



The Open University

ENQUIRIES AND APPEALS POLICY

This policy should be read in conjunction with the Common Code of Practice (section D and Appendix 1 paras 58-61 inclusive) and the NVQ Code of Practice (section D)

1 OBJECTIVE OF THIS POLICY

This policy is designed to enable the Open University Awarding Body (OUAB) and its approved centres to answer enquiries and to enable an appeal to be undertaken where required. This policy is intended for:

- OUAB staff
- OUAB External Verifiers (EVs)
- OUAB Approved centre co-ordinators
- candidates

and sets out the actions which should be taken by OUAB, EVs, centres and candidates in cases where an enquiry is made or an appeal is undertaken. It is the OUAB's responsibility to ensure that all of the above are aware of this policy.

This policy is available to centres on the OUAB website – www.open.ac.uk/ouab - and forms part of the Information Pack forwarded to centres on Centre Approval. It is the centre co-ordinator's responsibility to ensure that all relevant staff involved in the management, assessment or verification of OUAB qualifications are made aware of, and have access to, this policy. It is also the centre co-ordinator's responsibility to ensure that candidates are aware of this policy.

OUAB reviews and revises this policy regularly in response to feedback from centre staff, EVs and the regulatory authorities or changes in legislation. OUAB reserves the right to make changes to this policy as and when required.

2 DEFINITION OF AN ENQUIRY

OUAB quality assurance mechanisms ensure a very high level of centre and candidate satisfaction with approval / monitoring and assessment / verification outcomes, but occasionally enquiries from candidates or centres on decisions or outcomes may arise. These are of two types:

- I Assessment decisions affecting candidates' results
- II Other decisions affecting centres and candidates where appropriate

3 ENQUIRY - PROCEDURE

Enquiries:

- will be raised by the candidate, the assessor, internal verifier or centre co-ordinator
- if concerning assessment outcomes, must be lodged within one month of the assessment / verification decision

- must be in writing to OUAB using the OUAB Enquiries Form (see Appendix 1) or centre equivalent
- must be addressed to:

*OUAB Quality and Programme Manager
44 Bedford Row
WC1R 4LL*

OUAB must respond to the enquiry:

- promptly
- with notification to the OUAB EV if deemed appropriate
- within an agreed time-scale, usually one month from receipt of the enquiry
- by producing a written response
- by copying the response to the centre co-ordinator, candidate, assessor and internal verifier as relevant to the enquiry

The centre co-ordinator must then get agreement from the candidate, assessors and internal verifier as relevant to the enquiry, that:

- the response to the enquiry is acceptable OR
- the response to the enquiry is NOT acceptable and one or more parties wish to lodge a formal appeal

The centre co-ordinator must write to the OUAB Quality and Programme Manager communicating this outcome.

4 DEFINITION OF AN APPEAL

As identified above, OUAB quality assurance mechanisms ensure a very high level of centre and candidate satisfaction with approval / monitoring and assessment / verification outcomes, but occasionally genuine disagreements on decisions or outcomes may arise. OUAB, EVs and centres will then take all reasonable steps to resolve the disagreement quickly and informally, but if agreement cannot be reached, centres or individuals can insist on exercising their right to undergo a more formal appeal process. There are two types of appeal that may be made:

I Assessment / verification appeal by a candidate, assessor or internal verifier, where:

- there is disagreement between a candidate, assessor, internal verifier or EV on the outcome of an assessment or verification decision

II Approval / monitoring appeal by a centre, where:

- approval as a centre, or extension of approval to assess an additional qualification or qualifications, has been refused
- concerns about the ongoing operation of the centre have been expressed by the EV

5 ASSESSMENT / VERIFICATION APPEAL - PROCEDURE

Assessment / Verification appeals:

- will be initiated by the candidate, the assessor or internal verifier
- will be concerning assessment / verification of one unit, several units or the whole qualification
- must be lodged within one month of the assessment / verification decision
- must be in writing to the centre co-ordinator using the OUAB Appeal Application Form (see Appendix 1) or centre equivalent

Assessment / Verification appeals are dealt with using up to 3 stages:

Stage 1	Centre review
Stage 2	OUAB EV endorsement
Stage 3	Independent review

STAGE 1 - Centre review

The approved centre must undertake the review process:

- promptly, in response to an appeal application
- with notification to the OUAB EV that it is occurring
- by the centre co-ordinator nominating a person who is independent of the appellant, and the related qualification, and who:
 - is given access to the portfolio of evidence
 - is given access to the relevant assessors and internal verifiers
 - maintains a record of the conduct of the review
- within an agreed time-scale, usually one month from receipt of appeal
- by producing an explanatory report with a recommended assessment / verification outcome
- by copying the report to the centre co-ordinator, candidate, assessor and internal verifier as relevant to the appeal
- by copying the report to the OUAB EV

The centre co-ordinator must then get agreement from the candidate, assessors and internal verifier as relevant to the appeal, that:

- the outcome of the review is acceptable and the appeal is withdrawn OR
- the outcome of the review is NOT acceptable and one or more parties wish to take the appeal to an independent review, and hence seek EV endorsement for this.

