

Appeals Policy

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1. Purpose

The appeals policy allows for appeals to take place where learners, instructors, assessors or providers feel that Lantra did not apply procedures consistently or follow procedures properly and fairly.

2. Scope

We are committed to providing a fair and transparent appeals service.

3. Responsibilities

Providers have the overall responsibility for ensuring that learners are aware of the policy and their rights with regards to an appeal.

4. Definitions

Appeals may be made in relation to a decision where it is felt that Lantra did not apply procedures consistently or those procedures were not followed properly and fairly, examples may include:

- The outcome of assessment, including external verification and certification
- A decision to decline a request to make reasonable adjustments or give special considerations, or where the provision made was not suitable to the needs of the learner
- Any action taken by Lantra following investigations into incidents of malpractice or maladministration

5. Associated Documents

Customer Service and Feedback Policy - POL-CSS-001

Adverse Effects Policy - POL-REG-003

Appeal Form - FRM-REG-021

6. Policy

The appeals policy allows for appeals to take place where learners, instructors, assessors or providers feel that Lantra did not apply procedures consistently or follow procedures properly and fairly. This policy applies to any of Lantra's training or qualifications and covers appeals against:

1. Decisions following the outcome of an assessment
2. Decisions regarding reasonable adjustments and special consideration
3. Decisions relating to any action to be taken against a learner or provider following an investigation into malpractice or maladministration.
4. Decisions relating to the outcome of an application to become an instructor/assessor/EQA
5. Decisions relating to the outcome of any sanctions levied against an instructor/assessor/EQA

All other matters may be addressed through the Lantra's Complaints Procedure, detailed in the Customer Service and Feedback Policy.

Appeals can be made by providers, instructors, assessors or learners (the appellant).

Where an appeal is made with regards to an internal assessment, the appeal must be made to the provider in the first instance using the provider's internal appeals procedures. Learners should only appeal to Lantra if the provider's internal appeals procedures have been exhausted.

In all instances learners should, however, discuss any potential appeal with their Provider in the first instance, so that the grounds for the appeal are clear. Lantra will not usually accept appeals from third parties (e.g., parents, guardians or employers), however, these may be accepted by exception. Lantra reserves the right to reject appeals which have not, first, been

discussed with the Provider, except where it is demonstrable the relationship between the learner and provider has broken down.

Learners must also be made aware that where the appeal requires the review of assessment evidence that this will result in one of three outcomes:

- Learner achievement (pass/fail/grade) is confirmed as correct
- Learner achievement (pass/fail/grade) is lowered
- Learner achievement (pass/fail/grade) is raised.

6.1. Making an appeal

Appeals must be made within **three calendar months** of the date of the event that the appeal relates to, e.g., date of the outcome of the enquiry about a result.

All appeals must be submitted to the Head of Regulatory Compliance at Lantra. The appeal must be made on the Lantra Appeal Form.

Due to the volume of work required in assessing an appeal and carrying out any required independent reviews then fees are payable, fees are based upon the average time it is likely to take to complete the tasks required (please contact Lantra for the current fees). Fees will be invoiced following the conclusion of the appeal. Where the outcome of the appeal is that the appeal is upheld then fees will not be invoiced.

Under exceptional circumstances Lantra may elect to waive the fee, whereby a Learner is able to demonstrate that the potential cost of an appeal is prohibitive to its submission.

6.2. Investigating an appeal

6.2.1. Stage 1 – Internal review collation of information

On receipt of an appeal all available information and supporting documentation will be reviewed by the Head of Regulatory Compliance, who will make an impartial decision. Where additional information is required, this will be requested. This may impact upon the time scale for completion of the review and this instance the delay will be communicated to the appellant. Other parties may be contacted for further information where necessary, for example assessors, EQAs or examiners.

Lantra will make every effort to resolve any appeal quickly. Lantra will aim to acknowledge the receipt of an appeal within **five** working days. Where possible Lantra will aim to complete the investigation and report the outcome of Stage 1 within **10** working days of receipt.

If the appellant is unhappy with the outcome of the appeal, either because the appeal is not upheld, or the outcome and remedial actions are unsatisfactory they may progress the appeal to Stage 2. Appellants will be informed in the outcome at Stage 1 of their right to progress the appeal.

