



openawards

Open Awards Enquiries and Appeals Policy and Procedures

Definition

The Enquiries Procedure allows centres and learners to ask for clarification or exemplification on specific or general issues.

The Appeals Procedure allows centres and learners to question a decision or judgement. It should be used when a centre disagrees with an Open Awards decision and focuses on whether Open Awards has used procedures that were consistent with the regulatory arrangements and applied procedures consistently, properly and fairly. It includes details of timelines for the outcome of appeals, provision to keep appellants informed, avoids deterring appellants on financial grounds and explains how unresolved appeals can be put to independent review.

Policy

Open Awards is committed to maintaining the highest standards for its learners, centres and other key stakeholders and to ensuring access to fair assessment for all its learners.

The policies and procedures covering **enquiries** and **appeals** aim to provide an efficient, effective and transparent mechanism for centres and learners to ask for confirmation of those standards, where issues have been raised.

Open Awards has an *Access to Fair Assessment Policy* which sets out how we will ensure that learner needs are treated fairly. The policy is available on our website.

Charges

Open Awards reserves the right to levy a charge on a centre for handling an appeal that involves a re-mark of external assessment, an additional independent review or additional visit(s) to a centre by one or more of its staff or for a Stage 2 (External Appeals Panel) Hearing. Where an independent review is necessary, this will be at the centre's expense. Charges for additional visits are published annually in the Open Awards charges leaflet.

Open Awards does not wish to present a financial barrier to learners wishing to make an enquiry or appeal and will therefore not levy any charges on individual learners *unless it is found that the enquiry or appeal is frivolous or malicious.*

Enquiries

Open Awards is committed to dealing with enquiries from centres and learners promptly:

- We will acknowledge enquiries when we receive them, *and no later than within 5 working days*
- We will deal with simple telephone enquiries promptly
- Appoint an appropriate member of staff to respond to the enquiry

- We will respond to written enquiries (email, letter) as soon as possible, and normally *within 10 working days* (complex enquiries may take a little longer).

Appeals from Learners

Please Note: Open Awards do not arbitrate in cases of dispute between Learners and centres. All centres are required to have complaints and appeals procedures in place in line with the conditions of recognition and centre agreement, and we expect that all learners are informed of these by the centre as part of their induction.

Open Awards expects that most appeals made by a learner in response to internal assessment decisions and the award of units and qualifications to be resolved internally by the centre, using the centres own appeals procedure, which must be made available to all learners at the start of their course.

Open Awards will not normally handle appeals directly from learners except in cases where a learner is appealing against the conduct of an internal appeals procedure that they do not consider has been conducted fairly or in accordance with the centre's published procedures.

Learners must follow the centre's appeals and complaints procedure **fully** prior to making an appeal to Open Awards about assessment decisions made by the centre which impact on the award of Open Awards qualifications and/or units.

The learner must make the centre aware of his/her intention to submit an appeal to Open Awards and ask the centre for written confirmation that they will release records relating to the appeal.

Open Awards will investigate the procedures used by the centre to investigate the original appeal submitted by the learner.

Where the appeal relates to provision that could provide entry to higher education, the enquiry will be expedited.

Enquiries and appeals from Centres

Open Awards will deal with appeals relating to:

- assessments and external assessment results;
- external verification outcomes;
- the outcomes of centre recognition;
- the application by a centre to offer certain Open Awards products, units or qualifications;
- award of credit(s) or qualifications;
- outcomes of the annual compliance monitoring including any sanctions that may be imposed;
- sanctions applied as a result of maladministration or malpractice;
- errors made by Open Awards in the generation of certificates;
- outcomes of an application for reasonable adjustments/special considerations.

The Steps

Enquiries can be made informally, verbally or in writing. Open Awards will acknowledge an enquiry *within 5 working days*.

Appeals must be made in writing.

Appeals should be addressed to the **Head of Quality** at the following address:

**Open Awards
Estuary Commerce Park
17 De Havilland Drive
Speke
Liverpool
L24 8RN**

Full details of the appeal should be submitted, along with details of any investigations conducted by the centre and any relevant supporting documents or evidence.

Where the appeal relates to the outcome of External Verification/Quality Review Compliance Monitoring, this must be *within 20 working days* of receipt of the EV/QR report. Where the appeal relates to any other matter, it must be received *within 30 working days*.

Investigating

Open Awards will acknowledge *within 5 working days* and appoint an appropriate member of staff to review the appeal.

Open Awards will report the outcome of their investigations to the appellant normally *within 30 working days* of receipt of the appeal. However if an appeal requires a remark of an external assessment, an independent review or centre visit, this and the revised timescale will be agreed.

The process will be conducted fairly and consistently in line with regulatory requirements and Open Awards may request further information from the centre, discussions with learners, discussions with centre staff or a centre visit. Centres will be kept informed throughout the process.

