



PART OF **nocn** GROUP

Appeals Policy and Procedure

Version 2.0

February 2021

Contents

1. Scope	1
2. Purpose	1
3. Policy	1
I. Appeal Reviewers	2
II. Applicable Fees	3
4. Stage 1 – Appeals Regarding Examination Results	3
5. Stage 1 – All Other Appeals	4
6. Stage 2 – Independent Review Panel	5
I. Independent Review Panel Arrangements	6
II. Meeting of the Independent Review Panel	6
III. Independent Review Panel Decision	6
7. Reviewing Approach	7
8. Document Control	7

1. Scope

- 1.01 This policy and procedure details how a learner registered on a NOCN product or an approved Centre can appeal against a judgement or decision made by NOCN. This policy and procedure is applicable to decisions regarding NOCN qualifications, non-regulated courses and endorsed programmes.
- 1.02 This document **does not apply** to decisions regarding Centre, qualification or staff approval applications. The decisions made by NOCN regarding these applications cannot be appealed.
- 1.03 If an appellant is managed by or registered with a NOCN subsidiary or Delivery Partner, then they must contact that organisation directly regarding their appeal. The organisation will follow this policy and procedure and respond to appeal applications on behalf of NOCN. Individuals who are affected by this should replace references to NOCN with the relevant subsidiary or Delivery Partner throughout this document.
- 1.04 The intended audience for this document is:
- NOCN Directors and Board of Trustees.
 - NOCN core, sub-contracted and associate staff, including External Quality Assurers (EQAs).
 - All staff of NOCN subsidiaries and Delivery Partners associated with NOCN provision.
 - All staff in NOCN recognised and partner centres.
 - Learners registered on a NOCN qualification or non-regulated course or programme.
 - Qualification Regulators¹.
 - Industry Regulators.

2. Purpose

- 2.01 The purpose of this document is to:
- Ensure that decisions made by NOCN are applied fairly, consistently and based on valid judgements.
 - Outline the judgements or decisions made by NOCN which can be appealed.
 - Outline the procedure for how an individual or a Centre can appeal against an applicable decision or judgement.
 - Outline the potential outcomes following NOCN's review of an appeal.
 - Satisfy the Conditions of Recognition by the various Qualification Regulators.

3. Policy

- 3.01 NOCN aims to ensure that all of the decisions made by its staff and representatives are fair, consistent, based on valid judgements and are in line with NOCN policies and procedures. The appeals policy and procedure allows for a learner or a Centre to submit an appeal where they believe that NOCN has not applied its policies or procedures properly, fairly or consistently.
- 3.02 Where a learner wishes to appeal a decision made by a Centre, the learner must appeal and exhaust the Centre's own appeals procedure first. NOCN can only hear appeals regarding the delivery and assessment activities of NOCN products and cannot hear appeals regarding other factors, such as Centre fees.

¹ Ofqual in England; Qualification Wales; CCEA Regulation in Northern Ireland or successor bodies.

- 3.03 NOCN cannot accept appeals from third parties, such as employers or a relative of a learner, unless the learner is in exceptional circumstances. These individuals may wish to refer to the NOCN Complaints Policy and Procedure. Where it is deemed acceptable by NOCN, the appellant will be requested to provide written confirmation of the learner's wishes to be represented in the appeal to allow it to be heard.
- 3.04 Under this policy, centres and learners can appeal to NOCN regarding decisions made surrounding the training, assessment and quality assurance of NOCN regulated qualifications, non-regulated provision and endorsed programmes. This includes, but may not be limited to, decisions or judgements regarding:
- a) The examination result of a learner
 - b) A Centre-marked assessment.
 - c) NOCN moderation² or verification³ of a Centre marked assessment.
 - d) An application for reasonable adjustment or special consideration.
 - e) Validity of a NOCN assessment.
 - f) Application of a Sanction, including Centre withdrawal. Please note that centres cannot appeal Sanctions which have been applied for inactivity or for financial reasons.
- 3.05 If an individual wishes to appeal a decision made by NOCN which is outside of the types above, the individual should contact NOCN in the first instance for advice on whether an appeal can be heard. In the majority of cases, the NOCN Complaints Policy and Procedure will apply instead.

