

OCN Eastern Region

PROCEDURES FOR CONSIDERING APPEALS AND COMPLAINTS

1 Introduction

OCN Eastern Region aims to offer centres and learners a responsive and efficient service. Any appeal or complaint will be dealt with as promptly and transparently as possible. Colleagues with appropriate expertise will serve on appeals committees.

An **appeal** may be defined as a request for a formal review of a decision taken.

A **complaint** may be defined as a specific concern from a centre or individual learner about an aspect of OCN Eastern Region accredited provision or service.

OCN Eastern Region does not charge a fee for the consideration of appeals or complaints.

2 Scope

2.1 It should be noted that centres are responsible for dealing with appeals against assessment or internal moderation / verification decisions and are required to evidence their appeals procedures during the Centre Recognition process.

2.2 OCN Eastern Region's Appeals procedures will be used in the following conditions:

1. Appeal by a Centre against a Centre Recognition decision

Condition: supported allegations that the OCN Eastern Region did not follow N/OCN guidance and procedures published in the NOCN Centre Handbook.

2. Appeals by a Centre against the conduct and decision of External Verification

Condition: supported allegations that OCN Eastern Region's procedures published in the Handbook for External Verifiers were not followed.

3. Appeal by a learner against the conduct of an examination board / final confirmation of results on an OCN Eastern Region accredited course

Conditions: supported allegations that the examination board / final confirmation of results was not conducted according to published OCN Eastern Region guidelines and/or a material irregularity led to a breach in procedures or regulations; and/or fresh evidence has become available which for valid reasons was not disclosed before the decision concerning the award was taken.

4. Any other appeal against a decision taken by the OCN

Condition: supported allegations that the appropriate OCN Eastern Region or NOCN guidelines were not followed.

2.3 OCN Eastern Region's Complaints procedures should be used when there is a complaint against any aspect of OCN Eastern Region's service.

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3 Procedures for Appeals

3.1 *Initiating an Appeal*

- The centre's own appeals procedures should be used to consider any appeals concerning assessment or internal moderation / verification in the first instance. OCN Eastern Region procedures should only be used when these have been exhausted.
- If a centre or learner is concerned at a decision made by a representative of the OCN Eastern Region, s/he should initially discuss the matter informally with that representative (eg Quality Reviewer, External Verifier etc.). Many concerns may be resolved at this stage. Any revised decisions should be fully documented.
- If the issue cannot be resolved, an appeal should be made in writing to the Director of Quality at OCN Eastern Region, or the Director of Access to HE where the appeal relates to Access to HE courses, stating the grounds and citing supporting evidence.
- The appeal to the OCN Eastern Region should be made as soon as possible, normally within 2 weeks of the initial decision.
- Any appeal to the OCN from a centre must be countersigned by the Quality Manager, or nearest equivalent, at that centre before it can be considered by OCN Eastern Region.

3.2 *OCN Eastern Region action on receiving an appeal*

- The Director of Quality or Director of Access to HE where appropriate will acknowledge the appeal within five working days of receipt, indicating that a further response will be sent within a month.
- The Director of Quality or Director of Access to HE where appropriate will also notify the Chair of the Quality Committee or Chair of Access to HE Committee, and the OCN Eastern Region's Chief Executive Officer within 5 days that an appeal has been received and inform them of the initial action taken.
- All appeals and responses to these will be logged in the appropriate dedicated file.

3.3 *First Stage: review and informal discussion*

- The Director of Quality / Director of Access to HE will consider whether the matter meets the conditions for an appeal and whether the evidence is sufficient. S/he will inform the appellant if further evidence is required or if no action can be taken, giving the reasons and suggesting an alternative procedure when appropriate.
- If the grounds for the appeal are sufficient, the Director of Quality / Director of Access to HE will investigate whether the matter can be resolved through informal discussion without adopting formal procedures. Any agreed action will be recorded. Informal resolution will always be the preferred option.

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- The Chair of the Quality Committee / Access to HE Committee and Chief Executive Officer will be kept informed and will be consulted when appropriate.
- The first stage should normally be completed within 2 weeks of the receipt of the appeal.

