



Appeals Policy

Version History

Version	Date	Author	Change Description
Original	June 2014	Quality Assurance	
2	June 2017	Quality Assurance	Design Change
3	February 2019	Quality Assurance	Design Change
4	February 2022	Sarah Edmundson	Design Change
5	November 2023	Abigail Dannatt	Design Change

Contents

Introduction	4
Centre's responsibility	4
Fees	4
Review arrangements	4
Areas covered by the policy	4
Process for raising an appeal	5
Situations brought to our attention by the regulatory authorities	5
Initial review of the appeal details	5
Seeking an independent review	6
The independent review process may involve:	6
Successful appeals and/or issues to our attention by Ofqual	7
Contact us	7
Focus Awards Appeal Form	8

Introduction

This policy is aimed at our customers, including learners, who are delivering/enrolled on or have taken a Focus Awards-approved qualification or unit. It sets out the process you should follow when submitting appeals to us and the process we will follow when responding to enquiries and appeals.

It is also for use by our staff to ensure they deal with all appeals in a consistent manner.

Centre's responsibility

It's important that your staff is involved in the management, assessment and quality assurance of our qualifications and your learners are aware of the contents of the policy.

In addition, you must have internal appeal arrangements which learners can access if they wish to appeal against a decision taken by your Centre. If an individual wishes to appeal against a decision taken by a Centre it must first of all go through the centre's appeals process before bringing the matter to Focus Awards.

Fees

An appellant requesting an appeal is required to pay a £200 fee before the request will be accepted.

This fee is refundable if the appeal is upheld.

Review arrangements

We will review the policy annually as part of our self-evaluation arrangements and revise it as and when necessary, in response to customer and learner feedback or requests from, or good practice guidance issued by, the regulatory authorities (e.g., to align with any appeals and complaints process established by the regulatory authorities such as Ofqual).

If you would like to feedback on any views, please contact us via the details provided at the end of this policy.

Areas covered by the policy

This policy covers:

- appeals from learners and/or Centres in relation to an assessment decision on the basis that we did not apply procedures consistently or that procedures were not followed properly and fairly
- appeals from Centres in relation to a Focus Awards decision concerning a Centre's application to offer a Focus Award qualification.
- appeals from Centres concerning the contents of a Centre monitoring report.
- appeals from Centres and/or learners relating to a Focus Award decision to decline Centre's request to make reasonable adjustments or give special considerations

- appeals from Centres or learners in relation to the application by Focus Awards of a sanction/action on a Centre resulting from a verification visit an investigation into malpractice or maladministration or a decision to amend
- a learner/set of learners' results following a malpractice or malpractice investigation
- appeals from Centres relating to a decision made by Focus Awards following an investigation into a complaint about a Centre.
- appeals if you believe we have not applied our procedures consistently or those procedures were not followed properly, consistently and fairly.

Process for raising an appeal

You (and your learners) have 20 working days from the date we notified you of the decision you are appealing against in which to lodge an appeal against our decision – this includes assessment results; hence please advise your learners/staff to retain their course evidence until they receive their result.

If you appeal on behalf of your learners you must ensure that you have obtained the written permission of the learner(s) concerned as grades/results can go down as well as up as a result of an investigation.

Learners who wish to appeal about their assessment results or about a related decision should either be supported by their Centre and should have exhausted their Centre's own appeals process before appealing to us. In the latter case, learners must provide us with evidence that they have first appealed to their Centre. It's expected that learners will only appeal directly to us in exceptional circumstances.

Centres should complete the Appeals form in order to submit an Appeal on behalf of a learner and or the Centre and in doing so supply relevant information such as the following where relevant:

- learner's name and Focus Awards registration number,
- date(s) you or the learner received notification of Focus Awards decision,
- title and number of the Focus Awards qualification affected, or nature of service affected (if appropriate),
- full nature of the appeal, contents and outcome of any investigation carried out by you relating to the issue.

Situations brought to our attention by the regulatory authorities

Where the regulators notify us of failures that have been discovered in the assessment process of another awarding organisation we will review whether or not a similar failure could affect our own assessment processes and arrangements.

Initial review of the appeal details

Upon receipt of all appeals, we will acknowledge receipt of the appeal within 48 hours and aim to respond fully to the initial review of the potential appeal within 20 days. Please note that in some cases the review processes may take longer, for example, if a Centre visit is required. In such instances, we will contact all parties concerned to inform them of the likely revised timescale.

At all times we will ensure that Focus Awards personnel assigned to the appeal investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter. If the Head of Quality Assurance is involved in the appeal matter they will not be responsible for allocating a member of staff to carry out the investigation or for overseeing and managing the investigation.

The first stage will be for us to undertake an initial, informal assessment of all potential appeals to ensure the application is complete and to ascertain if the issue can be resolved before it goes to a formal appeal. In all instances, we will ensure that the person carrying out this initial check will not have a personal interest in the decision being appealed.

Following the initial review of the potential appeal, we will write to the appellant with details of our decision to either:

- amend our original decision in light of the new rationale/evidence being put forward and which has now been reviewed,
- to confirm we stand by our original decision and in doing so the rationale for this decision and request that you confirm, within 15 days, whether you now accept this decision or if you wish to formally proceed to our formal appeals process which will be carried out by an independent party.

Seeking an independent review

If you decide to proceed to the independent appeal stage we will arrange for an independent review to be carried out. This will be carried out by someone who is not an employee of ours, as an assessor working for us, or otherwise connected to our organisation. They will also be someone with the relevant competence to make a decision in relation to the appeal and will not have a personal interest in the decision being appealed.

The Independent Reviewer will review all the evidence which took place in the above stages and review if we have applied our procedures fairly, appropriately and consistently in line with our policy.

The independent review process may involve:

- a discussion with the appellant or the learner and Focus Awards personnel
- a request for further information from the appellant, the learner or Focus Awards personnel
- a centre visit by authorised Focus Awards personnel.

The Independent Reviewer's decision is final in relation to how Focus Awards will consider such appeals and we will let you know the outcome of the review within 20 days of receipt of the third appeal. If the Centre/learner is still unhappy with the outcome at this stage they are entitled to raise the matter with the relevant qualification regulator (e.g. Ofqual in England).

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Successful appeals and/or issues to our attention by Ofqual

In situations where an appeal has been successful, or where an investigation following notification from Ofqual indicates a failure in our processes, Focus Awards will give due consideration to the outcome and will as appropriate take actions such as:

- amend the profile of the Centre concerned,
- identify any other learners who have been affected correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g. amend the results for the learner(s) affected following an appropriate investigation)
- review our associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected
- if applicable, change our approach to the development, delivery and award of qualifications in order to ensure our approach remains appropriate.

We will also cooperate with any follow-up investigations required by the qualifications regulators and if appropriate agree any remedial action with them.

Contact us

If you have any queries about the contents of the policy, please contact our support team

E: info@focusawards.org.uk

T: +44(0)333 3447 388

Focus Awards Appeal Form

Please complete these appeals forms and return, them using the email address/ postal address below, to Focus Awards. We will acknowledge receipt within 48 hours and explain what action will be taken next.

Centre Name:			Centre No:		
Learner name(s) affected by the appeal					
Learner Name:					
Qualification Title:					
Learner Name:					
Qualification Title:					
Learner Name:					
Qualification Title:					
Please give details of the appeal (nature and circumstances)					
Have you attached any supporting evidence? (Please tick)			Yes	No	
If you have answered yes to the previous question, please specify details:					
Declaration: <i>I declare that the information provided in this form is true and accurate and fully supports the appeal.</i>					
Name:					
Signature:					
Date:					