEG Awards/BIIAB may accept a learner's appeal before the Centre process has been completed, where:
- the Centre is unable or unwilling to deal with the appeal;
 - the Centre has failed to operate its appeals procedure within a reasonable period;
 - an actual, potential or perceived conflict of interest prevents fair consideration by the Centre;
 - the appeal concerns suspected malpractice or maladministration by the Centre;
 - there is a safeguarding concern;
 - the Centre is no longer operating;
 - the learner may otherwise lose a meaningful opportunity to appeal; or
 - other exceptional circumstances make it unreasonable to require completion of the Centre process.
- 7.5** Where an appeal concerns a decision made by SEG Awards/BIIAB, including an external assessment, external quality assurance, reasonable adjustment, special consideration or malpractice decision, the Centre must cooperate with the appeal and provide information reasonably requested by SEG Awards/BIIAB.
- 7.6** Centres must preserve all relevant assessment and quality assurance evidence in the form in which it existed at the time of the disputed decision. Evidence must not be amended, replaced, reassessed or subjected to further internal quality assurance unless SEG Awards/BIIAB gives prior written agreement.

8. Submitting an Appeal

- 8.1** Appeals should normally be submitted using the Appeals Form published on the SEG Awards/BIIAB website.
- 8.2** Where an appellant is unable to access or use the published form, SEG Awards/BIIAB will accept the appeal by email or in another reasonable and accessible format agreed with the appellant.
- 8.3** The published Appeals Form and associated guidance will state the current email address or online submission route to be used. SEG Awards/BIIAB will ensure that these submission arrangements are readily accessible to Centres and learners.
- 8.4** An appeal must normally include:

- the appellant's name and contact details;
- the Centre name and Centre number, where applicable;
- the learner's name and registration number;
- the qualification title and qualification number;
- the relevant unit, component or assessment;
- the decision being appealed;
- the date on which the decision was communicated;
- the grounds for appeal;
- relevant supporting evidence;
- the outcome sought;
- details of any previous review or appeal;
- confirmation of the learner's knowledge and consent where a Centre is acting on their behalf; and
- details of any reasonable adjustment or accessibility requirement.

8.5 A request for review or appeal must normally be submitted within 10 working days of the appellant receiving the relevant decision or outcome.

8.6 SEG Awards/BIIAB may accept a request submitted outside the applicable timescale where the appellant provides a reasonable explanation for the delay. Relevant circumstances may include:

- illness or exceptional personal circumstances;
- disability or accessibility requirements;
- delay in receiving information required to submit the appeal;
- circumstances outside the appellant's reasonable control;
- the need to avoid substantive unfairness; or
- evidence of a potentially serious assessment, qualification or regulatory failure.

The longer the delay, the stronger the justification required will normally be. SEG Awards/BIIAB will record the reasons for accepting or declining a late request.

8.7 SEG Awards/BIIAB will acknowledge receipt of a review request or appeal within five working days.

8.8 The acknowledgement will confirm:

- whether the request has been accepted for consideration;
- the stage at which it will be considered;
- whether further information is required;

- any applicable fee;
- the anticipated timescale; and
- the next available stage of the process.

8.9 Where further information is required, SEG Awards/BIIAB will explain:

- what information is required;
- why it is required;
- the deadline for providing it; and
- any effect this will have on the anticipated completion date.

8.10 Where SEG Awards/BIIAB is unable to meet a published or notified timescale, it will inform the appellant promptly, explain the reason for the delay and provide a revised completion date. The appellant will be kept informed of material progress.

9. Eligibility

9.1 SEG Awards/BIIAB will undertake an initial eligibility review to determine whether:

- the submission falls within the scope of this policy;
- the appellant is eligible to appeal;
- the appeal has been submitted within the applicable timescale;
- identifiable grounds for appeal have been provided;
- any required earlier stage has been completed;
- sufficient information has been provided; and
- the appeal would be more appropriately considered under another policy.