3.3 *Second Stage: formal*

- If it is not possible to achieve an informal resolution, an Appeals Committee will be convened to consider the appeal.
- The members of the Appeals Committee will be
 - the Chair of the Quality Committee / Access to HE Committee, or his/her nominee from the membership of the Quality Committee / Access to HE Committee (who will act as Chair of the Appeals Committee);
 - a Quality Reviewer, External Verifier or Access Moderator or Tutor (depending on the issue) who is not involved in the appeal and who is not employed by the centre pursuing the appeal
 - an independent representative (who is not and has not at any time in the last 7 years been a member of OCN Eastern Region's board or committees, or an employee)
 - an OCN Eastern Region officer.
- Where Access to HE provision is involved, the Chair of the Access to HE Committee may nominate another member of the Access Committee to chair the Appeals Committee. In addition, at least one member of an Access Appeals Committee must be a representative from Higher Education.
- The Appeals Committee will normally meet within 4 weeks of the receipt of the appeal.
- The Appeals Committee will be provided with all relevant documentation pertaining to the appeal. It will seek to establish that all procedures were followed correctly, fairly and openly.
- The appellant and any other parties involved will be invited to attend the Appeals Committee meeting to put their cases and answer questions. They may be accompanied by a friend at their request and should notify the OCN Eastern Region of the name of this person in advance of the meeting.
- A report of the meeting of the Appeals Committee will be written by an OCN Eastern Region officer.

3.4 *Outcome*

- The decision of the Appeals Committee will be conveyed in writing to all relevant parties within 5 working days.
- The Appeals Committee will recommend one of the following courses of action:

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- 1 To dismiss the appeal
- 2 To uphold the appeal in full or in part and amend any previous decision made.

- The Appeals Committee may make recommendations to OCN Eastern Region arising from issues highlighted in the appeal. Recommendations might include the appointment of a new Quality Reviewer or External Verifier as appropriate.
- Where the outcome of an appeal against an assessment decision is such as to bring into question the accuracy of results of other learners in the same assessment, OCN Eastern Region will take appropriate steps to protect the interests of all learners and the integrity of the qualification and award of credit.
- The appellant will be asked to notify the Director of Quality / Director of Access to HE within 5 working days of the receipt of the report if s/he is not satisfied with the result. If no response is received it will be assumed that the appellant is now satisfied.

3.5 Reporting, monitoring and evaluation

- The report of the Appeals Committee will be submitted to the next meeting of the Quality Committee or Access to HE Committee. The report will also be sent to the Chief Executive Officer. The OCN Eastern Region's Board of Trustees will receive an annual summary report on appeals and complaints.
- The Quality Committee/ Access to HE Committee will monitor that any action recommended by the Appeals Committee is taken forward.
- The Quality Committee/ Access to HE Committee will monitor and evaluate the operation of the Appeals procedure on an annual basis.

4 Appeal to NOCN

If an appellant/complainant is dissatisfied with the outcomes of an appeal or complaint and the appeal or complaint is in respect of

- Unreasonable behaviour, or a default in the duties or activities outside the terms of the NOCN licence
- Failure to follow procedure which affects assessment and award decisions

then the appellant/complainant may seek to utilise NOCN complaints procedures.

Appeal Against the Decision Of an Access to HE Validation / Revalidation Panel

1 Conditions

- 1.1 An appeal by a provider institution against a decision on an Access course's status made by an OCN Eastern Region Validation / Revalidation Panel must be lodged in writing with the Chair of the Access Committee. This must be submitted to the Director of Access to HE within ten working days of receipt of the draft Panel report.

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- 1.2 An appeal may only be made in relation to the process and procedure by which the decision was made and not against the result of the recognition panel.
- 1.3 The appeal will usually be lodged by the Access Co-ordinator and countersigned by the Centre Quality Manager.

2 Procedure

- 2.1 The written appeal will state the reasons for the appeal, citing supporting evidence.
- 2.2 The Chair of the Access Committee will acknowledge receipt of the appeal to the provider institution, normally within 5 working days of its receipt.
- 2.3 A meeting will be arranged between the Chair of the Access Committee, the signatories to the appeal and the Director of Access to HE in order to seek to resolve the issues informally, and to sort out any misunderstandings. The meeting will normally take place within 10 days of the receipt of the appeal. This may lead to a resolution of the issue.
- 2.4 The written appeal will be discussed at the next full meeting of the Access Committee.
- 2.5 If there has not been a resolution of the issue, and the Access Committee considers that the appeal is in accordance with the conditions, it will appoint an Appeal Panel to give detailed consideration to the appeal. The sub-committee will meet within 21 days.
- 2.6 The Appeal Committee will be cross-sector and will normally consist of the Chair or Vice-chair of the Access Committee, 2 further members of the Access Committee and an OCN Eastern Region officer. In the case of an appeal concerning an Access programme, one of the members must be a member of and HE institution. The OCN Eastern Region officer will not have voting rights, but will provide information when required and write a report. It should be noted that no member of the first Validation Panel, with the exception of the OCN Eastern Region officer, may be a member of the Appeal Panel.
- 2.7 The Appeal Panel will have for its consideration all documentation pertaining to the Validation Panel together with the written appeal and the minutes of the Access Committee meeting which received the appeal.
- 2.8 The provider lodging the appeal will be invited to present its case at the meeting of the Appeals Panel. This will normally be undertaken by the signatories to the appeal.
- 2.9 The Appeal Panel may hold a private discussion to reach its decision, which may be by majority vote, and will announce its decision in the presence of all parties.

