



Changing lives through learning

Enquiries and Appeals Policy and Procedures

<i>Originator:</i>	<i>Director of Quality and Data</i>
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Version history

Version	Date	Change(s) made	Section(s)	Publication source(s)
1.0	05/21	All content extracted from Enquiries, Complaints and Appeals Policy and Procedures which has now expired.	All	Open Awards website
1.0	05/21	Grounds for appeal relating to calculated results awarded through the Extraordinary Regulatory Frameworks removed once deadline for appeals against decisions from 2020 expired.	7. Policy statement	
2.0	05/22	Appeals relating to Teacher Assessed Grades – TAGs removed	7. Policy statement	
3.0	07/24	Provider must release records relating to the case in line with the requirements of the Provider agreement.	6. Responsibility of Providers	
3.0	07/24	Improved clarity over scope of enquiries and associated fees.	8. Enquiries about Results	
3.0	07/24	Removal of administration check. Learner Assessment Feedback Report added. Clarification over who can remark/reassess where marking errors have been identified.	8.1. Enquiries about results for an external assessment	

1. Purpose

This document outlines the scope of enquiries and appeals that Open Awards will consider from learner/ apprentices, Providers, and employers. It details each stage within the process including eligibility criteria.

The purpose of this document is to:

- Ensure that decisions made by Open Awards are applied fairly, consistently and based on valid judgements.
- Outline which judgements or decisions are in scope for appeal.
- Outline how a learner/ apprentice, Provider or EPA employer can appeal against a decision or judgement.
- Identify the potential outcomes of an appeal.
- Satisfy regulatory conditions.

This document replaces all previous enquiries, complaints and appeals policies and procedures as from the operative date.

2. Scope

This document is applicable for the following Open Awards products:

Ofqual-regulated qualifications and units	<input checked="" type="checkbox"/>
Qualifications Wales qualifications and units	<input checked="" type="checkbox"/>
Access to HE Diplomas	<input checked="" type="checkbox"/>
End-point assessments	<input checked="" type="checkbox"/>
Quality Endorsed Courses	<input checked="" type="checkbox"/>
Badge of Excellence	<input checked="" type="checkbox"/>

3. Regulatory Authorities

The relevant regulatory authorities are Ofqual, Qualifications Wales and the Quality Assurance Agency for HE (QAA). As an approved End-point Assessment Organisation (EPAO), Open Awards also commits to meet the requirements of the Institute for Apprenticeships and Technical Education (IfATE) and Education and Skills Funding Agency (ESFA).

Every attempt has been made to ensure that the provisions of this document are consistent with the requirements of the regulatory authorities. Where the requirements of a regulatory authority change, or where inadvertently these procedures conflict with those of the regulatory authority, the latter shall apply. Where the requirements of the regulatory authority are amended and require changes to this document, such changes will be made as soon as practicable and Open Awards will inform providers accordingly.

4. Audience

This document is for use by the following:

- Approved providers delivering Open Awards approved qualifications and units.
- Learners registered on Open Awards qualifications and units at an approved provider.
- Private learners registered on Open Awards qualifications and units.
- Apprentices registered with Open Awards for End-point assessment.
- Employers of apprentices registered with Open Awards for End-point assessment.
- Open Awards staff and Trustees.

5. Definition[s]

Appeal	The process through which the outcome of a decision may be challenged.
Appellant	The learner/ apprentice, provider or EPA employer making an appeal.
Enquirer	The person or organisation who sends in the application form for an enquiry.
Enquiry	Informal process whereby results can be checked for accuracy.
External quality assurance	The process for monitoring assessments marked by providers, or in the case of End-point assessment undertaken directly by Open Awards.
Employer appeal	The process whereby, in the case of End-point assessment, an employer considers that their learner/ apprentice has been wrongly refused access to fair assessment.
Learner appeal	The process whereby a learner/ apprentice challenges the result of an assessment they have undertaken and seeks to have the result changed or reversed, or in the case of End-point assessment, considers that they have been wrongly refused access to fair assessment.
Provider appeal	The process whereby a provider challenges a decision made by Open Awards on specific grounds outlined in this policy. The appeal process is distinct from a complaint. In the case of End-point assessment decisions, the appeal must originate from the learner/ apprentice.

