

# Appeals Policy

## Introduction

This document sets out 1st4sport's policy for dealing with appeals to ensure that we are outlining and applying our processes, procedures, and policies in a fair and consistent way for our customers. The policy relates to all Awarding and End-Point Assessment operations within and across 1st4sport. The policy forms part of 1st4sport's quality assurance arrangements by allowing you (the appellant) to outline your views/grievances in relation to a decision or action we have taken.

This policy applies to:

- 1st4sport Awarding Organisation, including End-Point Assessment (EPA)
- external stakeholders, including our customers and learners/apprentices
- any future business units or subsidiaries.

## Appeals Against Recognised Centre/Training Provider Decision

If a learner/apprentice believes they have grounds for an appeal against a recognised centre/training provider decision, they must initially follow the recognised centre/training provider appeals process in the first instance. 1st4sport would not normally consider an appeal until the centre's/training provider's procedure has been completed.

## Purpose

The purpose of an appeal is to learn if we have applied the correct processes, procedures and policies in a fair and consistent way.

## Grounds to Make an Appeal

If stakeholders believe they have grounds for an appeal against a 1st4sport procedural decision, they should follow the reporting process detailed within this policy.

For an appeal to be considered by 1st4sport, specific grounds for the appeal need to be supplied, which must be either:

- Information and/or evidence to oppose and potentially change the original procedural decision.

or

- Information and/or evidence to show that the original decision-making process was not handled in line with 1st4sport established procedures.

## Activities Eligible for Appeal

- outcome of an enquiry about results and assessment decisions
- outcome of an application for reasonable adjustments or special consideration
- outcome of a maladministration or malpractice investigation
- outcome of a decision to impose a sanction resulting from a malpractice or maladministration investigation
- a review of an EPA assessment decision
- outcome of a review of an appeal (stage 1) decision
- termination of product and/or centre approval status for maladministration or malpractice, or termination for breach of Centre Agreement.
- a learner disagreeing with a recognised centre assessment decision, with evidence to support that the centres appeals procedure and process has been followed and the outcome is still to be challenged.
- a learner disagreeing with a recognised centre decision to remove the learner from a qualification, with evidence to support that the centres appeals procedure and process has been followed and the outcome is still to be challenged.

## The Appeals Procedure Will Not Include:

- a reassessment of external assessments
- a review of qualification assessment decisions
- a review of the content of External Quality Assurance visits reports
- an External Quality Assurance visit
- a change to a decision/sanction imposed
- a change to the centre's approval status.

## Appeal Fee

1st4sport Qualifications will charge a fee of £50 to cover the administrative costs that are involved with dealing with an appeal, this will be refunded should the appeal be upheld.

## Who Can Appeal?

A recognised centre or training provider can send an appeal on behalf of a learner/apprentice or a group of learners/apprentices, with the explicit written permission of that learner/apprentice or group of learners/apprentices.

Learners/apprentices and/or their parents or legal guardians can send an appeal directly to 1st4sport. If they must initially follow the recognised centre appeals process in the first instance.

If you or any other relevant party wish to be legally represented in relation to any aspect of the appeal, we must be informed in writing; this must include details of who, what their credentials are and what interest they have in the appeal case. We reserve the right to also be legally represented.

## Submitting an Appeal Application

You must send a written request for an appeal to [centreservices@1st4sportqualifications.com](mailto:centreservices@1st4sportqualifications.com) (clearly labeling the subject as an appeal) within 30 working days of receiving the original decision, the outcome of an enquiry or the outcome of a review of an appeal (stage 1), to enable us to consider the appeal application following the appeal acceptance criteria as outlined in this policy.

Your request should include a clear rationale as to why you believe that we did not properly or fairly apply our relevant processes, procedures, or policies and must include supporting evidence.

Learner authorisation must be collected by the centre and kept for at least six months following the outcome of an appeal and in compliance with relevant legislation. We reserve the right to inspect such evidence. Failure to keep such evidence will be considered centre malpractice and will be dealt with following our Maladministration and Malpractice Policy.

If your application does not include sufficient information or evidence, we will inform you in writing, and include a final deadline for the submission of any further information and evidence to support your appeal application.

## Timescales Following an Application Made

We aim to action and resolve a review of an appeal within 20 working days of acceptance of an application.

Please note that in some cases, particularly where the case may be complex and/or an independent person is not available within this timescale, the appeal may take longer than 20 working days. In such instances, we will inform you of the revised timescale and the reason(s) why.

## Appeal Application Acceptance

The decision of whether to accept the application for an appeal is based on:

- whether the appeal sent falls within our acceptance criteria
- whether any other relevant/required process, procedure or policy has first been completed (e.g., enquiry about results/assessment decisions)
- whether there is sufficient evidence that our relevant processes, procedures and policies have not been consistently and fairly applied
- whether learner or centre maladministration or malpractice has occurred in relation to the process or appeal
- the timescale of the application.

If we reject an appeal application, the reason(s) for this will be provided to you in writing within 5 working days of the decision being made; this will include information about appealing to the Independent Appeals Committee where this is allowed.

If we accept an appeal application, we will appoint an independent member of staff who will send an acknowledgement letter or email within 5 working days.

## Stages of an Appeal

There are two stages of an appeal.

### Stage 1 Review of Appeal

The first stage of appeal is a desk-based procedure that is completed by 1st4sport staff who were not involved in the original process or procedure. The appointed member of staff, or committee of staff, under normal circumstances, will not be a Subject Matter Expert. However, they will be experienced on all applicable processes, procedures, and policies.