9.2 SEG Awards/BIIAB may decline to consider an appeal where:

- it falls outside the scope of this policy;
- the appellant is not eligible to submit it;
- it is out of time, and no reasonable justification has been provided;
- no valid grounds for appeal have been identified;
- the appellant does not provide information reasonably required to consider the matter;
- the matter has already been fully considered, and no materially different evidence or issue has been raised;
- the submission is frivolous, vexatious, abusive or pursued solely to cause disruption;

- the appeal seeks an outcome that SEG Awards/BIIAB has no authority to provide; or
 - the matter falls solely within another organisation's remit.
- 9.3** A decision that an appeal is vexatious or abusive will be made on the basis of the nature, substance and conduct of the submission, not merely because the appellant is persistent, critical or dissatisfied.
- 9.4** Where an appeal is not accepted, SEG Awards/BIIAB will inform the appellant in writing of:
- the decision;
 - the reasons for the decision;
 - any information that would allow the decision to be reconsidered;
 - any alternative procedure that may apply; and
 - any available route for challenging the eligibility decision.
- 9.5** An appellant may request a review of an eligibility decision within 5 working days of receiving that decision.
- 9.6** The review will be undertaken by an appropriately competent person who:
- did not make the original eligibility decision;
 - has no personal interest in the outcome; and
 - has authority to confirm or overturn that decision.
- 9.7** SEG Awards/BIIAB will normally communicate the eligibility review outcome within 10 working days of acknowledging receipt of the appeal. The outcome will include the decision and the reasons for it.
- 9.8** The individual responsible for determining eligibility or reviewing an eligibility decision must not determine the substantive appeal where their previous involvement could reasonably undermine impartiality.



10. Principles Applying to all Appeal Stages

10.1 SEG Awards/BIIAB will handle appeals in accordance with the principles of:

- fairness and natural justice;
- accessibility and equality of opportunity;
- transparency;
- proportionality;
- timely resolution;
- evidence-based decision-making;
- appropriate competence;
- independence and impartiality;
- confidentiality; and
- effective management of conflicts of interest.

10.2 No person responsible for determining an informal or formal appeal will have:

- made the decision under appeal;
- determined an earlier stage of the appeal;
- a personal interest in the outcome; or
- another connection that could reasonably call their impartiality into question.

10.3 Previous involvement does not prevent a person from providing factual information or evidence to the reviewer or Appeals Panel.

10.4 Appeal decisions will be made only by persons possessing appropriate knowledge and competence relevant to:

- the qualification;
- the assessment methodology;
- the regulatory requirements;
- the type of decision under appeal; and
- the appeal process.

10.5 All persons involved in reviewing or determining an appeal must declare any actual, potential or perceived conflict of interest.

Identified conflicts will be recorded and managed in accordance with the SEG Awards/BIIAB Conflicts of Interest Policy.



10.6 The appellant will be given a reasonable opportunity to:

- explain the grounds for appeal;
- provide relevant evidence;
- respond to material information that may adversely affect the outcome; and
- request reasonable adjustments or representation.

10.7 Submitting an appeal does not automatically suspend the original decision, sanction, restriction or action. SEG Awards/BIIAB will decide whether the original decision should remain in force while the appeal is considered, taking account of:

- risks to learners;
- qualification and assessment integrity;
- regulatory requirements;
- fairness to the appellant;
- certification risks;
- safeguarding considerations; and
- the consequences of maintaining or suspending the decision.

10.8 The submission of an appeal in good faith will not influence unrelated decisions concerning registration, assessment, certification, Centre approval or access to SEG Awards/BIIAB services. This does not prevent appropriate action being taken where an appeal provides evidence of malpractice, maladministration, safeguarding concerns or another matter requiring investigation.

