



## Appeals Policy and Procedures

Document Specification:	
Purpose:	To ensure that Gatehouse Awards deals with all Appeals against decisions made related to Centre or Qualification Approval, examination results, procedural discrepancies, malpractice or maladministration sanctions put in place against Centres and Candidates or against decisions made regarding the endorsement of materials in a consistent, robust and fair manner.
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Responsibility:	Quality Assurance Manager
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Other relevant documents:	Gatehouse Awards Centre Handbook Gatehouse Awards Malpractice and Maladministration Policy Gatehouse Awards Sanctions Policy Gatehouse Awards Comments, Compliments and Complaints Policy Gatehouse Awards Quality Committee Terms of Reference Gatehouse Awards Governing Body Terms of Reference

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## 1. Purpose

This policy outlines the valid grounds for an Appeal, the level of authority responsibility of all parties involved in an Appeal, the procedure followed and the normal timescale for each stage of the Appeal process.

## 2. Scope

This procedure applies to all Gatehouse Awards Approved Centres which offer, and Candidates who take, a Gatehouse Awards accredited qualification, regardless of level, subject or type, including unregulated qualifications. Appeals relating to individuals Centres or Candidates by unauthorised third parties will not be dealt with through this procedure. This Policy document covers all appeals received, whether as a result of an assessment decision affecting a Candidate's results, a decision taken following a malpractice investigation or another decision affecting the outcome of a Centre's Approval application to deliver Gatehouse Awards qualifications. The Appeals Policy also covers the appeals process relating to decisions relating to endorsement of materials.

## 3. Authority and Responsibility

It is the responsibility of the Head of Centre to ensure that all relevant staff are aware of this Policy. Centres are accountable for ensuring that all appeals from Candidates are dealt with by them in accordance with this policy and to have an internal Appeals Policy within their Centre which Candidates are given access to, referencing the escalation process to this Appeals procedure.

If a Candidate wants to appeal against a decision made by a member of staff at a Centre, they should initially follow the Centre's internal Appeals Procedure.

If a Candidate is appealing against a decision which has been taken by Gatehouse Awards they should ask the Centre to make the appeal on their behalf.

If a Candidate has taken an examination directly with Gatehouse Awards they may appeal directly to Gatehouse Awards.

If the appeal relates to decisions made on the recognition of resources or 'endorsed materials', the appeal must be made directly to Gatehouse Awards by the individual or organisation who submitted the materials.

All appeals must be made in writing (via email is acceptable) within 10 working days of the initial decision being received.

## 4. Definitions

An appeal is a request for a review of a decision. An Appeal differs from a complaint, which is considered under the Complaints Procedure. A complaint is defined as a formal expression of dissatisfaction made by a Candidate, Centre representative or member of the public.

## 5. Gatehouse Awards' Commitment to Fair Dealing

It is the policy of Gatehouse Awards to make every effort to resolve any Appeal quickly, efficiently and fairly. We will carry out a biennial review of the procedure and revise it, if necessary, in response to Centre and Candidate feedback or requests from, or good guidance issued by, the regulatory authorities, including a need to align with any appeals process established by the regulatory authorities.

If any Centre, Associate or Candidate has any feedback on this Policy or the procedures being followed, they are encouraged to contact us at [info@gatehouseawards.org](mailto:info@gatehouseawards.org).

## 6. Fees for Appeals

Different fees are applied at different stages of the appeals process, appropriate to the level of administration and cost incurred by Gatehouse Awards at that stage, however [all fees are refundable if the Appeal is upheld](#). [Please see Gatehouse Awards 'Pricing Document' for the details of the current fees](#).

## 7. Basis for an Appeal

The following are examples of valid Appeals:

- Appeals from Candidates in relation to an assessment decision made by a Centre
- Appeals from Candidates and/or Centres in relation to an assessment decision made by Gatehouse Awards
- Appeals from Centres in relation to a Gatehouse Awards decision concerning a Centre's application to offer a Gatehouse Awards qualification
- Appeals from Centres concerning the contents of a Centre inspection or external quality assurance report
- Appeals from Centres and/or Candidates relating to an Gatehouse Awards decision to decline a Centre's request to make reasonable adjustments or give special considerations
- Appeals from Centres or Candidates in relation to any decision resulting from a malpractice investigation
- Appeals from Centres relating to a decision made by Gatehouse Awards following an investigation into a complaint about a Centre
- Appeals from Centres and/or Candidates where a conflict of interest has been undeclared and has led to an adverse effect relating to a decision made by Gatehouse Awards
- Appeals from individuals or organisations where Gatehouse Awards has considered a submission for the recognition of resources and decided not to endorse the materials

