

Enquiries and Appeals

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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.	5	
2.0	05/22	Appeals relating to Teacher Assessed Grades – TAGs removed	5	
3.0	07/24	Provider must release records relating to the case in line with the requirements of the Provider agreement.	7	
3.0	07/24	Improved clarity over scope of enquiries and associated fees	9	
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.	9.1	
4.0	10/25	Scope updated	2	
4.0	10/25	Updated regulatory requirements to cover QAA Conditions	18	
4.0	10/25	End-Point Assessment renamed as Apprenticeship Assessment throughout	All	
5.0	07/26	Definitions updated	5	
5.0	07/26	Provider-marked assessments added throughout, including learner escalation after provider internal processes and the relationship with EQA/CASS sampling.	All	
5.0	07/26	Representations for Access to HE Diplomas added.	7.2, 9.4	
5.0	07/26	Section 7 add - General enquiries	8	
5.0	07/26	Sections 8 and 9 restructured to distinguish enquiries and appeals for external assessments, provider-marked assessments, and EQA/CASS decisions.	9, 10	
5.0	07/26	Section 12 added – escalation to the regulator	12	
5.0	07/06	Regulatory requirements for QAA Access to HE updated to new criteria. Ofqual Principles added.	18	

1. Purpose

This document outlines the scope of enquiries and appeals that Open Awards will consider from learner/ apprentices, Providers, and employers, including matters relating to provider-marked assessments for Open Awards regulated qualifications and units. It details each stage within the process including eligibility criteria.

The purpose of this document is to:

- ensure that decisions made by Open Awards, and decisions made by providers in relation to provider-marked assessments for Open Awards qualifications and units, are applied fairly, consistently and based on valid judgements
- outline which judgements or decisions are in scope for enquiry or appeal, including the limits that apply where a result is based on a provider-marked assessment
- outline how a learner/ apprentice, provider or apprenticeship 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 and Qualifications Wales regulated qualifications and units	☒
Access to HE Diplomas	☒
Quality Endorsed Courses	☐
Badge of Excellence	☐
Online Learning and Courses	☐
Apprenticeship assessment	☒
Micro-credentials	☐
Non-regulated assessment	☒

3. Regulatory Authorities

The relevant regulatory authorities are Ofqual, Qualifications Wales and the Quality Assurance Agency for Higher Education (QAA). For apprenticeship assessment, Open Awards will comply with the applicable Ofqual regulatory framework, the relevant apprenticeship assessment plan and current requirements issued by the Department for Education and Skills England.

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 apprenticeship assessments
- employers of apprentices registered with Open Awards for apprenticeships
- 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 apprenticeship employer making an appeal.
CASS	The arrangements Open Awards uses, in line with Ofqual Condition H2, to scrutinise assessments marked by providers. This may include moderation, external quality assurance, sampling, review of assessment and internal quality assurance records, and other risk-based checks to confirm that assessment decisions are valid, reliable, accurate and fair.
Enquirer	The person or organisation who sends in the application form for an enquiry.
Enquiry about results	Formal post-result checks or reviews where a learner or provider is questioning the accuracy, processing or validity of a result or assessment decision
Enquiry (general)	Questions or requests for information about qualifications, processes, registrations, results release, certification, policy interpretation, fees, provider requirements or other areas relating to the development, delivery and award of Open

	Awards products and services
External quality assurance	The process Open Awards undertakes for monitoring assessments marked by providers as part of Open Awards' Centre Assessment Standards Scrutiny (CASS) arrangements, or in the case of Apprenticeships, assessment undertaken directly by Open Awards.
External Quality Assurance Provider (EQAP)	An organisation approved by Skills England (normally Ofqual) to provide independent oversight of apprenticeship assessment, ensuring assessment is valid, reliable, fair, effective and credible across assessment organisations and providers.
External assessment	An assessment for an Open Awards qualification, unit or apprenticeship assessment where the assessment decision is made by Open Awards or by assessors, markers or independent assessors acting on behalf of Open Awards, rather than by the provider.
Employer appeal	The process whereby, in the case of apprenticeship assessment, an employer considers that their learner/ apprenticeship 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, including a provider-marked assessment after the provider's internal appeals process has been completed, or in the case of apprenticeship 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 Apprenticeship assessment decisions, the appeal must originate from the learner/ apprentice.
Provider-marked assessment	An assessment for an Open Awards regulated qualification or unit where the provider sets and/or marks the assessment and makes the assessment decision, subject to Open Awards requirements, provider internal quality assurance and Open Awards EQA/CASS arrangements.