3 Outcome

- 3.1 The Appeal Panel will recommend one of the following courses of action;
 1. To dismiss the appeal. The decision of the original Validation Panel will stand.

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2. To uphold the appeal. A new Validation Panel will be convened to examine the programme submission. The panel may alter the decision in the course's status, or it may reach the same decision. Conditions and recommendations may be applied. There will be no overlap in membership between the first and second panel, with the possible exception of an OCN Eastern Region officer.
- 3.2 The Appeal Panel may also make recommendations to the OCN Eastern Region arising from issues highlighted by the appeal.
- 3.3 An agreed written report of the Appeal Panel meeting will be submitted to the Access Committee for confirmation.
- 3.4 The Access Committee has a responsibility to ensure that any recommendations of the Appeal Panel pertaining to OCN Eastern Region's quality procedures are addressed and that any other matters are dealt with appropriately.
- 3.5 The decision of the Access Committee on the appeal is final. There is no further right of appeal.

Procedures for Complaints

3.4 *Initiating a complaint*

- Any complaint should be discussed informally with the appropriate OCN Eastern Region representative (eg member of staff, Quality Reviewer, External Verifier, Moderator) in the first instance. Many concerns may be resolved at this stage.
- If the issue cannot be resolved, a complaint should be made in writing to the Director of Quality or if relating to Access to HE, the Director of Access to HE at OCN Eastern Region, stating the grounds and citing supporting evidence.
- The complaint to the OCN Eastern Region should be made as soon as possible after the issue has been raised, and normally within 2 weeks.

3.5 *OCN Eastern Region action on receiving a complaint*

- The Director of Quality will acknowledge the complaint within five working days of receipt, indicating that a further response will be sent within a month.
- The Chair of the Quality Committee, Chair of the Access to HE Committee, Chief Executive Officer, and any OCN Eastern Region Senior Managers whose areas of responsibility are relevant to the complaint will also be informed within 5 working days.
- All complaints and responses to these will be logged in the appropriate dedicated file.

3.6 *OCN Eastern Region Response to a Complaint*

- The Director of Quality / Director of Access to HE will consider whether the matter falls within the remit of OCN Eastern Region or whether it could be resolved by the centre's

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procedures, and whether the evidence is sufficient. S/he will inform the complainant if further evidence is required or if no action can be taken, giving the reasons and suggesting an alternative procedure when appropriate. Where the complaint is against the Director of Quality or Director of Access to HE, the Chief Executive Officer will give the complaint this initial consideration, and replace the role of the relevant person in the steps that follow within the procedure.

- Once the validity of the complaint has been established, the Director of Quality / Director of Access to HE, and 2 other OCN Eastern Region Senior Managers (including the Manager whose area of responsibility is involved) will consider the complaint and seek to find a resolution. All relevant documentation will be available for scrutiny and considered.
- If the complaint is upheld, appropriate remedial action will be suggested. If the complaint is dismissed, the reasons for this will be given. A written record of the decision and any recommended actions will be kept. The Chief Executive Officer will be informed of the outcome.
- The Chair of the Quality Committee / Chair of Access to HE Committee (or their nominee from the appropriate Committee) will be requested to review the response and confirm that it is appropriate. If the Chair (or nominee) is not satisfied with the response, a further meeting to discuss the complaint will be held at which a member of the appropriate Committee will be present.
- The Chief Executive Officer will be informed of the outcome.
- The Director of Quality / Director of Access to HE will send a detailed response to the complainant within 5 weeks of the receipt of the complaint and within 5 days of the meeting to discuss the complaint. This will indicate action to be taken by the OCN Eastern Region, or the reasons why the complaint could not be upheld, as appropriate.
- The complainant will be asked to notify the Director of Quality / Director of Access to HE within 5 working days of the receipt of the response if s/he is not satisfied with the result. If no response is received it will be assumed that the complainant is now satisfied.

4.4 Reporting, monitoring and evaluation

- A report of the complaint and of the OCN Eastern Region's response will be submitted to the next meeting of the Quality Committee.
- The Quality Committee / Access to HE Committee will monitor that any action recommended as a result of the complaint is taken forward.
- The Quality Committee / Access to HE Committee will monitor and evaluate the operation of the Complaints procedure on an annual basis.