11. Appeals Process

11.1 The appeals process will normally comprise:

Stage 1: Initial enquiry

Stage 2: Informal appeal

Stage 3: Formal appeal

Stage 4: External or regulatory escalation, where available

11.2 Not every appeal will require every stage.

11.3 Where a decision has already been subject to an appropriately independent review, SEG Awards/BIIAB may direct the matter to Stage 2 or Stage 3.



- 11.4** SEG Awards/BIIAB will tell the appellant:
- the stage at which the matter will be considered;
 - why that stage applies;
 - the applicable procedure;
 - any fee;
 - the expected timescale; and
 - the next available stage.

12. Stage 1: Initial Enquiry

12.1 The purpose of an initial enquiry is to identify and resolve an error or concern at the earliest appropriate opportunity.

12.2 An initial enquiry review will be undertaken by an appropriately competent individual who was not directly responsible for the original decision.

12.3 Depending on the decision, an initial enquiry review may include:

- a clerical check;
- a review of marking;
- a review of assessment or quality assurance records;
- an additional external moderation or external quality assurance activity;
- reconsideration of a reasonable adjustment or special consideration decision;
- review of an administrative decision; or
- another review proportionate to the decision being challenged.

13. External Assessment Results and Post-Results Services

13.1 A request for a clerical check or review of marking must normally be made within 10 working days of the result being issued.

13.2 A **clerical check** determines whether:

- all parts of the assessment were marked;
- marks were recorded accurately;
- marks were totalled correctly;
- the result or grade was calculated correctly; and
- the result was recorded and reported accurately.

13.3 A clerical check does not consider the academic, professional or assessment judgement applied when marks were awarded.

13.4 A **review of marking** considers whether:

- the assessment criteria and mark scheme were applied correctly;
- the original marking was accurate and consistent;
- all relevant learner evidence was considered; and
- the mark or result was properly determined.

13.5 A review of marking is not a complete re-mark undertaken without reference to the original marking.

13.6 The review will be undertaken by an appropriately competent person who:

- was not the original marker or decision-maker;
- has no personal interest in the outcome; and
- has the relevant assessment competence.

13.7 A clerical check or review of marking may result in the original mark, grade or result:

- increasing;
- decreasing; or
- remaining unchanged.

13.8 Before a post-results service is undertaken, SEG Awards/BIIAB must receive confirmation that the learner understands and accepts that their mark, grade, or result may increase, decrease or remain unchanged. Where a Centre submits the request, the Centre must obtain and retain this confirmation.

13.9 Where an error is identified, SEG Awards/BIIAB will correct the result and associated certification records where possible and will consider whether other learners may have been affected.

13.10 SEG Awards/BIIAB will normally communicate the outcome within 20 working days of receiving a complete request and all required evidence.

14. External Quality Assurance Decisions

14.1 Where a Centre disagrees with an external moderation or external quality assurance decision, it may request an additional external quality assurance activity.

14.2 The request must:

- be submitted within 10 working days of the Centre receiving the report or decision;
- identify the decision being challenged;
- explain the grounds for review;
- include or provide access to relevant evidence; and

- normally be submitted before certification is claimed for the learners concerned.

14.3 Where certification has already been claimed or issued, SEG Awards/BIIAB will determine whether a review remains possible and what action is appropriate.

14.4 The additional activity will be undertaken by an appropriately competent External Quality Assurer or moderator who:

- was not involved in the original activity;
- has no personal interest in the outcome; and
- has relevant qualification and assessment competence.

14.5 The reviewer will consider whether:

- the Centre's assessment decisions meet the required standard;
- relevant assessment and internal quality assurance procedures were followed;
- the original decision was supported by sufficient evidence;
- all relevant evidence was considered; and
- any action, condition or restriction was reasonable and proportionate.

14.6 The original decision will remain in force unless SEG Awards/BIIAB confirms otherwise in writing.

14.7 The reviewer will produce a written report setting out:

- the evidence considered;
- the findings;
- the reasons for the findings;
- whether the original decision is confirmed, amended or overturned; and
- any action required.

