

# ABMA Education Appeals Policy

## Introduction

This policy is aimed at our customers, including learners, who are delivering/enrolled on or have taken an ABMA Education (hereafter 'ABMA') 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.

This policy addresses two types of appeals:

1. Enquiries about results (EARs) appeals – which deals with **appeals associated with results** (which covers results processing checks, re-remarks and marker report), and
2. Appeals against a **decision** that ABMA has made.

This policy is divided into parts to make the distinction between the two types of appeals clear.

## Centre responsibility

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

In addition, you must have internal appeal arrangements which learners 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 your centre, they must first exhaust your centre's appeals process before bringing the matter to ABMA.

## Review arrangements

We will review this policy annually as part of our self-evaluation arrangements and revise it as and when necessary, in response to lessons learned, customer and learner feedback or requests from, or good practice guidance issued by Ofqual.

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

## Fees

The fees charged for all stages outlined in this document can be found on our website. These fees will cover the administrative and personnel costs involved in dealing with appeals.

If the final decision results in the appeal being upheld and the original decision overturned, the fee will be refunded.

EAR and General Appeal applications will only be processed once the fees have been cleared.

The fees published reflects **each** decision being appealed.

For example, if a learner wishes to have 3 units reviewed, fees will be charged for **each** of the units that the learners wish to submit EAR applications for:

	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	<b>Total number of fees to pay</b>
Learner 1	Yes		Yes		Yes	<b>3</b>

In this instance, the learner would need to pay 3 sets of fees.

## Definition of 'Appeal'

An appeal is defined as: 'an earnest enquiry, request to reconsider or reverse a previously made decision, judgement or assessment'.<sup>1</sup>

## Areas covered by the policy

This policy covers:

- appeal from centres, on behalf of their learners, in relation to an assessment result
- appeal in relation to late registration/certification requests
- appeal in relation to ABMA's decision concerning a centre's application to offer an ABMA qualification

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<sup>1</sup> Handling Complaints, Appeals and Enquiries. (2018).

- appeal concerning the contents and/or findings of a centre monitoring activity
- appeal concerning the contents and/or findings of a malpractice and/or maladministration investigation
- appeal in relation to a decision to decline a request to make reasonable adjustments
- appeal in relation to a decision to decline a request to allow special considerations
- appeal in relation to the application of an action on a centre
- appeal in relation to the application of a sanction on a centre
- appeal in relation to a decision made by ABMA following an investigation into a complaint about a centre

## Appeals process summary

If a centre wishes to raise an appeal against a decision that we have made, the appeals process is to review **how** the decision/outcome was reached in the first place, whether the correct process was followed when making the decision and if the decision/outcome was appropriate.

The reviewer then has to either uphold or reject the appeal.

## Who can appeal?

Appeals can only be submitted by the head of your centre. If a learner(s) wishes to raise an appeal, your head of centre can raise the appeal on the learner(s)'s behalf.<sup>2</sup>

## PART 1: Enquiries About Results (EAR): Checks, Re-marks and Reports

We have a thorough process of marking assessments in place to ensure that all ABMA learners receive a fair and accurate result which reflects their accomplishments during an assessment. These processes are regularly reviewed (and updated where necessary) to ensure quality and standards are maintained to the highest level. In the rare instance where a learner does not feel that the marks awarded to them are a fair reflection of their performance, they must inform their centre that they wish to raise an EAR.

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<sup>2</sup> Learners and/or their parents/carers are not entitled to appeal directly to ABMA. Representations must be made to the head of centre where the learner was entered or registered. The head of centre's decision as to whether to proceed with an appeal is subject to the centre's internal appeals arrangements (A Guide to the Awarding Bodies' Appeals Processes. (2017). [ebook] JCQ, p.2. Available at: <https://www.jcq.org.uk/exams-office/appeals/jcq> [Accessed 23 Mar. 2018]).

Your head of centre can then raise an EAR application using the ABMA Education Appeals Form (available on our website).

