

Appeals policy

1. Introduction

This policy 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.

2. Review arrangements

We will review the policy annually and revise it in response to customer and learner feedback or requirements from the regulatory bodies.

3. Fees

A small fee will be charged to the appellant to cover the administrative and personnel costs involved in dealing with appeals. This will be refunded in the case of a successful appeal at any stage in the process.

4. Grounds for appeal

An appeal may only be lodged following the completion of the Enquiries about Results or Complaints procedures (please see the associated procedures on our website for more details).

We will consider an appeal made on the following grounds, with evidence to support the case:

- Where there have been procedural or professional irregularities, bias, prejudice or lack of professional standards on the part of the Examiner or a member of NEA
- Procedures were not applied consistently or followed properly and fairly by NEA

Appeals made solely on the basis of a disagreement with an Examiner's professional judgment will not be accepted. The nature of practical assessment means that candidates are assessed on a performance at one moment in time, which does not produce lasting evidence, thus making it impractical to conduct an objective and meaningful investigation

5. Who can appeal?

Only the person who made the initial complaint or enquiry about a result may lodge an appeal.

6. Process for making an appeal

Appeals must be made in writing to the Chief Executive and be accompanied by the relevant fee.

The contact details are:

Derren Nesbitt
Chief Executive
New Era Academy
2, Aglaia Road
Worthing
West Sussex
BN11 5SN

Or via email at: Derren.nesbitt@neweraacademy.co.uk.

Appeals against the response to a complaint may only be lodged where there are appropriate grounds for an appeal as defined above. The appeal must be lodged within ten (10) working days of receipt of the response.

Appeals against the outcome of an enquiry about results may only be lodged if the enquiries process has been completed in full and where there are appropriate grounds for appeal as outlined above. The appeal must be lodged within ten (10) working days of receipt of the response to the enquiry.

Receipt of the appeal will be acknowledged within seven (7) working days where it is sent by letter, and within two (2) working days where it is sent by email.

7. Consideration of appeals

All appeals will be overseen by an Appeals Panel. The panel will normally consist of the Chief Executive, Examinations Director, Chief Examiner and an independent person who is neither an employee, Examiner or otherwise connected with New Era Academy.

8. First stage appeal

Appeals will be considered in the first instance by the Examinations Director, who will investigate the appeal using evidence from the appellant, the Examiner and any written documentation that is available. New Era Academy aims to complete this process within twenty (20) working days of receipt of the appeal. If this process is likely to take longer than this we will inform you in writing as soon as possible.

The Examinations Director will make a judgment and report her findings to the Appeals Panel. The Appeals Panel will then decide whether the appeal should be rejected or upheld and the appellant will be informed within seven (7) working days of the decision being made.

In cases where an appeal is successful, the Chief Executive may offer the candidate the opportunity to take the examination again free of charge. Where practical the conditions of the examination will be as close as possible to that of the original examination, and would be carried out by the Chief Examiner. Should a candidate take up the offer of re-examination the appeals process will be considered terminated at this point.

A fee of £20 will be charged for a first stage appeal, to be refunded in the case of a successful appeal.

9. Second stage appeal

If an appellant is not satisfied with the outcome of the first level appeal, they may request a second stage appeal. Appellants should request a second stage appeal by writing to the Chief Executive no more than fifteen (15) working days after the receipt of the first stage appeal decision.

The Chief Executive will convene the Appeals Panel to review the decisions made in the first level appeal and gather further evidence to investigate the appeal. This could include:

- a discussion with the appellant or those affected
- an interview with relevant NEA personnel
- a request for further information from those involved
- a visit to premises by members of the Panel

The Panel will make a decision within twenty (20) working days of the receipt of the appeal and the panel will be informed within seven (7) working days of the decision being made. In some cases it may not be possible for the Panel to reach a decision in the stated time. If this process is likely to take longer than this we will inform you in writing as soon as possible.

A fee of £40 will be charged for a second stage appeal, to be refunded in the case of a successful appeal.

10. Representation to qualification regulators

If the Appellant is still unhappy with the outcome of the appeal they may raise the matter with the relevant qualification regulator (e.g. Ofqual in England).

11. Action taken following a successful appeal

In situations where an appeal has been successful, or where an investigation following notification from Ofqual indicates a failure in our processes, NEA will investigate thoroughly using the Appeals Panel who will report to the Board of Directors.

NEA's investigations will include:

- Review of the conduct and performance of individual Examiners should an appeal bring into question the suitability of an individual to

examine

- The identification of any other learners who have been affected and contact them immediately
- Correction of any errors in process where this can be managed, or
- Mitigation as far as possible of the effect of the failure
- A full review our associated processes and policies to ensure that any errors in procedure do not occur again

We will also cooperate with any follow-up investigations required by the qualifications regulators and if appropriate agree any remedial action with them.