6. Policy statement

Open Awards strives to ensure that all decisions made by its staff and representatives are fair, consistent, based on valid judgements that are in line with Open Awards policies and procedures.

The purpose of an enquiry is to request that Open Awards reviews the accuracy of decisions regarding learner(s) assessment result, or any sanctions placed on the provider (for example, withdrawal of approval, increased risk rating etc.).

The purpose of an appeal is to establish whether the correct processes, procedures and policies have been applied in a fair and consistent way.

Appeals from learner/ apprentices will only be considered where the provider's complaints and appeals procedures have been fully completed prior to submitting an appeal to Open Awards. Please note, this does not apply to the End-point assessment of apprentices. Enquiries and appeals about the End-point assessment services provided by Open Awards must be made directly to Open Awards.

There are three stages depending on the nature of the decision at each stage:

- [Enquiry \(Stage 1\)](#).
- [Appeal \(Stage 2\)](#).
- [Independent Appeals Review \(Stage 3\)](#).

Each stage must be completed before progressing to the next stage.

In relation to the End-point assessment of apprentices, Open Awards will not process completion certificate claims until the initial timescale for an Enquiry about Results being submitted has expired or until any enquiry and/ or subsequent appeal has been concluded.

7. Responsibility of Providers

- Providers must have internal enquiries and appeals arrangements which learner/ apprentices can access if they wish to appeal against a decision taken by the provider.
- All providers must have an appeals policy and procedures in place that aligns with the requirements of the Open Awards Provider Agreement. All learner/ apprentices must be informed of these arrangements as part of their induction and relevant documents available to all learner/ apprentices throughout their course.
- All provider staff involved in the management, assessment and quality assurance of Open Awards qualifications must familiarise themselves with the provider's enquiries and appeals policy and procedure.
- Learners on Open Awards qualifications and units must be made aware of the

contents of the provider's enquiries and appeals policy.

- Providers must ensure appeals are handled consistently and in accordance with this and the provider's own appeals policy.
- All appeals in relation to decisions taken by the provider must go through the providers appeals process before the matter can be referred to the Open Awards appeals process.
- Providers should ensure that staff and learner/ apprentices are made aware of the Open Awards policy and procedures, particularly the need to go through the provider appeals process before referring the matter to Open Awards with the exception of End-point assessment. Enquiries and appeals about the End-point assessment services provided by Open Awards must be made directly to Open Awards.
- Providers should ensure that all concerned are aware of the time limits for submitting an appeal and of the need to retain assessment evidence where necessary.
- Open Awards reserves the right to require an approved provider to amend its procedures so as to be consistent with the guidance in this document.
- Where the provider submits an enquiry or appeal, the provider must release records relating to the case in line with the requirements of the provider agreement.

8. Enquiry about Results

An enquiry about results allows a learner/ apprentice or provider to question the result of an assessment marked by Open Awards if they believe the marking to be inaccurate.

In the case of End-point assessments, employers may also submit an Enquiry about Results on behalf of a learner/ apprentice or group of learner/ apprentices.

Enquiries must be submitted on an Enquiry about Results Form *within 10 working days of receiving the result*. Learners or employers (for EPA only) may send applications to quality@openawards.org.uk. Providers must upload completed forms to the Portal.

Open Awards will acknowledge receipt of an enquiry *within 5 working days*.

An appropriate member of Open Awards staff will respond to the enquiry and will normally respond *within 10 working days* (complex enquiries may take a little longer).

Should the enquiry fall outside the scope of Open Awards, enquirers will be advised of this in writing *within 5 working days* of receipt.

Enquirers must be aware that a fee to cover the costs of an enquiry will be charged in line with our fees and charges. The fee will be waived if the overall result changes.