If a centre raises an EAR application, the centre must ensure that it retains the learner(s) course evidence until the outcome of the application is communicated.

It should be noted that an EAR Application has three outcomes, the marks can either:

- be increased,
- remain the same, or
- be lowered.

EARs are handled by the ABMA Examinations Department (ED).

### **Deadline for EAR Applications**

All applications and associated fees for EAR must be received by ABMA no later than **6 weeks** after the electronic results are issued. The ED will acknowledge receipt within 5 working days of receiving the application and fees.

### **EAR Options**

The ABMA EAR process has 3 options for the learner to pursue:

#### Option 1 – Administrative Check

This option involves an administrative check on all of the clerical procedures which took place prior to the result being issued. This will include, but not be limited to:

- checking that all pages of the assessment have been reviewed when being marked,
- re-checking the marks have been noted and totalled correctly,
- checking that the ABMA database shows the correct data, and
- ensuring that grade boundaries have been correctly adhered to.

ABMA will aim to process and respond to EAR Option 1 applications within 15 working days of the payment being cleared.

#### Option 2 – Assessment Re-mark

This option includes the administrative check of the assessment (Option 1) and a full re-mark of the assessment undertaken by another senior marker. ABMA will aim to process and respond to EAR Option 2 applications within 25 working days of the payment being cleared.

#### Option 3 – Assessment Re-mark and Marker’s Report

This option will include both the administrative check (Option 1) and the assessment re-mark (Option 2), and will also include a report from a senior marker on the overall performance of the learner. ABMA will aim to process and respond to EAR Option 3 applications within 30 working days of the payment being cleared.

#### **Outcomes of EAR Applications**

In the case of an EAR application resulting in the marks being changed (wherein the marks are either increased or lowered), the marks and overall grade will be adjusted accordingly. Revised results will be issued to the learner and will supersede any previous results issued. Results/certificates are re-issued within 20 working days of the outcome.

Where marks are changed as a result of an EAR application, the fees paid for the EAR will be refunded.

Where marks remain the same, the fees paid for the EAR will be retained.

Once all the EAR options have been exhausted, we will not accept any further appeal.

#### **PART 2: General Appeals**

We have thorough policies and systems in place to assist us in making decisions. These policies are regularly reviewed (and updated where necessary) to ensure quality and standards are maintained to the highest level. In the rare instance where a centre does not feel that we have applied our policies correctly or fairly when making a decision, that centre can raise an appeal.

Centres can then raise a General Appeal using the ABMA Education Appeals Form (available on our website).

General appeals are handled by the ABMA Quality Department (QD).<sup>3</sup>

### **Deadline for General Appeal Applications**

All applications and associated fees for appeals must be received by ABMA no later than **6 weeks** after the decision was communicated to the centre. The QD will acknowledge receipt within 5 working days of receiving the appeal and appropriate fees.

ABMA will aim to respond to the initial review within 10 working days of the funds being cleared. Please note that in some cases the review processes 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.

### **Grounds for Appeals<sup>4</sup>**

Appellants must clearly and concisely set out their grounds for appeals and must include **all** further evidence relevant to the appeal. The following are accepted as reasonable grounds for appeals:

- the incident was not dealt with in accordance with ABMA's policies or procedures
- the decision was unreasonable in light of the evidence presented
- further evidence (including medical evidence) has come to light which changes the basis of our decision<sup>5</sup>
- the action/sanction imposed is disproportionate to the seriousness of the malpractice/maladministration.

The following do not, by themselves, constitute grounds for an appeal:

- the individual did not intend to cheat
- the individual has an unblemished academic record
- the individual could lose a university place
- the individual regrets his/her actions.

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3 In instances where the QD was involved in the initial investigation, to ensure impartiality, the appeal will be handled by the Compliance Department.

4 A Guide to the Awarding Bodies' Appeals Process. (2017). [ebook] JCQ, p.6. Available at: <https://www.jcq.org.uk/Download/exams-office/appeals/jcq> [Accessed 23 Mar. 2018].

