

Centre Appeals Policy and Procedures

Part A: Policy and background

1 General Scope

This document covers appeals by Centres recognised, or seeking recognition by OCNSWR, in its capacity as an Open College Network (OCN) licensed by NOCN, and as an Access Validating Agency (AVA) licensed by the Quality Assurance Agency for Higher Education (QAA). It sets out OCNSWR's policy and procedures for appeals by a Centre against decisions relating to the recognition or continuing recognition of the Centre, or the approval or continuing approval of a programme at the Centre. These procedures do not cover complaints (see Section 4.1 for definition), for which there are separate procedures.

It replaces all previous policies and procedures.

2 Regulatory authorities

The relevant regulatory authorities are NOCN and the QAA¹. The relevant publications of the regulatory authority are listed in Annex 1. Every attempt has been made to ensure that the provisions of this document are consistent with the requirements of the regulatory authorities. Where the requirements of the regulatory authority change, or where inadvertently these procedures conflict with those of the regulatory authority, the latter shall apply. Where the requirements of the regulatory authority are amended and require changes to this document, such changes will be made as soon as practicable, and OCNSWR will inform Centres accordingly.

4 Definitions

The following definitions shall apply

Centre Appeal	The process whereby a Centre challenges the result of a decision taken by OCNSWR in respect of the recognition, or continuing recognition of the Centre by OCNSWR. The appeal process is distinct from a Complaint (qv).
Centre	An organisation recognised by, or seeking recognition by OCNSWR as an approved organisation to offer units, awards, and qualifications.
Complaint	The process a Centre makes representations to OCNSWR about some aspect of its operations, other than in relation to its recognition, and seeks redress or recompense. Separate Complaints Procedures apply in such cases.
Provider	The term used by QAA for a Centre. For the purposes of this policy and procedures the term 'Centre' is used
Week	For the purposes of this policy a week shall be understood to mean

¹ In the event of OCNSWR being approved by Ofqual as an awarding organisation, Ofqual would be included as one of the regulatory authorities

five consecutive working days (excluding Saturdays, Sundays and public holidays)

- Recognition decision
- A decision by OCNSWR not to recognise the Centre
 - A decision by OCNSWR with to withdraw recognition from the Centre
 - A decision by OCNSWR to place conditions on the recognition of a Centre, or otherwise to require the Centre to take, or cease to take, and specified actions as a condition of continuing recognition;
 - A decision by OCNSWR to withdraw approval of a qualification at a Centre or to place conditions upon its approval or continuing approval

5 Policy

OCNSWR has an approved procedures for the recognition of Centres to offer units, awards, and qualifications. The reasons for any recognition decision taken by OCNSWR will be communicated to the Centre concerned. OCNSWR considers that there should be a process whereby the Centre may make an enquiry to seek clarification of the reasons and the steps that led to such a decision. OCNSWR however regards it as important that Centres should have the right of appeal against any recognition decision taken by OCNSW, and should be provided with a clear formal procedural structure within which to submit such appeals. Where Centre appeals are made it is critical that they are conducted with a degree of formality and in such a manner as to ensure so far as possible that all concerned can have confidence in the process and the outcomes. The procedural policy set out below is designed to provide such confidence.

5.1 A Centre appeal at any Stage must be in writing and signed and dated by the Principal or Chief Executive of the Centre. An appeal may be made by email but not by SMS text;

5.2 The procedures for each Stage must provide for time limits and deadlines, which may be varied by mutual consent or where it appears reasonable to do so, for example, in the case of illness or some other factor.

5.3 A Centre may only make an appeal:

- against the outcomes of a formal recognition decision, and;
- which relates to the Centre concerned

5.4 It shall not be possible to take an appeal to a subsequent stage until the outcomes of the prior stage have been confirmed

5.5 As a means whereby independence is assured at each stage of the procedures, and more generally in order to ensure natural justice, no person involved in making a decision at one stage in the procedures may be involved in making a decision at any subsequent stage

5.6 Where the outcome of an appeal brings into question the accuracy of other recognition decisions, OCNSWR will take steps to protect the interests of all Centres, learners, the integrity of units and/or qualifications and, where relevant, the integrity of the QCF. In such cases, OCNSWR will cooperate with any follow-up investigations required by the regulatory authorities and, if necessary, agree

appropriate remedial action with them. This may involve a review of other recognition decisions.

5.9 OCNSWR will ensure that there is a single point of contact for any Centre wishing to contact OCNSWR about an appeal. All communications to OCNSWR in respect of Centre appeals should therefore be addressed to the Director of Quality.

5.10 OCNSWR may consult the relevant regulatory authorities at any point and will act on any advice received.

6 Scope

A Centre may appeal against a recognition decision as defined in paragraph 4.

