

RSL VQ Appeals Policy Summer 2020

Policy to be used for results issued during the implementation of the extraordinary regulatory framework in 2020

1. Introduction

This policy is aimed at centres which are involved in the delivery and assessment of RSL Vocational Qualifications and should be used for any qualifications which are subject to the requirements of the extraordinary framework implemented by the qualifications regulators in England, Wales and Northern Ireland in 2020.

This policy has been drafted with reference to the guidance issued by Ofqual in May 2020¹ in which Ofqual have stated the following with regards to the grounds for appeal:

An awarding organisation should consider whether it will need to adapt its usual appeal process to cater for the results that it issues under the VTQCov Conditions. For example, the closer the approach used by an awarding organisation to calculate results is to that used for general qualifications, the more it may consider it appropriate to follow an appeals process similar to that set out in Condition GQCov5.

We note that in his direction to Ofqual in relation to VTQ Qualifications¹, the Secretary of State made clear that he wishes appeals in relation to such qualifications to focus on compliance with an awarding organisation's processes and not to permit the judgements of Teachers and Centres in relation to calculated results to be second-guessed.

We consider that in relation to calculated results it would not be appropriate to allow appeals relating to the professional judgements of Teachers and Centres. This is because, in normal circumstances, the basis for such appeals is whether or not a result is reasonable in light of the application of the criteria set by the awarding organisation to the evidence produced by the Learner in an assessment. However, calculated results will not be based on assessments that are marked in line with set criteria and there is therefore no common benchmark or standard against which the merits of a particular result could be judged in a fair manner.

In addition, the potential exposure in an appeal process of the proposed mark or rank order provided to an awarding organisation by a Centre could lead to undue pressure on Teachers and Centres.

¹ <https://www.gov.uk/government/publications/extraordinary-regulatory-framework-vtq-covid-19-conditions-and-requirements>

However, as required under Condition I1.2(a), we will expect an awarding organisation to provide for appeals on the basis that it has used incorrect information or that procedures were not followed properly and fairly in arriving at a calculated result.

Condition I1.2(a) will encompass whether a Centre has followed a procedure properly and fairly, where relevant, including any issue in relation to bias or discrimination on the part of a Centre in following a procedure.

The purpose of this policy is to set out the procedures that centres should follow if they wish to appeal the calculation of a result.

This policy will be subject to review and monitoring by RSL. All future versions of this policy will be flagged and will be posted on our website.

Please note that we treat all Appeals in confidence and will not make details available to any other parties.

2. Issue and review

The date of issue of this policy is May 2020. This policy will be in effect for the duration of the extraordinary regulatory framework.

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1. Appeals Process

1.1 What can be appealed?

Centres can appeal on behalf of learners on the basis that it has used incorrect information or that procedures were not followed properly and fairly in arriving at a calculated result.

Individual learners and/or groups of learners may also appeal on the basis that the centre has failed to follow a procedure properly and fairly, including any issue in relation to bias or discrimination on the part of a Centre in following a procedure.

Appeals will not be considered from individual learners about the professional judgements of individual teachers, tutors or trainers which have been taken into account in the calculation of a result.

Centres may appeal decisions made about the outcome of a malpractice case. Centres may not appeal on the basis that a malpractice case is on hold pending further evidence to be submitted.

For all appeals, the centre will be informed of an outcome within **30 working days** of the Appeal being lodged.

1.2 First Level Appeal

The First Level Appeal involves a review by the Appeals Panel of the evidence submitted by the appellant.

Please submit a 'RSL VQ Appeal Application Form' to vgappeals@rslawards.com, no later than **30 days** from the date of receipt of the result.

The Panel will make a judgement about whether the appeal should be upheld or rejected.

An appeal will be upheld if it is found that RSL did not follow the correct process to calculate the result. If this is the case, RSL will investigate whether other learners are affected and investigate the results of any learners affected by this incorrect procedure.

An appeal will also be upheld if it is found that the centre did not follow procedures properly and/or fairly, or if there is evidence of discrimination or bias in the application of a procedure. Where RSL finds evidence of a centre failing to apply procedures properly, this will be considered malpractice and a separate malpractice investigation will be opened.

In the case that an appeal is upheld, learners may be issued with revised results, should the investigation find that the process had disadvantaged those learners in the calculation of their final award.

Revised learner results may be delayed pending the outcome of a malpractice investigation should this be required.

In cases where the appeal is not upheld but learners are dissatisfied with their results, learners may opt to re-take their assessment in Autumn 2020 or move to the second level of appeal.

The centre will receive written confirmation of the outcome of the appeal within **30 working days** of it being lodged. Appeals are subject to a fee of **£40** per learner (up to a maximum of £240). If the Appeal is successful, these fees will be refunded.

1.3 Second level Appeal

If the appellant is unhappy with the decision reached in the First Level Appeal, they may take their Appeal to the Second Level. The Second Level Appeal is a review of the appeals process by an independent representative who has no direct involvement with RSL. The decision of the independent representative will be reviewed by the Quality Committee and a final decision taken.

Please note, this stage of the Appeal process will not revisit the appeal itself but reviews the process by which decisions were reached to ensure that these were carried out in a fair and compliant way.

Please submit a 'RSL VQ Appeal Application Form' to vgappeals@rslawards.com, no later than **14 working days** from the date of the previous decision. Please include 'Second Level Appeal Application' in the subject line of the email. Please provide as much information as possible to enable a thorough investigation to be carried out, including why you are dissatisfied with the outcome of the First Level Appeal.

The decision of the Quality Committee is final.

The centre will receive written confirmation of the outcome within **30 working days** of the Second Level Appeal being lodged. Second Level Appeals are subject to a fee of **£40** per learner (up to a maximum of **£240**). If the appeal is successful, these fees will be refunded.

In the case that an appeal is upheld, learners may be issued with revised results, should the investigation find that the process had disadvantaged those learners in the calculation of their final award.

In cases where the appeal is not upheld but learners are dissatisfied with their results, learners may opt to re-take an assessment at the next available opportunity (please contact RSL for further information on available opportunities) or move to the final level of appeal.

If no response to the appeal decision is received within 30 working days of the decision being communicated to the appellant, RSL will close the appeal and no further correspondence will be entered into.

1.4 Final Level Appeal

If a learner is unhappy with the decisions reached in the Second Level Appeal, they may take their appeal to the relevant regulator. For England and Northern Ireland, this is Ofqual www.ofqual.gov.uk, for Wales Qualifications Wales www.qualificationswales.org, and for Northern Ireland CCEA Accreditation www.ccea.org.uk.