## 8. General Procedure for Raising an Appeal

Whilst there are slightly differing procedures depending on the nature of the appeal (see Sections 9.1 – 9.2 below), there are some basic principles which must be adhered to when raising an appeal:

- ✓ All Appeals must be made within 10 working days of the initial decision being appealed against in writing (post or email)
- ✓ All applicable fees must be paid at the time of raising an appeal at a relevant level
- ✓ All evidence supporting an appeal must be provided at the time the appeal is submitted
- ✓ Appellants must adhere to the timescales laid down in this policy unless prior agreement has been provided, in writing, by Gatehouse Awards

The Appeal must state all relevant information pertaining to the reasons for the Appeal which may include, but not be limited to:

- Evidence or information not provided during the initial application or investigation (together with a reason why it was not provided earlier)
- Mitigating circumstances which you feel should be taken into consideration
- Any errors or omissions you feel Gatehouse Awards has made in its process or procedures

Gatehouse Awards will not refuse to accept any reasonable appeal made within the set timescales. For the avoidance of doubt decisions which may be appealed against are normally issued via electronic email and are considered as received by the other party on the **first business day following issue**, unless a notification has been received by Gatehouse Awards that the email has not been delivered. If a decision is issued by post, it is sent by first class mail and is considered received on the **second business day after posting**.

### If A Centre Refuses a Candidate Appeal

If a Centre refuses to raise an appeal which the Candidates believes to be reasonable, the Candidate should first ask for a written explanation for the refusal. They should then forward this to Gatehouse Awards, along with their reason why they believe the request for appeal to be reasonable in writing (via email is acceptable).

Gatehouse Awards will then consider how the Centre has acted in this case and, if necessary insist that the Centre raises the appeal as requested. If the reasons provided by the Centre as to why it refused the appeal were sufficient, however, it will inform the Candidate that it upholds the Centre's decision and will not hear the appeal.

## 9. Different Types of Appeal

### 9.1 Appeals Against an External Assessment Decision

This form of appeal should only be made in relation to assessment decisions made by Gatehouse Awards as part of external assessment. An Appeal should be made by the Examinations Officer / Head of Centre or by the adult Candidate (or their representative if they are under 18 or deemed a 'vulnerable adult'), in writing (email is acceptable), addressed to the Quality Assurance Manager at Gatehouse Awards within 10 working days of the decision the appeal relates to being received.

For all Candidates who have taken their examination via an Approved Centre, the appeal must be submitted by the Centre. The Centre must not refuse any reasonable request for an appeal to be raised.

## **9.2 Appeals Against Internal Assessment Decisions / Approval Decisions / Actions / Sanctions Imposed on Centres, Staff or Candidates Involved in the Delivery, Assessment or Award of a Gatehouse Awards Qualification**

An Appeal should be made by the Head of Centre in writing (email is acceptable) within 10 working days of receipt of the original decision against which it is appealing.

Please note that Candidates appealing against an internal assessment decision must first follow the Centres internal Appeals Process. No appeals will be accepted by Gatehouse Awards without evidence that the internal appeals process has been exhausted.

## **10. Stages of Appeal**

### **10.1 Appeals Against an External Assessment Decision**

#### **10.1.1 Stage 1: Clerical Check**

If the assessment outcome or grade is seriously at variance with the reasonable expectation of their teacher or assessor, the Candidate can request that a clerical check is undertaken in the first instance. This check will be undertaken by a member of administrative staff.

The appointed reviewer will be responsible for ensuring that the details of the appeal are entered onto the Appeals Log and that all subsequent actions and decisions are recorded and logged appropriately.

Following the initial review of the potential Appeal the appointed reviewer is responsible for ensuring that the appellant is provided with details of our decision, in writing (preferably email) **within 5 working days of receipt of the initial appeal**, to either:

- amend the original decision in light of the new rationale/evidence being put forward and which has now been reviewed
- confirm no new information has come to light that requires an immediate reconsideration and request that the appellant confirm, within 10 working days, whether they wish to proceed to Gatehouse Awards' Stage 2.