14.8 SEG Awards/BIIAB will normally provide the outcome within 20 working days of receiving all required evidence.

15. Reasonable Adjustment and Special Consideration Decisions

15.1 A Centre or directly affected learner may request a review of a decision to:

- refuse a reasonable adjustment or special consideration;
- approve a different adjustment from the one requested;
- amend or withdraw an adjustment;
- refuse to accept a late application;

- determine that a circumstance does not meet the criteria for special consideration; or
- take another action relating to an adjustment or special consideration.

15.2 The review request must normally be submitted within 10 working days of the decision.

15.3 The review will consider whether:

- the relevant policy and procedure were applied correctly;
- the learner's individual circumstances were properly considered;
- relevant evidence was considered;
- the decision was reasonable and proportionate;
- the decision maintained the validity and reliability of the assessment; and
- applicable equality and regulatory requirements were met.

15.4 The review will be undertaken by an appropriately competent individual who was not responsible for the original decision.

15.5 SEG Awards/BIIAB will normally communicate the outcome within 10 working days of receiving the complete request.

15.6 Where a decision is time-sensitive because an assessment is imminent, SEG Awards/BIIAB will seek to complete the review as quickly as reasonably possible.

16. Stage 2: Informal Appeal

16.1 An appellant who remains dissatisfied following a stage 1 initial enquiry may submit a stage 2 informal appeal.

16.2 An informal appeal must normally be submitted within 10 working days of the initial enquiry review outcome.

16.3 The appeal must identify:

- the decision being appealed;
- the grounds for appeal;

- why the appellant remains dissatisfied;
- any alleged error or procedural failure; and
- the outcome sought.

16.4 The informal appeal will be undertaken by an appropriately competent individual with delegated authority who:

- had no previous involvement in the original decision or initial enquiry;
- has no personal interest in the outcome; and
- has the competence required to consider the matter.

16.5 The informal appeal will normally consider whether:

- relevant policies and procedures were followed properly and fairly;
- regulatory and qualification requirements were applied correctly;
- the individuals involved were appropriately competent and impartial;
- all relevant evidence was considered;
- the decision was supported by sufficient evidence;
- any error or procedural failure materially affected the decision;
- the principles of natural justice were observed; and
- any action or sanction was reasonable and proportionate.

16.6 An informal appeal will not ordinarily involve a complete reinvestigation or further review of marking. A further investigation or assessment review may be directed where necessary to determine the appeal fairly.

16.7 SEG Awards/BIIAB will normally communicate the stage 2 informal appeal outcome within 20 working days of receiving the stage 2 informal appeal request.

16.8 Outcome notification

The written outcome will include:

- the decision reached;
- the reasons for the decision;
- the evidence considered;
- any action to be taken;
- any implications for results, certification or sanctions;
- any fee or refund arrangements; and
- the right to submit a formal appeal.



17. Appeals Concerning Malpractice or Maladministration Decisions

17.1 A Centre or directly affected learner may appeal a decision arising from a malpractice or maladministration investigation, including:

- a finding of malpractice or maladministration;
- invalidation of learner evidence;
- withholding, amendment or withdrawal of results;
- withdrawal of credit or certification;
- a sanction, condition or restriction;
- suspension or withdrawal of Centre approval (Centres only);
- action required of a learner or Centre; or
- another decision that directly and adversely affects the learner or Centre.

17.2 Because the original matter will normally have been investigated before a decision is issued, the appeal will usually commence at Stage 2 informal appeal.

17.3 The stage 2 informal appeal must normally be submitted within 10 working days of receipt of the malpractice or maladministration decision.

17.4 The appeal will consider whether:

- the investigation was conducted in accordance with applicable policies and procedures;
- relevant evidence was obtained and appropriately considered;
- the findings were supported by sufficient evidence;
- the affected parties had a fair opportunity to respond;
- conflicts of interest were appropriately managed;
- the principles of natural justice were observed; and
- actions or sanctions were reasonable and proportionate.

