Appeals Policy
Excellence, Achievement and Learning (EAL) Ltd

Telephone: +44 (0) 1923 652 400
Fax: +44 (0) 1923 652 401
Email: customer.care@eal.org.uk
Website: www.eal.org.uk

EAL (Excellence, Achievement & Learning Ltd) is registered in England and Wales (02700780). Registered office: Unit 2, The Orient Centre, Greycaine Road, Watford, Herts, WD24 7GP
APPEALS POLICY

PURPOSE OF THIS POLICY

This policy is aimed at any party who wishes to appeal against a product or service delivered by EAL, which includes our centres who are delivering EAL qualifications and learners who are registered on or have taken an EAL approved qualification or unit. It sets out the process you should follow when submitting appeals to us and the process we will follow in response. The policy is also for use by our staff to ensure they deal with appeals in a consistent and timely manner.

It is our aim to always treat each appeal case fairly and consistently, in line with our policies and processes and to ensure our approach is in line with the General Conditions of Recognition and Principles set by the Regulators.

Each of our separate policies and the centre recognition requirements contain wording in regards to the appeals process and EAL will direct appellants to the main appeals policy at all times.

CENTRE’S RESPONSIBILITY

It is important that both learners and centre staff involved in the management, delivery, assessment and quality assurance of our qualifications are fully aware of the contents of this policy. In addition, centres must have their own internal arrangements which learners can easily access if they wish to appeal against a decision.

GROUNDs FOR APPEAL

- The results of internally (Centre) marked and externally (EAL) marked assessments and examinations results.
- Our decision to accept or decline requests for reasonable adjustments or special consideration arrangements.
- Our decisions relating to malpractice or maladministration investigation outcomes.
- Decisions relating to EAL imposing sanctions on a centre or individual (refer to EAL’s Sanctions Policy for rationale of sanctions and levels).
- Decisions regarding qualification approval risk status.
- Decisions concerning the withdrawal or suspension of centre/qualification approval.
- Procedural irregularity: Procedures were not followed in accordance with EAL guidelines.
- Perversity of judgement: the decision reached clearly breaches natural justice.
- Administrative irregularity: incorrect advice being given by a responsible staff member, which materially affects the outcome or decision.

EXTERNALLY MARKED ASSESSMENTS BY EAL

For externally marked assessments by EAL, the centre can ask for a learner’s examination result to be reviewed, alternatively a learner can request this directly but it is always suggested that individuals go through their centre initially; these requests are treated as an enquiry about results. EAL will arrange for the learner’s answers to be re-marked. There are a number of possible outcomes from the review of the examination results by EAL:
• The examination result is upgraded. (E.g. the grade is changed from Pass to Merit). EAL will amend its learner records and send the new certificate to the centre
• The examination result is downgraded (E.g. the grade is changed from Merit to Pass). EAL will amend its learner records, request the previous certificate is returned and send the new certificate to the centre.
• The examination result is confirmed. EAL will provide a report on the learner’s performance.

In all cases the results of the examination re-mark are communicated to the centre / learner, if the centre or learner disagrees with this decision then the centre/learner has the right to appeal following EAL’s appeals procedure outlined in this policy.

PROCESS FOR RAISING AN APPEAL

Following the initial decision made by EAL concerning any of the areas stated in the grounds for appeal paragraph, you have 20 working days from the date EAL notified you of the decision of the outcomes to raise an appeal with EAL.

In the case of assessment decisions made by centres, they are managed firstly internally through the centre’s own appeals policy and procedures. If a learner is not satisfied with the outcome of the appeal, they are entitled to submit their appeal to EAL.

An appeal request should be submitted using the relevant Appeals Request Form and emailed to EAL via: customer.care@eal.org.uk. EAL’s appeals policy and appeals submission forms are available to centres and appellants through our website and also within the EAL centre management system (SmarterTouch) for all recognised centres.

If an appeal is submitted, you may choose to withdraw the appeal at any time, informing EAL of the reason.

STAGE 1 APPEAL PROCESS

Stage 1 - All appeals to EAL will be acknowledged within 2 working days and we aim to respond with an outcome decision within 20 working days. EAL will undertake an internal review of the appeal to reach an outcome. In some cases the review process may take longer as further evidence or an investigation may be required. In such instances we will contact the appellant to inform them of the likely revised timescale.

For a stage 1 appeal there are two possible outcomes:

• The appeal is upheld because the correct processes, procedures and/or policy documents were not followed. EAL will inform all parties in writing of this decision.
• The appeal is rejected because the correct processes, procedures and/or policy documents were followed. If this is the case, EAL will inform all parties in writing of this decision and also inform the appellant details of how to move to a stage 2 appeal with EAL.

STAGE 2 APPEAL PROCESS

Stage 2 - Whilst all appeals are normally resolved at Stage 1, if you do not feel the appeal has been satisfactorily resolved, you have the right to take the appeal to Stage 2, whereby the EAL Appeals Panel will consider all evidence and assess whether procedures were
followed consistently and applied properly and fairly in line with our policy to arrive at a judgement.

For all stage 2 appeals, a Head of Department/Manager/Leader not involved in the original appeals decision and one independent person (this will not be or will not have been a member of EAL’s Board or committees, an EAL employee or an EAL External Contractor at any time) and the Chair of the panel, will review the application, supporting documents and any records relating to the original decision.

The Appeals Panel review process may involve:

- A discussion with the appellant, centre and/or the learner and/or EAL personnel
- A request for further information from the appellant, the centre and/or the learner and/or EAL personnel
- A centre visit by authorised EAL personnel

The Appeals Panel’s decision is final and EAL will inform you of the outcome within 20 working days of the completion. If circumstances require additional time, EAL will keep you informed about the progress and the likely timescale for resolution.

If you still believe that EAL have not followed its appeals procedure correctly you are entitled to raise the matter with the relevant Regulator(s).

Where an investigation following notification from the Regulator(s) indicates a failure in our processes, EAL will give due consideration to the outcome and will, as appropriate, take actions such as:

- Amend the profile record of the centre concerned;
- Identify any other learners who have been affected and amend the results for the learner(s) affected following an appropriate investigation;
- Correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure;
- Review our associated processes and policies to ensure that the ‘failure’ does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected.

We will also cooperate with any follow-up investigations required by the Regulator(s) and agree any appropriate remedial action with them.

SQA Accreditation is unable to overturn assessment decisions or academic judgements.

**FEES**

A fee will be charged to cover administration costs and all fees are required to be paid in advance.

<table>
<thead>
<tr>
<th>Appeals</th>
<th>Fee (ex. VAT)</th>
</tr>
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<tbody>
<tr>
<td>Stage 1</td>
<td>£150.00</td>
</tr>
<tr>
<td>Stage 2</td>
<td>£300.00</td>
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REVIEW ARRANGEMENTS

EAL will review the policy annually as part of our self-evaluation arrangements; Amendment and review may also be in response to feedback requests or good practice guidance issued by Regulators, to align with their appeals and complaints process.

CONTACT US

If you have any queries about the contents of this policy please contact the Governance & Regulation Team at: customer.care@eal.org.uk

If you would like to make an appeal please complete the relevant Appeals Request Form Stage 1 or Appeals Request Form Stage 2 and send to customer.care@eal.org.uk.