6.2.2. Stage 2 – Referral to Lantra audit and Quality Committee members

The appeal will be referred to a senior panel. The panel will consist of **one** member of the Lantra Audit and Quality Committee, and a suitably competent independent person to decide the outcome within **10 working days** of receipt of the escalated appeal. Where unanimous agreement is not reached between the panel, Lantra will appoint a third decision maker. This may be another member of the AQC or another suitably competent independent person, the appointment will largely depend on the points of disagreement, e.g., whether technical or procedural.

Committee members are independent and have no interest in the outcome of the appeal. Committee members have appropriate competence to undertake decisions with regards to appeals. This stage may be conducted via video-conference, telephone, email or other appropriate form of communication. The appellant may make verbal or written representations to the panel if they wish. Verbal representations will most likely be made via video or teleconference rather than in person.

Should the panel be unable to reach a decision the appeal will be raised at the next Audit and Quality Committee meeting who meet **quarterly**. In exceptional circumstances Lantra may arrange an extraordinary Audit and Quality Committee meeting which may be virtual via video or teleconference. In this instance, again the appellant will be invited to submit representations.

The decision of the Audit and Quality Committee is final. Following the committee meeting the appellant will be notified in writing of the outcome of the committee meeting within **five** working days.

6.2.3. Representation

Legal representation is not permitted for any party during the Appeals process. Where legal representation is an expressed requirement, the appeal will be commuted to Lantra's solicitor, and all further correspondence on the matter will be through this channel.

6.3. Complaining to Regulatory Authorities

Where the appeal is in relation to an Ofqual, Qualifications Wales or Scottish Qualifications Authority Accreditation (SQA Accreditation) recognised qualification, a complaint can be made to the appropriate regulatory authority* (Ofqual in England and Northern Ireland, Qualifications Wales in Wales or SQA Accreditation in Scotland). It is recommended that any complaint made to the regulators should only be made when an individual or provider has followed all stages of Lantra's procedures first as this will be the first line of inquiry from the regulator.

For Ofqual approved qualifications complaints should be made in writing to Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH or emailed to complaints@ofqual.gov.uk

For Qualifications Wales approved qualifications complaints should be made in writing to Q2 Building, Pencarn Lane, Coedkernew, Newport, NP10 8AR or emailed to enquiries@qualificationswales.org

For SQA Accreditation approved qualifications complaints should be made in writing to The Optima Building, 58, Robertson Street, Glasgow G2 8DQ or emailed to customer@sqa.org.uk

Scottish Learners who have undertaken their qualification with or through a public body (i.e. a college of local authority) also have the right to complain to the **Scottish Public Services Ombudsman (SPSO)** as the final arbiter the public body's own complaints procedure has been followed.

Please note the SPSO will not consider complaints about academic decisions, such as the outcome of an assessment. These types of complaints should be treated as an appeal and should follow the awarding organisation's appeals process.

Complaints should be made in writing to SPSO, 4 Melville Street, Edinburgh, EH3 7NS. It is recommended that learners make an initial complaint to SQA Accreditation, however, this is not a mandatory requirement. Learners should also check their eligibility prior to directing their complaint to the SPSO.

*Qualifications taken in the devolved administrations may not be regulated by that nation's regulator. If learners are not sure who to contact, they will be able to obtain this information from their Training Provider or Lantra directly.

6.4. Action after the appeal

In some instances, it is possible that the outcome of an appeal may provide evidence to suggest that other learners, providers or others could have been affected in the same way as the person or organisation making the original appeal. Lantra would take this into account to ensure that, wherever possible, the effects were eliminated.

If the appeal indicates a failure in Lantra's assessment process all reasonable steps will be taken to ensure that:

- Other learners affected are identified
- The failure is corrected where possible
- Effects of the failure are mitigated where possible
- Action is taken to prevent a reoccurrence.

For example, if it is shown that a test paper was incorrectly marked, the work of the examiner(s) involved would be reviewed to ensure that other learners were not affected. If similar errors were discovered, Lantra would ensure re-marks of all relevant test papers and, where necessary, issue fresh results to any learners affected.

6.5. Monitoring

Appeals received are monitored at the Quarterly Quality Assurance Review Meeting, Chaired by the Responsible Officer. This is to identify whether any patterns or trends exist and ensure that appropriate remedial action is taken, for example the identification of an Adverse Effect and the need to submit an Event Notification. A summary report on appeals is reported, quarterly, to the Lantra Audit and Quality Committee.

7. Enforcement

Any employee found to have breached this policy may be subject to disciplinary action, up to and including termination of employment.