17.5 Learners affected by Centre malpractice

Where malpractice or maladministration by a Centre adversely affects learners, SEG Awards/BIIAB will distinguish between:

- learners alleged to have participated in or benefited knowingly from the malpractice; and

- learners affected by the actions or omissions of the Centre where there is no evidence of personal involvement.

17.6 SEG Awards/BIIAB will take all reasonable steps to avoid or mitigate unfair disadvantage to learners who were not involved in malpractice, while maintaining the validity and integrity of the qualification.

17.7 Where the decision may affect a learner's result, progression or certification, the learner will be informed of any right of appeal unless prevented by law, safeguarding considerations or another compelling reason.

18. Stage 3: Formal Appeal

18.1 An appellant who remains dissatisfied following a stage 2 informal appeal may submit a stage 3 formal appeal within 10 working days of receiving the stage 2 informal appeal decision.

18.2 A stage 3 formal appeal must:

- identify the decision being appealed;
- state the grounds for formal appeal;
- explain why the informal appeal outcome is disputed;
- identify any alleged material error or procedural failure;
- include relevant supporting information; and
- state the outcome sought.

18.3 A formal appeal will normally review whether the original decision and earlier appeal stages were fair, properly conducted and supported by evidence. It will not ordinarily constitute a complete reassessment or reinvestigation of the case.

19. New Evidence

19.1 New evidence will not normally be considered at the formal appeal stage where it could reasonably have been provided earlier.

19.2 The Appeals Panel may permit new evidence where:

- it was not reasonably available at an earlier stage;
- it could not reasonably have been obtained or submitted earlier;

- it is relevant and may materially affect the outcome;
- it calls into question the reliability, validity or fairness of the earlier decision; or
- excluding it would result in procedural unfairness.

19.3 The Appeals Panel will record its reasons for admitting or excluding material new evidence.

19.4 Where substantial new evidence requires further investigation, the Panel may adjourn the appeal or direct that the matter be reconsidered at an earlier stage by a person with no previous involvement.

20. Appeals Panel

20.1 SEG Awards/BIIAB will convene an appropriately competent and impartial Appeals Panel.

20.2 The Panel will normally comprise at least three members, unless a different composition is justified by the nature or complexity of the matter.

20.3 No Panel member will have:

- made the original decision;
- determined an earlier stage of the appeal;
- a personal interest in the outcome; or
- another involvement that could reasonably call their impartiality into question.

20.4 The final decision in respect of the outcome of a formal appeal will involve at least one decision-maker who:

- is not an employee of SEG Awards/BIIAB;
- is not an Assessor working for SEG Awards/BIIAB; and
- is not otherwise connected to SEG Awards/BIIAB.

20.4.1 The independent decision-maker must participate fully in the consideration and determination of the formal appeal.

20.4.2 The independent decision-maker must have appropriate competence to determine the appeal or must be supported by appropriate technical or regulatory expertise.

20.5 The Panel will be chaired by an appropriately competent person with no previous involvement in the matter.



20.6 The Chair will ensure that:

- Panel members are competent and impartial;
- conflicts of interest are declared and managed;
- the appellant has a fair opportunity to make representations;
- relevant evidence is made available to the Panel;
- the Panel applies the relevant policies and regulatory requirements;
- the decision is evidence-based;
- clear reasons are recorded; and
- an accurate record of the Panel's consideration is maintained.

21. Evidence and Representations

21.1 The Appeals Panel may be provided with:

- the original appeal and supporting evidence;
- learner assessment evidence;
- the original decision and reasons;
- initial enquiry and informal appeal decisions;
- relevant assessment and quality assurance records;
- relevant policies, procedures and regulatory requirements;
- a chronology;
- relevant correspondence;
- conflict of interest declarations;
- representations from the appellant; and
- other information necessary to determine the appeal.

