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**Quality Document NISQ D6**

Available from [www.nisq.uk](http://www.nisq.uk) to download

Appeals Policy

**NISQ has an appeals procedure which is available to all learners and NISQ Approved Centres, in relation to the NISQ Regulated Qualifications made available, providing Appeals for;**

A. result of assessments,

B. decision in relation to Reasonable Adjustment and Special Consideration,

c. decision made in relation to a sanction place on an Approved Centre.

D. Other decisions that affect the Learner or Approved Centre (Appeals in General)

This document explains the process that Approved Centres, and in some cases Learners, need to go through if they wish to question a decision in relation to the above. There may be fees associated with each stage of the process and learners should refer to NISQ 06c and NISQ 06l the Fees explained, available from [www.nisq.uk](http://www.nisq.uk)

A. Appeals against Assessment

The NISQ appeal process will provide for the effective appeal of results on the basis that NISQ (the Awarding Organisation) did not apply processes and procedures consistently or that processes and procedures were not followed properly and fairly.

An appeal or appeal can be raised by:

• The Learner;

• a Learner’s representative; or

• the Approved Centre.

Responding to Enquires regarding results

• NISQ will within a reasonable time respond to reasonable enquires by users of Qualifications, Learners Results,

• This will be done as per the Data Protection Legislation May 2018, NISQ is registered with the Information Commissioners Office

• Enquiries may be made using the NISQ website email, www.nisq.uk

• In Writing to NISQ,

• Over the Telephone.

* In Person

There is no charge for this service,

before a learner, user of qualifications makes an Appeal-

1. Stages 1 & 2

There are 2 stages of appeal or appeal, depending on the nature of the decision. Each must be completed before progression to the next stage:

The Centre may make the appeal on behalf of the Learner. However, in exceptional circumstances, a Learner may apply directly to NISQ.

If you are the NISQ Approved **Centre:**

• You must gain the consent of the Learner before making the application on their behalf; and

• Make the Learner aware that the result/grade may be lowered as a result of the appeal.

• The appeal must be submitted within **21** working days of the results being issued to the Approved Centre.

 • Appeals must be accompanied with a copy of the official notification of results, along with the original certificate where one has been provided, any other relevant and supporting documentation, and proof of identification of the individual Learner (a copy of the photo page of their Passport or driving Licence also displaying their date of birth).

• The appeal can be submitted to [www.nisq.uk](http://www.nisq.uk) but all supporting documents must be attached.

If you are the **Learner:**

• You must be aware that the result/grade may be lowered as the result of the appeal.

• If you are applying directly to NISQ, you must submit the details of your appeal to www.nisq.uk within **21** working days of the results being issued by NISQ to the Centre.

 • You must provide proof of identification. (a copy of the photo page of their Passport or driving Licence also displaying their date of birth)

 NISQ will acknowledge your appeal application within 3 working days of receipt.

NISQ will deliberate your appeal within 30 working days of receiving it. (this is done through an Appeals Panel)

NISQ will notify you of the decision within 3 working days of the decision being made.

There can be three types of appeal available depending on the type of Assessment method:

1. A review for Learning outcomes. NISQ will ensure that the Learner’s evidence has been accurately recorded. NISQ will check the overall mark and grade (if grading is applicable to the qualification).

2. A review of marking is available for written examinations. An administrative check will be conducted first and then the Director Qualification Division will re-mark the script.

3. A review and validation of the written assignment material. NISQ will ensure that the Learner’s evidence has been accurately recorded. NISQ will check the overall mark and grade (if grading is applicable to the qualification).

**The Appeals Procedure has 2 stages –**

• Informal Stage 1

• Refer to NISQ 20

All Appeals will be notified to the NISQ Approved Centre Qualification Coordinator who will discuss and record their findings.

 STAGE 1

1.1 A learner who wishes to appeal against an assessment decision should, in the first instance, discuss the matter with the NISQ Approved Centre teacher/assessor concerned, within **21** working days of the assessment taking place and the Mark being awarded. Wherever possible the teacher and the learner should come to a mutually agreed decision concerning the assessment. If this is not the case the Appeal is brought to the attention of the Approved Centre Qualification Coordinator by completion of the Record of Appeal Form NISQ 20 Stage 1. Downloadable from [www.nisq.uk](http://www.nisq.uk)

**Outcomes**

There are three possible outcomes:

• The Qualification, examination, learning outcome, assignment result is upgraded, for example, from a Fail to Pass. NISQ will amend its records and if applicable, send a certificate to the Centre/Learner which reflects the achievement.

