

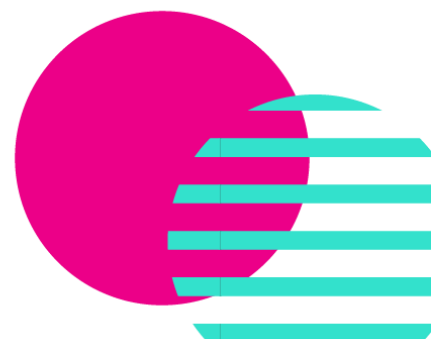


PART OF **nocn** GROUP



NOCN Appeals Policy and Procedure

28th March 2023 (V4.0)



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1. Scope

- 1.01 This policy and procedure details how a learner registered on a NOCN qualification or course, an apprentice completing an End Point Assessment, or an approved Centre can appeal against a judgement or decision made by NOCN.
- 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:
- a) NOCN Directors and Board of Trustees.
 - b) NOCN core, sub-contracted and associate staff, including External Quality Assurers (EQAs) and End Point Assessors (EPAs).
 - c) All staff of NOCN Delivery Partners associated with NOCN provision.
 - d) All staff in NOCN recognised/partner centres and training providers.
 - e) Learners registered on NOCN products.
 - f) Apprentices completing End Point Assessments.
 - g) Qualification¹, assessment and industry Regulators.

2. Purpose

- 2.01 The purpose of this document is to:
- a) Ensure that decisions made by NOCN are applied fairly, consistently and based on valid judgements.
 - b) Outline the judgements or decisions made by NOCN which can be appealed.
 - c) Outline the procedure for appealing to NOCN regarding an applicable decision or judgement.
 - d) Outline the potential outcomes following NOCN's review of an appeal.
 - e) Support adherence to the Conditions of Recognition by the qualification and assessment 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 the latest versions of NOCN policies and procedures. The appeals policy and procedure allows for Centre or a learner/apprentice (usually with support from their Centre/Training Provider) 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

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

delivery and assessment activities of NOCN products and cannot hear appeals regarding other factors, such as Centre or Training Provider fees.

- 3.03 NOCN cannot accept appeals from third parties, such as an employer or a relative of a learner or apprentice, unless there are exceptional circumstances.
- 3.04 Under this policy, the nature of appeals NOCN will accept includes, but may not be limited to, decisions or judgements regarding:
- a) The examination result of a learner.
 - b) The outcome of an End Point Assessment.
 - c) The outcome of a Centre-marked assessment.
 - d) The outcome of NOCN scrutiny of a Centre-marked assessment.
 - e) An application for reasonable adjustment or special consideration.
 - f) Validity of a NOCN assessment.
 - g) Application of a Sanction, including Centre withdrawal. Please note that centres cannot appeal Sanctions which have been applied due to 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 Feedback and 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 review 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, which will include a NOCN senior manager (Head of Department or above), and an independent person who is not an employee, Assessor or otherwise connected to NOCN, outside of their role in reviewing the appeal. NOCN will ensure that the individuals chosen to hear the Stage 2 Appeal have not been involved in the making of the original decision or involved in Stage 1 of the appeal procedure.
- 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. It is at NOCN's discretion to select and assign its appeal reviewers, which will be in line with this policy and procedure.

II. Applicable Fees

- 3.10 There are applicable fees at both stages of the appeal procedure. For appeals related to regulated qualifications and course, a full list of fees can be found within the NOCN Fees and

Charges document, available on the NOCN website. For fees related to End Point Assessment, the Training Provider should consult a copy of their contract with NOCN for the agreed End Point Assessment services.

- 3.11 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(s) will be refunded.
- 3.12 Upon receipt of an appeal, NOCN will request that the appropriate payment is made from the appellant. For all appeals, NOCN will raise the appropriate invoice for the fee to the learner/apprentice's Centre or Training Provider for payment.
- 3.13 Any decisions regarding an appeal will not be made by NOCN until confirmation has been received from the NOCN Finance Team that the appropriate 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 NOCN once payment has been received.