Appeal

Stage 1 Appeal

If the appellant is not satisfied with an outcome it may appeal and an **Internal Appeals Panel** will review the case. Open Awards will acknowledge an appeal *within 5 working days*. The Panel may request an independent review, more information, a discussion with centre staff or a visit to the centre. The panel will include the Open Awards Head of Quality/a member of the Open Awards



Management Team and a Quality Reviewer/External Verifier/Moderator experienced in the subject area and process.

None of the panel will have been involved with the initial enquiry or appeal.

Open Awards will be responsible for ensuring that records of the proceedings are kept.

A report and recommendations will be produced assessing whether the processes and procedures used in order to meet regulatory requirements, have been carried out correctly and that any investigation has been conducted sufficiently and robustly. Reports will usually be completed within 30 working days. Should no comment be received then the report will be confirmed as **final**.

Stage 2 Appeal

If the appellant is still not satisfied, an appeal may be made in writing to an **External Appeals Panel**, which will include a member of Open Awards Quality Team, a member of Open Awards Management Team and a member of the Open Awards Board or an independent member with quality expertise not employed by Open Awards. The application must clearly set out the grounds of appeal. An appeal must be received within 10 working days of the report. Open Awards will acknowledge the appeal *within 5 working days*. The appeal will be heard *within 20 working days* of receipt of the appeal.

Open Awards will be responsible for ensuring that records of the proceedings are kept.

The panel may request a re-mark of external assessment, an independent review, additional information, a discussion with the centre and/or a visit to the centre.

The focus of the Appeals panel will be to ensure the correct processes and procedures have been followed, consider whether Open Awards' procedures were consistent with the regulator's General Conditions of Recognition and were properly and fairly applied, and whether in the event of a failure of procedures having been identified at an earlier stage, any remedial action subsequently taken by Open Awards was sufficient to rectify that failure. The panel will ensure that Open Awards fully meet the regulatory requirements, and to confirm the validity of the previous investigation(s). The panel will produce a report and recommendations. Reports will usually be completed within 30 working days.

The decision of the Appeals Panel will be communicated to the appellant *within 10 working days* of the meeting and the conclusions reached by the External Appeal Panel will be **final**.

Further avenues of Appeal

Having **fully** exhausted Open Awards Appeals Policy, if you are not happy with the outcome of the appeal, you may contact Ofqual to make a complaint.



Follow Up

Should any part of an appeal lead Open Awards to discover a failure in its assessment process, Open Awards will take all reasonable steps to:

- identify other learners who have been affected by the failure;
- correct or where it cannot be corrected, mitigate as far as possible the effect of the failure;
- ensure that the failure does not recur in the future.

Where the outcome of an appeal questions the validity of other results at a centre, Open Awards will take action to protect the interests of other learners and the integrity of the award of units and/or qualifications. This may include, as appropriate:

- a further review of learners' work by a Quality Reviewer/External Verifier/Moderator not involved in the final verification of the awards. *Up to a 100% sample may be requested for verification purposes;*
- a review of the unit(s) of assessment through its unit review process;
- a review of the rules of combination for a qualification (if appropriate).

The Head of Quality will take responsibility for initiating the most appropriate course of action, and this decision will be taken in conjunction with the Chair of the Board.

Open Awards will inform the Regulator immediately of adverse effects and instances where such action is required.

The Panels (Internal and/or External) may make recommendations to Open Awards on issues/concerns that emerged during the respective Appeal proceedings. Any further work will always be carried out in full compliance with the General Conditions of Recognition and JCQ agreed procedures.

Vexatious Correspondence or Behaviour

Open Awards staff will not engage with persistent/repeated contact from enquirers/appellants or abusive enquirers/appellants. Where an enquirer/appellant corresponds with Open Awards in an abusive manner or repeatedly and persistently contacts Open Awards with no new information or evidence to bring to investigations, Open Awards will treat such behaviour/correspondence as **vexatious**.

The following forms of behaviour or correspondence are considered vexatious:

- an enquirer/appellant being abusive or threatening, either during a

telephone conversation, face to face meeting or in written correspondence.

- an enquirer/appellant repeatedly contacting Open Awards via telephone or email in a given working day without offering new evidence or information.
- Making unreasonable demands on Open Awards outside of the agreed remit of the investigation.
- Making accusatory remarks about Open Awards or the Open Awards' Representative managing the case.

In such circumstances, the enquirer/appellant will be referred to the Chief Executive.

Zero Tolerance

Open Awards endeavours to provide a service which is prompt, courteous, clear and responsive to customer needs. In order provide the best service, Open Awards is committed to the well-being of its staff and customers.

We expect those using our services and premises to treat other customers and our staff with the courtesy they expect to receive themselves.

Verbal abuse, harassment, disruptive behaviour and violence are unacceptable. In the event of any of these occurring, Open Awards will not hesitate to take action which could lead to the withholding of services, or prosecution.