#### **10.1.2 Stage 2: Re-moderation with Report**

Stage 2 Reviewer (a Moderator or External Quality Assurer) will review the process that has been carried out, ensuring that the procedures up to that point have been followed correctly, fairly and fully, and that they are consistent with the regulatory criteria. The Stage 2 Reviewer will issue a final report to the Quality Assurance Manager, who will be responsible for updating the Appeals Log and communicating the decision to the appellant. The decision will be made within 20 working days of the appeal being received.

Possible outcomes are:

- Appeal Upheld. Overall result may be and the results of other Candidates may be affected (see section 11).
- Appeal Rejected. Rejection of the grounds of Appeal with clearly stated reasons

If the Appeal is again rejected, the appellant is informed that they may, within 10 working days of receipt of decision, ask for the Appeal to be referred for Independent Review.

### **10.1.3 Stage 3: Independent Review**

If an appellant is not satisfied with the outcome of a Stage 2 Appeal, they have the right to have the case reviewed by someone independent. This will be conducted by a suitably qualified and experienced member of the Quality Panel or, if there are no suitable, independent members of the Quality Panel available, another independent third party.

The Independent Reviewer will be provided with access to all relevant information and documentation regarding the Appeal case, including all correspondence between Gatehouse Awards and the appellant. When the Independent Reviewer has completed their review and come to a decision, they will provide a written report, including rationale for the decision, to the Quality Assurance Manager who will update the Appeals Log.

The Stage 3 Independent Reviewer's decision is final and the appellant will be informed of the outcome of the review within 20 days of receipt of the Appeal. If the Centre/Candidate remains dissatisfied with the outcome they are entitled to raise the matter with the relevant regulatory authority. (See Section 13).

## **10.2 Appeals Against an Internal Assessment Decision**

### **10.2.1 Stage 1: Formal Reassessment**

If a confirmation that the appellant wishes to proceed with a formal Appeal is received within the timescales, the case will be allocated to an External Quality Assurer who had no previous involvement in the case for reassessment. A decision will be made within 20 working days of the appeal being received.

Possible outcomes are:

- Appeal Upheld. Overall result may be adjusted (or an offer of re-assessment made if this would be appropriate) and the results of other Candidates may be affected (see section 11).
- Appeal Rejected. Rejection of the grounds of Appeal with clearly stated reasons

If the appeal is upheld, the Quality Assurance Manager will also be responsible for ensuring that any relevant feedback is provided to the original assessor and/or quality assurer.

If the Appeal is again rejected, the appellant is informed that they may, within 10 working days of receipt of decision, ask for the Appeal to be referred for review by an Academic Panel.

At the end of Stage 1, the Quality Assurance Manager must ensure that the Appeals Log has been fully updated with all actions, decisions and the dates of all correspondence issued and that copies of all relevant correspondence and minutes of meetings have been filed appropriately.

### 10.2.2 Stage 2: Academic Panel Review

If a confirmation that the appellant wishes to proceed with an Academic Panel Review is received within the timescales, an Academic Panel will be convened at which the details of the case will be scrutinised and a decision made within 30 working days of the appeal being received.

The Academic Panel will normally consist of 3 members and be made up from a selection of senior staff and/or managers who have previously not had any involvement in the case. An independent subject specialist must be one of the members of the Panel. The other members may include, but not be limited to:

- The Lead Moderator for the relevant qualification
- The Quality Assurance Manager
- The Compliance Manager
- The Chair of the Managing Director
- A Non-Executive Director who also has some subject or assessment specialism or experience relevant to the qualification being appealed
- An independent subject specialist (this may be a member of the Quality Committee if appropriate)

The Panel will consider all aspects of the case, including whether the procedures up to that point have been followed correctly, fairly and fully, and if they are consistent with the regulatory criteria.

The Academic Panel will nominate a Chair who will be responsible for taking minutes of the meeting held to discuss the case and who will write to the appellant with this decision. They will also be responsible for ensuring that the Appeals Log has been updated with the relevant dates, decisions and actions taken, etc. Due to some of the responsibilities of the Chair (i.e. the administration and communication to the appellant, etc.) it will be normal practice for the Chair of the Academic Panel to also be a member of the staff or management of Gatehouse Awards.

Possible outcomes are:

- Appeal Upheld. Overall result may be adjusted (or an offer of re-assessment made if this would be appropriate) and the results of other Candidates may be affected (see section 11).
- Appeal Rejected. Rejection of the grounds of Appeal with clearly stated reasons

If the appeal is upheld, the Chair of the Academic Panel will also be responsible for ensuring that any relevant feedback is provided to the original assessor and/or quality assurer.

