

## Appeals policy

### Introduction

This policy is aimed at our customers, including centres, training providers, learners and apprentices, who are delivering, enrolled on, or have taken an NCTJ approved qualification/unit and/or end-point assessment. It sets out the process you should follow when submitting appeals to the NCTJ and the process we will follow when responding to enquiries and appeals.

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

### Areas covered by the policy

- Appeals from learners, apprentices, employers, centres and/or training providers in relation to an assessment decision on the basis that NCTJ procedures were not applied consistently or that NCTJ procedures were not followed properly and fairly
- Appeals from centres in relation to an NCTJ decision concerning a centre's application to offer an NCTJ qualification
- Appeals from training providers in relation to an NCTJ decision concerning a training provider's application to be an approved exam centre
- Appeals from centres concerning the contents of an NCTJ centre monitoring report
- Appeals from centres/training providers and/or learners/apprentices relating to an NCTJ decision to decline a centre's/training provider's request to make reasonable adjustments or give special considerations
- Appeals from centres/training providers or learners/apprentices in relation to the application by the NCTJ of a sanction or action on a centre/training provider/learner resulting from a monitoring visit, or an investigation into malpractice or maladministration, or a decision to amend a result or set of results following a malpractice or malpractice investigation
- Appeals from centres/training providers or learners/apprentices relating to a decision made by the NCTJ following an investigation into a complaint
- Appeals if you believe the NCTJ has not applied its procedures consistently or those procedures were not followed properly, consistently and fairly

The policy has been divided into two sections as follows:

#### **Section A - Enquiries and appeals of assessment results**

This section details the process to follow to enquire about NCTJ assessment results or lodge an appeal relating to assessment results for a candidate or group of candidates

#### **Section B - All other appeals**

This section details the process to follow to lodge an appeal regarding a decision taken by the NCTJ in any other circumstance e.g. complaints, malpractice/maladministration, reasonable adjustments, special considerations, accreditation, exam centre approval etc.

## **Centres' responsibility**

It is important that staff involved in the management, delivery, assessment and quality assurance of NCTJ qualifications/units and/or end-point assessments at centres and training providers, and candidates/apprentices, are aware of the contents of this policy.

In addition, centres and training providers must have internal appeal arrangements which candidates/apprentices can access if they wish to appeal against a decision taken by the centre or training provider.

Centres and training providers should take all responsible steps to ensure that their candidates taking NCTJ qualifications/units and/or end-point assessments are aware of the centre/training provider's internal arrangements for appeals and of the contents of this policy.

If an individual wishes to appeal against a decision taken by a centre or training provider, they must first have completed the centre/training provider's internal appeals process before bringing the matter to the NCTJ. The NCTJ reserves the right not to consider appeals from individuals against decisions taken by a centre or training provider, if the individual has not followed to a conclusion the centre/training provider's appeals process. If the appeal relates to a decision taken by the NCTJ, individuals should submit their appeal direct to the NCTJ under the terms described in this policy.

Fair treatment for all is paramount.

## **Review arrangements**

The NCTJ will review this policy annually as part of its self-evaluation arrangements and revise it as and 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 or the Institute for Apprenticeships).

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

## **Situations brought to our attention by the regulatory authorities**

If the regulators notify the NCTJ of failures that have been discovered in the assessment process of another awarding organisation or end-point assessment organisation (EPAO), we will review whether or not a similar failure could affect our own assessment processes and arrangements.

## **Fees**

Fees are applicable for this service, but will be refunded appropriately where an appeal is successful. Please see the NCTJ's current fees list on its website at [www.nctj.com](http://www.nctj.com).

## **Information required when raising an appeal**

When submitting an appeal please provide relevant supporting information such as the following (where applicable) in writing:

- candidate name(s) and NCTJ URN(s)
- date(s) the centre, training provider or candidate(s) received notification of the NCTJ's decision
- title of the NCTJ qualification, unit or end-point assessment affected or nature of service affected
- full nature of the appeal and reasoning
- contents and outcome of any investigation carried out by you relating to the issue

The NCTJ will not consider any telephone requests for enquiries about results or appeals.

