

Public**Appeals Policy****1. Introduction**

The purpose of this policy is to:

- a) Enable individuals to appeal assessment results, Reasonable Adjustments and Special Consideration decisions and malpractice or maladministration outcomes
- b) Provide an open, fair and consistent appeal process
- c) Review and respond appropriately and confidentially to appeals in a timely manner
- d) Record appeal processes and their outcomes
- e) Review our appeal processes and improve as appropriate
- f) Protect integrity of assessment and qualification processes

2. Definitions

Appeal: Process to manage a request from an appellant to revisit a submission or assessment decision which they consider disadvantages them

Appellant: Individual who makes an appeal

Appeals Procedure: Time-limited, sequential, and documented process for centre and appellant to follow when an appeal is made

Approved Centre: Centre approved and regulated by an Awarding Organisation to provide qualifications

Awarding Organisation: An organisation that designs, develops, delivers and awards recognised qualifications

Individual: Those receiving our services e.g. apprenticeship training, courses, assessment, RPL, mentoring, learning support, qualifications, CPD activities etc.

Ofsted: Office for Standards in Education, Children's Services and Skills, a non-ministerial department of the UK government

Ofqual: The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

PMG: Performance Management Group consisting of Directors and an Independent Governance Advisor

Staff: Employee, agency worker, contractor, sole trader, volunteer e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal quality assurer, work experience etc.

Third party: Person appealing on behalf of appellant

Xact: Xact Consultancy and Training Limited

Public**Appeals Policy****3. Responsibilities**a) **Appellant:** Submitting appeal¹:

Stage 1 (10.1) and Stage 2 (10.2) Appeals. Appellant:

- i) Submits appeal by email on appropriate form to: appeals@xact.org.uk
- ii) Provides relevant evidence² to support their appeal
- iii) Appeal fee or purchase order received. See Section 11.1

Note¹: An appeal will not be accepted unless i) and iii) above are fulfilled

Note²: An appeal is unlikely to succeed if supporting evidence is not provided

Stage 3 (10.3.2) and Stage 4 (10.3.3) Appeals. Appellant:

- iv) Complies with Awarding Organisation or Regulator requirements

b) **Appeal Manager:** Business Support Manager³, responsible for managing appeal process within defined timeframes and ensuring Awarding Organisation is notified when appropriate

Note³: Operations Director will appoint an alternative Appeal Manager if the Business Support Manager has a conflict of interest

c) **Appeal Reviewer:** Nominated person within Xact who is responsible for reviewing an appeal within defined timescalesd) **Operations Director:** Responsible for advising Appeal Manager and Appeal Reviewer as necessary**4. Conflicts of Interest**

All members of staff involved in the Appeals process must ensure they have no actual, perceived or potential conflicts of interest. See Conflict of Interest Policy and Procedure for details about reducing, identifying and declaring conflicts of interest.

5. Third Party Appeals

Applications from a third party, appealing on an appellant's behalf will be considered when:

- a) Appellant has provided written permission, *and*
- b) Appellant has a valid reason for a third party to appeal on their behalf e.g.
 - i) Disability which affects appellant's ability to process information, *or*
 - ii) Appellant's incapacitating illness, *or*
 - iii) Recent bereavement following death of a member of appellant's immediate family

6. General Principles

The appeal process is based on the following principles:

- a) Appeal policy and associated forms are available on our website
- b) A simple and straightforward process for appealing
- c) Comprises of three sequential stages

Public**Appeals Policy**

- d) Managed confidentially within agreed timescale
- e) Identify any conflicts of interest
- f) Reviewed to judge whether assessment processes and decisions were appropriate
- g) Appeal progress regularly communicated to appellant
- h) Each stage of an appeal is recorded and monitored
- i) Review appeal outcomes to improve our processes as appropriate
- j) Notify Awarding Organisation when appropriate

7. Vexatious or Malicious Behaviour

Xact will not tolerate vexatious or malicious behaviour against the company or our staff and will take appropriate action. This may include:

- a) Cease to engage with individual or organisation concerned
- b) Suspending course attendance, assessment, complaint, appeal or any other activity until the vexatious or malicious activity¹ has been resolved

Note¹: See our Vexatious or Malicious Behaviour Policy for more details.

