



## ENQUIRIES AND APPEALS POLICY

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## Policy statement

WAMITAB is committed to providing a high quality service and to maintaining the highest standards for it learners, centres and other stakeholders.

## Introduction

This policy is for:

- Approved WAMITAB centres who are delivering WAMITAB regulated qualifications.
- Organisations that have been unsuccessful in their application for centre approval to offer WAMITAB regulated qualifications.
- Learners who are registered with WAMITAB for regulated qualifications who wish to enquire or appeal against a test result.
- Assessors and Internal Quality Assurers (IQAs) that have signed the WAMITAB Code of Conduct.

This document outlines the process to follow in relation to a decision regarding:

- A learner test result.
- The application of an action or a sanction applied to a centre by WAMITAB.
- Qualification approval.
- Staff approval.
- Assessor and IQA conduct.
- Centre approval.
- An application for access arrangements and special consideration.

## Responsibility of Approved Centres

Heads of Centre and Centre Coordinators involved in the management, assessment and quality assurance of WAMITAB regulated qualifications must familiarise themselves with the content of this policy. As part of the regulatory conditions, centres must have internal appeals arrangements which learners can access if they wish to appeal a decision taken by the centre. WAMITAB staff and external quality assurers will check that centre staff and learners are aware of the content and purpose of the appeals policy.

## Stages

There are three stages of enquiry or appeal:

Stage	Description
1	Enquiry
2	Appeal
3	Independent Appeals Board

## Stage 1: Enquiry process for test results issued by WAMITAB

This is to be used where a learner or a centre believes that the marking of a test was inaccurate.

WAMITAB will conduct a desk-based check to review learner responses and check the correct mark was awarded. WAMITAB will use a marker and moderator who did not carry out the original marking or moderation.

### Application process

#### Learner

A learner may apply to WAMITAB using document 0106 (Learner Application for an Enquiry about a Test Result) available on WAMITAB's website.

#### Centre

A learner may also request that their centre makes an enquiry on his/her behalf. The centre must obtain the consent of the learner before making an application on his/her behalf. The centre should use document 0107 available on WAMITAB's website.

Enquires should be made as soon as possible after the results are received by the centre, and must be received within **10 working days** after the release of the results.

WAMITAB will acknowledge receipt of the application within 3 working days and provide a full written response within **10 working days** of the date of acknowledgment.

### WAMITAB's response

There are two outcomes to an enquiry:

- The test result is amended from a 'fail' to a 'pass' and WAMITAB will send a certificate to the centre as appropriate.
- The original test result is confirmed. WAMITAB will provide a report on the learner's performance. This notification will provide details on how an appeal can be made (Stage 2).

## Stage 2: Appeals

Heads of Centre can appeal the outcome of an enquiry, or against decisions on:

- An action or a sanction applied to a centre.
- Qualification approval.
- Initial approval of centres.
- Staff approval.
- Assessor and IQA conduct.
- Centre approval.

When WAMITAB gives its decision on any of these processes, it will do so in writing and will state the reasons for the decision.

The appeals process **does not cover** the:

- The suspension or withdrawal of centre approval on financial or legal grounds.

*Please note: Learners can only appeal the outcome of an enquiry about a test result.*

### Grounds for an appeal

The sole ground for an appeal is that WAMITAB's decision, based on all the evidence available to WAMITAB at the time, was wrong. To prove that a decision was wrong, the appellant must demonstrate either that the decision was unreasonable or that there was a breach of procedural requirements by WAMITAB.

### Making an appeal

#### Outcome of an enquiry

A learner may appeal the outcome of an enquiry about a test result, or the learner may request that their centre makes an appeal about a wider range of decisions on his/her behalf. The centre must obtain the consent of the learner before making the appeal.

The Learner/ Head of Centre must complete the Application for Appeal Form (0105) available on the WAMITAB website. The centre/learner must apply within **10 working days** of receiving the outcome of the enquiry. WAMITAB will acknowledge receipt within 3 working days.