The centre co-ordinator must write to the OUAB EV communicating this outcome, and the OUAB EV must communicate this to the OUAB, accompanied by a copy of the report, to:

OUAB Quality and Programme Manager
 44 Bedford Row
 WC1R 4LL

STAGE 2 - OUAB EV endorsement

Before an appeal can be given an independent review, it must receive an endorsement from the OUAB EV that all relevant centre actions have already been taken in an attempt to resolve the appeal. The OUAB EV should:

- consider the process and documentation of the Stage 1 review
- determine whether the grounds for the appeal had been properly established
- determine whether the centre dealt promptly and correctly with the appeal
- determine whether sufficient information is available to enable him/her to endorse the request for independent review
- notify the appellant and centre immediately of his/her endorsement of this request

Where, in considering an appeal, an OUAB EV finds there to be a serious deficiency in the conduct of assessments by an approved centre, he or she should review the centre's arrangements, including a site visit and make recommendations to OUAB. The OUAB EV has the discretion to recommend suspension of approval pending resolution of the serious deficiency.

STAGE 3 - Independent review

The request for the independent review must:

- be lodged with OUAB by the appellant
- be lodged within one month of the Stage 2 EV endorsement
- include the original appeal and the centre's report on findings
- include a summary report by the centre on the conduct of the appeal
- include a brief statement by the appellant indicating if they feel there have been shortcomings in the conduct of the appeal.

On receipt of this request, the OUAB will:

- acknowledge the request within 10 working days
- refer the request to an independent reviewer

The independent reviewer will:

- be identified as someone who is not, nor has been, at any time during the past seven years:
 - a member of the OUAB's board or committees
 - an OUAB employee or examiner
- determine how the Stage 3 review process is to be conducted, including right of representation
- identify all matters of policy or principle within the appeal
- submit appropriate recommendations to the OUAB Occupational Standards Board (OCSB)¹ for consideration by:
 - the OCSB itself
 - potentially also the OCSB quality sub-group.

The decision of the OCSB is final. The appellant is sent written notification within 5 working days of the final decision by the OCSB.

If the appeal is upheld OUAB commits to appropriate redress at no extra charge to the appellant.

Quality Implications

Should the results of an appeal call into question the accuracy of other results, in order to protect the interests of all candidates, the integrity of the qualification and the integrity of the National Qualifications Framework, the OUAB procedures in place would be, in the first instance, to inform the OCSB and the QCA and implement any measures that resulted from this communication.

¹ The OCSB is independent of the OUAB and oversees all matters of quality. It comprises members of the Open University and the sectors in which the awarding body operates.

6 APPROVAL / MONITORING APPEAL - PROCEDURE

Approval / Monitoring appeals:

- will be initiated by the centre
- will be concerning the approval, extension of approval or monitoring outcome of the centre by the OUAB EV
- must be lodged within one month of the approval / monitoring outcome
- must be in writing to OUAB using the OUAB Appeal Application Form (see Appendix 1) or centre equivalent

Approval / monitoring appeals are dealt with using up to 2 stages:

Stage 1 OUAB review
Stage 2 Independent review

STAGE 1 - OUAB review

OUAB must undertake the review process:

- promptly, in response to an appeal application
- with notification to the OUAB EV that it is occurring
- by the Quality and Programme Manager at OUAB, 44 Bedford Row, WC1R 4LL, who:
 - has access to the approval/monitoring documentation
 - visits the centre if deemed necessary
 - maintains a record of the conduct of the review
- within an agreed time-scale, usually one month
- producing an explanatory report with a recommended approval/monitoring outcome
- sending the report to the centre co-ordinator
- copying the report to the OUAB EV

OUAB must then get agreement from the centre that:

- the outcome of the review is acceptable and the appeal is withdrawn OR
- the outcome of the review is NOT acceptable and the centre wishes to take the appeal to an independent review

STAGE 2 - Independent review

The centre request for the independent review must:

- be lodged with OUAB Quality and Programme Manager within one month of the Stage 1 report sent to the centre
- include the original appeal
- include a brief statement by the centre indicating if they feel there have been shortcomings in the conduct of the appeal.

On receipt of this request, the OUAB will:

- acknowledge the request within 10 working days
- refer the request to an independent reviewer

The independent reviewer will:

- be identified as someone who is not, nor has been, at any time during the past seven years:
 - a member of the OUAB's board or committees
 - an OUAB employee or examiner
- determine how the Stage 2 review process is to be conducted, including right of representation
- identify all matters of policy or principle within the appeal
- submit appropriate recommendations to the OUAB Occupational Standards Board (OCSB)¹ for consideration by:
 - the OCSB itself
 - potentially also the OCSB quality sub-group.

The decision of the OCSB is final. The centre is sent written notification within 5 working days of the final decision by the OCSB.

If the appeal is upheld OUAB commits to appropriate redress at no extra charge to the centre.

Quality implications

The OUAB will cover this aspect of the work of the OCSB in its self-assessment reports to the regulatory bodies.