• The Qualification, examination, learning outcome, assignment result is confirmed.

• The Qualification, examination, learning outcome, assignment result examination result is downgraded. The issue of a certificate will depend on the outcome.

If the examination result is confirmed or downgraded, then the appellant may make a formal appeal this is stage 2.

2. STAGE 2

2.1 Should the Appeal not be resolved following stage 1 the appellant can progress the appeal to Stage 2 which is a formal Written Appeal to the Director of the Qualification Department NISQ. Record of Appeal Form NISQ 20b Stage 2 – the completed application form should be forwarded to the Director, Qualification Division, NISQ. Following an administrative check, The Governing Body of NISQ will appoint an independent Appeals Panel to deliberate the appeal.

* NISQ 20b Record of Appeal (Formal) is Downloadable from [www.nisq.uk](http://www.nisq.uk)

There is a nominal fee for this process see NISQ 06 Fees Explained Document. This will include an Independent Appeals Panel, comprising of three members, the Chairman who will be a member of the Challenge, Review and Advisory committee. The Panel will adjudicate that all criteria, processes and procedures have been complied with and the issues of the appeal will be deliberated. the Record of Appeal Form NISQ 20b, the investigation findings, report and evidence will be reviewed by an Appeals Panel, The Governing Body of NISQ will appoint an independent Appeals Panel to deliberate the appeal.

Time Periods – 3 working days to acknowledge receipt of Appeal, 30 working days to hold Appeals Panel meeting, 3 working days to notify the Learner of outcome.

3.Appeals Panels

The Governing Body of NISQ will appoint an independent Appeals Panel to deliberate the appeal. All Appointed Appeals Panel Consists of 3 persons;

* 3 Members appointed from the Challenge, Review and Advisory Committee; members appointed by the NISQ Governing Body,
* Revolving Chair – voted on day of the appeals panel by the approval panel members,
* Members of the Appeals Panel appointed can be replaced by other CRAC members should the circumstances require a removal of that member due to a conflict of interest or a complaint,
* Members are appointed from an active list of no less than eight names – NISQ may add additional names with similar backgrounds and qualifications, as and when required to do so, due to retirement and Conflict of Interests that have been declared,
* If persons above are involved in the Appeal, then the replacement will be by a member form the CRAC live list.

**Who makes Appeals Decisions – the Criteria?**

* At stage 1 and Stage 2 decisions are made by persons with **no personal interest** in the decision being appealed,
* Appeals Panel has one member who is **not either an employee, an assessor, or otherwise connected to it –** (Independent Challenge, Review and Advisory committee Member),
* NISQ Appeals Process – ensures those making decisions throughout Stage 1 and stage 2 are **persons of appropriate competence**,
* NISQ Appeals Process Appeals Against Assessment has timelines – 21 days for submission of appeal then 3days to acknowledge appeal+ 30days to deliberate decision + 3days to respond following decision of Appeals Panel
* All other Appeals Time lines – 10 days for submission of Appeal, 3 working days to acknowledge receipt of Appeal, 30 working days to hold Appeals Panel meeting, 3 working days to notify the Learner of outcome.
* The NISQ Appeals Panel will return their findings, recommendations and any outcomes in writing to parties involved,

4.Outcomes

There are four possible outcomes:

• The Qualification, examination, learning outcome, assignment result is upgraded, for example, from a Fail to Pass. NISQ will amend its records and if applicable, send a certificate to the Centre/Learner which reflects the achievement.

• The Qualification, examination, learning outcome, assignment result is confirmed.

• The Qualification, examination, learning outcome, assignment result examination result is downgraded. The issue of a certificate will depend on the outcome.

• The NISQ Approved Centre receives a Warning, Sanctions or Loss of their Approved Status

**NISQ 60 The Appeals Register is Completed in all cases.**

**NISQ 41 The Risk Register and Adverse Effect is completed in all cases.**

5.Failure in the Assessment Process

**NISQ takes all appeals made to be of Significant Risk – this has been considered on the NISQ Risk and Adverse Effect Register NISQ 41, all Appeals are Registered in the NISQ 61 Appeals Register, this will assist NISQ to identify any failures in the Assessment Process, any failure discovered in the NISQ Assessment Process, NISQ will;**

* **Consider any other Learner who may have been affected by the Failure and inform them immediately,**
* **NISQ will Correct the failure, correct the process, or mitigate as far as possible the effect of failure, and**
* **Ensure the Failure does not happen again.**
* **NISQ will Review and if necessary, revise all Assessment Processes across their Qualification Portfolio**

B Reasonable Adjustments and Special Considerations - Appeals

**The Appeals Procedure has 1 stage –**

• The Formal Appeal

An appeal regarding the decision made about an application for Reasonable Adjustments or Special Considerations.