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. For provider-marked assessments, Open Awards also requires providers to make, and quality assure, assessment decisions fairly, consistently and in line with Open Awards requirements.

The purpose of an enquiry is to request that Open Awards reviews the accuracy of decisions regarding learner(s) assessment result, including relevant decisions relating to provider-marked assessments where these fall within Open Awards' scope, 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. In the case of provider-marked assessments, this includes considering whether the provider's assessment, internal quality assurance and appeals procedures, and Open Awards' EQA/CASS arrangements where applicable, have been followed properly and fairly.

Appeals from learner/ apprentices, including appeals relating to provider-marked assessments, will only be considered where the provider's complaints and appeals procedures have been fully completed prior to submitting an appeal to Open Awards. Enquiries and appeals about the apprenticeship 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 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

7.1 All 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 learners/ apprentices must be informed of these arrangements during their induction and relevant documents made available to them 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 Apprenticeship assessment. Enquiries and appeals about Apprenticeship 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
- For provider-marked assessments, providers must ensure assessment tasks, marking, assessment decisions, standardisation and internal quality assurance are valid, reliable, fair, consistently applied and in line with Open Awards requirements
- Providers must make clear to learner/ apprentices how they can challenge provider-marked assessment decisions, including the requirement to complete the provider's internal appeals process before escalating the matter to Open Awards
- Providers must retain learner evidence, assessment records, internal quality assurance records, standardisation records and provider appeal records for provider-marked assessments, including work that has not been selected for external quality assurance and moderation sampling, and must provide these to Open Awards on request.

7.2 Access to HE Diploma providers

Providers delivering Access to HE Diplomas must have, and follow, a documented procedure for learner representations.

A representation is a learner's formal request for a review of the grade indicators given for a unit, after the unit has been graded but before moderation has taken place. It is not a resubmission to improve work; rather review of the unconfirmed grade indicators.

If a learner wishes to ask for reconsideration of one or more of the grade indicators given by a tutor for any individual unit, they must do so at the earliest opportunity. This will normally be within one week of receiving the graded work.

In the first instance, the tutor must discuss the assessed work with the learner to explain the grading decisions made. If the learner is not satisfied with the explanation and wishes to pursue a representation, the relevant work will be considered by the internal quality assurer.

A formal record of the learner's representation will be made. If, as a result of this process, it is concluded that there is no case for regrading the learner is informed of the decision, and the outcome is recorded on the formal record of the representation.

Any appeal against this decision will be made through the provider's appeals procedures. The formal record of the representation and its outcome will be available in any subsequent appeal.

The formal records of all representations will be considered by Open Awards to:

- confirm that the representations process has been properly operated, and
- sample and review individual cases (where required).

A report on any cases where representations have led to changes being made to grades will be presented to the Final Awards Board.

Under no circumstances may a tutor make any change to grade indicators or unit grades without the involvement of the internal quality assurer and without a formal record being made.

8. General Enquiries

Open Awards will respond accurately, fully and within a reasonable time to reasonable enquiries received from users of Open Awards products and services. General enquiries may include questions about qualifications, assessment arrangements, provider requirements, registration, certification, fees, policies, procedures or published guidance.

A general enquiry is not the same as an Enquiry about Results or Assessment Decisions. Where an enquiry questions the accuracy, processing, validity or outcome of a learner result, assessment decision or EQA/CASS decision, it will be handled under the Enquiries about Results and Assessment Decisions section of this policy. Open Awards will not disclose information where doing so would breach confidentiality, data protection requirements or any other legal duty.

9. Enquiries about Results

An enquiry about results allows a learner/ apprentice, provider or, where applicable, employer to question the outcome of an assessment or related Open Awards decision within the scope of this policy. The route available depends on whether the assessment was marked by Open Awards, marked by the provider, or relates to an External Quality Assurance (EQA) or Centre Assessment Standards Scrutiny (CASS) decision.

