Regulatory Conditions - Section I

This table relates the Ofqual Conditions of Recognition (Section I) to the Policy and Procedures of The Learning Machine Ltd, and records the review dates when the conditions were last checked for compliance. The procedure is for each condition to be independently checked by two Directors.

Links

Part 1 The awarding organisation

Go to A. Governance [1]

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Part 2 The regulated qualification

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Go **[5]** to E. Design and development of qualifications **[5]**

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Go **[9]** to I. Appeals and certificates **[9]**

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Conditions	Reference to TLM Policy and Procedures	Date reviewed
I. Appeals and certificates		
Condition I1 Appeals process		
I1.1 An awarding organisation must establish, maintain and comply with an appeals process in relation to all qualifications which it makes available, which must provide for the appeal of – (a) the results of assessments, (b) decisions regarding Reasonable Adjustments and Special Consideration, and	Appeals [11]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

(c) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.		28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I1.2 For these purposes, the appeals process must provide for – (a) the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly, (b) all appeal decisions to be taken by individuals who have no personal interest in the decision being appealed, (c) all appeal decisions to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, (d) appeal decisions to be only taken by persons who have appropriate competence, and (e) timelines for the outcome of appeals.	Appeals [11]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I1.3 An awarding organisation must publish information on its appeals process to enable the results of assessments to be appealed.	Appeals [11]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I1.4 Where the application of an appeals process in the case of a Learner leads an awarding organisation to discover a failure in its assessment process, it must take all	Appeals [11]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

reasonable steps to – (a) identify any other Learner who has been affected by the failure, (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and (c) ensure that the failure does not recur in the future.		07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
Condition I2 Compliance with Ofqual's/ Qualification Wales appeals and complaints process		
I2.1 An awarding organisation must comply with the requirements of any appeals and complaints process established by Ofqual/Qualifications Wales in the form in which it may be published by Ofqual/Qualification Wales and revised from time to time.	Compliance [12]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I2.2 An awarding organisation must give due regard to the outcome of any such appeals or complaints process in relation to a qualification which it makes available.	Compliance [12]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/8 (PT)
I2.3 Where the application of any such appeals or complaints process in the case of a	Compliance [12]	9th September 2011 (IL) 12/03/2012 (SE)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

Learner leads an awarding organisation to discover a failure in its assessment process, it must take all reasonable steps to – (a) identify any other Learner who has been affected by that failure, (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and (c) ensure that the failure does not recur in the future.		15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I2.4 Where Ofqual/Qualifications Wales notifies an awarding organisation of failures that have been discovered in the assessment process of another awarding organisation, the awarding organisation must review whether or not a similar failure could affect its own assessment process.	Compliance [12]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I2.5 Where, following a review, the awarding organisation identifies such a potential failure, it must take the same action as if a failure has been discovered in relation to it by virtue of the application of Ofqual's/Qualifications Wales appeals and complaints process.	Compliance [12]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
Condition I3 The design and content of certificates		
I3.1 An awarding organisation must ensure that the design of	Design [13]	9th September 2011 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

each certificate in relation to a qualification which it makes available complies with the Certificate Requirements which may be published by Ofqual/Qualifications Wales and revised from time to time.		12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I3.2 An awarding organisation must ensure that – (a) all certificates which it issues clearly and uniquely identify both the Learner and the certificate itself, (b) all certificates which it issues clearly display the title of the qualification as it appears on the Register (and any Endorsement known after the qualification is submitted to the Register) and do not include any other title for the qualification.	Design [13]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/148 (PT)
I3.3 Where an awarding organisation issues any replacement certificate, it must ensure that the certificate is clearly identifiable as being a replacement.	Design [13]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I3.4 Where an awarding organisation issues a certificate in relation to a qualification and – 	Design [13]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

(a) the assessment of the qualification was in a language other than English (when it took place in England or Northern Ireland) or Welsh or Irish (when it took place in Northern Ireland), and (b) the objective of the qualification was not for the Learner to gain skills in, or knowledge or understanding of that language, the awarding organisation must ensure that the language of the assessment is clearly identifiable on the certificate.		07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
Condition I4 Issuing certificates and replacement certificates		
I4.1 An awarding organisation must, in relation to qualifications which it makes available – (a) publish the expected dates or timescales for the issue of certificates, (b) ensure that the issue of certificates is timely, (c) issue only certificates which are clear and readily capable of being understood by Users of qualifications, (d) issue only certificates which are accurate and complete and which reflect accurate and complete results, (e) maintain a record of all certificates and replacement certificates which it issues, and (f) not include a qualification which is not a regulated qualification on a certificate which contains regulated qualifications.	Issuing [14]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE) 4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
I4.2 An awarding organisation must take all reasonable steps, including having procedures in place, to ensure that it – (a) issues a certificate and any replacement certificate to any Learner who has a valid entitlement to that certificate	Issuing [14]	9th September 2011 (IL) 12/03/2012 (SE) 15/04/2013 (IL) 07/05/2014 (IL) 14/04/15 (SE)

(function(i,s,o,g,r,a,m){i['GoogleAnalyticsObject']=r;i[r]=i[r]||function(){ (i[r].q=i[r].q||[]).push(arguments)},i[r].l=1*new Date();a=s.createElement(o), m=s.getElementsByTagName(o)[0];a.async=1;a.src=g;m.parentNode.insertBefore(a,m) })(window,document,'script','//www.google-analytics.com/analytics.js','ga'); ga('create', 'UA-46896377-2', 'auto'); ga('send', 'pageview');

or replacement certificate, (b) does not issue any certificate to a Learner who does not have a valid entitlement to that certificate, (c) revokes any certificate if the result on the certificate is false because of malpractice, maladministration, or is revealed to be inaccurate as a consequence of an appeals process, and (d) meets any date or timescale published by it in respect of the issue of certificates and replacement certificates.		4/9/16 (JK) 28/8/17 (JK) 16/1/18(JK) 07/08/18 (PT)
Go to J. Interpretation and definitions [10]		

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