21.2 The appellant will be given a reasonable opportunity to provide written representations and respond to material information that may adversely affect the outcome.

21.3 The Panel may request further information from:

- the appellant;
- the Centre;
- SEG Awards/BIIAB employees or associates;
- markers, assessors or quality assurers;
- subject or regulatory specialists; or
- another relevant person.

21.4 The Panel may determine the appeal on the written evidence or arrange a meeting or hearing where this is necessary to ensure fairness.



21.5 Where a meeting or hearing is held:

- the appellant will receive reasonable notice;
- the purpose and format will be explained;
- reasonable adjustments will be made where required;
- the appellant may normally be accompanied by a representative or supporter;
- the Panel may ask questions; and
- an appropriate record will be maintained.

22. Formal Appeal Determination

22.1 The Appeals Panel will consider whether:

- relevant policies, procedures and regulatory requirements were applied correctly, fairly and consistently;
- the original and earlier appeal decision-makers were competent and impartial;
- conflicts of interest were identified and managed;
- all relevant evidence was considered;
- the decision was supported by sufficient evidence;
- the appellant had a fair opportunity to participate;
- the principles of natural justice were observed;
- any action or sanction was reasonable and proportionate; and
- any procedural error, omission or conflict materially affected the outcome.

22.2 The Panel may:

- uphold the appeal;
- partially uphold the appeal;
- not uphold the appeal;
- direct that the matter be reconsidered;
- direct a further review, investigation or quality assurance activity; or
- specify corrective, remedial or preventive action.

22.3 Where the Panel cannot reach a unanimous decision, the decision will be made by majority. The independent decision-maker must be involved in the final determination.

22.4 The decision of the Appeals Panel is the final stage of SEG Awards/BIIAB's internal appeals process.

22.5 SEG Awards/BIIAB will normally conclude the formal appeal within 30 working days of receiving a complete formal appeal.

22.6 The written outcome will normally be issued within ten working days of the Panel reaching its decision.



22.7 The outcome notification will include:

- the Panel's decision;
- the reasons for the decision;
- the principal evidence considered;
- any action to be taken;
- implications for results, certification, conditions or sanctions;
- any arrangements for fees or refunds; and
- any available external or regulatory escalation route.

23. Appeal Outcomes and Corrective Action

23.1 An appeal may be:

- upheld;
- partially upheld; or
- not upheld.

23.2 An upheld or partially upheld appeal may result in, but is not limited to:

- confirmation, amendment or withdrawal of the original decision;
- correction of a clerical or administrative error;
- a further review of marking;
- reassessment where permitted and appropriate;
- amendment of a result, grade, unit, credit or certification decision;
- amendment or removal of a sanction, condition or restriction;
- reconsideration of a reasonable adjustment or special consideration decision;
- a renewed investigation or review;
- employee, associate or Centre training;
- changes to policies, procedures, systems or controls;
- correction of affected records;
- notification to affected persons;
- regulatory notification; or
- another action reasonably required to implement the decision.

23.3 SEG Awards/BIIAB will implement an upheld appeal without undue delay.

- 23.4** Where an error cannot be corrected, SEG Awards/BIIAB will take all reasonable steps to mitigate its effects while protecting the validity and integrity of the qualification.

24. Wider Impact and Assessment Failures

- 24.1** Where the application of this appeals process in the case of a learner leads SEG Awards/BIIAB to discover a failure in its assessment process, SEG Awards/BIIAB will take all reasonable steps to:

- identify any other learner affected by the failure;
- correct the failure where possible;
- mitigate the effect where it cannot be corrected; and
- ensure that the failure does not recur.

- 24.2** SEG Awards/BIIAB will also consider whether an identified error, failure, weakness or non-compliance may affect:

- other learners;
- other Centres;
- other assessments;
- results or certification;
- related qualifications;
- assessment standards; or
- public confidence in the qualification.

