

Appeals Procedure and Policy

October 2023

Version History			
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V1.0	01/09/2020	Version release	Peter Dignam
V2.0	16/12/2020	Inclusion of escalation process	Peter Dignam
V3.0	13/09/2021	Policy signatory, inclusion of reference to Tutor and Head of Funding and Operations and minor editing corrections	Peter Dignam
V3.0	09/09/2022	Policy annual review	Peter Dignam
V3.1	16/10/2023	Change in Appeals Process and New Awarding Bodies	Kat Greenshields

Document Approval		
Job Role	Name	Date approved
Director	Gemma Beech	16/12/2020
Managing Director	Gemma Beech	13/09/2021
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Policy Scope

UK Skills Academy (UKSA) are committed to the integrity of a robust appeals procedure for learners undertaking stand-alone or qualifications such as Diploma / Certificate programmes and those on Apprenticeship Standards. This document details the appeals procedure to ensure the interest of learners are fair and equitable.

This policy is to be adhered to by all provisions within the organisation; however, particularly applies to all staff and other individuals who interact, or potentially interact with the work of UKSA in delivering Apprenticeships, Adult Education Budget (AEB) and European Social Funded (ESF) programmes. The intended audience for this policy is:

- Skills Coaches
- Quality Assurers
- Client Engagement Executives
- Operational Management
- Administrative staff
- Learners
- Qualification Regulators
- Industry Regulators
- Freelance staff, supply chain partners and associates dealing with on-programme examinations

Policy Purpose

The purpose of this policy is to provide guidance to the appeals process internally within UKSA.

This policy applies to all staff and other individuals whenever they interact or potentially interact with any of UKSA functions.

The policy will:

- define what is meant as the reasons for an appeal
- describe the process prior to an appeal
- set out the appeals process and the steps involved
- separate guidance on individual Awarding Organisations

Reasons for Appeal

Learners have the right to appeal a decision, where they feel a decision has been judged unfairly, during either:

- their 'on programme' element of their Apprenticeship Standard or
- if completing a qualification as part of either an Apprenticeship Standard or AEB / ESF programme

The learner can appeal based on a variety of grounds:

- the conduct of the assessment or coaching visit
- the adequacy of the internal assessment decisions made by the Skills Coach and / or the quality assurance decision made by the Internal Quality Assurer
- the adequacy of the material submitted against the Apprenticeship Standard, and assessment plan
- the adequacy of opportunity offered following the range of learning and coaching to demonstrate learning or achievement towards the knowledge, skills and behaviours

Before the Appeal

Where possible and practical, the learner should be encouraged to discuss their objection to the decision with the Skills Coach / Tutor prior to making a formal appeal.

The Skills Coach / Tutor must remain calm and open minded to the points raised by the learner and in turn discuss each point raised. At each stage, the Skills Coach / Tutor must reassure the learner their concern is being heard and respond appropriately.

Following the informal discussion, should the learner not be satisfied with the outcome, the learner must be informed of their right to appeal and the process to follow.

The Appeal

Stage 1 - Skills Coach / Tutor

Appeals must be made in writing (*email acceptable*) to the Skills Coach / Tutor within 5 working days of the decision being made. The learner must fully detail in the appeal;

- the reason for the appeal, and
- the method of the delivery / assessment which is being appealed (oral, written, practical etc)

The Skills Coach / Tutor must then respond in writing (*email acceptable*) to the learner within 5 working days of receiving the appeal with a full response and reasoning to their decision, including how and why this outcome was derived. Reference to any sector specific materials should be utilised to strengthen the response. The line manager for the Skills Coach / Tutor must be copied in to the reply.

The Skills Coach / Tutor must also detail the next steps for the learner. Should the learner not be satisfied and wish to progress the appeal to Stage 2, the contact details for the person(s) to be involved at this stage should be included in the response.

Stage 2 - Internal Quality Assurer

Should the learner not be satisfied with the decision from the Skills Coach / Tutor at Stage 1, the learner must forward their appeal, including the reply from the Skills Coach / Tutor, in writing (*email acceptable*) to the respective Internal Quality Assurer within 5 working days.

