

Active IQ Centre Appeals Policy

Introduction

This policy is aimed at our customers, including learners, who are delivering, registered onto or who have completed an Active IQ qualification or unit. It sets out the process you should follow when submitting appeals to us, and the process we will (save in the event of exceptional circumstances) follow when responding to appeals.

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

Centre's responsibility

It is important that all staff involved in the management, assessment and quality assurance of Active IQ qualifications and your learners are aware of the contents of this policy.

In addition, approved centres are required to have in place internal appeal arrangements which learners are able to access if they wish to appeal against an assessment decision made by the centre. If an individual wishes to appeal against such a decision, they must initially complete the centre's internal appeals process before bringing the matter to Active IQ.

Review arrangements

We will review the policy annually as part of our self-evaluation arrangements, revising it as necessary in response to customer and learner feedback, or best practice guidance issued by the regulatory authorities (eg to align with any appeals and complaints process established by the regulatory authorities such as Ofqual).

Fees

We will charge a nominal fee of £50 per learner applicant (Stage 2) to cover the administration costs involved in investigating an appeal, which is retained if the appeal is not upheld. If the appeal is upheld, the fee will be waived and a refund issued.

Areas covered by the policy

This policy covers:

- appeals from learners in relation to an assessment decision on the basis that the centre did not apply procedures consistently or that procedures were not followed properly and fairly, and as a result, the learner disagrees with the decision and wishes to challenge the outcome

- appeals from a centre in relation to an assessment decision (for either an individual learner or a cohort of learners) being overturned by Active IQ as a result of associated external verification activity
- appeals from a centre concerning the content of a centre monitoring (EV) report
- appeals from a centre and/or learners relating to an Active IQ decision to decline a centre's request to make reasonable adjustments or give special considerations
- appeals from a centre in relation to the application of an Active IQ sanction
- appeals from a centre in relation to action taken by Active IQ following a verification visit
- appeals from a centre on the outcome of an investigation into malpractice or maladministration, or a decision to amend a learner's (or cohort of learners') results following a malpractice or maladministration investigation
- appeals from a centre relating to a decision made by Active IQ following an investigation into a complaint about a centre, or a pattern of complaints triggering an investigation into possible malpractice or maladministration at that centre, which has resulted in a change to the centre's approval, compliance or risk status

Process for raising an appeal

An appeal must be made in writing within 20 working days of the date you were notified of the decision by the centre (where it was not a notification from Active IQ) against which you are appealing – therefore it is essential for the Centre Contact to advise all staff/stakeholders to retain any evidence relating to the appeal until the outcome is known. For learners this means 20 working days from the date the results or assessment decision was received following an exam or summative practical assessment, or 20 working days from the date of the decision in relation to reasonable adjustments or special consideration, or other relevant decision.

As a centre, if the appeal is being made on behalf of your learners, written permission must be obtained from the learner/s concerned, as grades/results can go down as well as up (where applicable) as a result of an investigation.

Learners who wish to appeal directly to Active IQ in respect of a decision that relates to them must be supported by their centre and should have exhausted their centre's own appeals process prior to contacting Active IQ. Where this is the case, learners must provide documented evidence that they have first completed the internal appeals process. It is expected that learners will only appeal directly to Active IQ in exceptional circumstances.

For centre appeals raised in relation to those examples above, or Learner appeals lodged with the support of the centre, the Centre Contact should complete the Appeals Form via its Active Intel homepage, or by requesting directly via the 'contact us' section of this policy. Alternatively, centres

may submit their own report accompanied with documents and supporting evidence. Reports must include the following:

- centre name, address and contact details
- learner's name and Active IQ registration number
- date(s) you received notification of Active IQ's decision
- title, level and number (QAN) of the Active IQ qualification affected
- detailed outline and reasons for the appeal
- contents and outcome of any investigation already completed internally by the centre relating to the issue
- date of the report and the appellant's name, position and signature

Situations brought to our attention by the regulators

Where the regulators or others notify us of failures that have been discovered in the assessment process of another awarding organisation(s), we will review whether or not a similar failure could affect our own assessment processes and arrangements, consider whether any remedial action is necessary in relation to assessments that have been undertaken, as well as considering appropriate amendments to those processes for the future.

To the extent that the regulators contact us in any other content, we will do likewise.