In the case of Apprenticeship 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 or relevant decision. Providers must upload completed forms to the Portal. Employers (for apprenticeship assessment only) and learners or may apply via quality@openawards.org.uk.

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 outcome changes.

9.1 Enquiries about results for external assessments

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 Apprenticeship 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
The following checks will be made: • 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. Where any errors are identified through these checks, the assessment will be remarked/ reassessed.	• 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 Assessor who was not involved in the assessment or marking of 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.

9.2 Enquiries about provider-marked assessment decisions

Provider-marked assessments are assessments where the provider sets and/or marks the assessment and makes the assessment decision for an Open Awards regulated qualification or unit, in line with Open Awards requirements.

A learner/ apprentice must normally complete the provider's internal enquiries and appeals procedure before the matter can be considered by Open Awards. Open Awards will not normally accept a direct enquiry about a provider-marked assessment decision until the provider process has been completed and the learner/ apprentice has received the provider's final outcome.

The fact that the learner/ apprentice's work was not included in an EQA or CASS sample does not, in itself, prevent the learner/ apprentice from escalating the matter to Open Awards once the provider's internal process has been completed.

An enquiry relating to a provider-marked assessment decision will not normally be a re-mark or re-assessment of the learner/ apprentice's work solely because the learner/ apprentice disagrees with the provider's professional judgement. Open Awards will consider whether the provider followed the required assessment, internal quality assurance and appeals processes properly and fairly, and whether the records demonstrate that the result is safe.

Open Awards may request learner evidence, assessment records, internal quality assurance records, standardisation records, provider appeal records and any other information needed to consider the matter. The work must not be submitted with the application unless requested by Open Awards.

There are four possible outcomes to an enquiry about a provider-marked assessment decision:

- The provider-marked assessment decision is confirmed.
- The provider is required to review the assessment decision or associated records.
- The provider is required to take specified corrective action before the result can be confirmed.
- The result is amended where Open Awards determines that the result is unsafe or that an incorrect result has been issued.

9.3 Enquiries about EQA/CASS decisions

For certain qualifications, provider-marked assessment decisions are monitored by Open Awards through EQA. Providers can request a review of the outcomes of EQA decisions 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/CASS. 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 about an EQA/CASS decision if the original marks/ assessment decisions have been accepted by Open Awards with no changes being made. This does not prevent a learner/ apprentice from escalating a matter relating to their own provider-marked assessment decision after the provider's internal appeals procedure has been completed, provided the matter is within the scope of this policy.

Where the matter relates to an EQA/CASS sample, the original sample is reviewed 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.

There are three possible outcomes of an enquiry about an EQA/CASS decision:

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

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.

9.4 Outcomes of Enquiries

Open Awards will notify the provider and/or learner/ apprentice, as appropriate, 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.

10. 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.

Where the appeal relates to a provider-marked assessment, the appeal will also consider whether the relevant provider assessment, internal quality assurance and appeals records demonstrate that the provider followed the required processes properly and fairly, and whether Open Awards took appropriate account of those records when considering the matter.

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 principles of independence, fairness and consistency apply to 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, records kept by Open Awards and, where relevant, records requested from the provider) 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.

10.1 Appeal against the outcomes of an Enquiry about Results for external assessments

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

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.

10.2 Appeal against provider-marked assessment decisions

Learners may submit an appeal relating to a provider-marked assessment decision once the provider's internal appeals process has been fully completed and, where applicable, the Open Awards enquiry stage has been completed.

Appeals relating to provider-marked assessments must identify the specific process, procedure or policy that the appellant believes was not followed properly and fairly. This may include the provider's assessment, standardisation, internal quality assurance or internal appeals arrangements, or Open Awards' handling of the escalated matter.

Open Awards will not normally re-mark or re-assess provider-marked work solely because a learner/ apprentice disagrees with the provider's professional judgement. Open Awards may, however, review relevant evidence and records to determine whether the result is safe, whether an incorrect result may have been issued, and whether required procedures were followed.

Where an appeal raises concerns beyond the individual learner/ apprentice, Open Awards may extend the review to other learner/ apprentice work, provider records, assessment decisions or EQA/CASS activity to protect learner interests and the integrity of the qualification.

10.3 Appeal against EQA/CASS decisions

Providers can submit an appeal against the outcome of an enquiry about EQA/CASS decisions. The appeal 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 or when reaching the EQA/CASS decision.

