

# NOCN Enquiries and Appeals Policy

## 1. Scope

NOCN aims to ensure that all decisions are fair, consistent and based on valid judgements. However, we recognise that there may be occasions when you wish to enquire or appeal a decision or judgement.

This policy applies to:

- Examination results;
- Outcomes of applications for reasonable adjustments or special considerations;
- Decisions made in relation to a qualification or risk status; and
- Decisions made in relation to a sanction placed on a Centre.

This policy does not cover appeals against decisions about Centre approval applications and qualification approval applications.

The intended audience for this document is:

- NOCN Directors and Board of Trustees
- NOCN Core and Associate staff, including personnel in NOCN subsidiaries
- All staff of NOCN Delivery Partners associated with NOCN provision
- All staff in NOCN recognised and partner Centres
- Learners
- Qualification Regulators
- Industry Regulators

The appeal process will provide for the effective appeal of results on the basis that NOCN (the Awarding Organisation) did not apply processes and procedures consistently or that processes and procedures were not followed properly and fairly. This policy and procedure satisfies the relevant Conditions and Principles set out by the various Qualifications Regulators

An enquiry or appeal can be raised by:

- The Learner;
- a Learner's representative; or
- the Centre.

This document explains the process that 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 so this document should be read alongside the **NOCN Tariff**. This is available from NOCN on request.

There are **3 stages** of enquiry or appeal, depending on the nature of the decision. Each must be completed before progression to the next stage:

- Enquiry and Review – Stage 1
- Internal Appeal – Stage 2
- Independent Appeal Panel and Review – Stage 3

**Please note** that if a Centre made the awarding decision, rather than NOCN directly, the Centre Appeal Process should be followed first. If the Learner is dissatisfied with the outcome of the Centre Appeals process they may then make an appeal to NOCN directly and this must be done **within 10 working days** of the receipt of the outcome of the Centre Appeal.

## 2. Stage 1 – Enquiry and Review

### 2.1 Examination Results

An enquiry about an examination result gives the Centre or the Learner the opportunity to question the result of an assessment **marked by NOCN**.

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

#### If you are the 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 enquiry.
- The enquiry must be submitted **within 25 working days** of the results being issued to the Centre.
- Enquiries/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 (either a copy of the individual learner's Birth Certificate or a copy of the photo page of their Passport).
- The enquiry/appeal must be submitted to [assurance@nocn.org.uk](mailto:assurance@nocn.org.uk)

#### If you are the Learner:

- You must be aware that the result/grade may be lowered as the result of the enquiry.
- If you are applying directly to NOCN, you must submit the details of your enquiry/Appeal to [assurance@nocn.org.uk](mailto:assurance@nocn.org.uk) **within 25 days** of the results being issued by NOCN to the Centre.
- You must provide proof of identification.

NOCN will **acknowledge** your enquiry/appeal application **within 3 working days** of receipt.

NOCN Head of Assurance will review the enquiry/appeal and the appellant will be informed that the enquiry/appeal is in or out of scope **within 5 working days** of receipt of the enquiry/appeal by NOCN.

NOCN will respond to your enquiry/appeal within **20 working days** of receiving it.

There are **two** types of enquiry available depending on the type of **examination**:

- a) An **administrative check** for **multiple choice examinations**. NOCN will ensure that the Learner responses have been accurately recorded. NOCN will check the overall mark and grade (if grading is applicable to the qualification).
- b) A **review of marking** is available for **written examinations**. An administrative check will be conducted first and then an examiner/marker will re-mark the script.

See **NOCN Tariff** for charges.

### Outcomes

There are three possible outcomes to an enquiry:

- The examination result is upgraded, for example, from a Fail to Pass. NOCN will amend its records and if applicable, send a certificate to the Centre/Learner which reflects the achievement.
- The examination result is confirmed.
- The 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 appeal (**Stage 2**).

## 2.2 Reasonable Adjustments and Special Considerations

An enquiry/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 NOCN **within 10 working days** of the decision being issued to the Centre.
- The appeal must be accompanied by a clear reason for the disagreement and any supporting evidence.
- The appeal must be submitted to [assurance@nocn.org.uk](mailto:assurance@nocn.org.uk)

### If you are the Learner:

- You will need to appeal through the Centre you are registered with if the reasonable adjustment is one which does not require NOCN permission and authorisation.
- If you have gone through the appeals process at the Centre and feel that the decision has disadvantaged you, then you should contact NOCN via email ([assurance@nocn.org.uk](mailto:assurance@nocn.org.uk)) within 10 working days of been told of the decision.

NOCN will respond **within 10 working days**.

If the Centre wishes to appeal the decision from Stage 1, then the appellant may progress to **Stage 2**. This must be submitted **within 10 working days** of the Stage 1 decision. Details of fees are available in the **NOCN Tariff**.

### 2.3 Centre Sanctions

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

If the enquiry/appeal is regarding a sanction that has been applied following an external quality assurance activity, then this will involve a different External Quality Assurer repeating the original monitoring activity.