8.1 Enquiries about results for an external assessment (including End-point assessment)

An enquiry about an external assessment result gives the opportunity for a learner/ apprentice or provider to question the result of an assessment marked by Open Awards if they believe the marking was inaccurate.

A provider (or employer in the case of End-point Assessment) can submit an enquiry on behalf of a learner/ apprentice or a group of learner/ apprentices, with the explicit written permission of that learner/ apprentice or group of learner/ apprentices. For each enquiry, written permission should be obtained.

Learners' parents or legal guardians are **not permitted** to submit an enquiry directly to Open Awards.

There are two options available for enquiring about results which must be indicated on the Enquiry about Results Form. The fees for each option are outlined in our fees and charges outlined on the Open Awards website. The fee will be waived if the overall result changes.

Marking Accuracy Check	Learner Assessment Feedback Report
<p>The following checks will be made:</p> <ul style="list-style-type: none"> • Marks awarded/ assessment decisions are correctly recorded. • Marks awarded were added up correctly. • All parts of the assessment have been assessed/ marked. • Results have been accurately processed. • Grade boundaries have been correctly applied (where applicable). • The mark scheme has been correctly applied. <p>Where any errors are identified through these checks, the assessment will be remarked/ reassessed.</p>	<ul style="list-style-type: none"> • A marking accuracy check will be completed as part of this enquiry about results. • If any errors are identified through the marking accuracy checks, the assessment will be remarked/ reassessed. • A personalised feedback report will be produced by a Senior/ Lead Marker or Independent Assessor for the learner(s)/ assessor(s). • The report will outline the marks awarded by set criteria and provide a brief narrative on the learner/ apprentice's level of performance against these criteria. • The report will not include marker feedback for each individual question.

Where any errors are identified through marking accuracy checks, the assessment will be remarked/ reassessed by a Lead Marker/ Independent End-point Assessor who was not involved in the assessment or marking or the learner/ apprentice's paper and has no personal interest in the outcome.

There are three possible outcomes to the enquiry about results for an external assessment:

- The result is confirmed.
- The result is upgraded, for example, from a fail to pass. Open Awards will amend its records and, where applicable, will issue certificates.
- The result is downgraded. Certificates may need to be revoked.

If the original result is downgraded or confirmed, the enquirer may wish to progress to a formal appeal. Correspondence from the outcome of an enquiry will provide the enquirer with instructions about submitting an appeal.

8.2 Enquiries about External Quality Assurance of internally marked assessments

For certain qualifications, providers can request a review of the outcomes of external quality assurance (EQA) of their internally marked assignments, if they do not consider the process to have been undertaken accurately.

Open Awards will provide additional information to support the decision but if a provider remains dissatisfied with this explanation, it can request a review of EQA decisions by submitting an Enquiry about Results Form *within 10 working days* of receiving the EQA decision.

Open Awards will review any adjustments applied to the provider's marking through EQA. This will be undertaken by a different individual with no interest in the outcome of assessment decisions for that learner/ apprentice or provider.

A provider cannot request an enquiry if the original marks/ assessment decisions have been accepted by Open Awards with no changes being made.

The original sample is remarked by a different EQA. If Open Awards still holds the original learner/ apprentice work, the provider will not need to resubmit it. If not, instructions will be provided on how to submit it. The work should not be submitted with the application.

There are three possible outcomes of the enquiry:

- The provider's original results are reinstated.
- The results from the original EQA process are upheld.
- New results are recommended by the revised EQA.

A fee to cover the administrative costs of an enquiry will be charged in line with our fees and charges. The fee will be waived if the provider's original results are reinstated as the result of an enquiry.

8.3 Outcomes of Enquiries

Open Awards will notify the provider *within 10 working days* of the enquiry being received. The notification will include the outcome of the enquiry and information on how to appeal (Stage 2) (where this is relevant).

9. Appeal against an Open Awards decision

The purpose of an appeal is to identify whether Open Awards followed the correct processes, procedures, and policies. The appeal is usually a desk-based process whereby the appeal submission, supporting documents and records relating to the original decision made by Open Awards are reviewed.