## **Section A - Enquiries and appeals of assessment results**

Before an enquiry or appeal is lodged with the NCTJ, the candidate(s) and center(s)/training provider(s) are encouraged to review the exam script(s) against the examiner's feedback provided (where applicable). For centre marked units, tutors are required to provide appropriate feedback directly to their candidate(s).

In relation to end-point assessments, the apprentice(s) and training provider(s) are encouraged to review the end-point assessment submission against the assessor's feedback provided (where applicable).

If further information is required on a candidate's performance in an NCTJ assessment, an enquiry may be raised.

### **Raising an enquiry about assessment results**

1. Individual candidates are advised to request a full exam report in the first instance which provides a detailed report of their examination or assessment performance. This report provides a specific guide to strengths and weakness in each assessment component.
2. There is a fee for this service. Please see the NCTJ's current fees list on its website at [www.nctj.com](http://www.nctj.com).
3. A candidate, or a centre/training provider on the candidate's behalf, may request a full exam report no later than **two weeks** following the date the results were published. Application forms may be downloaded from the NCTJ website at [www.nctj.com](http://www.nctj.com). There is a fee for this service. Please see the NCTJ's current fees list on its website at [www.nctj.com](http://www.nctj.com).
4. Full exam reports will be issued within **two weeks** of written application.
5. The information provided in a full exam report may be used to help candidates understand how the final result was arrived at. A breakdown of marks awarded in each question/component will be provided in the report with full feedback. Where candidates still have questions about the final result, the first step should be to discuss the report with their tutor (or with the NCTJ if you are a distance learner or external candidate). In many cases this will resolve any queries and help candidates understand how and why they were awarded a particular percentage mark and grade.

It is recommended that a full exam report is purchased before proceeding to stage 1 of the formal appeals process.

6. Where questions remain, the learner, apprentice, employer, training provider or centre may initiate an appeal of candidate(s) assessment results by applying to the NCTJ assessment manager within **two weeks** of receipt of the exam report.

*If a centre/training provider has a general concern about a group of assessment results received, the NCTJ assessment manager may undertake an initial assessment of the situation to ascertain if the issue(s) can be resolved before initiating the formal appeals*

*process. Centres/training providers must raise any concerns with the assessment manager no later than **two weeks** following the date the results were published.*

## Appeals of assessment results

### Stage 1 – Review and re-mark of an assessment result

1. There is a fee for this service. Please see the NCTJ's current fees list on its website at [www.nctj.com](http://www.nctj.com). A group appeal fee will be determined by the number of candidates involved. Please contact the NCTJ head of awarding or assessment manager if you require further information.
2. Candidates who wish to appeal their assessment result(s) should be supported by their centre/training provider. If a candidate wishes to appeal the result for an NCTJ assessment that was internally marked by their centre tutor, they should first have followed to a conclusion their centre/training provider's own appeals process before appealing to the NCTJ. All other appeals about NCTJ assessment results should be submitted directly to the NCTJ.
3. If a centre/training provider wishes to appeal on behalf of a candidate, it must ensure that it has obtained the written permission of the candidate concerned, as results/grades can go down as well as up as a result of an appeal investigation.
4. A candidate, or a centre/training provider on the candidate's behalf (with the candidate's consent), may request a stage 1 appeal from the NCTJ no later than **four weeks\*** following the date the results were published. \*or within **two weeks** of receipt of an exam report.
5. To submit a stage 1 appeal on a candidate's behalf (with the candidate's consent), centres/training providers should complete an 'appeal form' on the homepage of their NCTJ Creatio account and submit this to the NCTJ within the required timeframes. Candidates appealing directly to the NCTJ should submit their appeal in writing to the NCTJ assessment manager.
6. Upon receipt of a request to appeal an assessment result, the assessment manager will acknowledge receipt of the appeal within 48 hours.
7. A stage 1 appeal will be carried out by a senior examiner, who has had no previous involvement in the marking or moderation process for the candidate(s) concerned for the assessment in question, and will include the following as appropriate:
  - a full clerical re-check
  - a review of the examiner's marks sheet(s) and the original marks awarded for each component undertaken against the approved mark scheme for the assessment – marks may be confirmed or amended appropriately
  - a full re-mark of the individual(s) assessment submission
  - a feedback report from the appeal examiner
8. The NCTJ aims to respond to stage 1 assessment appeals in writing within **20 working days** of receipt of the written request. *Please note that in some cases the process may take longer, for example with a group appeal. In such instances, the NCTJ will contact all parties concerned to inform them of the likely revised timescale.*