I. Appeal Reviewers

- 3.06 NOCN offers a **2-stage** appeals procedure. The first stage must be completed before progression to the second stage. The two stages are referred to as:
- a) **Stage 1 – Appeal.** This is the first stage of the appeal process and will allow for NOCN to conduct its own review of the appellant's case.
 - b) **Stage 2 – Independent Review.** This stage allows for there to be an independent assessment of the appellant's case.
- 3.07 At Stage 1 of the appeal procedure, NOCN will ensure that the decision maker is an appropriate and competent individual who was not involved in the making of the original decision.
- 3.08 At Stage 2 of the appeal procedure, the appeal will be heard by at least two individuals. The first will be a member of the NOCN Quality Assurance Committee, who was not involved in the making of the original decision or in Stage 1 of the appeal procedure. The second individual will be an independent reviewer who is not an employee or Assessor of NOCN, or otherwise connected to it, outside of their role in reviewing the appeal.
- 3.09 At both stages of the appeal procedure, NOCN will carefully select its appeal reviewers to ensure that no decision regarding an appeal is made by an individual who has a personal interest in its outcome. This will be ensured and monitored through the NOCN Group Conflict of Interest Policy and Procedure.

² **Definition:** Moderation is a standards scrutiny process which ensures that the marking of assessments is at the required standard, and, if not, where adjustments to a Centre's marking needs to be made. Moderation takes place before certification and before final results are issued to a learner.

³ **Definition:** Verification consists of the periodic checking of Centre marking or assessment to ensure that it is accurate and based on valid, reliable, current, authentic and sufficient evidence. Where it is not, NOCN will make amendments to the Centre's assessment decision. NOCN conducts verification after results have been issued to a learner.

II. Applicable Fees

- 3.10 There are applicable fees at both stages of the appeal procedure. A full list of fees can be found within the NOCN Fees and Charges document, available on the NOCN website. NOCN is not responsible for any loss of income or any other monetary ramification that may occur for the appellant, or for their business, before, during or after the appeals procedure. All fees paid for by the appellant are non-refundable, unless their appeal is upheld at any stage or if it is deemed as not in scope. In this case, the appeal fee will be refunded.
- 3.11 Upon receipt of an appeal, NOCN will request that the appropriate payment is made from the appellant. For centres, NOCN will produce an invoice in line with its standard invoicing procedure. Learners should contact the NOCN Finance Team for further information and guidance regarding available payment options.
- 3.12 The appeal will not be reviewed by NOCN until confirmation has been received from the NOCN Finance Team that the appropriate appeal fee payment has been made. Please note that timescales in this policy will not be adhered to where there is a delay in, or failure of, payment. Any new timescales will be communicated to the appellant via email from the Quality Assurance Team once payment has been received.

4. Stage 1 – Appeals Regarding Examination Results

- 4.01 To submit an appeal at Stage 1, the appellant must complete and submit the NOCN Application for Stage 1 Appeal form (available on the NOCN website) **within 20 working days** of the examination result being issued to the Centre. The completed form must be submitted to assurance@nocn.org.uk (or Delivery Partner equivalent).
- 4.02 Regarding written examinations, there are two types of appeal available:
- a) Remark of script – a subject expert, differing from the original marker, will re-mark the script.
OR
 - b) An individual feedback report and remark of script – a subject expert will review the learner’s examination and will provide a comprehensive feedback report on areas of strength and outline areas for learning and development. The feedback will not provide feedback on responses to individual questions. The learner’s script will also be re-marked.
- 4.03 In submitting their appeal, the appellant must:
- a) State the reason(s) for their appeal.
 - b) Be aware that their appeal may result in their result/grade being lowered.
 - c) Provide the original certificate (where one has been issued) or a copy of the official notification of results from NOCN.
 - d) **Centre only:** Provide a signed declaration by the learner confirming their wishes to appeal.
 - e) **Learner only:** Provide a copy of photographic identification.
- 4.04 NOCN will provide acknowledgement to the appellant within **5 working days** of receipt of their appeal.
- 4.05 NOCN will aim to respond to all appeals **within 20 working days** from its acknowledgement, however, there may be instances where this is not possible. Where timeframes are required to be extended by NOCN, the appellant will be informed of the new timeframes by NOCN via email.

- 4.06 There are three possible outcomes to the appeal regarding an examination result:
- The examination result is confirmed.
 - The examination result is upgraded, for example, from a fail to pass. NOCN will amend its records and, where applicable, will issue any due certificates. NOCN will issue a refund of the appeal charge.
 - The examination result is downgraded. The revoking of a certificate will depend on the new examination result.
- 4.07 If the original result is downgraded or ratified, then the appellant may wish to progress their appeal to **Stage 2**. NOCN will provide the appellant with instructions regarding appealing at Stage 2 in the correspondence from the outcome of Stage 1. For further information, refer to Section 6.
- 4.08 Centres can also contact assurance@nocn.org.uk to enquire about the following services, where appeal procedures do not apply:
- For written examinations: An individual feedback report – a subject expert will review the learner’s examination and will provide a comprehensive feedback report on areas of strength and outline areas for learning and development (charges apply).
 - For Multiple-choice examinations: A free administration check of multiple-choice examinations where this is not electronically marked.