Appeals are reviewed by Open Awards representative(s) who were not involved in the original decision, nor have a personal interest in the outcome of the appeal. The same process is followed for every type of appeal.

The appellant should submit reasons for the appeal and details of specific instances where the appellant believes that Open Awards did not follow the correct processes, procedures and/or policies in reaching the original decision. Additional supporting documents can be included with the application and must be clearly referenced.

If the application does not include the required information, it will be returned to the appellant, with details of what information is missing. A deadline will be given for this information to be included. The appellant must respond fully within this deadline, or the appeal will not be heard.

Appeals must be submitted to quality@openawards.org.uk on an Appeal Against an Open Awards Decision Form *within 10 working days* of receiving the original decision or the outcome of an enquiry.

All the information (including that provided by the appellant and records kept by Open Awards) will be checked against the relevant procedures and policy documents to confirm whether the correct procedures have been followed.

Appellants must be aware that a fee to cover the costs of an appeal will be charged in line with our fees and charges. The fee will be waived if the appeal is upheld.

9.1 Appeal against the outcomes of an Enquiry about Results

Providers and learners can submit an appeal against the outcome of an enquiry about results of external assessments. In the case of End-point assessments, employers may also submit an appeal on behalf of an apprentice or group of apprentices.

Providers can submit an appeal against the outcome of an enquiry about external quality assurance decisions.

The Appeal Against an Open Awards Decision Form must include details of how the appellant believes that Open Awards did not follow the correct processes, procedures, and policy documents during the enquiry stage.

Appeals against the outcomes of an Enquiry about Results will only be considered if and when the enquiries stage has been fully completed and on receipt of a completed application form.

9.2 Appeal against Access to HE Diploma results

Learner(s)/ Provider(s) may submit appeals against Access to HE Diploma results without first completing an Enquiry about Results.

Appeals relating to relating to Access to HE Diploma are restricted to evidence of administrative error by Provider or Open Awards (for example, incorrect recording/ processing of grades, not all available evidence used to make judgement, unit midpoint grade not calculated correctly), or evidence of procedural error.

Open Awards **will not** accept Access to HE Diploma appeals against:

- Professional judgements of course tutors.
- The efficacy of the evidence presented to support such professional judgements.

Provider representatives may appeal on behalf of students or in their own right. The grounds for appeals from Access to HE providers are restricted to:

- Evidence of administrative error by Open Awards (for example, not all available evidence was reviewed to support the award of units).
- Evidence of procedural error by Open Awards (for example, incorrect processing of grades, adjustment of grades).
- Sanctions applied as a result of maladministration or malpractice allegations.

If the appellant believes the appeals process has not been followed by Open Awards, they should make a written complaint to QAA within 15 working days of receipt of the outcome of their appeal from Open Awards.

9.3 Appeal against reasonable adjustment or special consideration applications

Appeals against the outcome of an application for reasonable adjustments or special consideration can only be submitted by a provider and/or (in the case of End-point assessment) employers.

Providers may only submit appeals with the explicit written consent of the learner/ apprentice(s).

The appeal submission form must include details of how the appellant believes that Open Awards did not follow the correct processes, procedures, and policy documents and/ or did not take into account all evidence submitted in the appeal.

9.4 Appeal against Sanctions

A provider may appeal against any sanction placed on it or its staff following an error or incident investigation (for example, withdrawal of approval or increased risk rating) where the provider believes that the sanction has been applied incorrectly.

The provider must contact their Quality and Standards Advisor (QASA) in the first instance to query the application of a sanction. Open Awards will provide additional information to support the decision.

Open Awards will not consider appeals where a sanction has been placed due to financial or legal reasons.

The appeal must include the reasons the provider disagrees with the decision. Additional supporting documents can be included with the application. This evidence will be checked against the records held by Open Awards. Additional information, or on-site visits may be requested where necessary.

