

Enquiries and Appeals Policy

1. General

- 1.1 We (Swim England Qualifications) are required by our Regulators, Ofqual and Qualification Wales (Regulators) to ensure that Learners can appeal against certain decisions made by us and / or our ATCs.
- 1.2 This policy sets out what an ATC should do when submitting enquires or appeals to us and the timescales which will be followed.
- 1.3 We aim to ensure that all decisions are fair, consistent, based on valid judgements and that our policies and procedures are followed properly and fairly. However we acknowledge that there may be occasions where a Learner and / or ATC may wish to appeal a decision made.
- 1.4 We always endeavour to ensure that enquiries are resolved before any full appeals process is undertaken.
- 1.5 Below are examples of enquiries and appeals that can be made to us:
 - Assessment Decisions and / or Outcomes (including External Verification Decisions and External Moderation Decisions)
 - Centre Review Outcomes
 - Reasonable Adjustments or Special Consideration Decisions
 - Malpractice Investigation Outcomes and Decisions
 - Adjudication of Internal Assessments Decisions
- 1.6 Any other queries regarding any other decisions made by us will be dealt with via our Complaints Policy.
- 1.7 We do not accept enquires or appeals directly from Learners, unless their ATC is no longer operating and / or no longer an ATC approved by us.
- 1.8 If a Learner wishes to appeal against a decision initially made by the ATC it must first go through the ATC's appeals procedure before the matter is pursued by us.
- 1.9 With the exception of Section 3, wherever possible we will not charge a fee for other enquiries, however depending on the extent of the enquiry there may be occasions whereby costs have to be passed on to the ATC. If this is the case, we will advise within the acknowledgement of the receipt of the enquiry. Fees for any enquiry or appeal undertaken by us are applied directly to the ATC. For enquiries relating to Section 3, an invoice will be raised following acknowledgement of receipt of the enquiry. Where an overall original decision made by us is not upheld as a result of an enquiry, appeal or panel investigation, fees will not be charged to the ATC. For our current fees, please refer to our Fees Policy (available on our website and via the ATC Secure Site, The Box).
- 1.10 For further advice on any matters concerning this policy, the ATC should contact us on qualityassurance@swimenglandqualifications.com

2. ATC Requirements

- 2.1 We require all ATCs to have an appeals policy and procedure to enable expressions of dissatisfaction about results or any decisions affecting the outcomes of Learner assessments.
- 2.2 Within this policy and procedure, the ATC should:
 - Identify the individual with whom the Learner should lodge an initial enquiry or appeal
 - State what the next steps should be if unresolved
 - Include procedures for a referral if the Learner is still unhappy with the outcome
 - Stipulate clear timelines for dealing with each step and the retention of evidence
 - Confirm that a Learner may nominate an appropriate representative to act on their behalf only if they are unable to represent themselves, for example by reason of disability, on medical grounds, or because they are under the age of 18. Learners wishing to nominate a representative should do so at the beginning of the process with the ATC, giving a clear reason why they cannot represent themselves
 - If an ATC appeals on behalf of a Learner/s they must ensure that they have obtained the written permission of the Learner/s

3. Adjudication of ATC Decisions

- 3.1 Whereby a Learner does not agree with the outcome of an appeal made to an ATC we may act as an independent adjudicator. This will only apply and be undertaken where a Learner has completed an appeal with an ATC against an internal assessment, reasonable adjustment or special considerations decisions which has not been able to be resolved by the ATC.
- 3.2 All requests must be made in writing within 20 working days from the date the ATC closed their appeal, providing evidence and results of their own appeals procedure.
- 3.3 We will acknowledge receipt of the enquiry within 5 working days of receipt of the enquiry and at this point an invoice to the ATC will be requested (see Section 1, point 1.9 above).
- 3.4 Where we agree to review a Learner's internal assessment evidence, the evidence will usually be included within other evidence to be presented for external verification. Where this is not possible or appropriate the assessment evidence will be reviewed separately. Outcomes of this review will be confirmed within an External Verification Report.
- 3.5 Following a review of the evidence for a reasonable adjustment or special considerations decisions a report will be submitted to the ATC. The report will confirm if the original ATC decision is to be upheld or not.
- 3.6 If the ATC and / or Learner remain dissatisfied with the outcome within the report, the ATC and / or Learner may request a formal appeal.

4. Reasonable Adjustments or Special Consideration Decisions Made by Us

- 4.1 Where an ATC is notified of a Reasonable Adjustments or Special Consideration decision made by us whereby the ATC and / or Learner disagrees with the decision made by us, the ATC may request an enquiry.
- 4.2 All requests must be made in writing within 20 working days from the day after the decision was issued by us.
- 4.3 Following a review of the evidence a report will be submitted to the ATC. The report will confirm if the original decision is to be upheld or not.
- 4.4 If the ATC and / or Learner remain dissatisfied with the outcome of the report the ATC may request a formal appeal.