9. For NCTJ units/qualifications, a successful appeal of an assessment result is defined as an increase in the grade awarded for the qualification/unit. Any change to the percentage mark that does not affect the overall grade achieved will not be considered a successful appeal.
10. For end-point assessments, a successful appeal is defined as an increase from Fail to Pass, or as an increase in the attainment band achieved e.g. from Pass to Distinction. Any changes to the mark outside of these parameters will not be considered a successful appeal.
11. If the centre, training provider or candidate is unhappy with the outcome following stage 1 of the appeals process, they are entitled to proceed to stage 2 where an independent review of NCTJ procedures will be carried out.

## Stage 2 – Independent review of an assessment appeal

1. There is a fee for this service. Please see the NCTJ's current fees list on its website at [www.nctj.com](http://www.nctj.com).
2. If following the conclusion of a stage 1 appeal you decide to proceed to stage 2, the candidate, or centre/training provider on the candidate's behalf (with the candidate's consent), must appeal in writing to the NCTJ assessment manager no later than **two weeks** following the outcome of stage 1 being confirmed with you.
3. To submit a stage 2 appeal on a candidate's behalf (with the candidate's consent), centres/training providers should complete an 'appeal form' on the homepage of their NCTJ Creatio account and submit this to the NCTJ within the required timeframes. Candidates appealing directly to the NCTJ should submit their appeal in writing to the NCTJ assessment manager.
4. In this instance the NCTJ will arrange for an independent review of NCTJ procedures to be carried out.
5. A stage 2 appeal will be carried out by someone who is not an employee of the NCTJ, an NCTJ examiner, or someone 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 have not a personal interest in the decision being appealed.
6. The independent reviewer will review the evidence from the above stages and assess if the NCTJ applied its procedures fairly, appropriately and consistently in line with this policy.
7. The independent reviewer's decision is final in relation to how the NCTJ consider such appeals and the NCTJ will let you know the outcome of the review in writing within **20 working days** of receipt of the written request.
8. If the centre, training provider or candidate is still unhappy with the outcome of the appeal following stage 2 of the appeals process, they are entitled to raise the matter with the relevant qualification or end-point assessment regulator (e.g. Ofqual in England or Institute for Apprenticeships for end-point assessments).



## **Section B - All other appeals**

To appeal a decision made by the NCTJ relating to any case other than assessment results, such as: complaints, malpractice/maladministration, reasonable adjustments, special considerations, accreditation, exam centre approval etc., the following process must be followed:

### **Stage 1 – Appeals**

1. Centres, training providers or candidates may request a stage 1 appeal in writing to the NCTJ no later than **two weeks** from the date the NCTJ informs you of the decision.
2. Candidates who wish to appeal against a decision taken by a centre or training provider must first have followed to a conclusion the centre/training provider's internal appeals process before appealing to the NCTJ. If the appeal is against a decision taken by the NCTJ, the appeal should be submitted directly to the NCTJ under the terms of this policy.
3. If a centre or training provider appeals on behalf of a candidate, it must ensure that it has obtained the written permission of the candidate concerned.
4. To submit a stage 1 section B appeal on a candidate's behalf (with the candidate's consent), centres/training providers should complete an 'appeal form' on the homepage of their NCTJ Creatio account and submit this to the NCTJ within the required timeframes. Candidates appealing directly to the NCTJ should submit their appeal in writing to the NCTJ head of awarding.
5. Upon receipt of the appeal, the relevant NCTJ senior manager – depending on the nature of the appeal – will acknowledge receipt within 48 hours.
6. An appropriate NCTJ senior manager – depending on the nature of the appeal – will undertake a review of the appeal submitted. There is no fee for this service. In all instances the NCTJ will ensure that the person carrying out a stage 1 appeal does not have a personal interest in the decision being appealed.
7. The NCTJ aims to respond to a stage 1 appeal of this nature in writing within **20 working days** of receipt of the written request. *Please note that in some cases the process may take longer, for example if a centre visit or interviews are required. In such instances, we will contact all parties concerned to inform them of the likely revised timescale.*
8. If the appeal is in relation to a disqualification decision for a NCTJ exam sat remotely, candidates/centres will only have access to a right of appeal if they feel the relevant process detailed in the NCTJ's malpractice and maladministration policy for remote exams was not followed correctly, for example that the NCTJ did not apply these procedures consistently or that these procedures were not followed properly and fairly. At stage 1 this will be investigated by a NCTJ senior manager who was not involved in the original disqualification decision. At stage 2, an independent review of NCTJ procedures will be carried out.