If you are the **Centre**:

• The reasons for the appeal must be submitted to NISQ within **10** working days of the decision being issued to the Centre on the Record of Appeal Application Form NISQ 20b (Formal Written Appeal),

• The appeal must be accompanied by a clear reason for the disagreement and any supporting evidence.

• The appeal can be submitted to [www.nisq.uk](http://www.nisq.uk) along with all supporting documentation

If you are the **Learner**:

 • feel that the decision taken by NISQ has disadvantaged you, then you should contact NISQ via [www.nisq.uk](http://www.nisq.uk) within **10** working days of been told of the decision.

If the Learner wants to appeal the decision, they must do so on the Record of Appeal Application Form NISQ 20b. This must be submitted within **10** working days from receiving the NISQ decision on Reasonable Adjustment or Special Consideration decision. (see NISQ 06l fees Explained on [www.nisq.uk](http://www.nisq.uk)) The Record of Appeal Form NISQ 20b, the investigation findings, report and evidence will be reviewed by an **Appeals Panel** (see section A) The Governing Body of NISQ will appoint an independent Appeals Panel to deliberate the appeal.

**NISQ 60 The Appeals Register is Completed in all cases.**

**NISQ 41 The Risk Register and Adverse Effect is completed in all cases.**

C Approved Centre Sanctions – Appeals

NISQ D18 NISQ Sanctions Policy available form [www.nisq.uk](http://www.nisq.uk)

This gives the Approved Centre the opportunity to request a review of the status/sanction applied if it feels it has been applied incorrectly.

If the appeal is regarding a sanction that has been applied following an external quality verifying activity, then this will involve a different NISQ External Centre Verifier repeating the original monitoring activity. The appeal by the Approved Centre is done so using a Record of Appeal Application Form NISQ 20b (Written formal Appeal) alongside any supporting evidence, the Record of Appeal Form NISQ 20b, the investigation findings, report and evidence will be reviewed by an Appeals Panel, The Governing Body of NISQ will appoint an independent Appeals Panel to deliberate the appeal.

If the appeal is regarding a sanction that has been applied following the outcome of an investigation into suspected or alleged malpractice/maladministration, then the Record of Appeal Form NISQ 20b, the investigation findings, report and evidence will be reviewed by the Appeals Panel. The Governing Body of NISQ will appoint an independent **Appeals Panel** (see Section A) to deliberate the appeal.

If the sanction was placed on the Approved Centre for financial reasons, then the Approved Centre cannot request an appeal or appeal.

The Approved Centre will need to:

• Submit the reasons the Approved Centre disagrees with the decision that has been made to NISQ within 10 working days of the notification. On NISQ 20b supported by evidence.

• Appeals can be submitted to [www.nisq.uk](http://www.nisq.uk) along with supporting documents

NISQ will acknowledge your appeal application within 3 working days of receipt.

NISQ Appeals Process has timelines – 10 days for submission of sanction appeal by the approved centre, NISQ then has 3 days to acknowledge appeal+ 30days to deliberate decision + 3days to respond following decision of Appeals Panel .The NISQ Appeals Panel will return their findings, recommendations and any outcomes in writing to both parties, their decision is the decision/recommendation sent to the Governing Body, unless further evidence of relevance is produced that would ordinarily affect the outcome. None compliance with the NISQ Governing Body decision or Action plan may result in:

**Outcomes**

There are two possible outcomes to the appeal against a sanction:

• The level of sanction is reduced. NISQ will amend the Approved Centre record and risk status.

• The level of sanction is confirmed.

**NISQ 60 The Appeals Register is Completed in all cases.**

**NISQ 41 The Risk Register and Adverse Effect is completed in all cases.**

D. Appeals – Withdrawal of Centre Approval or qualification approval

Where Centres have received a notice of the withdrawal of Centre Approval or approval to deliver a qualification(s), they may make a formal appeal to the NISQ Qualification Division. On NISQ 20b available from [www.nisq.uk](http://www.nisq.uk) to download.

The appellant must, within **10** working days of the receipt of notice of Withdrawal of Centre Approval or approval to deliver qualification(s), email or write to the Director Qualification Division stating they wish to appeal the decision. [www.nisq.uk](http://www.nisq.uk)

NISQ will acknowledge receipt of this within 3 working days.

