

# Learner Appeals Policy and Procedure

## Introduction

This policy is aimed at our customers including learners, who are enrolled or have taken our qualifications or units. It sets out the process that the learner, the Academy<sup>1</sup> and awarding Body<sup>2</sup> will follow when an appeal is submitted.

Aims:

- Enable the learner to appeal as well as, enquiry against an assessment decision.
- Record any appeals ensuring the promotion of fairness.
- Facilitate the learner's right to appeal to the awarding body, when necessary.
- Record and track any appeal.
- Keep all records with regards to appeals for inspection by the awarding body for a minimum of 18 months.
- Monitor appeals informing quality assurance team.
- This policy will be reviewed every 12 months by the Head of Education.

## BISMA's rights and responsibilities

- BISMA is committed in considering all points raised by students, when appealing against an assessment decision, ensuring that there is no potential conflict of interest
- We will ensure that staff explains the outcome of the appeal to the student, and also we will ensure that the student understands and knows what further steps can be taken.
- BISMA will inform the student that a witness can be brought to any meetings or hearings that could take place as a result of the appeal.
- We will always respect confidentiality, disclosing only the relevant and necessary information to be considered when dealing and/or responding to the student's appeal.

The Academy reserves the right to rule that there are no grounds for the appeal to be considered; in this case the student will then be advised accordingly. Once the student's appeal has been considered the student will receive a reply directly from the staff who has considered the student's case.

We will make sure our learners and staff involved in management, assessment and quality assurance of all our qualifications are aware of the content of our policy. We are committed in providing a robust internal appeal arrangement and procedures before bringing the matter to Active IQ.

## Review arrangements

The policy will be reviewed annually and revised when necessary in response to learner feedback, customer complaints or suggestions and good practice guidance issued by Active

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<sup>1</sup> Academy: refers to BISMA. PS: Please note that BISMA is also referred as "training provider" in this Policy.

<sup>2</sup> Awarding Body: refers to Active IQ. PS: Please note that Active IQ is also referred as "Awarding Organisation".

IQ.

### **Areas of Appeal covered by the policy**

This policy covers:

- Appeals from learners in relation to assessment decisions on the basis that we did not apply procedures consistently or those procedures were not followed properly and fairly. This includes: marking of coursework, practical assessments, final results of assessment units and external assessments for e-learning students.
- Ineffective Reasonable Assessment Adjustments and or Special Considerations requested.
- Appeals from students, regarding malpractice or maladministration, for example complaints with regards to the learner suspecting that the assessor or another staff involved in the assessment process behaved in an inappropriate manner during the assessment.
- Appeals regarding medical issues that affected the assessment process and could have influenced the student's performance. Please note that a letter from a medically qualified person may be required to proceed with your appeal.

### **Grounds for appeal**

There are several grounds of appeal that could be made by students; these are some examples of accepted grounds of appeal:

- Appeals regarding a BISMA assessor that conducted the assessment in an inadequate way, in which the assessor's behaviour could have had a negative effect in the assessment process.
- Appeals regarding BISMA not providing appropriate and adequate agreed Reasonable Assessment Adjustment
- Appeals regarding disagreement between BISMA and the student with regards to the Academy's final decision about a request of a Special Consideration.
- Appeals regarding medical issues that could alter the outcome/results of an assessment/exam, BISMA will require written evidence from the assessor and/or a medically qualified person with regards to this matter.
- Appeals regarding BISMA not conducting assessments in accordance with Active IQ's guidance and requirements

## **Student process for raising an appeal**

BISMA aims to provide high quality trainings and assessments at all times, if you think that our services didn't meet your expectations or that a decision is unfair, you have the right to query, you also have the right to appeal against it. This policy contains the generic procedures for querying and appealing against the decisions from our Assessment decisions.

The Learner appeals procedure consists in 3 stages:

### Stage 1 – Query: (Complaining to the Assessor or other Staff involved in the query)

Initially your first query against a decision will be usually referred back to the Tutor and/or Assessor and/or any other member of staff that have been involved directly in your case. For Example: If your query regards an assessment decision, your complaint should start with the assessor that made the decision that you are querying about.

All queries against an assessment decision have to include the following:

- Academy's name, address and contact details
- Learner's name and (if known) awarding body, registration number
- full nature of appeal
- date and time of the incident, staff involved (please include their name and job title)

If an appeal is made by a third party on behalf of the learner there has to be a written permission of the learner concerned. Please note the grades/results can go down as well as up as a result of an investigation.

Make sure you explain your concerns on your query, including details about who were involved, what has happened and any relevant details to your case; please include any earlier communication as well, and any relevant supporting evidence.

Please note that all queries must be made in writing, we will confirm that we received the query within 5 working days of receiving it, and respond to the appeal within 10 working days from the date that we received the query. BISMA will inform the learners about how to appeal to the awarding body (Active IQ) if the learner feels that BISMA did not provide appropriate appeals procedure for the student's appeal.

Once you received the full answer to your query, you may still remain dissatisfied, in this case the query can be escalated to the next stage "appeal – stage 2". If you have additional information relevant to your case or got any evidence of irregularity of our procedures, in both cases you will also be able to escalate your query to the next level: "appeal – stage 2".