- 24.3** Where appropriate, SEG Awards/BIIAB will:

- determine the extent and root cause of the issue;
- review other potentially affected decisions;
- correct affected results or records;
- notify affected learners or Centres;
- provide remedial support;
- amend policies, procedures or controls;
- provide training or guidance;
- undertake additional monitoring;
- initiate a malpractice or maladministration investigation;
- review qualification or assessment risks; and
- monitor the effectiveness of resulting actions.

- 24.4** Where the matter has caused, or may cause, an Adverse Effect or another reportable event, SEG Awards/BIIAB will notify the relevant regulator in accordance with applicable requirements.

25. Withdrawal of an Appeal

- 25.1** An appellant may withdraw an appeal at any stage by notifying SEG Awards/BIIAB in writing.
- 25.2** SEG Awards/BIIAB will normally discontinue the appeal and confirm its closure.
- 25.3** SEG Awards/BIIAB may continue to review or investigate matters identified through a withdrawn appeal where this is necessary to:
 - protect learners;
 - maintain assessment or qualification integrity;
 - address suspected malpractice or maladministration;
 - manage a safeguarding concern;
 - comply with a legal or regulatory obligation;
 - investigate a potentially systemic failure; or
 - prevent or mitigate an Adverse Effect.

26. Fees

- 26.1** A post-results service or appeal may be subject to a fee in accordance with the published Fees Schedule.
- 26.2** Before the service or appeal proceeds, the appellant will be informed of:
 - the applicable fee;
 - when and how it must be paid;
 - whether non-payment will prevent the matter proceeding; and
 - the circumstances in which the fee may be refunded or credited.
- 26.3** Where an appeal identifies an error attributable to SEG Awards/BIIAB, the applicable fee will normally be refunded or credited.
- 26.4** Where an appeal is partially upheld, SEG Awards/BIIAB will determine whether a full or partial refund is appropriate.
- 26.5** SEG Awards/BIIAB may waive, reduce or defer a fee where:
 - this is necessary to ensure access to an effective appeals process;
 - the appellant would otherwise be unable to exercise their right of appeal;
 - the appeal raises evidence of a potentially serious or systemic failure;
 - the need for the appeal arose from an error attributable to SEG Awards/BIIAB; or
 - exceptional circumstances make the application of the fee inappropriate.
- 26.6** An appeal will not be rejected solely because a request to waive, reduce or defer a fee is under consideration.



27. Accessibility and Reasonable Adjustments

27.1 SEG Awards/BIIAB is committed to ensuring that the appeals process is accessible and inclusive.

27.2 Information may be provided in alternative formats, including:

- large print;
- accessible electronic formats;
- alternative communication formats; or
- another reasonable format appropriate to the appellant's needs.

27.3 An appellant may request a reasonable adjustment at any stage.

27.4 Adjustments may include:

- additional time to submit information where justified;
- support from an advocate or representative;
- alternative submission methods;
- accessible documents;
- communication support;
- adjustments to meetings or hearings;
- additional explanation of the process; or
- another reasonable arrangement.

27.5 Requests will be considered individually, taking account of the appellant's needs, the fairness of the process and the need to maintain assessment and qualification integrity.

28. Data Protection and Record Retention

28.1 Personal information obtained or created during an appeal will be processed lawfully, fairly and securely in accordance with applicable data protection legislation, SEG Awards/BIIAB's Data Protection Policy and relevant privacy information.

28.2 Information will be shared only with those who require access to:

- assess eligibility;
- review or determine the appeal;
- provide relevant evidence;
- arrange reasonable adjustments;
- implement the outcome;

- manage risk or safeguarding concerns; or
- comply with legal or regulatory requirements.

28.3 Absolute confidentiality cannot be guaranteed. Information may need to be disclosed to Centres, witnesses, decision-makers, regulators or other relevant persons to allow the appeal to be determined fairly.