Within a further 30 working days from NISQ acknowledgement, the Appeals Panel will deliberate the Appeal. The NISQ Appeals Panel will return their findings, recommendations and any outcomes in writing to both parties, their decision is the decision/recommendation sent to the Governing Body, unless further evidence of relevance is produced that would ordinarily affect the outcome. None compliance with the NISQ Governing Body decision or Action plan may result in:

• The basis of the appeal.

• The documented evidence the Approved Centre relies upon for the notice of Withdrawal of Centre Approval or delivery of a qualification(s) being overturned; and

• Proposals for dealing with the Adverse Effect created by the incident(s) or reasons which resulted in the Withdrawal of Centre Approval or delivery of qualification(s) being issued.

This document must only deal with the reasons for NISQ issuing the notice of Withdrawal of Centre Approval or delivery of a qualification(s). Appeal applications which raise matters that are not relevant or in addition to matters integral to Centre Approval will not be considered. Appeal applications which include such matters will not be processed and will be returned to the Centre.

Within 5 working days of receipt of the appeal application, NISQ Appeals Panel will raise with the Approved Centre any further information it may require in order to process the appeal. This may include further evidence or clarification of the evidence provided.

Outcomes There are two possible outcomes to the appeal against withdrawal of Centre approval or delivery of a qualification:

• The level of sanction is reduced. NISQ will amend the Centre record and risk status.

• The level of sanction is confirmed.

 **NISQ 60 The Appeals Register is Completed in all cases.**

**NISQ 41 The Risk Register and Adverse Effect is completed in all cases.**

E. Appeals in General -Other Decisions that Affect the Learner or NISQ Approved Centre.

 Introduction

This groups includes, appeals from,

* The Learner – Stage 1 & 2 applicable
* The learner Representative stage 1&2 applicable
* The NISQ Approved Centre or its Staff, stage 2 only
	+ Human Resources Appeals stage 1 and 2

**1.0       STAGE 1**

1.1 A learner who wishes to appeal against any other decision should, in the first instance, discuss the matter with the NISQ Approved Centre teacher/assessor concerned, within 10 working days of the decision/event taking place. Wherever possible the teacher and the learner should come to a mutually agreed decision concerning the matter. If this is not the case the Appeal is brought to the attention of the Approved Centre Qualification Coordinator by completion of the Record of Appeal Form NISQ 20 Stage 1.

**2.0       STAGE 2**

2.1  Should the appeal not be resolved following stage 1, or if the appeal is regarding an Approved Centre the appellant can progress the appeal to Stage 2 which is a formal **Written** Appeal to the Director of the Qualification Department NISQ. Record of Appeal Form NISQ 20b completed and returned to the NISQ Director Qualification Division.

There is a nominal fee for this process see NISQ 06 Fees Explained Document. This will include an Independent Appeals Panel, comprising of;

**Panel Consists of 3 persons**;

3 Members appointed from the Challenge, Review and Advisory Committee; members appointed by the NISQ Governing Body

* Revolving Chair – voted on day of the approval panel by the approval panel members
* Members of the Approval Panel appointed can be replaced by other CRAC members should the circumstances require a removal of that member due to a conflict of interest or a complaint.
* Members are appointed from an active list of no less than eight names – NISQ may add additional names with similar backgrounds and qualifications, as and when required to do so, due to retirement and Conflict of Interests that have been declared.
* If persons above are involved in the compliant then the replacement will be by a member form the live list.
* Should the Appeal be regarding a Human Resource Issues 1x Appeal Panel member will be an independent HR representative.
* The Panel will adjudicate that all criteria, processes and procedures have been complied with and the issues of the appeal will be deliberated.

Time Periods – 10 days for submission of Appeal, 3 working days to acknowledge receipt of Appeal, 30 working days to hold Appeals Panel meeting, 3 working days to notify the Learner of outcome.

The NISQ Appeals Panel will return their findings, recommendations and any outcomes in writing to both parties, their decision is the decision/recommendation sent to the Governing Body, unless further evidence of relevance is produced that would ordinarily affect the outcome. None compliance with the NISQ Governing Body decision or Action plan may result in:

• The Appeals Decision being overturned,

* The Appeals Decision being up held,
* The Learner may be removed from the Qualification,
* The NISQ Approved Centre receiving a Warning, Sanctions or Loss of their Approved Status

**NISQ 60 The Appeals Register is Completed in all cases.**

**NISQ 41 The Risk Register and Adverse Effect is completed in all cases.**

Record of Appeal Application Form NISQ 20 Stage 1 (informal) available from [www.nisq.uk](http://www.nisq.uk) to download

Centre Qualification Coordinator/Director Qualification Division

First name(s): -………………. Last name: -……………….