9. The NCTJ will write to the appellant 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
  - to confirm that we stand by our original decision and in doing so provide the rationale for this decision and request that you confirm, within 14 days, whether you now accept this decision or if wish to formally proceed to stage 2 of the NCTJ appeals process
  
10. If the centre, training provider or candidate is unhappy with the outcome following stage 1 of the appeals process, they are entitled to proceed to stage 2 where an independent review of NCTJ procedures will be carried out.

## Stage 2 – Independent review of an appeal

1. There is a fee for this service. Please see the NCTJ's current fees list on its website at [www.nctj.com](http://www.nctj.com).
2. If following the conclusion of a stage 1 appeal you decide to proceed to stage 2, the candidate, or centre/training provider on the candidate's behalf (with the candidate's consent), must appeal in writing to the NCTJ no later than **two weeks** of the decision being confirmed.
3. To submit a stage 2 section B appeal on a candidate's behalf (with the candidate's consent), centres/training providers should complete an 'appeal form' on the homepage of their NCTJ Creatio account and submit this to the NCTJ within the required timeframes. Candidates appealing directly to the NCTJ should submit their appeal in writing to the NCTJ head of awarding.
4. In this instance the NCTJ will arrange for an independent review of NCTJ procedures to be carried out.
5. A stage 2 appeal will be carried out by someone who is not an employee of the NCTJ, an NCTJ examiner, or someone 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 have not a personal interest in the decision being appealed.
6. The independent reviewer will review the evidence from the above stages and assess if the NCTJ applied its procedures fairly, appropriately and consistently in line with this policy.

The independent review process may involve:

- a discussion with the appellant or the candidate and NCTJ personnel
  - a request for further information from the appellant, the candidate or NCTJ personnel
  - a centre/training provider visit by authorised NCTJ personnel.
7. The independent reviewer's decision is final in relation to how the NCTJ consider such appeals and the NCTJ will let you know the outcome of the review in writing within **20 working days** of receipt of the written request.
  8. If the centre, training provider or candidate is still unhappy with the outcome of the appeal following stage 2 of the appeals process, they are entitled to raise the matter with the relevant qualification or end-point assessment regulator (e.g. Ofqual in England or Institute for Apprenticeships for end-point assessments).

### **Successful appeals and/or issues brought to our attention by Ofqual or other qualification/end-point assessment regulator**

In situations where an appeal has been successful, or where an investigation following notification from Ofqual or other qualification/end-point assessment regulator indicates a failure in procedures, the NCTJ will give due consideration to the outcome and will take action as appropriate such as:

- amend the record of the candidate(s), centre or training provider concerned
- identify 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. amend the results for the candidate(s) affected following an appropriate investigation)
- 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
- in relation to an appeal of candidate(s) results, refund the appropriate fee

We will also cooperate with any follow-up investigations required by the qualifications/end-point assessment regulator(s) and if appropriate agree any remedial action with them.

### **Contact us**

If you've any queries about the contents of the policy, please contact the NCTJ head of awarding on 01799 544014 or by email. Details can be found on the NCTJ website at [www.nctj.com](http://www.nctj.com).