28.4 SEG Awards/BIIAB will maintain appropriate records of:

- the appeal submission;
- eligibility decisions;
- supporting evidence;
- correspondence;
- conflict of interest declarations;
- reviews and investigations;
- Panel papers and approved minutes;
- decisions and reasons;
- resulting actions;
- affected learners or Centres;
- fees and refunds;
- regulatory notifications; and
- evidence that corrective action was completed and effective.

28.5 Appeals records will be retained and securely stored in accordance with the SEG Awards/BIIAB Records Retention Schedule

29. External and Regulatory Escalation

29.1 Following completion of SEG Awards/BIIAB's internal appeals process, the appellant may refer the matter to the relevant regulator where:

- the matter falls within that regulator's remit;
- the regulator's published arrangements permit the referral; and
- any applicable eligibility requirements and timescales are met.

29.2 The appellant is responsible for submitting the referral directly to the relevant regulator.

29.3 SEG Awards/BIIAB will comply with the requirements of any appeals and complaints process established by the relevant regulator and will give due regard to the outcome of that process.



30. Monitoring, Governance and Continuous Improvement

- 30.1** SEG Awards/BIIAB will monitor appeal activity to assess the fairness, consistency, timeliness and effectiveness of the appeals process.
- 30.2** Management information will include, as appropriate:
- the number and type of appeals;
 - the qualifications and assessments involved;
 - the source of appeals;
 - outcomes;
 - performance against timescales;
 - fees and refunds;
 - recurring issues and root causes;
 - equality and accessibility considerations;
 - reasonable adjustments provided;
 - conflicts of interest;
 - wider impact on other learners or Centres;
 - actual or potential Adverse Effects;
 - corrective, remedial and preventive actions;
 - the completion and effectiveness of actions;
 - regulatory referrals and findings; and
 - recommendations for improvement.
- 30.3** Twice each year, the Head of Quality and Regulation will report to the Scrutiny Group on the operation and effectiveness of the appeals process, using the management information identified in section 30.2. The report will identify significant trends, systemic risks, performance concerns, regulatory matters and recommended improvements.
- 30.4** The Scrutiny Group will consider the findings, provide appropriate challenge and oversight, and monitor the completion and effectiveness of any resulting actions.
- 30.5** Appeal findings will inform:
- risk management;
 - qualification and assessment governance;
 - Centre monitoring;
 - employee and associate training;
 - policy and procedure reviews;
 - annual self-assessment;
 - statements of compliance; and
 - continuous improvement activities.



31. Policy Review and Approval

31.1 This policy will be reviewed at least annually.

31.2 It may be reviewed earlier where:

- legislation or regulatory requirements change;
- appeal outcomes identify a weakness;
- monitoring identifies concerns about fairness, accessibility, consistency or timeliness;
- an audit or governance review identifies a gap;
- a regulator makes a relevant finding or recommendation;
- an Adverse Effect occurs;
- SEG Awards/BIIAB changes its operating model or organisational structure; or
- significant changes are made to qualifications or assessments.

31.3 Amendments will be subject to appropriate governance review and approval.

31.4 The current approved version will be:

- published on the SEG Awards/BIIAB website;
- made available to Centres and learners;
- communicated to relevant employees and associates; and
- supported by appropriate forms, guidance and training.

Appendix 1: Summary of standard timescales

Activity	Standard timescale
Acknowledgement	5 working days
Initial enquiry review request	Within 10 working days of the decision
Clerical check or review of marking outcome	Normally within 20 working days
Additional EQA activity outcome	Normally within 20 working days
Reasonable adjustment or special consideration review	Normally within 10 working days
Informal appeal submission	Within 10 working days of the enquiry review outcome
Informal appeal outcome	Normally within 20 working days

Formal appeal submission	Within 10 working days of the informal appeal outcome
Formal appeal outcome	Normally within 30 working days
Written Panel decision	Within 10 working days of the decision