Initial review of the matter

Wherever possible we will try to resolve issues before they reach an appeal stage. We will undertake an initial, informal assessment of material information and write to the centre with details of our decision. If we are unable to resolve a dispute in this way, the appeals process will be available for centres and learners (who are supported by their centres).

In all instances we will ensure that the person carrying out this initial assessment does not have a personal interest in the dispute and was not involved in the original decision.

Formal appeal process

Stage 1

Upon receipt of all appeals, following the initial review outlined above, the Head of Quality Assurance or Lead Verifier will acknowledge receipt of the appeal within 2 working days and aim to respond fully to the appeal within 20 working days. Please note that in some cases the review process may take longer, for example if a centre visit is required; further information is sought from the appellant or others; or the matter is particularly complex. In such instances we will contact all

parties concerned to inform them of the likely revised timescale. The appeal will be reviewed by one or more of the following:

- Active IQ External Verifier allocated to the named centre (unless they are directly connected to the appeal)
- Active IQ Lead Verifier
- Active IQ Head of Quality Assurance

We will ensure that the person carrying out the Stage 1 review does not have a personal interest in the dispute and was not involved in the original decision.

In the event that Active IQ determines that, in view of preceding events, none of the individuals listed above are in a position to review the previous decision, it reserves the right to move straight to Stage 2.

Following the review of the appeal at Stage 1, we will write to the appellant with details of and summarised reasons for our decision to either:

1. amend our original decision; or
2. uphold the original decision

If the original decision is upheld following the Stage 1 review, the appellant confirm within 15 working days, if they wish to proceed to Stage 2 of the appeals process.

Stage 2: Independent review appeals process

If you decide to proceed to the independent appeal stage, you must describe, in writing, why you think the Stage 1 appeal decision is wrong and provide any additional supporting evidence that has not previously been provided. We will arrange for an independent review to be carried out.

This review will be carried out by the Director of Quality and Standards (unless they have been directly involved in any aspect of the decision or appeal process prior to this point, in which case the Managing Director will replace this role to the extent that they have not been directly involved with the matter previously) and/or an independent reviewer.

The independent reviewer must meet the following criteria:

- they must not be an employee of Active IQ, be an Assessor working for Active IQ, be otherwise directly connected to Active IQ, or have been associated in such a capacity for at least two years prior to the date of the decision under review they must have the relevant competence to make a decision in relation to the appeal; and
- they must not have a personal interest in the decision outcome.

The independent reviewer and Director of Quality and Standards will review all the evidence which was provided in the original assessment, the internal centre-level appeal process and Stage 1 of Active IQ's process and subsequently, also checking if Active IQ applied our procedures fairly, appropriately and consistently in line with this policy.

The independent review process may or may not involve (at Active IQ and the independent reviewer's sole discretion):

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

Upon completion of Stage 2:

- the Stage 1 decision may be upheld, with the consequential impact on the original decision;
- the Stage 1 decision may be amended, with the consequential impact on the original decision;
- recommendations may be made more generally to Active IQ.

It is anticipated that Stage 2 will take approximately 25 working days from the date of the application, but it may take longer depending on the enquiries required, in which case the appellant will be kept informed.

The appellant may contact Ofqual (England), Qualification Wales or CCEA (Northern Ireland) directly, to raise a formal complaint regarding the appeals process. Regulators will always want confirmation that all other internal and external procedures have formally been exhausted prior to their involvement, and will seek evidence to confirm this is the case. Upon receipt they may, or may not agree to hear the complaint.

Issues brought to our attention by a regulator

In situations where an appeal has been successful, following a complaint to a regulator or where an investigation following notification from a regulator indicates a failure in our processes, Active IQ will give due consideration to the outcome and will, as appropriate, take actions such as, but not limited to:

- amending the risk profile of the centre concerned
- identifying any other learners who have been affected and correcting, or, where it cannot be corrected, mitigating as far as possible the effect of the failure (e.g. amending the results for the learner/s affected following an appropriate investigation)

- reviewing our associated processes and policies to ensure that the failure does not occur again, or mitigating the situation as far as possible if the failure that occurred cannot be corrected.

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

Contact us

If you have any queries about the contents of the policy, please contact our support team on:

E: info@activeiq.co.uk

T: +44 (0)1480 467950

T: +44 (0)845 688 1278