There are three possible outcomes of the enquiry:

- The sanction is confirmed.
- The sanction is removed.
- The sanction is increased.

Where the sanction is removed as the result of an enquiry, the provider will not be charged. Where the sanction is upheld or is increased as a result of the enquiry, the provider will be charged. Full details of the fees can be found in the Pricing Information on the [Open Awards website](#).

9.5 Outcomes of an Appeal

There are two possible outcomes of an appeal:

- If the review finds that appropriate processes, procedures and policy documents have been followed in a fair and consistent way, the appeal will be rejected. Open Awards will notify the appellant. The outcome notification will include information on how to submit an appeal to the Independent Appeals Reviewer, where appropriate.
- If the review finds that any of the appropriate processes, procedures or policy documents have not been followed, the appeal will be upheld. Open Awards will notify the appellant of the outcome including remedial actions to be completed, within appropriate timescales.

Where the outcome of an appeal brings into question the accuracy of other results, Open Awards will take steps to protect the interests of all learner/ apprentices and will cooperate with any follow-up investigations required by the regulatory authorities and, if necessary, agree appropriate remedial action with them. This may involve a further review of the work of learner/ apprentices at the provider.

Appellants must be mindful that the outcome of Open Awards' investigations may affect learner/ apprentice results. Final achievements could be delayed and either increased or decreased as a result of investigations into the appeal.

10. Independent Appeals Review

An Independent Appeals Review exists to ensure that there is an independent avenue of appeal for when the appellant is not satisfied with the outcome following the Appeal. Its purpose is to identify whether Open Awards has followed the correct processes, procedures and policies for any of the activities against which an appeal has been lodged and investigated.

Submissions for Independent Review must be received *within 10 working days* of the outcome of the appeal. Open Awards will acknowledge receipt *within 5 working days*.

The appellant must clearly state the reasons they consider that Open Awards did not follow the required procedures and their rationale for escalating to this appeal stage.

If the application form does not include the required information, it will be returned to the appellant, with details of what information is missing. A deadline will be given for this information to be included. The appellant must respond fully within this deadline, or the appeal will not be heard.

The appeal will be heard *within 20 working days* of receipt of a fully completed application (supported by all appropriate evidence).

The Independent Appeals Review will be undertaken by individual(s) with appropriate competence and no personal interest in the decision(s) being appealed. The reviewer will be an independent party not employed by Open Awards, an assessor working for it, or otherwise connected to Open Awards.

The reviewer will ensure that Open Awards fully meet the regulatory requirements, and to confirm the validity of the previous investigation(s). Open Awards will be responsible for ensuring that records of such reviews are kept.

10.1 Outcomes of Independent Appeals Review

The reviewer will produce a report and recommendations. Reports will usually be completed *within 30 working days*.

There are two possible outcomes of the hearing:

- If the Independent Appeals Review finds that appropriate processes, procedures and policy documents have been followed in a fair and consistent way, the appeal will be rejected, and Open Awards will notify the appellant.
- If the review finds that any of the appropriate processes, procedures or policy documents has not been followed, the appeal will be upheld. Open Awards will notify the appellant of the outcome including remedial actions to be completed, will appropriate timescales.

The decision of the Independent Appeals Review is the final stage of the appeals process. If the appellant is not satisfied with the outcome of the appeal, they may contact the relevant regulator. Information on how to do this will be included in the outcome notification letter.

11. Internal reviews following an enquiry or appeal being fully or partly upheld

Should any part of an enquiry or appeal lead Open Awards to discover a failure in its processes, all reasonable steps will be taken to:

- Identify other learner/ apprentices or apprentices 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 raises concerns over the validity of other results at a provider, Open Awards will take action to protect the interests of other learner/ apprentices and the integrity of the award of qualifications and/or units. This may include, for example:

- Further review of learner/ apprentices' work by Open Awards. Up to 100% sample may be requested for verification purposes.
- Review of the unit(s) of assessment through its unit review process.
- Review of the rules of combination for a qualification (if appropriate).

