

Skillsfirst Awards

Appeals Policy

September 2019

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Skillsfirst Awards Appeals Policy

Introduction

This policy is aimed at Skillsfirst Awards Ltd (Skillsfirst) centres and learners, who are delivering, or are registered on a Skillsfirst qualification. It sets out the steps to follow when submitting appeals to Skillsfirst and the actions we will take when responding.

It is also for use by our Skillsfirst staff to ensure they deal with all enquires and appeals in a coherent and consistent manner.

Centre responsibility

It is important that centre staff involved in the management, assessment and quality assurance of Skillsfirst qualifications, are fully aware of the contents of this policy.

As part of our requirements to be a Skillsfirst centre you must have arrangements in place for learners to make an appeal if they feel that the results from an assessment are incorrect. These arrangements must be accessible to all learners. This policy should explain that learners are only able to appeal internal assessment decisions with the centre, although it is possible, with Skillsfirst's agreement, that the External Verifier could be the final point of arbitration.

Review arrangements

Skillsfirst will review this policy annually as part of its self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback. In addition, Ofqual may require us to change our Appeals Policy to comply with their requirements, or issue good practice guidance which leads us to make amendments, from time to time.

Areas covered by the policy

This policy covers:

- appeals from learners¹ and / or centres relating to an assessment result / decision,
- appeals from centres relating to a Skillsfirst decision concerning a centre's application to become a Skillsfirst centre, or to offer a Skillsfirst qualification,
- appeals from centres relating to a Skillsfirst decision to decline a request to make reasonable adjustments or give special considerations,
- appeals from centres relating to the application by Skillsfirst of a sanction / action following an external verification or investigation activity and
- appeals from centres or learners relating to a Skillsfirst decision to take action against them following an investigation into malpractice or maladministration, or a decision to amend a learner / set of learners' results following a malpractice / maladministration investigation.

¹ Appeals against assessment results can only be made to the organisation that made the decision. Where internal assessment is used, a learner can only appeal a result with their centre; where external assessment is used, a learner can appeal to Skillsfirst, but only when the centre believes there is a reasonable basis for an appeal. In such cases, the centre should take the appeal forward on behalf of the learner(s).

Process for raising an appeal

Centres (and learners where appropriate) have 20 working days from the date Skillsfirst notified them of the assessment decision / result, in which to lodge an appeal against the assessment decision. Assessment evidence should therefore be retained until results are received.

If you appeal on behalf of your learners you must ensure that you have discussed the matter with the learner(s) before the request is made to Skillsfirst, as grades / results can go down as well as up as a result of an appeal. Written permission is recommended.

Centres should complete the Appeals Form in order to submit an appeal, this will be completed and submitted through our online system QMIS. You will be asked to supply relevant supporting information.

Process for dealing with an appeal

Informal initial review

Skillsfirst will acknowledge receipt of the appeal within 2 working days by email.

The first stage of the Appeal process will be for the Compliance Team (or another designated member of Skillsfirst staff if the Compliance Team have a personal interest in the decision being appealed, to undertake an initial, informal review of the appeal, to ensure the appeal documentation is complete and to ascertain if the issue can be resolved before it goes to a formal appeal.

The informal initial review will be completed within 10 working days from the day of the receipt of all the appeal documentation, at which point Skillsfirst will inform the appellant of its decision either to:

- amend the original decision in light of the review of evidence provided in the appeal or;
- confirm the original decision stands and that we will therefore proceed to our formal appeals process which will be carried out by an independent person.

The appellant can choose to withdraw the appeal following this decision and must notify Skillsfirst within 10 working days. In order to speed up the process, Skillsfirst will start the independent review immediately.

Please note that an appeal can only move to the next stage if the quality assurance arrangements at Skillsfirst have not been completed. This is because in the main our quality assurance arrangements incorporate an independent check of assessment.

Formal review of appeal

Skillsfirst will arrange for an appeal decision to be taken within 25 working days of the completion of the informal initial review. This timeframe may need to be extended if for example a centre visit

is required. In such cases, Skillsfirst will inform the appellant of the expected timescale for the decision to be made.

The appeal decision will be taken by an independent reviewer who is not an employee of Skillsfirst, an assessor working for it, or otherwise connected to the organisation. They will also be someone with the relevant competence to make a decision in relation to the appeal and will not have a personal interest in the decision being appealed. If necessary, the independent reviewer will call on others to provide specific expertise. We will ensure that these individuals do not have a personal interest in the decision being appealed.

The independent reviewer will review all the evidence provided and decide if Skillsfirst has applied its procedures fairly, appropriately, consistently and in line with its policy. This will include the Independent Person documenting all expert discussions, reviews of evidence and their recommendations.

The independent review process may involve:

- a discussion with the appellant or the learner and Skillsfirst personnel,
- a request for further information from the appellant, the learner or Skillsfirst personnel and or
- a centre visit.

There is a cost for an appeal (see fees table on page 5). The full cost of the appeal will need to be made to Skillsfirst within 5 working days of when a decision to move to an informal or formal appeal. We will send an invoice to the person who raises an appeal with Skillsfirst, this could be a centre or a learner.

The independent reviewer's decision is final and will be communicated in full to the appellant.

If the centre / learner still believe that Skillsfirst has not followed its procedures consistently, or that the procedures were not followed properly and fairly, they are entitled to raise the matter with the regulator.

Successful appeals and / or issues brought to our attention by a regulator

Where an appeal has been successful, or where a review following notification from a regulator indicates a failure in our processes, Skillsfirst will give due consideration to the outcome and will take appropriate actions such as:

- notify the regulator(s) if an adverse effect has occurred, or could have occurred;
- amend the profile record of the centre concerned,
- identify any other learners who have been affected and amend the results for the learner(s) affected following an appropriate investigation;
- correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure;
- review and amend its relevant processes and policies to ensure that the failure does not occur again.

We will give due regard to any outcomes of any appeals processed by Ofqual in relation to a qualification. As part of our investigation we will look to consider if the appeal and the issues impact on other learners.

We will fully comply with the regulators' appeals process if the regulator is investigating an appeal about Skillsfirst.

We will also cooperate with any follow-up investigations required by the Qualification Regulator and if appropriate agree any remedial action with them.

Fees for appeals

Enquiry type	Fee £	Centre	Learner	Refundable on success of appeal
Informal appeal against assessment decision	100 (each learner)	✓	✓	✓
Formal appeal against assessment decision	200	✓	✓	✓
Appeal against centre/qualification approval status	300	✓		✓
Appeal against decision on reasonable adjustments	200	✓	✓	✓
Appeal against special considerations decision	200	✓	✓	✓
Appeal relating to any action to be taken against a learner or centre following an investigation into malpractice or maladministration	300	✓	✓	✓

If any appeal is upheld, the full fee will be refunded.

Contact us

If you have any queries about the contents of this policy, or wish to give feedback, please contact our Customer Services Team on 0121 270 5100 or email them at customerservices@skillsfirst.co.uk