#### Review

This stage will form an objective, factual based review of:

- whether we have properly and fairly applied our relevant policies processes and procedures considering the evidence presented, including any records available relating to the original decision
- any readily available Regulators' advice on similar matters, if applicable
- any readily available Awarding Organisation precedents, if applicable.

#### Outcome

An Appeal Outcome Report will be sent via letter or email to you, which will detail the outcome of stage 1 within 5 working days of the decision being made. This will be either 'appeal upheld' or 'appeal rejected' and will include any remedial action or details of how to appeal to the Independent Appeals Committee.

- **Appeal Upheld**

If the stage 1 review found that we had not correctly applied our processes, procedures or policies fairly or consistently, we will send you an appeal outcome letter or email, which will include remedial actions to be completed, including timescales.

- **Appeal Rejected**

If the stage 1 review found that all processes, procedures, and policies were applied correctly and in a fair and consistent way, we will send you an appeal outcome letter or email, which will include information on how to send an appeal to the Independent Appeals Committee, where applicable.

### Stage 2 Independent Appeals Committee

An Independent Appeals Committee will be set up to ensure that there is an added level of independence if you are not satisfied with the decision or outcome following stage 1 of the appeals procedure.

The Independent Appeals Committee will consist of, as a minimum, one independent 1st4sport member of staff who was not involved in the original process or stage 1 of the appeal, and an independent person who will be appointed by us.

## Submitting an Appeal Application to the Independent Appeals Committee

You have the right to send an appeal to the Independent Appeals Committee following completion of the stage 1 appeals procedure if you are not satisfied with our decision or outcome.

You must send a written request to the Independent Appeals Committee, which should include a clear rationale as to why you believe that we did not properly or fairly apply our relevant processes, procedures, or policies, and must include supporting evidence to [centreservices@1st4sportqualifications.com](mailto:centreservices@1st4sportqualifications.com) (clearly labelled the subject as a stage 2 appeal).

If your application does not include sufficient information or evidence, we will inform you in writing, and include a final deadline for the submission of any further information and evidence to support your appeal application to the Independent Appeals Committee.

### Stage 2 Appeal Application Acceptance

The decision of whether to accept the application for an appeal is based on:

- whether a stage 1 appeal has been completed
- whether the appeal is sent as needed and falls within our acceptance criteria
- whether you have supplied sufficient evidence that our relevant processes, procedures and policies have not been consistently and fairly applied

If an application for a stage 2 appeal is rejected, the reason(s) for this will be provided in writing within 5 working days of the decision being made.

If the application for a stage 2 appeal is accepted, the Independent Appeals Committee will send an acknowledgement notification within 5 working days of the decision being made and request all information and supporting evidence from both parties. All evidence must be sent 5 working days prior to an appeal committee meeting.

### Stage 2 Appeal Meeting

The purpose of the Independent Appeals Committee meeting is to consider your appeal application and supporting evidence from both parties to decide, beyond reasonable doubt, whether we have properly and fairly applied our relevant processes, procedures and policies considering the evidence presented.

The Committee will consider any readily available Regulators' advice on similar matters and any readily available Awarding Organisation precedents. The Independent Appeals Committee will consider all evidence from the stage 1 appeal and will request further information and evidence from both parties where needed.

The Committee will aim to make a unanimous decision when deciding the outcome of the appeal.

The Independent Appeals Committee may require representation from both parties to attend the appeal hearing, either in person or via telephone. This will enable the members of the Committee to question representatives from both parties.

The meeting will re-examine evidence presented from all parties, comments and reports provided to and by 1st4sport, and any observations or submission from the appellant.

In an appeal concerning a clerical check, a review of marking or a review of moderation, the test applied by the committee will be whether:

- The awarding body has applied its procedures consistently, properly, and fairly in arriving at judgements; and/or
- There has been a marking or moderation error, or a review of marking or review of moderation error.

In an appeal related to malpractice, the committee will consider, on the balance of probabilities, whether there was sufficient evidence to support the finding of malpractice and how right the original penalty or sanction was considering the JCQ (Joint Council for Qualifications) Malpractice regulations, awarding body precedents and any other information provided by the appellant or awarding body.

In an appeal focusing on access arrangements, reasonable adjustments or special consideration, the committee will consider whether the awarding body's actions were consistent with the published procedures and were fair.

## Stage 2 Appeal Outcome

An Appeal Outcome Report will be sent via letter or email to you, which will detail the outcome of the Independent Appeals Committee within 5 working days of the decision being made. This will be either 'appeal upheld' or 'appeal rejected' and will include any remedial action.

Under no circumstance should the appellant contact members of the Independent Appeals Committee about the outcome of the appeal once it has been shared with relevant parties.

### • Appeal Upheld

If the stage 2 review found that we had not correctly applied our processes, procedures or policies fairly or consistently, we will send you an appeal outcome letter or email, which will include remedial actions to be completed, including timescales.

If an appeal is upheld, the committee may:

- Refer the matter back to 1st4sport for further consideration or with recommendations
- Direct 1st4sport to carry out further work
- In cases of malpractice, remove or confirm the finding of malpractice, and/or confirm or amend the sanction.

### • Appeal Rejected

If the stage 2 review found all processes, procedures and policies to have been applied correctly and in a fair and consistent way the appeal will be rejected. The decision of the Independent Appeals Committee is final and will complete our appeals procedure. We will not accept any further appeal. Should you disagree with the decision, you have the right to express your dissatisfaction about our actions, products or services through our Complaints Policy, which is available on our website.

## Appeals to our Regulators

Where your appeal relates to a regulated qualification and you are still dissatisfied with our actions, you may contact our qualifications regulators. Our regulators would need evidence that you have fully exhausted our appeals procedure.