5 Further evidence submitted will be assessed in terms of the relevance it has on the **original** decision/outcome. If we determine that the evidence has no relevance to the original decision/outcome, we will communicate this in our report.

## **Stage 1: Preliminary Appeal**

The first stage will be for us to undertake a preliminary appeal assessment to ensure the application is complete and to ascertain if the issue can be resolved before it goes to the independent appeal stage. In all instances we will ensure that the person carrying out this appeal review will not have a personal interest in the outcome.

The role of the appeal reviewer is to:

- check that the relevant ABMA policies and procedures were applied correctly,
- review the evidence that was used/informed to reach the decision/outcome,
- review further evidence (including medical evidence) which has come to light which could change the basis of the original decision
- determine if the decision reached was correct in light of our policies, procedures and the evidence.

The appeal review process may involve:

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

Following the initial review, the reviewer will contact the appellant with details of our decision to either:

1. Uphold the appeal and amend our original decision in light of the new rationale/evidence being put forward and which has now been reviewed, or
2. Reject the appeal and confirm that we stand by our original decision. The reviewer will provide a rationale as to why the appeal was rejected.

Should the appeal be upheld, the fees paid for the appeal will be refunded.

Should the appeal be rejected, the fees will be retained, and the appellant must confirm, within 10 working days of being issued the appeal outcome, whether they accept the decision or if they wish to formally proceed to our independent appeal stage.

## **Stage 2: Independent Appeal**

If the decision is made 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 decision being appealed. The appellant will be notified of the fee<sup>6</sup> for this in advance of the process. The appellant will then have 5 working days to acknowledge and agree the terms and costs, and payment must be received within 10 working days in order to progress with this appeal stage.<sup>7</sup>

Once the fees have been agreed and paid, all documents will be forwarded to the independent reviewer. We will request that they aim to respond fully within 4 weeks of receiving the appeal. Please note that in some cases the review processes may take longer, for example, if a centre visit is required. In such instances, we will contact the appellant to inform them of the likely revised timescale.

The role of the independent reviewer is to:

- check that the relevant ABMA policies and procedures were applied correctly,
- review the evidence that was used/informed to reach the decision/outcome,
- review further evidence (including medical evidence) which has come to light which could change the basis of the original decision
- determine if the decision reached was correct in light of our policies, procedures and the evidence.

The independent review process may involve:

- a discussion with the appellant, the learner and ABMA personnel,
- a request for further information from the appellant, the learner or ABMA personnel, and/or
- a centre visit by authorised independent reviewer personnel.

Following the independent review, the reviewer will submit their recommendation to ABMA to either:

1. Uphold the appeal and amend our original decision in light evidence given, or

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<sup>6</sup> The ABMA administrative fee for this can be found in our Fee Structure on our website. The independent reviewer may also charge a fee, which will be conveyed to the appellant.

<sup>7</sup> If this timeframe is not met, ABMA will assume the matter to be closed.

2. Reject the appeal and confirm that they stand by our original decision. The reviewer should provide a rationale for as to why the appeal was rejected.

Should the appeal be upheld, the fees paid for the appeal will be refunded.

Should the appeal be rejected, the fees will be retained, and the appellant must confirm, within 10 working days of being issued the appeal outcome, their acceptance of the decision.

The decision of the independent review is final as the Examinations Appeal Board established by Ofqual does not accept further appeals in these types of qualifications.

### **Situations brought to our attention by Ofqual**

Where Ofqual notify us of failures that have been discovered in the assessment process of another Awarding Organisation (AO), we will review whether or not a similar failure could affect our own assessment processes and arrangements.

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

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

- amend the profile of the centre concerned in A1,
- identify any other learners who have been affected and correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g. and amend the results for the learner(s) affected following an appropriate investigation), and/or
- review 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 Ofqual and if appropriate agree any remedial action with them.

### **Contact us**

If you have any queries about the contents of the policy, please contact our Quality Department at:

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Ascot  
Berkshire  
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