



# **Learner Appeals Procedure**

## **Purpose**

The Centre has a commitment to treat all learners fairly and equally. Appeals procedures are part of the process of ensuring that the Centre both operates and are seen to operate in a manner that upholds this ideal.

The Centre has to comply with the requirements of ITEC regulations; this includes adopting and following relevant appeals procedures, as one of its main policies.

## **Statement**

The Centre allows all learners to appeal against decisions that they perceive as unfair. Learners wishing to appeal should be guided to follow the appropriate procedure depending on the circumstances.

Individuals generally are more accepting of decisions if they are justified. Therefore learners should always be given as much information as possible about the reasons for any decision that the learner may perceive as being detrimental or unfair. In making decisions staff have to consider all learners and the Centre in general, not just the individual. If this can be demonstrated without breaking confidentiality to a dissatisfied learner it can help the individual to accept a decision and acknowledge it as fair.

## **Appeals**

When dealing with a learner who is dissatisfied with a formal decision taken by the Centre the first stage is to ensure that the individual has as much information as possible on the reasons for the decision. If you are unable to deal with the matter then the learner should be referred to an appropriate senior member of staff who can give an explanation.

If the learner already has as much information as possible and still perceives the decision to be unfair then they may wish to appeal against the decision by filling in an Appeal Form. There are various appeals procedures according to the nature of the decision. The learner should be directed to the appropriate procedure

It is only if there is no appropriate appeals procedure that a learner should be advised to make a formal complaint.

## **Learner Disciplinary Procedure**

The Procedure describes how learners can appeal against a formal disciplinary penalty, including suspension and exclusion. An explanation of the right to appeal is always included in the written confirmation to the learner of the formal disciplinary penalty.

## **Primary Information**

### **General Principles of Appeals Procedures**

Appeals relate to formal decisions. Given that there are policies and procedures or guidance notes covering all formal decision making situations there should be a written procedure to cover any potential appeal situation. The following guidance is not a substitute for agreed procedures but is provided to aid general understanding of an appeals process. It could be used should a need arise for an appeals procedure which has not already been anticipated and defined.

### **Explain the reasons for the decision**

The learner may perceive the decision as unfair because s/he is not fully aware of the reasons behind the decision.

The first step is to ensure that the learner has as much information as possible, without breaking confidentiality, about how and why the decision was made. It may be necessary to involve other staff in this process. Written notes should be kept of the learner's case and what has been done in response. Notes should include names of all involved and times and dates, this becomes vital information if the learner chooses to pursue the matter.

### **Arrange for the decision to be reviewed**

If the learner is still dissatisfied then the matter should be passed on and the learner told who is to consider the matter, when and how they will be informed of the outcome.

In deciding the most appropriate person or group to pass the matter on to consideration should be given to the following:

- The person or group must be sufficiently senior to be able to overturn the original decision if they deem it unfair.
- They must be able to be seen as impartial and therefore should not have been involved in making the original decision.
- They must have sufficient knowledge of the circumstances and connected issues to be able to make a judgment which is fair to all parties.
- If the learner later chooses to complain about the matter it must be heard by yet another person or group.

### **Inform the learner of the right to complain**

If none of the above satisfies the learner then s/he must be informed of the right to make a formal complaint using the Complaints Procedure.

## **Learner Assessment Appeals Procedure**

All Learners have the right to challenge the outcomes of their assessment, if they consider the assessment has not been carried out properly. Learners might appeal on a variety of issues listed below:-

- Conduct of the assessment
- Adequacy of the range, nature and comprehensiveness of the evidence when set against the national standards and evidence requirements
- The opportunities offered in order to demonstrate competence of attainment
- Access to assessment
- Process of assessment
- Access to Internal Verification
- The handling of an appeal
- Administrative issues e.g. failure to register/apply for certification

If a Learner wishes to appeal the appeal is to be lodged with the centre co-ordinator within 20 days of the Learner being notified of the assessment decision. The centre co-ordinator will then attempt to find a solution with the Learner, Assessor/Tutor and Internal Verifier.

Failing this, the centre co-ordinator will:-

- Set a date for the appeal to be considered by the appeals panel
- Notify the External Verifier that an appeal has been lodged and gives detail of how it will be heard, including the composition of the appeals panel
- The appeals panel will meet to consider the appeal within 30 working days of the centre co-ordinator receiving the appeal
- No-one involved in the original assessment will be on the panel

## **Appeal Procedures for Learners**

If a learner is dissatisfied with an assessment outcome he/she has the right of appeal. There are three stages in the appeals procedure and each stage must be exhausted before proceeding to the next one.

The main reasons for an appeal are likely to be:

- the learner does not understand why he/she is not yet regarded as competent, due to lack of or unclear feedback from the Assessor, or
- the learner believes he/she is competent and that the Assessor has misjudged him/her, or has missed/misinterpreted some vital evidence.

Learners are advised to keep their own copies of all the documents used in the appeals procedure.

## STAGE 1

Learners, having received a decision and feedback as to their claims to competence with which they are not satisfied, have the right to appeal directly to their Assessor who has carried out the assessment.

This appeal must be in writing and clearly indicate the points of disagreement and reasons the evidence in the portfolio which the learner believes meets the requirements of the qualification for claiming competence.

## STAGE 2

Learners who are not satisfied with the outcome of their Stage 1 appeal can next appeal to the awards Internal Verifier. This appeal must be in writing, but need not repeat the detail provided at Stage 1 as all the documentation used at Stage 1 will be passed to the Internal Verifier.

## STAGE 3

Before proceeding to Stage 3, the learners must have exhausted all the internal appeals procedures of the centre. Learners who are not satisfied with the outcome of Stage 2 of the appeals procedure may then proceed to Stage 3.

This appeal must be in writing to the External Verifier of the learner's award (given at induction) and be accompanied by copies of all the documentation used in Stages 1 and 2. There must also be evidence that learners have exhausted all the internal appeals procedures of the centre.

An investigation will be undertaken by the External Verifier on behalf of ITEC. On receipt of a report, the application will be considered by ITEC. This consideration will lead to one of two decisions: EITHER the Appeals Committee supports the decision of the External Verifier: that is, the appeal will either be rejected or upheld OR the Appeals Committee appoints an independent Assessor and requires the learner to re-submit their portfolio and be available for interview on an agreed date. The independent Assessor will then report to the Appeals Committee. (A fee may be charged to the learner.) The appeal will either be rejected or upheld. The decision of the Appeals Committee will be final.

## SUMMARY

The appeals procedure aims to ensure the following:

- The operation of the appeals procedure, and results arising from it, will be monitored to determine future policy.
- All learners' complaints will be acknowledged and investigated to establish the facts and evidence supporting the appeal.
- If a complaint is considered justified, remedial action will be taken.
- All learners who register an appeal will receive a formal reply within 8 weeks. It is intended that the response will be to the mutual satisfaction of the learner and the Awarding Body.
- The appeals procedure must be communicated/available in writing to all learners as well as the action they need to take to make use of it.