



## Appeals Policy

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## Introduction

This policy is aimed at our customers, including candidates, who are delivering/enrolled on, or have taken a LanguageCert 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.

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

## Centre's responsibility

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

In addition, you must have internal appeal arrangements which candidates can access if they wish to appeal against a decision taken by your centre. If an individual wishes to appeal against a decision taken by a centre, it must first go through the centre's appeals process before bringing the matter to LanguageCert.

As part of a centre's application to become an approved LanguageCert centre, we will check that a centre has an appeals policy in place and this will be re-checked from time-to-time during our centre monitoring activities.

## Review arrangements

We will review the policy annually as part of our self-evaluation arrangements and revise it when necessary in response to customer and candidate 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/Qualifications Wales).

If you would like to feed back any views, please contact us via the details provided at the end of this policy.

## Fees

We will charge you or your candidates a fee to cover the administrative and personnel costs involved in dealing with appeals. The appeal fee will be set at 50% of the exam fee charged to the test centre per exam per candidate. If the decision is in the candidate's favour, the fee will be fully refunded.

## Areas covered by the policy

This policy covers:

- Appeals from candidates 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 decision made by LanguageCert concerning a centre's application to offer a LanguageCert qualification.
- Appeals from centres concerning the contents of a Quality Auditor report.
- Appeals from centres and/or candidates relating to a decision made by LanguageCert to decline a centre's request to make reasonable adjustments or give special considerations or to grant recognised prior learning.
- Appeals from centres or candidates in relation to the application by LanguageCert of a sanction/action on a centre resulting from an audit or an investigation into malpractice and/or maladministration or a decision to amend a candidate's/set of candidates' results following a malpractice and/or maladministration investigation.
- Appeals from centres relating to a decision made by LanguageCert following an investigation into a complaint about a centre.

## Process for raising an appeal

You (and your candidates) have 4 weeks from the date we notified you of the decision you are appealing against in which to lodge an appeal against our decision, including assessment results. Hence, please advise your candidates/staff to retain their course evidence until they receive their result.

If you appeal on behalf of your candidates, you must ensure that you have obtained the written permission of the candidate(s) concerned, as grades/results can go down as well as up as a result of an investigation.

Candidates who wish to appeal their assessment results or a related decision should be supported by their centre and should have exhausted their centre's own appeals process before appealing to us. In the latter case, candidates must provide us with evidence that they have first appealed to their centre. It is expected that candidates will only appeal directly to us in exceptional circumstances.

Centres should complete the Appeals form provided in the Partners' Area. In order to submit an appeal on behalf of a candidate and/or the centre and in doing so supply relevant supporting information, such as the following where relevant:

- Candidate's name and LanguageCert unique registration number.

- Date(s) you or the candidate received notification of LanguageCert’s decision.
- Title of the LanguageCert qualification(s) 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 seek to ascertain whether or not a similar failure could affect our own assessment processes and arrangements.

## **Initial review of the appeal details**

Our Customer Service team will acknowledge receipt of the appeal within 48 hours and aim to respond fully to the initial review of the potential appeal within 20 business days. Please note that in some cases the review process may take longer, for example, if a centre visit is required. In such instances, we will contact all parties concerned to inform them of the likely revised timescale.

At all times, we will ensure that LanguageCert’s personnel assigned to carry out the investigation or to oversee and manage the investigation have the appropriate level of training and competence and that they have had no previous involvement or personal interest in the matter.

In the first stage, we will undertake an initial, informal assessment of any appeal to ensure the application is complete and to ascertain whether 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 decision being appealed. If required, LanguageCert will appoint external investigators/assessors.

Following the initial review of the potential appeal, we will write to the appellant (if the appeal is from a centre, this will be done through the centre) with details of our decision to either:

- Amend our original decision in light of the new rationale/evidence being put forward and which has now been reviewed; or
- Confirm we stand by our original decision and in doing so, the rationale for this decision, and request that you confirm, within 10 business days, whether you now accept this decision or if you wish to proceed to our formal appeals process which will be carried out by an independent party.

## Seeking an independent review

If you decide to proceed to the independent appeal stage, we will arrange for an independent review to be carried out by an independent reviewer, who is not an employee of ours, assessor working for us, or otherwise connected to our organisation. It will also be someone with the relevant competence to make a decision in relation to the appeal and who will not have a personal interest in the decision being appealed.

The independent reviewer will review all the evidence gathered in the above stages and seek to ascertain whether we have 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 candidate and LanguageCert personnel;
- A request for further information from the appellant, the candidate or LanguageCert personnel;
- A centre visit by authorised LanguageCert personnel.

The independent reviewer's decision is final in relation to how LanguageCert will consider such appeals and we will let you know the outcome of the review within 25 business days of receipt of the independent appeal. If the centre/candidate is still unhappy with the outcome at this stage, they are entitled to raise the matter with the relevant qualification regulator (e.g. Ofqual in England or Qualifications Wales in Wales).

## Successful appeals and/or issues brought to our attention by the regulator(s)

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

- Amending the profile of the centre concerned in the LanguageCert Assessment Portal (PASSPORT);
- Identifying any other candidates who have been affected and correct or, -where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g. including amending the results for the candidate(s) affected following an appropriate investigation);
- Reviewing 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 regulators and if appropriate agree any remedial action with them.

## **Contact us**

For any queries about the contents of the policy, please contact us by using the channels described in the "Contact Us Guide".

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