The Director of Quality and Standards will take responsibility for initiating the most appropriate course of action, and this decision will be taken in conjunction with the Chief Executive Officer.

Open Awards will inform the relevant regulator immediately of any adverse effects and other instances where such action is required.

12. Charges

A fee to cover administration costs will be charged at each stage of the enquiries and appeals process as outlined below.

For enquiries and appeals made by a learner/ apprentice, the learner/ apprentice must pay the correct fee with their application. Where the outcome of the enquiry or appeal is in favour of the learner/ apprentice, Open Awards will refund the learner/ apprentice.

For enquiries and appeals made by a provider or employer, Open Awards will invoice the provider for the correct fee. Where the outcome of the enquiry or appeal is in favour of the provider or employer, Open Awards will refund the fee or issue a credit note to the provider.

The full range of fees for enquiries and appeals can be found on the [Open Awards website](#).

13. Exclusions from this policy

13.1 Out of Scope Appeals

Open Awards **will not** accept:

- Learner appeals where the learner/ apprentice has not fully exhausted the provider's complaints and appeals processes before submitting an appeal to Open Awards (with the exception of appeals relating to End-point

assessment).

- Appeals submitted on behalf of a learner/ apprentice or group of learners/ apprentices without the explicit written permission of that learner/ apprentice or group of learners/ apprentices.
- Appeals submitted without sufficient detail on which to base an investigation (the appellant will be given further opportunity to provide supporting evidence).
- Appeals against the professional judgements of course tutors at approved providers, nor the efficacy of evidence used to make such judgements.
- Appeals where Open Awards is being asked to arbitrate in cases of dispute between learner/ apprentices, employers and/ or providers.
- Appeals against:
 - Professional judgements of Access to HE course tutors.
 - The efficacy of the evidence presented to support the professional judgements of Access to HE course tutors.

13.2 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 meaningful evidence to bring to ongoing 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, video conferencing, 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 Open Awards' Chief Executive Officer.

13.3 Zero Tolerance

Open Awards endeavours to provide a service which is prompt, courteous, clear and responsive to customer needs. In order to 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.

14. Monitoring and Review

An annual report on all cases of appeal, including those not upheld, will be made available to the Open Awards' Board of Trustees.

Open Awards will review the policy biennially as part of its self-evaluation arrangements and revise it as and when necessary, in response to customer and learner/ apprentice feedback, changes in its practices, advice from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous instances of malpractice or maladministration.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with appeals remain effective.

15. Related documents

This policy should also be read in conjunction with the following Open Awards documents (as appropriate):

- Provider Agreement
- Provider Handbook
- Qualification Guides
- Standard specific EPA Handbook
- Access to HE Provider Handbook
- Maladministration and Malpractice Policy and Procedures
- Plagiarism Policy
- Reasonable Adjustments and Special Considerations Policy and Procedures
- Recognition of Prior Learning Policy and Procedures
- Sanctions Policy and Procedures

16. Regulatory Requirements

The Enquiries and Appeals Policy is designed to fulfil the requirements of our regulators. In particular:

Ofqual General Conditions of Recognition/ Qualifications Wales Standard Conditions of Recognition

- A4 Conflicts of interest
- A6 Identification and management of risks
- A7 Management of incidents
- A8 Malpractice and maladministration
- B3 Notification to Ofqual/ Qualifications Wales of certain events
- C1 Arrangements with third parties
- C2 Arrangements with Centres
- G4 Maintaining confidentiality of assessment materials
- H1 Marking the assessment
- H2 Centre Assessment Standards Scrutiny where an assessment is marked by a Provider
- I1 Appeals process
- I2 Compliance with Ofqual's appeals and complaints process

QAA AVA Licensing Criteria

- Complaints and appeals
30, 31
- Certification
47, 48
- Provider approval and withdrawal of approval
50n, 54e

Institute of Apprenticeships and Technical Education

End-point Assessment Reasonable Adjustments Guidance

Education and Skills Funding Agency

Conditions for being on the Register of End-point Assessment Organisations.