Qualification: -……………………… Location: -…………………

Dates: -……….to……….

Details of the Appeal-please continue on the back if necessary: -

Have you previously made a VERBAL APPEAL about this issue?

YES………. No……….

If “yes” to whom? ……………….. When? ………………..

Have you previously made a WRITTEN APPEAL about this issue?

YES………. No……….

If “yes” to whom? ……………….. When? ………………..

What has been the response to your previous Appeal?

What do you think should be done to put this right?

**Learner/Complainant** - **Signature: -………………. Date: -………….**

**NISQ Approved Centre Qualification Coordinator or NISQ Director Qualification Division**

**-signature …………….. Date………………**

Record of Appeal Application Form NISQ 20b Stage 2 – (formal) available from [www.nisq.uk](http://www.nisq.uk) to download

To the NISQ Director Qualification Division

First name(s): -………………. Last name: -………………. Learners Unique Identification Number……

Qualification: -……………………… NISQ Approved Centre: -…………………

Dates: -……….to……….

Details of the appeals-please continue on the back if necessary: -

This can be a copy of the original NISQ 20

Have you previously made a VERBAL Appeal about this issue?

YES………. No……….

If “yes” to whom? ……………….. When? ………………..

Have you previously made a WRITTEN Appeal about this issue?

YES………. No……….

If “yes” to whom? ……………….. When? ………………..

Do you have a copy of this, Please Attach …………………………?

What was response to the previous Appeal by the Qualification Coordinator?

What do you think should be done to put this right?

NISQ Director Qualification Division - Comments for the Appeals Panel

Appeals Panel- The Appeals Panel has read the contents of the NISQ 20 and 20b, the circumstances of the appeal by the Learner, the NISQ Approved Centre Qualifications Coordinator response to the Appeal and the NISQ Director Qualification Division Comments – The following has been our Decision

Action Plan - Learner

Action Plan Centre -

This Action Plan is required to be Implemented by all Parties concerned, not complying with the decision or Action Plan –

* The Learner may be removed from the Qualification,
* the NISQ Approved Centre receiving a Warning, Sanctions or Loss of their Approved Status

All Parties should sign below in acknowledgement and agreement with the NISQ Decision, Action and Action Plan.

|  |  |  |
| --- | --- | --- |
| Signatures |  | Date |
| Appeals Panel Chair Representative Signature |  |  |
| Learner - Signature |  |  |
| NISQ Approved Centre Qualification Coordinator – Signature |  |  |
| NISQ Director Qualifications Division -signature  |  |  |
| Outcome of the Appeals Panel and their recommendations areTo be implemented/Not ImplementedChair NISQ Governing Body |  |  |

Learner or NISQ Approved Centre Decides to make an Appeal – A. result of assessments, B. decision in relation to Reasonable Adjustment and Special Consideration, c. decision made in relation to a sanction place on an Approved Centre. D. Other decisions that affect the Learner or Approved Centre (Appeals in General)

Failure in Assessment Process Identified NISQ 61 Completed

NISQ 62 Completed

NISQ 41 Completed

Action Taken NISQ D6 Policy

NISQ Approved Centre –Discusses Appeal with NISQ

Learner Discusses Appeal – with Teacher/Assessor

Learner not Satisfied with solutions, makes Written Appeal to the Qualification Coordinator on NISQ 20 Appeal **Stage 1 (Informal)**

NISQ Approved Centre – not satisfied with Solutions – makes Formal Appeal on NISQ 20b

**Stage 2 (Formal)**

NISQ Approved Centre Qualification Coordinator, receives Appeal – Discusses the Appeal with the Learner – No Solution Acceptable -

Learner Makes Formal Written Appeal to NISQ -Awarding Organisation on NISQ 20 b

**Appeal Stage 2**

 NISQ Awarding organisation – Receives the Appeal – Acknowledges this within 3 Days

Within 30 Days the NISQ Appeals Panel Meets to Deliberate the Appeal

 NISQ Governing Body appoints an Appeals Panel – NIDQ D6 Appeals Policy applies

NISQ Appeals Panel make Decision Sent out with 3 Days