An appeal against an EQA/CASS decision is distinct from an appeal by an individual learner/ apprentice about their own provider-marked assessment decision. Where

both issues arise, Open Awards will determine the most appropriate route for considering the matter and may request further evidence from the provider.

10.4 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 Access to HE Diplomas 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 a learner 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.

A learner may appeal the grading decision that results as a consequence of a representation which can be reviewed at the Final Awards Board, but only on the following grounds:

- evidence of administrative or procedural error
- extenuating circumstances that, for good reason, could not be notified prior to the Final Awards Board.

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.

10.5 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 apprenticeship assessments) 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.

10.6 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 four possible outcomes of the appeal:

- the sanction is confirmed
- the sanction is removed
- the sanction is increased
- the sanction is decreased.

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

10.7 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, including results from provider-marked assessments, 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 because of investigations into the appeal.

11. 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.

11.1 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.

12. Escalation to the regulator

In cases where Open Awards enquiries and appeals policy outlined above has been exhausted and the appellant remains dissatisfied with the outcome, they may escalate their case to the relevant regulator.

Ofqual

Contact via the website <https://www.gov.uk/guidance/contact-ofqual> or 0300 303 3344

QAA

Access to HE enquiry form: <https://www.qaa.ac.uk/enquiry-forms/access-to-he>

Qualifications Wales

Contact via enquiries@qualificationswales.org or 01633 373222.

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

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

- identify other learners/ 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, including provider-marked assessment decisions, Open Awards will take action to protect the interests of other learners/ apprentices and the integrity of the award of qualifications and/or units. This may include, for example:

- Further review of learners'/ apprentices' work and associated provider assessment, internal quality assurance and appeals records 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 Data 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.

14. 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, including appeals relating to provider-marked assessments, 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](#).

15. Exclusions from this policy

15.1 Out of Scope Appeals

Open Awards **will not** accept:

- learner appeals, including appeals relating to provider-marked assessments, 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 apprenticeship 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 solely against the professional judgements of course tutors, assessors or internal quality assurers at approved providers, or solely against the efficacy of evidence used to make such judgements, unless there is evidence that the provider did not follow the required assessment, internal quality assurance or appeals procedures properly and fairly
- 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.

15.2 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.
- An enquirer/ appellant making unreasonable demands on Open Awards outside of the agreed remit of the investigation.
- An enquirer/ appellant 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.

15.3 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.

16. 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.

17. Related Documents

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

- Provider Agreement
- Provider Handbook
- Qualification Guides
- Provider Assessment and Internal Quality Assurance guidance
- Standard-specific Apprenticeship 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

18. Regulatory Requirements

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

Ofqual Principles

- Principle 1 An awarding organisation must act with honesty and integrity.
- Principle 2 An awarding organisation must treat Learners fairly by acting and taking decisions with due impartiality and based on appropriate evidence.
- Principle 3 An awarding organisation must ensure that each qualification that it makes available, or proposes to make available is, and continues to be, fit for the purposes for which it is intended.
- Principle 4 An awarding organisation must act in a way that maintains and, where possible, promotes public confidence in qualifications.
- Principle 5 An awarding organisation must act in an open, transparent and cooperative manner with Ofqual and, as appropriate, with Users of qualifications.
- Principle 6 An awarding organisation must conduct its activities with a proactive approach to compliance with its Conditions of Recognition.

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, including provider-marked assessments
- I1 Appeals process
- I2 Compliance with Ofqual's appeals and complaints process

QAA AVA Licensing Conditions

- A2 Accountability
- A5 Complaints and appeals
- C1.1 Process for approval
- D1.1 Compliance with the Recognition Scheme
- E1 Assessment, moderation and standardisation
- F1.1 Procedures for the award of Access to HE Diploma
- F1.2 Certification
- F1.3 Transcript of achievement

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 qualification-level or subject-level conditions impose additional or different requirements for a specific qualification type, Open Awards will apply the requirements for the relevant qualification.

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.

<i>Originator:</i>	<i>Director of Quality and Data</i>
<i>Date of latest review:</i>	<i>July 2026</i>
<i>Date of last approval:</i>	<i>July 2026</i>
<i>Approved by:</i>	<i>Open Awards Management Team</i>
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