5. External Moderation Decisions

- 5.1 Where an ATC is notified via an External Moderation Report that the Learner has not met the standard and the ATC and / or Learner disagrees with the decision made by us, the ATC may request an enquiry.
- 5.2 The enquiry will focus only on the areas that the Learner did not meet the standard.
- 5.3 All requests must be made in writing within 20 working days from the day after the External Moderation Report was issued by us.
- 5.4 The assessment evidence presented must include the original work of the Learner and the evidence and outcome of the initial External Moderation decision.
- 5.5 Following a review of the evidence a report will be submitted to the ATC. The report will confirm if the original assessment decision is to be upheld or not.
- 5.6 If the ATC and / or Learner remains dissatisfied with the outcome within the report the ATC may request a formal appeal.

6. External Verification Decisions

- 6.1 Where an ATC is notified via an External Verification Report that its assessment decisions have not met the standard and the ATC and / or Learner disagrees with the decision made by us, the ATC may request an enquiry.
- 6.2 All requests must be made in writing within 20 working days from the day after the External Verification Report was issued by us and before the ATC claims any certificates that relate to the External Verification activity.
- 6.3 The assessment evidence presented must include the original work of the Learner and the evidence and outcome of the initial assessment and internal verification activity and decisions.
- 6.4 The evidence may be reviewed remotely or during a face-to-face (online or in person) visit with the ATC. Following a review of the evidence a report will be submitted to the ATC. The report will confirm if the original assessment decision is to be upheld or not.

- 6.5 If the ATC and / or Learner remains dissatisfied with the outcome within the report the ATC may request a formal appeal.

7. Centre Review Outcomes

- 7.1 Where an ATC is notified via a Centre Review Report of the outcome of a Centre Review and the ATC disagrees with the decision made by us, the ATC may request an enquiry.
- 7.2 All requests must be made in writing within 20 working days from the day after the Centre Review Report was issued by us.
- 7.3 The evidence may be reviewed remotely or during a face-to-face (online or in person) visit with the ATC. Following a review of the evidence a updated Centre Review Report will be submitted to the ATC along with confirmation as to whether the original decision is to be upheld or not.
- 7.4 If the ATC remains dissatisfied with the outcome of the report the ATC may request a formal appeal.

8. Malpractice Investigation Outcomes and Decisions

- 8.1 Where an ATC is notified of a Malpractice Investigation outcome and decision and the ATC disagrees with the decision made by us, the ATC may request an enquiry.
- 8.2 All requests must be made in writing within 20 working days from the day after the outcome and decision was issued by us.
- 8.3 The evidence may be reviewed remotely or during a face-to-face (online or in person) visit with the ATC. Following a review of the evidence a report will be submitted to the ATC. The report will confirm if the original decision is to be upheld or not.
- 8.4 If the ATC remains dissatisfied with the outcome of the report the ATC may request a formal appeal.

9. Stage 1 Enquiry

- 9.1 The enquiry stage is one that precedes an appeal and is a stage that endeavours to resolve disputes before they reach the appeals procedure.
- 9.2 ATC's have 20 working days from the day after the outcome and decision was issued by us (or 20 working days from the day after the date an appeal was closed by the ATC, see Section 3) in which to make an enquiry.
- 9.3 Hence ATCs must take this into consideration along with our Retention of Records Policy (available via the ATC Secure Site, The Box).
- 9.4 The ATC must provide the following details:
- ATC Name
 - ATC Centre Number
 - Learner/s Name and Registration Number/s (if applicable)
 - Title / QAN of the qualification (if applicable)
 - What decision the enquiry relates to

- Details of any decision dates known
- Evidence and results of the ATCs own appeals procedure (if applicable)
- ATC representative contact details (email / telephone number) for the individual making the enquiry on behalf of the ATC and/or Learner (this would usually be the Key Centre Contact, unless there is a Conflict of Interest that needs to be taken into account)
- As much detail as possible about the decision and what aspects of the decision are being challenged

9.5 All enquiries should be sent to qualityassurance@swimenglandqualifications.com

9.6 We will acknowledge receipt of the enquiry within 5 working days of receipt of the enquiry. We will only highlight in this acknowledgement any anticipated or actual fees if they may be applicable taking into account the specific enquiry (see Section 1, point 1.9 above).

9.7 We will review the enquiry and notify the ATC Key Centre Contact of the outcome within 20 working days from the day after the enquiry was received by us. Should it not be possible to provide an outcome within this time we will inform the ATC and wherever possible provide an alternative anticipated outcome date.