5. Stage 1 – All Other Appeals

- 5.01 Dependent on the circumstances regarding an appeal, NOCN may be able to provide a learner or Centre with clarification or evidence to support their original decision. The provision of this information may negate the need for an appeal and therefore individuals should contact NOCN in the first instance to see if the issue can be informally resolved.
- 5.02 If the individual is still not satisfied, they can submit an appeal at Stage 1 to NOCN (see 3.04). To submit an appeal at Stage 1, the appellant must complete and submit the NOCN Application for Stage 1 Appeal form (available on the NOCN website) **within 20 working days** of the decision being made by NOCN. The completed form must be submitted to assurance@nocn.org.uk (or Delivery Partner equivalent).
- 5.03 Where a learner wishes to appeal to NOCN following their exhaustion of a Centre’s own appeals procedure, they must submit their Stage 1 appeal to NOCN **within 10 working days** of the appeal decision being communicated to them by the Centre.
- 5.04 In submitting their appeal, the appellant must:
- State the reason(s) for their appeal.
 - Centre only:** Provide a signed declaration by the learner confirming their wishes to appeal.
 - Learner only:** Provide a copy of photographic identification.
 - Learner only:** Provide the written outcome of the Centre’s internal appeals procedure.
- 5.05 In all cases, NOCN will provide acknowledgement to the appellant within **5 working days** of receipt of their appeal. At this point, NOCN will confirm whether the appeal is in or out of scope. If an appeal is deemed not in scope, NOCN will write to the appellant providing the reasons why it cannot be reviewed. If an appeal is deemed out of scope, the appeal fee will be refunded.

- 5.06 Upon receipt of the appeal, NOCN may request further information or supporting evidence to be supplied by the appellant. If this is the case, NOCN will confirm this to the appellant upon its email acknowledgement and provide a deadline for the submission of the requested information. The appeal will not be considered by NOCN until the required supporting evidence or information has been submitted. If the information is not submitted within the deadline provided by NOCN, the appeal will be automatically rejected.
- 5.07 NOCN will aim to respond to all appeals **within 20 working days** from its acknowledgement, however, there may be instances where this is not possible due to the circumstances regarding the appeal. Where timeframes are required to be extended by NOCN, the appellant will be informed of the new timeframes by NOCN via email.
- 5.08 In all cases, a decision letter will be provided to the appellant (via email), which will contain written confirmation of how NOCN came to its decision in reviewing the appeal.
- 5.09 There are two possible outcomes to an appeal:
- a) The original decision is ratified.
 - b) The original decision is amended. NOCN will take the appropriate action dependent on the outcome to reflect the new decision and will issue a refund of the appeal fee paid. Refer to Section 7 for further information.
- 5.10 If the original decision is ratified, then the Centre may wish to progress their appeal to **Stage 2**. NOCN will provide the appellant with instructions regarding appealing at Stage 2 in the outcome letter provided. For further information, please refer to section 6.

6. Stage 2 – Independent Review Panel

- 6.01 Stage 2 is only available to individuals who have exhausted Stage 1 of the appeal procedure. At Stage 2, appeals are reviewed by an Independent Review Panel. The Independent Review Panel ensures there is an independent review for the appeal if the appellant is not satisfied with the outcome of Stage 1.
- 6.02 All appeals at Stage 2 must be submitted to NOCN **within 10 working days** of the appellant receiving the outcome of the Stage 1 appeal.
- 6.03 In submitting their appeal, the appellant must:
- a) State the basis for their appeal.
 - b) Provide the documentary evidence that they are relying upon for the decision made by NOCN to be overturned.
 - c) Detail how they believe NOCN did not make a fair or valid judgement, or did not follow its own policies and procedures during the Stage 1 appeal.
- 6.04 NOCN will provide acknowledgement to the appellant within **5 working days** of receipt of their appeal. In its acknowledgment of the appeal, NOCN will confirm whether the appeal is in or out of scope. NOCN will also inform the appellant of the individual(s) who will be presenting the case to the Independent Review Panel on behalf of NOCN.
- 6.05 The appellant will be invited to represent themselves and may wish to nominate another individual to attend the panel meeting with them for support.
- 6.06 Both parties must limit those in attendance to two individuals, unless there are specific requests from the Independent Review Panel for witnesses to attend.