### Stage 2 Appeal: (Appeal to the Lead Internal Verifier)

In the stage 2 – Appeal, you can make a formal appeal to the Lead IV (Internal Verifier) explaining why you are dissatisfied with the outcome of your query. To be able to make a formal appeal you will need to write to the Academy within 28 days counting from the date of

the response to your query - stage 1. At this point, you should explain, including as much details as possible, the grounds of your appeal and attach any relevant information or correspondence.

The Academy's Lead IV will send you an acknowledgement of your stage 2 – appeal within 5 working days of receiving the appeal. You will be informed about who is going to be dealing with your appeal.

After that, we will investigate the appeal, please note that your learner's records and documentation(s) will be retained during the investigation process.

An appointed person will look at several aspects of your appeal, including:

- If there are grounds to justify and uphold a formal appeal.
- If the decision(s) taken by Centre's staff was/were taken fairly taking into consideration the Academy's policy and procedures.
- And also if all relevant information - have been taken into account.

Decision for stage 2:

The Academy will inform you about the decision of your inquiry, making all necessary efforts to resolve the issue internally, if you remain dissatisfied, you will be able to ask the course's Awarding Body (Active IQ) to review the case.

Stage 3 Learners Appeal Process to the Awarding Body: Appeal to the External Verifier (EV) and/or Lead External Verifier (LEV).

At this stage the Learner should contact the external verifier (EV) or if the EV is unable to deal with this issue, the learner should send a letter to the Lead External Verifier (LEV). Once the Learner contacted the EV or LEV the Awarding Body will send an acknowledge receipt, normally within 48 hours and aim to fully respond within 20 days, however it may take longer to resolve the issue if a centre visit is required. Active IQ will contact all parties concerned to inform them of the likely revised timescale.

All appeal decisions will involve the following:

- an Awarding Body staff who has no personal interest in the decision being appealed against
- at least one decision maker who is not an employee of BISMA, and is not working as an assessor for the centre or be otherwise connected to our organisation

PS. All individuals involved in the appeal decisions will have the relevant competency to make a decision in relation to the appeal. The Awarding Body will review the appeal and will write to the appellant with their decisions to either:

1. Amend the original decisions considering the evidence being put forward

2. Confirm that the awarding body stands by the original decision(s) from BISMA's assessor, and in doing so the rationale for this decision and request that you confirm, within 15 days, whether you now accept this decision or if you wish to proceed to our independent review appeals process.

#### Stage 4: Learners Appeal Process: Hearing

If the learner is still dissatisfied with the stages 1-3, the student may be offered to participate in a formal hearing regarding the appeal raised by the learner.

The hearing is normally organised within six weeks of the decision from stage 3 and is normally conducted by a panel that will analyse the complaint. The hearing could include:

- a Director or senior manager of Active IQ
- the Lead External Verifier (Active IQ)
- an independent person that would analyse the appeal, normally a board member
- a Director or senior manager from BISMA
- a chairperson employed by Active IQ

PS. There could be a fee for this level of appeal; learners will be informed about this fee, using up-to-date information from the Active IQ appeals policy. Please note that the fee could be refunded if the appeal is successful.

#### Stage 5 – Learners Appeals Process: Independent review

This stage is only carried out if stages 1-4 have been unsuccessful and the student is still dissatisfied with the decisions made by all other stages. If the learner decides to proceed to the independent appeal stage, we will arrange for an independent appeal to be carried out. The independent reviewer must meet the following criteria:

- The student must submit the request for an independent review within 20 working days from the day that the student has been informed about the outcome from the stage 4.
- The independent reviewer will not be an employee of BISMA or Active IQ, be working as an assessor for us or otherwise connected to our organisations.
- The appointed independent reviewer must have the relevant competencies to make a decision in relation to the appeal and not have personal interest in the decision being appealed against.
- The independent reviewer will decide if BISMA and Active IQ proceeded correctly, following the appeals process.

Please note:

The independent reviewer's decision is final in relation to the initial appeal. The reviewer's decision report will be informed to all parties.

### **Further Guidance:**

Students appealing against the assessor's decision need to file a complaint accompanied by video evidence of the assessment. PS. Student has the right to record the assessment process as long as it doesn't interfere with the assessment process. If the student wishes to record an assessment, the student will be responsible for arranging a video operator.

Learners are responsible for informing BISMA (prior to their assessment) if they suffer from any medical condition that could affect their performance during the assessment.

BISMA will investigate appeals related to the theory and practical aspects of the student's course including:

- The way that the theory paper or practical assessment has been delivered/proceeded
- Marking of online and in-doors theory papers
- Content of online content and theory paper

Students need to ensure that they contact BISMA about their complaint within 20 working days (excluding Bank Holidays) starting from the date that the learner received the results from the assessment process.

All enquiries relating to the appeals policy and procedures should be addressed to

Training Provider:

- Name: BISMA
- E-mail: [info@bisma.co.uk](mailto:info@bisma.co.uk)
- Phone: 0800 612 796

Awarding Body:

- Name: Active IQ
- E-mail: [info@activeiq.co.uk](mailto:info@activeiq.co.uk)
- Phone Number: +44(0)1480 467950