An individual who has no personal interest in the decision being appealed and who holds the appropriate competence will review the Application for Appeal. A written outcome will be provided by WAMITAB within **20 working days** of receipt of the appeal.

#### Action or sanction applied to a centre

If a centre disagrees with WAMITAB's decision to apply an action or a sanction, the centre should contact WAMITAB in the first instance to discuss the matter. If the centre is not satisfied with the explanation the Head of Centre can appeal.

The centre must apply within **10 working days** of receiving the notification of the action or of the change in status using the Application for an Appeal form (0105) available on the WAMITAB website. If the application form does not include the required information it will be returned to the centre with an outline of the information required. Centres must provide the information by the deadline stated by WAMITAB otherwise the appeal will not be progressed.

An individual who has no personal interest in the decision being appealed and who holds the appropriate competence will review the Application for Appeal. A written outcome will be provided by WAMITAB within **30 working days** from the date of receipt of all the documentation being received from the centre.

### **Action or sanction applied to an assessor or IQA**

If an assessor or IQA disagrees with WAMITAB's decision to apply an action or a sanction, they should contact WAMITAB in the first instance to discuss the matter. If they are not satisfied with the explanation it is possible to appeal.

The individual must apply within **10 working days** of receiving the notification of the action or of the change in status using the Application for an Appeal form (0105) available on the WAMITAB website. If the application form does not include the required information it will be returned to the individual with an outline of the information required. Individuals must provide the information by the deadline stated by WAMITAB otherwise the appeal will not be progressed.

An individual who has no personal interest in the decision being appealed and who holds the appropriate competence will review the Application for Appeal. A written outcome will be provided by WAMITAB within **30 working days** from the date of receipt of all the documentation being received.

### **Qualification approval**

A centre can request an appeal into WAMITAB's decision not to approve a centre for a specific qualification. The centre should contact WAMITAB in the first instance. If required, WAMITAB will provide the centre with additional information to support the decision. If the centre is still not satisfied with this explanation, it can raise an Appeal. A centre must complete an Application for Appeal form (0105) available on the WAMITAB website and submit to WAMITAB.

The centre must apply within **10 working days of receiving the decision**. An individual who has no personal interest in the decision being appealed and who holds the appropriate competence will review the Application for Appeal. A written outcome will be provided by WAMITAB within **20 working days** from the date of receipt of all the documentation being received from the centre.

### **Staff approval**

A centre can request an appeal into WAMITAB's decision not to approve an invigilator, an assessor, a marker, an internal quality assurer or a moderator. In the first instance, the centre should contact WAMITAB to discuss the matter. If, after discussion the centre is not satisfied, the centre can raise an appeal. A centre must complete an Application for Appeal form (0105) available on the WAMITAB website and submit to WAMITAB.

The centre must apply within **10 working days of receiving the decision**. An individual who has no personal interest in the decision being appealed and who holds the appropriate competence will review the Application for Appeal. A written outcome will be provided by WAMITAB within **20 working days** from the date of receipt of all the documentation being received from the centre.

### **Approval**

If a proposed centre disagrees with WAMITAB's decision not to approve the organisation, the proposed Head of Centre should contact WAMITAB to discuss the matter. If, after this discussion the proposed Head of Centre is not satisfied an appeal may be lodged using the Application for Appeal form (0105).

The proposed centre must apply within **10 working days** of receiving the decision outlining the reasons for not approving the organisation. An individual who has no personal interest in the decision being appealed and who holds the appropriate competence will review the Application for Appeal. A written outcome will be provided by WAMITAB within **30 working days** from the date of receipt of all the documentation being received from the proposed centre.

### **Outcomes of an application for access arrangements and special consideration**

If a centre disagrees with WAMITAB's decision on approval of access arrangement and special consideration the centre should contact WAMITAB within **5 working days** to discuss the issue. If, after this discussion the centre is not satisfied, the Head of Centre can lodge an appeal, using the Application for Appeal form (0105).