I. Independent Review Panel Arrangements

- 6.07 Prior to the meeting of the Independent Appeal Panel, the Quality Assurance Team will request all supporting evidence from the appellant and the representative from NOCN to be electronically submitted to them so that this can be collated for the panel meeting. A deadline, alongside instructions for submission, will be provided by NOCN.
- 6.08 Any supporting evidence that both parties wish to submit to the panel for their review must be submitted in line with the Quality Assurance Team's request. Any new evidence will not be considered or reviewed after this point, including during the meeting of the Independent Review Panel. The information provided by both parties must only reference the decision being appealed. Appeal applications which raise matters that are not relevant or are in addition to matters integral to the decision being appealed will not be considered.
- 6.09 Once the Quality Assurance Team has confirmed that all evidence has been received and an appropriate date for the panel is agreed, there must be no further contact between the NOCN appellant contact and the appellant until the meeting of the Independent Review Panel.

II. Meeting of the Independent Review Panel

- 6.10 Within **30 working days** of the acknowledgement to the appellant, the Independent Review Panel will meet to review the appeal. Both parties will be invited to attend the meeting, which, for a timely review, will usually be via teleconference.
- 6.11 The purpose of the Independent Review Panel is to review and consider the evidence provided from both parties to establish whether NOCN followed its own policies and procedures properly and fairly at Stage 1 of the appeal process. The panel meeting provides an opportunity for the Independent Review Panel to hear the case from both parties and for this reason, both parties must be in attendance. If the appellant fails to attend, NOCN will cease to hear the appeal any further and the original decision will stand.
- 6.12 The Independent Review Panel is not a court of law and therefore neither party requires legal representation. If either party wishes to be accompanied by a lawyer, the Quality Assurance Team must be notified at least **10 working days** prior to the meeting to allow them to inform the other party, so that they have the opportunity to seek legal advice or representation if they wish to.

III. Independent Review Panel Decision

- 6.13 NOCN will confirm the Independent Review Panel's decision in writing within **5 working days** of the panel meeting. A rationale for the panel's decision will be provided. There are two possible outcomes to the appeal:
- a) The decision is ratified.
 - b) The decision is overturned. NOCN will amend its records to reflect the updated decision. NOCN will issue a refund of the Stage 1 and 2 appeal fees paid.
- 6.14 In all cases, the Independent Review Panel's decision is the final decision made by NOCN regarding the appeal. Should the appellant not be satisfied with NOCN's response to their appeal, they may wish to contact the Qualification Regulators. Information on how to do this will be included in the outcome correspondence sent to the appellant.

7. Reviewing Approach

- 7.01 Where the outcome of an appeal has identified a failure in NOCN policy, procedure or system, NOCN will review the failure to determine whether an Adverse Effect⁴ has occurred. Where this is the case, the relevant Qualification Regulator(s) will be informed.
- 7.02 Under the direction of the Responsible Officer, NOCN will identify, review and correct any other decision or judgement that may have occurred or been affected due to the identified failure of its policy, procedure or system. Where this is the case, NOCN will contact affected centres or learners to inform them of the action being taken by NOCN to mitigate the Adverse Effect. NOCN will also take all reasonable measures to implement changes and improvements to prevent a similar re-occurrence.
- 7.03 Where weaknesses in its policies, procedures or systems are identified rather than failures, NOCN will consider the implementation of quality improvement and strengthening measures, where this is possible and appropriate. For this reason, the outcome of all appeals will be reported to the NOCN Quality Assurance Committee in order for NOCN's approach to be kept under review and for any lessons-learned exercised to be completed.

8. Document Control

- 8.01 This policy is maintained by the Quality Assurance Team and will be reviewed and updated where necessary to reflect updated legislation, customer feedback, improvements of operation and changes to the regulatory environment. If you have any queries regarding the contents or the use of this policy, please contact the Quality Assurance Team directly on assurance@nocn.org.uk.
- 8.02 All NOCN policies and procedures are signed off by the NOCN Responsible Officer. The latest versions of which can be found on our website here: <https://www.nocn.org.uk/support/nocn-group-policies/>.

⁴ **Definition:** An act, omission, event, incident or circumstance which gives rise to prejudice to learners or which compromises the standards of, or public confidence in, NOCN qualifications.