4. Stage 1 – Appeals Regarding an Examination or Assessment Result

- 4.01 To submit an appeal at Stage 1, the appellant must complete and submit the NOCN Application for Stage 1 Appeal form *within 20 working days* of the result being issued. The form can be found on the NOCN website here: www.nocn.org.uk/support/nocn-support/quality-assurance/
- 4.02 In submitting their appeal, the appellant must:
 - a) State the reason(s) for their appeal.
 - b) Be aware that their appeal may result in the result/grade being lowered (where applicable).
 - c) Provide the original certificate (where one has been issued) or a copy of the official notification of results from NOCN.
 - d) Provide a declaration to confirm the individual learner or apprentice's wishes to appeal.
- 4.03 NOCN will provide acknowledgement to the appellant within *5 working days* of receipt of their appeal and at this point will confirm if it is in or out of scope.
- 4.04 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.
- 4.05 There are three possible outcomes to the appeal regarding an examination or assessment result:
 - a) The result is confirmed.
 - b) The 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.
 - c) The result is downgraded. The revoking of a certificate will depend on the new result.
- 4.06 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.

I. Other Services

4.07 Separately from the appeals process, centres and training providers may request additional feedback from NOCN on the outcome of a learner or apprentice's assessment, as detailed below:

- a) For written or practical examinations/assessments: An individual feedback report – a subject expert will review assessment documentation to provide additional feedback on areas of strength and outline areas for learning and development (charges apply).
- b) For Multiple-choice examinations: A free administration check of multiple-choice examinations to ensure this has been marked correctly.

4.08 Individuals should contact NOCN to discuss the options available regarding the provision of additional feedback and whether this is appropriate for the nature of the applicable assessment.

5. Stage 1 – All Other Appeals

5.01 Dependent on the circumstances regarding an appeal, NOCN may be able to provide a potential appellant with clarification or evidence to support the decision being appealed. 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. To submit an appeal at Stage 1, the appellant must complete and submit the NOCN Application for Stage 1 Appeal form *within 20 working days* of the decision being made by NOCN. The form can be found on the NOCN website here: www.nocn.org.uk/support/nocn-support/quality-assurance/

5.03 For decisions related to qualifications and courses only, 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:

- a) State the basis for their appeal. This must be relevant and on reasonable grounds (as outlined in 5.05 and 5.06).
- b) Provide a signed declaration to confirm the individual's wishes to appeal.
- c) Provide the written outcome of the Centre's internal appeals procedure (where relevant).

5.05 The information and evidence provided by the appellant *must only* reference the decision being appealed. Appeal applications which raise matters that are not relevant to the decision being appealed will not be considered.

5.06 Appellants must ensure that their appeal is based on reasonable grounds which relate to the decision in question. The grounds for the appeal must demonstrate how NOCN did not apply its policies and procedures fairly in the making of the decision. Reasonable grounds for an appeal include where an appellant believes that:

- a) NOCN has not applied its policies or procedures properly, fairly or consistently.
- b) The decision made by NOCN was unreasonable and/or disproportionate to the seriousness of the case.
- c) Further evidence has come to light since the decision was made, which may counteract the decision and/or NOCN's findings.

5.07 Once received, NOCN will review the appeal to determine whether it is in or out of scope. This decision will be based on:

- a) Whether the grounds of the appeal are valid, relevant and reasonable, in line with this policy and procedure.
- b) Whether there is evidence to suggest or demonstrate that NOCN policies or procedures may not have been followed consistently and/or applied fairly.
- c) Whether the appeal has been submitted in line with required timescales detailed within this policy and procedure.

I. NOCN's Response

5.08 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.

5.09 Upon its acknowledgment of an 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 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.

5.10 Once an appeal has been deemed in scope, NOCN will assign the case to an internal appeal reviewer. The reviewer will complete a formal and evidence-based review of the appellant's case. The review will consider:

- a) The evidence and records which were used and relied upon by the NOCN representative in the making of the original decision.
- b) The contents of the appeal itself, alongside its supporting evidence.
- c) Current NOCN policies and procedures.
- d) Any relevant precedents or Regulator directives and guidance.
- e) Any other evidence which may be relevant to reach a sound decision regarding the appellant's case.