7 Malpractice

Where the recognition decision was taken in relation to Malpractice, the Malpractice procedures, including the Malpractice appeals procedures, will apply

8 Responsibility

Responsibility for this policy and procedures rests with the OCNSWR Quality Committee acting under delegated responsibility from the OCNSWR Board

9 Monitoring and Review

An annual report on any cases of Centre appeal, including those not upheld, will be made to the OCNSWR Quality Committee, which will in turn report to the OCNSWR Board.

This Policy and procedures will be reviewed biennially and whenever the requirements of the regulatory bodies change.

Version	1
Approved	Quality Committee
Operative date	25 th May 2010
Revised	N/A

Part B Centre Appeals Procedures

Part B Centre Appeals Procedures

1 Stage 1: Recognition Enquiry

1.1 Circumstances

Stage 1 applies where a Centre wishes to make an enquiry about the result of a recognition decision that has been confirmed by the OCNSWR.

1.2 Procedure

Where a Centre wishes to make an enquiry it must write to OCNSWR within three weeks of formal notification by OCNSWR of the decision, seeking information about one or more steps leading to the decision.

The enquiry will be considered by the OCNSWR Director of Quality.

OCNSWR will acknowledge receipt of the recognition enquiry in writing within one week of receipt, and will provide a written response to the Centre within two weeks, in the form of a written description and explanation of the step or steps to which the Centre has referred in its recognition enquiry.

1.3 Appeal

If the Centre is not satisfied with the response to its recognition enquiry, if it does not wish to make such an enquiry, it may proceed to make an appeal at Stage 2.

3 Stage 2 Appeal

3.1 Circumstances

Stage 2 applies where a Centre is dissatisfied with the response to an Enquiry at Stage 1 and wishes to institute an appeal against the recognition decision in question.

3.2 Grounds for appeal

The Centre should clearly state the grounds for the appeal, and whether it relates to procedural matters concerning the way that the decision was taken, or to substantive matters concerning the actual decision taken, or both.

3.3 Submission

The Centre must submit its appeal to OCNSWR within three weeks of receipt of the response from OCNSWR to its enquiry, or within three weeks of the receipt of the recognition where the Centre decides not to make such an enquiry.

OCNSWR will acknowledge receipt of the appeal in writing within one week of receipt.

3.4 Recognition Appeal Panel

The appeal will be considered and determined by a Recognition Appeal Panel of three persons as follows:

- A member of the OCNSWR Board (other than members of the Quality Committee) who will chair
- A member of the OCNSWR (other than members of the Quality Committee)
- The OCNSWR Chief Executive
- An external member, who shall have had no involvement with OCNSWR during the previous seven years.

OCNSWR will seek nominations for the external member from appropriate organisations, such as another OCN, another AVA, or NOCN.

Since any recognition decision will normally have been taken by the OCNSWR Quality Committee, no member of the Quality Committee may serve on the Recognition Appeal Panel, in order to avoid a conflict of interest.

The appellant should provide sufficient information so as to enable the Appeal Panel to make a decision. However, where the Panel considers it necessary at any point in the process, it may seek additional information before making a decision.

Where it appears to the appeal panel that the process of obtaining additional information will take, or is likely to take, more than two weeks, the Centre will be informed in writing of progress and the anticipated date on which the panel will meet to hear the appeal.

The appeal panel will agree a date to meet to hear the appeal, which will be, so far as is practicable and reasonable, at a time and place where a representative of the Centre may attend, to present the appeal. If no mutually agreed date can be agreed, the appeal panel shall be entitled to meet without a representative of the Centre present; the absence of such a representative shall not invalidate the proceedings.

The decisions open to the Panel will depend on the nature of the case, but will include:

- To dismiss the appeal
- To uphold the appeal, in which case, the Panel may reverse the original assessment decision or refer the decision back to the Quality Committee for further consideration, or some other action as appears appropriate.

The decision of the Appeal Panel is final.

The decision will be communicated to the following within one week of the decision being taken:

- The Centre
- NOCN
- The OCNSWR Board via its chair
- The OCNSWR Quality Committee via its chair
- QAA (normally through OCNSWR's annual report)

Annex 1

Relevant publications by Regulatory Authorities

Ofqual	2008	Regulatory arrangements for the Qualification and Credit Framework (2008) - Centre recognition (paragraph 5.11) - Appeals and enquiries (paragraph 5.24 – 5.28)	http://www.rewardinglearning.org.uk/regulation/reform_of_vocational_qualifications/qcf_regulations.asp
QAA	2005	Principles and criteria for licensing of AVAs - monitoring the activities of providers (criterion 2.10) - procedures to enable appeals to be received, considered and resolved fairly, including from providers to the AVA in its role as an awarding body (criterion 2.12) - mechanisms to address matters of concern (criterion 3.6(d)) - mechanisms for withdrawal of an Access to HE programme's approval (criterion 4.3 (d))	http://www.accesstohe.ac.uk/home/publications/recognition05/recog_principles.asp