9.8 If the ATC and / or Learner remain dissatisfied with the outcome of the enquiry the ATC may request a formal appeal.

10. Stage 2 Formal Appeal

10.1 If the ATC and / or Learner remain dissatisfied after receiving the outcome of an enquiry, they can pursue a formal appeal against the decision.

10.2 All appeals must be made in writing and within 20 working days from the day after the enquiry outcome was issued by us. All appeals should be emailed to qualityassurance@swimenglandqualifications.com

10.3 The ATC must provide the following details:

- ATC Name
- ATC Centre Number
- Learner/s Name and Registration Number/s (if applicable)
- Title / QAN of the qualification (if applicable)
- The enquiry reference number (provided by us)
- ATC representative contact details (email / telephone number) for the individual making the enquiry on behalf of the ATC and/or Learner (this would usually be the Key Centre Contact, unless there is a Conflict of Interest that needs to be taken into account)
- As much detail as possible about what aspects of the enquiry outcome are being challenged

10.4 If an ATC is appealing on behalf of a Learner/s they must ensure that they have obtained the written permission of the Learner/s concerned as results can go down as well as up following a full investigation.

- 10.5 We will acknowledge receipt of the appeal within 5 working days of receipt of the appeal.
- 10.6 We will establish who will undertake the appeal, which will consist of one or more individuals, who are competent to undertake the appeal and have no personal interest in the outcome of the appeal. The final decision on an appeal will involve at least one decision maker who is not an employee of our awarding organisation or an external consultant working on our behalf.
- 10.7 We will inform the ATC of the result of the appeal within 20 working days from the day after the appeal was received by us. Should it not be possible to provide an outcome within this time we will inform the ATC and wherever possible provide an alternative anticipated outcome date.
- 10.8 Following the issuing of the outcome of the appeal, should the overall outcome not be changed and as such the previous overall decision upheld, an invoice for the cost of the appeal will be issued to the ATC.
- 10.9 If the ATC and / or Learner remain dissatisfied with the outcome of the appeal the ATC may request a panel investigation.

11. Stage 3 Panel Investigation

- 11.1 If the ATC and / or Learner remains dissatisfied after receiving the outcome of the formal appeal, they can request a panel investigation.
- 11.2 All panel investigation requests must be made in writing and within 10 working days from the day after the formal appeal outcome was issued by us. All panel investigation requests should be emailed to qualityassurance@swimenglandqualifications.com
- 11.3 The ATC must provide the following details:
 - ATC Name
 - ATC Centre Number
 - Learner/s Name and Registration Number/s (if applicable)
 - Title / QAN of the qualification (if applicable)
 - The formal appeal reference number (provided by us)
 - ATC representative contact details (email / telephone number) for the individual making the enquiry on behalf of the ATC and/or Learner (this would usually be the Key Centre Contact, unless there is a Conflict of Interest that needs to be taken into account)
 - As much detail as possible about what aspects of the formal appeal are being challenged
- 11.4 We will acknowledge the panel investigation request within 5 working days of receipt of the panel investigation request.
- 11.5 We will establish an investigation panel, consisting of two or more individuals, who will be competent to act on the panel and have no personal interest in the

outcome of the investigation. The final decision from an investigation panel will involve at least one decision maker who is not an employee of our awarding organisation or an external consultant working on our behalf.

- 11.6 The panel investigation will be arranged to take place at our Head Office. Where this is not practicable, an online investigation will be arranged. The panel investigation will consist of representation from the ATC and / or Learner and will be arranged wherever possible at a convenient time for all involved.
- 11.7 Following the issuing of the outcome of the panel investigation, should the overall outcome not be changed and as such the previous overall decision upheld, an invoice for the cost of the panel investigation will be issued to the ATC.
- 11.8 The decision from the panel will be final.

12. Outcomes of Enquiries and Appeals

- 12.1 Where an enquiry and / or appeal has the potential to have an adverse effect we will inform the Regulators as per their requirements and in line with our Communication with the Regulators Policy.
- 12.2 Where an enquiry or an appeal is upheld and the outcome is seen to have a wider impact on other ATCs and / or Learners, we will ensure that:
- Any other Learner who may have been affected is identified
 - The error is corrected, or if it cannot be corrected for any reason, the effect of such an outcome is mitigated
 - Applicable policies and / or procedures are reviewed to prevent any future reoccurrence
 - Additional advice, direction and / or training of staff and / or External Consultants is undertaken to prevent any future reoccurrence

13. Quality Assurance

- 13.1 This policy supports regulatory conditions; C2; H2; I1; I2.
- 13.2 This policy is reviewed biennially to ensure it continues to meet our needs and those of our Regulators.