8. Appeal Criteria

An individual has the right to appeal^{1, 2} against the following decisions:

- a) Assessment results, *or*
- b) Reasonable Adjustments and Special Consideration decisions, *or*
- c) Action to be taken or taken against an individual following an investigation into malpractice or maladministration

Note¹: Appeal at Stages 3 and 4 do not apply for activities not involving a qualification

Note²: Appeals will not be accepted for activities which involve a qualification and a qualification fee has not been paid

9. Making an Appeal

To appeal, an appellant is required to submit their appeal:

- a) within timescales detailed in Section 10
- b) on completed form. See Section 10 for appropriate form
- c) with evidence to support criteria against which appellant is appealing
- d) for Stage 1 and 2 appeals. Appeal fee has been made. See Section 11.1
- e) by email: appeals@xact.org.uk

Note 1: Stage 1 and 2 appeals will not be processed until Appeal fee has been received.

Note 2: Appeals will only consider justification for grounds of an appeal for each criteria appealed and supporting evidence provided by appellant.

Public**Appeals Policy****10. Appeal Stages**

There are four stages of the sequential appeals process:

10.1 Stage 1 Appeal: Internal Re-assessment

A Stage 1 appeal is a re-assessment of our processes and decisions and consider if they were valid, reasonable, unbiased, proportionate and appropriate.

Following criteria applies to appellants who wish to submit a Stage 1 appeal:

- a) Appellant¹ submits appeal²:
 - i) Within 15 working days of Xact notifying matter to which they are appealing. See Section 9. Making an Appeal
 - ii) By email on form 4.4.6P to: appeals@xact.org.uk
 - iii) Appeal fee or purchase order received. See Section 11.1

Note¹: An appeal is unlikely to succeed if supporting evidence is not provided
Note²: A Stage 1 appeal will not be accepted unless i) - iii) above are fulfilled
- b) Xact will notify appellant:
 - i) That their appeal has been received within three working days of receipt.
 - ii) Appeal outcome within 15 working days of appeal receipt
 - iii) If our response to their appeal is delayed, with grounds for doing so

10.2 Stage 2 Appeal: Internal review

A Stage 2 appeal is a review of Stage 1 Appeal processes and decisions and considers if they were valid, reasonable, unbiased, proportionate and appropriate.

Following criteria applies to appellants who wish to submit a Stage 2 appeal:

- a) Appellant submits appeal:
 - i) Within 15 working days of Xact notifying appellant of a Stage 1 appeal outcome. See Section 9. Making an Appeal
 - ii) By email on form 4.4.7P to: appeals@xact.org.uk
 - iii) Appeal fee or purchase order received. See Section 11.1

Note¹: A Stage 2 appeal will not be accepted unless i) - iii) above are fulfilled
- b) Xact will notify appellant:
 - i) That their appeal has been received within three working days of receipt.
 - ii) Appeal outcome within 15 working days of appeal receipt
 - iii) If our response to their appeal is delayed, with grounds for doing so

Public**Appeals Policy****10.3 External Appeal**

- a) Costs involved in the external appeal process are responsibility of appellant
- b) Timeframe requirements are a matter for appellant to confirm with awarding organisation or Regulator
- c) It is for the Regulator to determine if they accept an appeal

10.3.1 Criteria for External Appeal

An appellant may externally appeal in following situation:

- a) They have exhausted our appeal process i.e. up to Stage 2, *and*
- b) They remain dissatisfied with our response

10.3.2 Stage 3 Appeal: Awarding Organisation's Review

An appeal at Stage 3 is conducted by an Awarding Organisation. It is an independent re-assessment of appeal procedures and processes at Stages 1 and 2.