The Internal Quality Assurer must then review the appeal from the learner, along with the response from the Skills Coach / Tutor and form an independent judgement and respond to the learner with their decision within 5 working days of receipt of the appeal. The response will detail:

- the independent judgement of the Internal Quality Assurer
- what actions will be taken as a result, should the Internal Quality Assurer decide in favour of the learners' appeal
- or the judgement of the Internal Quality Assurer along with the reasons why and how the decision was reached, with further supporting statements provided to support the outcome decision

If the decision is in favour of the Skills Coach / Tutor and the appeal not upheld, the Internal Quality Assurer must detail the next steps for the learner.

Should the learner not be satisfied with the outcome and wish to progress the appeal to Stage 3, the contact details for the person(s) to be involved at this stage should be included in the response.

Stage 3 – Quality Manager and Head of Operations

Should the learner not be satisfied with the outcome from the Skills Coach / Tutor at Stage 1, and the Internal Quality Assurer at Stage 2, the learner must then forward their appeal, including the replies from the Skills Coach / Tutor and Internal Quality Assurer in writing (*email acceptable*), to the Quality Manager and Head of Operations within 5 working days.

The Head of Operations and Quality Manager must then review the appeal from the learner, the response from the Skills Coach / Tutor and Internal Quality Assurer and then form an independent judgement to respond to the learner with their decision, within 5 working days of receipt of the appeal. The response will detail:

- the independent judgement of the Quality Manager and Head Operations
- what actions will be taken as a result, should the Quality Manager and Head of Operations decide in favour of the learner's appeal
- or the judgement of the Quality Manager and Head Operations alongside the reasons why and how the decision was reached, with further supporting statements provided to support the outcome decision

If the decision is in favour of the Skills Coach / Tutor and Internal Quality Assurer and the appeal not upheld, the Head Operations must confirm this to the learner.

Should the learner not be satisfied with the outcome and wish to progress the appeal further, the learner must respond in writing (*email acceptable*) within 5 working days to the Head of Operations and Quality Manager with the reasons requesting further investigation, at which point the Head of Operations and Quality Manager will consult with the Managing Director.

Stage 4 – Managing Director

Should the outcome not be successful for the learner, and they are still not satisfied with the three stages of the appeal, the learner can submit a further request for consideration, within 5 working days of completion of Stage 3, via the Head of Operations for the Managing Director to independently review the case for a final time. The Managing Director must review the case and respond to the learner within 5 working days of receipt of the request.

Should the learner still not be satisfied with the outcome and wish to progress the appeal then a clear explanation of how the learner can appeal to the Awarding Organisation should be included in the response.

NOTE – *the timescales quoted in this procedure must be adhered to. However, in extreme cases the timescales may need to be reviewed. Should this situation arise, then all parties involved must be informed.*

Escalation

Appeal to Awarding Organisation

Should the learner not be satisfied with the outcome from stage 1-4, then the learner is able to directly request an appeal to the specific Awarding Organisation.

The learner must be able to demonstrate how they have followed the UKSA appeals process and be able to provide additional evidence to the specific Awarding Organisation for consideration.

It is expected that learners will only appeal directly to the Awarding Organisation in exceptional circumstances.

Please note, some Awarding Organisations have fees associated at different stages of their appeals process.

The specific Awarding Organisation process for appeal must be following:

- TQUK Appeals Policy [C.P.1-Appeals-Policy.pdf \(tquk.org\)](#)
- Qualifi Appeals Process [Qualifi Appeals Process](#)
- NCFE Appeals Policy [appeals-policy.pdf \(ncfe.org.uk\)](#)
- Highfield Appeals Procedure [1 \(kc-usercontent.com\)](#)
- NOCN – [Appeals Policy PDF](#)
- City and Guilds – [Appeals Process](#)

Appeal to Qualifications Regulator

If the learner remains dissatisfied with the outcome of their complaint, then they can escalate this to the qualifications regulator at the Office of Qualifications and Examinations Regulation (Ofqual).

The Outcome of the Appeal

The outcome of the appeal must be clearly documented to the learner at each stage and evidence of the appeal logged and tracked in a secure folder on SharePoint.

The learner will be dealt with in complete confidence of all involved and must embody the principles of:

- fairness
- equality
- independence
- equal opportunities
- anti-discrimination (any form)
- accommodation of adjusted learning needs

Should the outcome of the appeal identify an underperformance in any of the delivery team, a supportive development plan must be introduced to develop their skills and understanding for future delivery.



Gemma Beech
Managing Director