An individual who has no personal interest in the decision being appealed and who holds the appropriate competence will review the Application for Appeal. A written outcome will be provided by WAMITAB within **10 working days** from the date of receipt of all the documentation being received from the proposed centre.

## **Stage 3: Independent Appeals Board**

The Independent Appeals Board comprises a Chair (a member from the Awarding Body Review Group), an industry representative and an independent representative from another awarding organisation. Individuals appointed will have the relevant competence to make a decision in relation to the appeal and will not have a personal interest in the decision being appealed.

### **How to apply**

If centres or learners are dissatisfied with the outcome on an appeal, they may proceed to the Independent Appeals Board stage. The Head of Centre, assessor, IQA or learner must write to the clerk of the Independent Appeals Board within **10 working days** of receiving written notification from WAMITAB of the appeal decision.

The letter must be sent to the Clerk of the Independent Appeals Board at WAMITAB. The letter must include a written account of why WAMITAB's appeal decision is wrong. Any evidence submitted to support this claim must be relevant to the appeal.

The Clerk of the Independent Appeals Board will review the application and establish if there is sufficient evidence for the appeal to be presented to the Independent Appeals Board. If further information is required the appellant will be notified in writing. The clerk will provide details of the deadline for receipt of this information. The appellant must respond fully within this deadline or the appeal will not be heard.

If the appeal is presented to the Independent Appeals Board, the clerk will send an acknowledgement letter to the appellant.

The meeting of the Independent Appeals Board will take place within six to eight weeks of the appellants submitting their completed application to the clerk of the Independent Appeals Board.

The clerk will give the appellant **10 working day's** notice of the date of the hearing.

### **Representation**

The hearing will involve an oral submission by the appellant. The centre can be represented at the hearing by up to two members of its staff. The clerk of the Independent Appeals Board will require the name, status and/or the interest of the representatives who will attend the hearing. WAMITAB will be represented by two members of staff responsible for the function under appeal.

Legal representation will not normally be permitted unless in exceptional circumstances. In these cases if the appellant is accompanied by a lawyer, the clerk of the Independent Appeals Board must be informed **5 working days** prior to the hearing so WAMITAB may organise their legal representation.

### **The purpose of the hearing**

The Independent Appeals Board will consider the information provided by the appellant and WAMITAB. The aim is to establish whether WAMITAB has acted fairly and followed the appropriate processes, policies and procedures.

### **The outcome of the hearing**

When the Independent Appeals Board has heard the oral submissions, both parties will withdraw. The Independent Appeals Board decision will be communicated to the parties in writing 10 working days after the hearing.

The decision of the Independent Appeals Board is the final stage of WAMITAB's appeals process. If the appellant is not satisfied with the outcome of the appeal, they are entitled to raise the matter with the relevant qualification regulator, the details of this will be provided in the outcome report.



## Fees

Stage	Description	Fees
1	Enquiry – Test result	£10
2	Appeal – Outcome of an Enquiry	£50
2	Appeal – Action or Sanction	£350
2	Appeal – Qualification approval or staff approval	£50
2	Appeal – Centre Approval	£350
2	Appeal – Application for access arrangements & special consideration	£50
3	Independent Appeals Board	£350

Where a learner makes an enquiry or an appeal, the learner must send a cheque (made payable to WAMITAB) for the correct fee with their completed form. In cases where the enquiry or appeal is in favour of the learner, WAMITAB will return the fee to the learner.

For enquires and appeals made by the centre, WAMITAB will invoice the centre for the correct fee. Where the outcome of the enquiry or appeal is in favour of the Centre, WAMITAB will refund the fee.

For appeals made by a potential centre, the Head of the Organisation must send a cheque (made payable to WAMITAB) for the correct fee with their completed form.

## Policy review

WAMITAB will review this policy annually as part of the audit arrangements and revise it as and when necessary in response to centre and learner feedback, changes in internal practices, or requests from, or good practice guidance issued by the regulatory authorities.

## Monitoring

WAMITAB Awarding Body Review Group (ABRG) will be responsible for monitoring the effectiveness of the appeals process.



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