If the Appeal is again rejected, the appellant is informed of the decision within 10 days.

At the end of Stage Two, the Chair of the Academic Panel must ensure that the Appeals Log has been fully updated with all actions, decisions and the dates of all correspondence issued and that copies of all relevant correspondence and minutes of meetings have been filed appropriately.

If the Appeal is again rejected, the appellant is informed that they may, within 10 working days of receipt of decision, ask for the Appeal to be referred for Independent Review.

### **10.2.3 Stage 3: Independent Review**

If an appellant is not satisfied with the outcome of a Stage 2 Appeal, they have the right to have the case reviewed by someone independent. This will be conducted by a suitably qualified and experienced member of the Quality Panel or, if there are no suitable, independent members of the Quality Panel available, another independent third party. This person will have had no involvement in any part of the case previously.

The Independent Reviewer will be provided with access to all relevant information and documentation regarding the Appeal case, including all correspondence between Gatehouse Awards and the appellant. When the Independent Reviewer has completed their review and come to a decision, they will provide a written report, including rationale for the decision, to the Quality Assurance Manager who will update the Appeals Log.

The Stage 3 Independent Reviewer's decision is final and the appellant will be informed of the outcome of the review within 20 days of receipt of the Appeal. If the Centre/Candidate remains dissatisfied with the outcome they are entitled to raise the matter with the relevant regulatory authority. (See Section 14).

## **10.3 Appeals Against Approval Decisions / Actions / Sanctions Imposed on Centres or Staff Involved in the Delivery, Assessment or Award of a Gatehouse Awards Qualification**

### **10.3.1 Stage 1: Formal Appeal**

Should a Centre decide that they wish to move to a formal Appeal, this will then be brought a member of the Quality Assurance and Compliance Team who has not been involved in the original investigation (Reviewer).

The Reviewer will consider all aspects of the case, including whether the procedures up to that point have been followed correctly, fairly and fully to decide if the investigation was carried out in line with the policies and procedures and if the actions taken were fair and reasonable, taking into account any associated risk.

The Reviewer will be responsible for taking minutes of any meetings held to discuss the case and for writing to the appellant with the decision reached. They will also be responsible for ensuring that the Appeals Log has been updated with the relevant dates, decisions and actions taken, etc.

Once a decision has been made, the Reviewer will write to the appellant to inform them of their decision. The outcome of the review will be notified to the appellant Centre within 20 working days of receipt of the initial request for the Appeal to go to Formal Review.

If the appeal is upheld, the Reviewer will also be responsible for ensuring that any relevant feedback is provided to the original case handler / External Quality Assurer.



At the end of Stage One, the Reviewer must ensure that the Appeals Log is fully updated with all actions, decisions and the dates of all correspondence issued. They must also ensure that Copies of all correspondence are filed in the Centre file or relevant malpractice file as appropriate.

If the Appeal has not been upheld at Stage 1, the appellant will then have a further 10 working days in which to inform Gatehouse Awards that they wish to proceed to the next appeal stage.

### **10.3.2 Stage 2: Independent Review**

The second stage of an Appeal is for it to be reviewed by independent members of the Quality Panel. The Quality Panel is made up of independent sector or subject specialists who are not directly employed by Gatehouse Awards, other than on an occasional consultancy basis. The details of the case will be referred to a suitably qualified and experienced member of the Quality Panel who can then decide if they will conduct the review themselves or if they wish to bring in more members to look over the case with them.

This is the last opportunity for the Centre to provide any statements or evidence to support its case. No further submissions or appeals will be accepted by Gatehouse Awards following the outcome of the Independent review. Any Centre escalating their appeal to this stage must therefore ensure that they submit all such relevant information, particularly if any such information has not previously been made available to Gatehouse Awards, plus their arguments for any reason why they feel that Gatehouse Awards has not followed procedures or treated their case fairly prior to this stage. All claims should be backed by as much documentary evidence as possible.

Due to the members of the Quality Panel who may be called upon to conduct an independent review having commitments outside of Gatehouse Awards, Centres should be aware that it can take up to **30 working days** to arrange an independent reviewer(s) to consider such cases following receipt of the request to escalate a case to the this stage. Once a decision has been made, the appellant will be informed **within 10 working days** of that decision being made.