In these situations, the following applies:

- a) Appellant requests Awarding Organisation's contact details from Xact
- b) Xact provides appellant with contact details of Awarding Organisation concerned
- c) Appellant communicates directly with Awarding Organisation
- d) Xact will present its own findings to the Awarding Organisation when requested

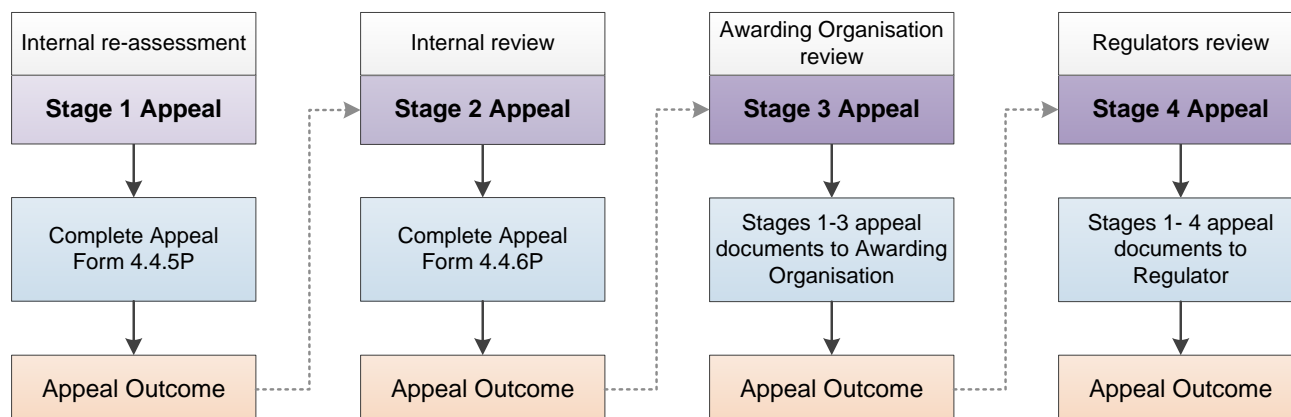
10.3.3 Stage 4 Appeal: Regulator's Review

An appeal at Stage 4 is conducted by a Regulator in situations where appellant is dissatisfied with awarding organisations response, they may contact the regulator¹ directly. In these situations, the following applies:

- a) Appellant requests awarding regulator's contact details from Xact
- b) Xact provides appellant with contact of regulator concerned
- c) Appellant communicates directly with Regulator
- d) Xact will present its own findings to the Regulator when requested

Note¹: Ofqual or Ofsted

10.4 Appeal Flowchart



11. Other matters

11.1 Appeal fees

- a) £100 +VAT² for each Stage 1 and Stage 2 appeal must be received¹ before an appeal is accepted.
- b) Fee will be refunded if an appeal is upheld.

Note¹: Approved purchase order may be accepted in some situations

Note²: There are no fees payable to Xact for Stage 3 and 4 appeals, see 10.3 for more details

11.2 Records

All stages of an appeal will be recorded and filed within Xact's information management system and where appropriate the Awarding Organisation will be informed in accordance with regulatory requirements.

11.3 Reporting

Business Support Manager will provide an anonymised summary of appeal outcomes including any conflicts of interest to PMG meetings with recommendations to improve our processes as appropriate.

12. Associated Policies

This policy should be read in conjunction with the following policies:

- a) Conflict of Interest Policy
- b) Equality, Diversity and Inclusion Policy
- c) Data Management Policy
- d) Complaints Policy
- e) Reasonable Adjustments and Special Considerations Policy

Public**Appeals Policy**

- f) Late Submission Policy
- g) Learning Support Policy
- h) Submission Policy
- i) Assessment Policy
- j) Internal Quality Assurance Policy
- k) Vexatious or Malicious Behaviour Policy