II. Stage 1 Appeal Outcome

5.11 NOCN will aim to respond to all Stage 1 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.

5.12 In all cases where an appeal is reviewed, a decision letter will be provided to the appellant (via email), which will contain the appeal reviewer's decision, alongside written confirmation of how this decision was made.

5.13 There are two possible outcomes to an appeal:

- a) The appeal is rejected - The original decision made by NOCN will stand.
- b) The appeal is upheld - NOCN will issue a refund of the appeal review fee and will review the findings to consider the best and most appropriate corrective action. Refer to Section 7 for further information.

5.14 If the appeal is rejected, 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 Stage 1 outcome letter.

6. Stage 2 – Independent Review

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 at least two individuals including a NOCN senior manager and an independent person. Stage 2 of the appeals process allows there to be independence 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 on the appropriate Stage 2 appeals form [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, ensuring that they detail how they believe NOCN did not make a fair or valid judgement, or did not follow its own policies and procedures, during the making of its original decision.
- b) Ensure that all documentary evidence to support their appeal is submitted at the same time as the appeal request. This documentary evidence will be provided to the Independent Panel to allow the appellant's case to be reviewed.

6.04 The information and evidence provided by the appellant [must only](#) reference the decision being appealed. The appellant may wish to include references to the review at Stage 1 of the appeal and why they believe this did not satisfactorily address their case. 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.

6.05 NOCN will provide acknowledgement to the appellant within [10 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. At this point, NOCN will instruct the NOCN Finance Team to raise the appropriate appeal fee.

6.06 Once an appeal has been acknowledged by NOCN, the appellant is not permitted to submit, provide or refer to any additional evidence, other than that which was provided at the time of the appeal submission, unless requests for additional evidence are made by NOCN.

I. NOCN's Response

6.07 If an appeal is deemed as in scope, NOCN will begin to make arrangements for the Stage 2 appeal. The individuals hearing the Stage 2 appeal may request the submission of further evidence from either party if they have determined they require this to ensure the appeal is appropriately reviewed.

6.08 The purpose of Stage 2 is to review and consider the evidence provided to establish whether NOCN followed its own policies and procedures properly and fairly in the making of the original decision.

II. Stage 2 Appeal Outcome

6.09 NOCN will confirm the outcome of the Stage 2 appeal in writing within *25 working days* of its acknowledgement to the appellant. A rationale for the panel's decision will be provided. There are two possible outcomes:

- a) The appeal is rejected - The original decision made by NOCN will stand.
- b) The appeal is upheld - NOCN will issue a refund of the appeal review fees and will review the panel's findings to consider the best and most appropriate corrective action.

6.10 Where the appeal is upheld, NOCN will take due regard of the Independent Panel's decision and may:

- a) Consider and implement measures for quality improvement.
- b) Amend its records and complete any necessary subsequent action, such as issue a corrected result.

6.11 In all cases, the Independent 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.

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 Effect² has occurred. Where this is the case, the relevant 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 organisations or individuals 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. Compliance with Regulator Appeal Processes

8.01 NOCN will ensure that in all cases, it will comply with all of the requirements of any appeals process established by the Regulators.

² *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.

- 8.02 Where a failure in NOCN policies, procedures or ways of working, including in its assessment processes, are identified during a Regulator appeal, NOCN will take all reasonable steps to identify any other individuals affected by the failure, mitigate the effect of the failure as far as possible and implement measures to prevent re-occurrences.
- 8.03 Where a Regulator notifies NOCN of a failure of another Awarding Organisation, NOCN will investigate as to whether a similar failure has occurred, or is likely to occur, in its own practices.
- 8.04 In all of these instances, NOCN will take the same action to address identified failures as it would if the failure had been discovered as part of its own appeals policy and procedure, as outlined in 7.02.

9. Document Control

- 9.01 This policy 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 NOCN via email at assurance@nocn.org.uk.
- 9.02 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/>.