The Independent Reviewer(s) will consider all aspects of the case, including whether the procedures up to that point have been followed correctly, fairly and fully to decide if the investigation was carried out in line with the policies and procedures and if the actions taken were fair and reasonable, taking into account any associated risk. They will also consider the outcome of the Formal Appeal and the process followed by the Reviewer to ensure that was fair and consistent with all policies and procedures.

If more than one member of the Quality Panel is undertaking the review, they will have to nominate a Chair who will be responsible for taking minutes of the meeting held to discuss the case and for writing to the Centre with the decision.

At the end of Stage Two the Independent reviewer (or Chair of the review Panel) will also be responsible for ensuring that the Appeals Log has been updated with the relevant dates, decisions and actions taken, etc. by instructing the Quality Assurance Manager to complete this task.

If the appeal is upheld the Independent reviewer (or Chair of the review Panel) will also be responsible for providing feedback to the Quality Assurance Manager of Gatehouse Awards on the reasons for the decision and the areas of policy, procedure and/or process that require

amendment or more consistent or fair application in order to ensure that such an event does not recur.

The Independent reviewer (or Chair of the review Panel) will inform the Centre of the decision in writing (preferably email) with **10 working days** of the decision and will copy in the Quality Assurance Manager of Gatehouse Awards. The decision of the Independent Reviewer(s) is Final insofar as Gatehouse Awards will consider the appeal from the Centre, however the Centre does have the right to take their appeal to the Regulator if they remain dissatisfied (see Section 14).

## **11. Impact on Results Following an Upheld Assessment Decision Appeal**

In any case where an Appeal against an assessment decision is upheld (at any stage of the process) or where an investigation following the identification of an incident or as a result of notification from Ofqual indicates a failure in the assessment processes of Gatehouse Awards, the Quality Assurance Manager will be responsible for ensuring an internal investigation is carried out in order to determine whether the decision to overturn the original decision as a result of the appeal process has had a wider ranging adverse effect, and if so, how it can be mitigated.

## **12. Situations Notified by Ofqual**

Where Ofqual notifies Gatehouse Awards of failures that have been discovered in the assessment process of another Awarding Organisation, it is the responsibility of the Responsible Officer to ensure that the information is cascaded to the Quality Assurance Manager. The Quality Assurance Manager will then be responsible for ensuring that a review is undertaken to ascertain whether or not a similar failure could affect Gatehouse Awards' assessment process and report the findings of that review back to the Responsible Officer within **20 working days** of the initial request.

The process set out in Section 10 will be followed if any issues are uncovered.

If no similar issues are found, the Responsible Officer will ensure that the Risk Register is amended to reflect this and file the report of findings appropriately.

## **13. Notifications to Ofqual**

Where Gatehouse Awards has administered the Appeals process and has identified any adverse effect or incident which could lead to further adverse effects such as a failure in the assessment process, the Responsible Officer for Gatehouse Awards will promptly (within 2 working days) notify Ofqual as per Condition B3.

Where this has indicated failures by a specific Centre which indicates an issue of potential malpractice, all other relevant Awarding Organisations and other third parties will also be informed within 2 working days, as per Condition A8.7. The Gatehouse Awards *Malpractice and Maladministration Policy* will be followed in how such cases will be dealt with from there.

Gatehouse Awards will not delay in informing Ofqual and will ensure that all information is provided and details of the steps Gatehouse Awards will take in order to correct or mitigate any adverse effects.

## 14. Right of Escalation to Ofqual

Should an appellant be dissatisfied with the outcome of an Appeal regarding an assessment decision, they may then ask Ofqual to review the case. Full details of this right can be found at: <http://ofqual.gov.uk/complaints-and-appeals/exam-results-appeals/>

If an appellant is dissatisfied with the outcome of an Appeal into a Sanction and / or action plan imposed by Gatehouse Awards and has exhausted the Gatehouse Awards appeals process, they have the right to send their complaint to Ofqual regarding this. Full details of the process for this is available at: <http://ofqual.gov.uk/complaints-and-appeals/complaints/>

## Appendix 1 Appeal form

Centre Name and / or Number
Name of person submitting appeal:
Qualification Title or focus of the Appeal:
Candidate(s) affected by the appeal :
Nature and detail of the appeal:
Details of attached supporting evidence, if provided:

DECLARATION: I am satisfied that the information provided is accurate and fully supports the application.

Signed:	Date:
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