If the enquiry/appeal is regarding a sanction that has been applied following the outcome of an investigation into suspected or alleged malpractice/maladministration, then the investigation findings, report and evidence will be reviewed by a member of the NOCN Management Team.

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

#### The Centre will need to:

- Submit the reasons the Centre disagrees with the decision that has been made to NOCN **within 10 working days** of the notification. This may be supported by evidence.
- Appeals must be submitted to [assurance@nocn.org.uk](mailto:assurance@nocn.org.uk)

NOCN will acknowledge your enquiry/appeal application **within 3 working days** of receipt.

NOCN Management will review the enquiry/appeal and the appellant will be informed that the enquiry/appeal is in or out of scope within **5 working days** of receipt of the enquiry/appeal by NOCN.

NOCN will respond to your enquiry/appeal within **20 working days** of receiving it.

#### Outcomes

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

- The level of sanction is reduced. NOCN will amend the Centre record and risk status.
- The level of sanction is confirmed.

If the decision on the level of sanction is confirmed, then the Centre may appeal (**Stage 2**). Details of fees and charges are published in the **NOCN Tariff**.

The Stage 2 appeal must be submitted to NOCN **within 10 working days** of the notification of the Stage 1 outcome.

### 3. Stage 2 – Internal Appeal

Stage 2 is only available if a Centre wishes to appeal against the outcome of Stage 1.

Learners may only appeal the outcome of the enquiry about an examination result.

**See NOCN Tariff for fees.**

#### 3.1 Appeals (excluding the withdrawal of Centre Approval or qualification approval)

The appellant must submit the appeal to NOCN within **10 working days** of being notified out the Stage 1 outcome.

The appeal must be sent to [assurance@nocn.org.uk](mailto:assurance@nocn.org.uk) and detail the specific reason why the appellant believes that NOCN did not make a fair or valid judgement or follow the correct processes and procedures during Stage 1. Additional supporting documentation and evidence must be provided and referenced.

If the application does not include the required information, it will be returned to the appellant. A deadline for re-submission will be given. This must be met in order for the appeal to be heard.

NOCN will acknowledge receipt of information received **within 3 working days**.

Two NOCN Managers, not involved in the original decision will review the application, supporting documentation and any records relating to the original decision made by NOCN. This will be reviewed **within 25 working days** of receipt. They will consider whether the review was properly conducted and whether the decision was reasonable.

NOCN will write to you **within 5 working days** of their meeting to inform you of the decision and reasons for it.

Centres have the right to appeal against the outcomes of the Stage 2 appeal. This is Stage 3.

#### 3.2 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 appeal to the NOCN Responsible Officer.

The appellant must, within **5 working days** of the receipt of notice of Withdrawal of Centre Approval or approval to deliver qualification(s), email or write to the Head of Assurance in NOCN stating they wish to appeal the decision.

NOCN will acknowledge receipt of this **within 3 working days**.

Within a further **10 working days** from NOCN acknowledgement, the Centre is to formally submit to the Responsible Officer (via email to [managing.director@nocn.org.uk](mailto:managing.director@nocn.org.uk)) an appeal application documenting clearly:

- The basis of the appeal.
- The documented evidence the 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 NOCN 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, NOCN will raise with the Centre any further information it may require in order to process the appeal. This may include further evidence or clarification of the evidence provided.

The Responsible Officer will only consider the appeal when full and final documentation has been submitted by the Centre.

The Responsible Officer will carry out the appeal review and inform the Centre of the decision within **15 working days** of the receipt of the appeal application with full and final documentation.

The decision of the Responsible Officer will be final and there will be no further right to appeal.

#### **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. NOCN will amend the Centre record and risk status.
- The level of sanction is confirmed.

## **4. Stage 3 – Independent Appeal Panel and Review**

Stage 3 is only available if you wish to appeal the outcome of Stage 2 (with the exception of Withdrawal of Centre approval or qualification approval).

See **NOCN Tariff** for fees.

The Independent Appeal Panel ensures there is an independent avenue for appeal if the appellant is not satisfied with the outcome of Stage 2.

The Panel will be comprised of two members of the Regulation and Enhancement Committee.

The appellant must submit the appeal within **10 working days** of the date of notification of the Stage 2 outcome. This must be submitted to the NOCN Responsible Officer via email ([managing.director@nocn.org.uk](mailto:managing.director@nocn.org.uk)).

NOCN will acknowledge receipt of the application within **3 working days** and send you details of the panel hearing.

The Independent Appeal Panel will meet **within 30 days** of receipt of the appeal.

NOCN will write to you within **10 working days** of the meeting with the Appeal Panel's decision and their reasons for the decision.

The Independent Appeal Panel's decision is final.

If a review is required, additional fees will be applicable.

**Note:**

If your appeal is upheld at any stage, appeals fees paid will be refunded, records will be adjusted and if applicable, replacement documentation will be issued without further charge.

NOCN aim to meet all stated timescales, but there may be circumstances that prevent them from being met. In such cases, NOCN will advise you and keep you informed of progress.

## 5. Quality Assurance

This policy will be reviewed on an annual basis. Next review date: April 2019

Version	Approved by	Date	Next Review Date
1.1	GHE	February 2018	April 2019