

Appeals Policy

Introduction

This policy is aimed at our customers, including learners, who are delivering/enrolled on or have taken an MTB Exams Ofqual regulated approved qualification or unit. It sets out the process you should follow when submitting appeals to us and the process we will follow when responding to enquiries and appeals. This policy should not be used to appeal assessment results. To appeal an assessment result, please see our policy 'Appealing an Assessment Result'. The term 'centre' used in this policy should be taken to mean and apply to MTB registered centres.

It is also for use by our staff to ensure they deal with all appeals in a consistent manner.

Centre's responsibility

It's important that your staff involved in the management, assessment and quality assurance of our qualifications and your learners are aware of the contents of the policy.

In addition, by registering as a centre, you confirm that you *either* have your own internal appeal arrangement which learners can access if they wish to appeal against a decision taken by your centre *or*, if you do not have such an arrangement at the moment you, agree to implement our *Internal Appeals Procedure Document for Centre Use* which is available on our website. If an individual wishes to appeal against a decision taken by you/your centre, they must, first of all, try to resolve the issue directly with you/your centre before bringing the matter to MTB Exams. Consequently, if you have your own policy it must align to the timescales of our Appeals Policy to enable learners to have time to appeal directly to MTB Exams should they fail to resolve the issue through the Centre.

Review arrangements

We'll review the policy annually as part of our self-evaluation arrangements and revise it, as and when necessary, in response to customer and learner feedback or requests from, or good practice guidance issued by, the regulatory authorities (e.g. to align with any appeals and complaints process established by the regulatory authorities such as Ofqual). If you would like to feedback any views, please contact us via the details provided at the end of this policy.

Fees

There is a £40 administrative fee to cover the administrative and personnel costs involved in dealing with appeals. This fee will be refunded if the Appeal is upheld. If the Appeal is only partially upheld then 50% of the fee will be refunded.

Areas covered by the policy

This policy covers:

- Appeals from learners and/or centres in relation to an assessment decision on the basis that we did not apply procedures consistently or that procedures were not followed properly and fairly.
- Appeals from centres in relation to a MTB Exams decision concerning a centre's application to offer a MTB Exams qualification.
- Appeals from centres concerning the contents of a centre monitoring report.
- Appeals from centres and/or learners relating to a MTB Exams decision to decline a centre's request to make reasonable adjustments or give special considerations.
- Appeals from learners, centres or associates that personal bias by a teacher/examiner or moderator has affected the result.
- Appeals from centres or learners in relation to the application by MTB Exams of a sanction/action on a centre resulting from a moderation report or an investigation into malpractice or maladministration or a decision to amend a learner/set of learners' results following a malpractice or malpractice investigation.
- Appeals from centres relating to a decision made by MTB Exams following an investigation into a complaint about a centre or associate.
- Appeals if you believe we have not applied our procedures consistently or that procedures were not followed properly, consistently and fairly.

Process for raising an appeal

You (and your learners) have 20 working days from the date we notified you of the decision you are appealing against in which to lodge an appeal against our decision. Please note that this policy does not cover appealing assessment results; if you wish to appeal an assessment result, please see our Requesting a re-mark policy. This can be found on the MTB Exams website.

If you appeal on behalf of your learners you must ensure that you have obtained the written permission of the learner(s) concerned.

Learners who wish to appeal a decision should either be supported by the centre or should have tried to resolve the issue with or through the centre before appealing to us. In the latter case, learners must provide us with evidence that they have first appealed to the centre. It's expected that learners will only appeal directly to us in exceptional circumstances.

Centres should contact MTB Exams by email in order to submit an Appeal on behalf of a learner and or the centre and in doing so supply relevant supporting information such as the following where relevant:

- learner's name and MTB Exams registration number.
- date(s) you or the learner received notification of MTB Exams' decision.
- title and number of the MTB Exams qualification affected or nature of service affected (if appropriate).
- full nature of the appeal.
- contents and outcome of any investigation carried out by you relating to the issue.

Situations brought to our attention by the regulatory authorities

Where the regulators notify us of failures that have been discovered in the assessment process of another awarding organisation, we will review whether or not a similar failure could affect our own assessment processes and arrangements.

Initial review of the appeal details

Upon receipt of all appeals our MTB Exams administrator will acknowledge receipt of the appeal within three working days and aim to respond fully to the initial

review of the potential appeal within 20 working days. Please note that in some cases the review processes may take longer. In such instances, we'll contact all parties concerned to inform them of the likely revised timescale.

Appeals will usually be passed to the Head of Quality Assurance to investigate. At all times we will ensure that MTB Exams personnel assigned to the appeal investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter. If the MTB Exams Head of Quality Assurance has an involvement in the appeal matter, they will not be responsible for overseeing and managing the investigation or for allocating a member of staff to carry out the investigation.

The first stage will be for us to undertake an initial, informal assessment of all potential appeals to ensure the application is complete and to ascertain if the issue can be resolved before it goes to a formal appeal. In all instances we will ensure that the person carrying out this initial check will not have a personal interest in the outcome of the appeal.

Following the initial review of the potential appeal we will email the appellant (if it is from a centre this will be done via email directly to the centre) with details of our decision either to:

1. amend our original decision in light of the new rationale/evidence being put forward and which has now been reviewed.
2. to confirm we stand by our original decision and in doing so the rationale for this decision and request that you confirm, within 15 working days, whether you now accept this decision or if wish to proceed to our formal appeals process which will be carried out by an independent party.

Seeking an independent review

If you decided to proceed to the independent appeal stage we will arrange for an independent review to be carried out.

This will be carried out by someone who is not an employee of ours, an assessor working for us, or otherwise connected to our organisation. They will also be someone with the relevant competence to make a decision in relation to the appeal and will not have a personal interest in the outcome of the appeal.

The Independent Reviewer will review all the evidence which took place in the above stages and review if we've applied our procedures fairly, appropriately and consistently in line with our policy.

The independent review process may involve:

- a discussion with the appellant or the learner and MTB Exams or centre personnel.
- a request for further information from the appellant, the learner or MTB Exams or centre personnel.
- a centre visit by authorised MTB Exams personnel.

The Independent Reviewer's decision is final in relation to how MTB Exams will consider such appeals and we'll let you know the outcome of the review within 20 working days of receipt of the previous appeal.

There is a £50 administrative fee required, in addition to the original Appeal administrative fee, to cover the costs involved in this independent review process. If the Appeal is upheld then both the original and independent Appeal fees will be refunded. If the Appeal is only partially upheld then 50% of the Appeal Fees will be refunded.

Successful appeals and/or issues brought to our attention by Ofqual

In situations where an appeal has been successful, or where an investigation following notification from Ofqual indicates a failure in our processes, MTB Exams will give due consideration to the outcome and will as appropriate take actions such as:

- amend the profile of the centre concerned in the MTB Exams Registered Centres File.
- identify any other learners who have been affected or, where it cannot be corrected, mitigate as far as possible the effect of the failure of process (e.g. and amend results for any learner(s) affected following an appropriate investigation).
- review our associated processes and policies to ensure that the 'failure of process' does not occur again or mitigate the situation as far as possible if the failure of process that occurred cannot be corrected.

We will also cooperate with any follow-up investigations required by the qualifications regulators and if appropriate agree any remedial action with them.

Contact us

If you have any queries about the contents of the policy or if you need to contact the MTB Exams admin team, you can view the appropriate regional contact details on our 'Contact' page on the relevant MTB regional site.