

## Procedures for Making Enquiries, Appeals and complaints

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#### **TLM Appeals Procedure**

These procedures are adapted from the procedures published by the three qualification regulators for England, Wales and Northern Ireland (Ofqual, Qualifications Wales and CCEA).

TLM will accept appeals in relation to three areas

- Appeals against results – when a centre is still dissatisfied with an examination result or results following the enquiries about results process.
- Appeals against malpractice decisions – following a decision to apply a penalty because of malpractice in an examination/assessment.
- Appeals against decisions made in respect of access arrangements and special consideration.

TLM will charge a fee for each stage of an appeal against the outcome of an enquiry about results.

The fee will be refunded/waived if the appeal is upheld.

Appeals against the outcomes of enquiries about results

### **Enquiries from assessors**

- For all enquiries related to the operation of The Learning Machine Certificates, the first point of contact is the Centre's Account Manager.

Any enquiries should be sent by E-mail in the first instance to the relevant account manager using the address denoted by `firstname.surname@theingots.org`

If more than 24 hours passes before receiving a response please telephone +44 (0) 1827 305940 to confirm that The Learning Machine has received the communication.

This is simply a precaution as we aim to respond to all messages within 24 hours or less. Occasionally messages can go astray so this is simply a failsafe.

If possible the enquiry will be resolved by the Account Manager through E-mail dialogue between the person making the enquiry and the Account Manager

- If the enquiry can not be resolved by this method the matter will be referred by the account manager to either the CRO of the Learning Machine, the Chief Assessor or technical support depending on whether the enquiry is related to assessment, company procedures or the website and associated technologies.

- The CRO and/or the Chief Assessor will at this point inform the Centre's Principal Assessor assuming that the Principal Assessor has not been involved to this point if the matter concerns assessment or company procedures.

- If the person making the enquiry wishes the enquiry to remain confidential the Account Manager will honour this wish providing that the implications do not affect the integrity of the programme. For example, in a case where there is evidence of malpractice and dealing with this requires communication of the enquiry to other parties, for example the Regulatory Authorities.
- If the matter is still unresolved it will be referred to the TLM Governing Body.
- If the matter is then still unresolved it can be referred to OfQual or Qualifications Wales regulatory bodies for this qualification. The decision of the Regulatory Body will be final and binding on The Learning Machine and/or the Centre.

### Enquiries by candidates of assessors

- The policy of the Learning Machine is to treat all parties with fairness and justice.
- If a candidate feels unfairly treated in the assessment process, they should discuss this with the assessor and the assessor should provide clear reasons why the candidate has failed to meet the required standard and what they need to do in order to achieve the required standard.
- Candidates that do not want to talk to the assessor or who do not believe that the assessor has provided a fair judgement can use the complaints procedures on the web site to communicate directly with The Learning Machine.
- Such complaints will be investigated by opening up a dialogue between the Account Manager and the Principal Assessor at the Centre/Academy.
- If necessary the Account Manager will visit the Centre/Academy and seek evidence to resolve the matter.
- The candidate should not use the web site forums to discuss assessment decisions and disputes that are in the process of being resolved or to restart debate after a final decision has been made. The Acceptable use policy for the web site must be strictly observed.
- In the event that the situation can not be resolved, the evidence will be presented to an independent consultant, normally the headteacher of a school near to the Centre/Academy or a person of professional standing in the local community acceptable to all parties. **By independent we mean someone with no connection or previous affiliation with the Awarding Body.** This person will give a final ruling.

### Monitoring the effectiveness of the enquiry procedures

- All enquiries will be recorded in the database and linked to the relevant centre.
- There will be a on-going review by the Board, of the enquiry procedures using the evidence from the outcomes of the enquiries over the previous year.
- This will form the basis of an annual report to the Governing Body with any recommendations for improvements.

### Appeals Policy and Procedures

- Anyone in any part of the awards process can appeal against a decision by The Learning Machine that affects them including for reasonable adjustments.
- An initial appeal is free of charge and the intention is that most appeals can be decided through this method.

- There are 5 types of appeal that can result in a charge being levied to cover some of the costs of appeals to the Awarding Body. These are appeals against decisions related to:
  1. Grant of Centre or Academy status
  2. Grant of Assessor status
  3. Grant of Assessor trainer status
  4. Grant of Principal assessor status
  5. The assessment judgement of an assessor
- If the initial appeal fails to resolve the issue through dialogue between the appellant and the Centre's Account Manager at the Learning Machine, there will be a charge of £25 per learner to cover the cost of further administration involved in collecting written evidence and passing this to the Governing Body.
- The Governing Body will arrange for an independent person who is not an employee of The Learning Machine or a member of the Board and who never has held a position related to The Learning Machine's Awarding Body operation, to review the evidence and provide a judgement. The appellant will be informed in writing of the views of this independent person.
- If the appellant requires a further independent arbiter to review the evidence and verify that the procedures have been carried out as agreed, one will be appointed, who is acceptable to both sides and the appellant. The appellant will be liable for the arbiter's reasonable costs of £500 if the judgement goes against them. The Awarding Body will pay these costs up to £500 if the appeal is upheld. The appellant will be liable for their own costs above and beyond this limit.
- All appeals should be made by E-mail within 2 weeks of the date of the decision the appeal is against.
- The E-mail should be addressed to the Centre Account Manager using `firstname.secondname@tlm.org.uk` and have the word Appeal as the subject.
- The E-mail text should state the Name of the Centre and provide brief details of the nature of the appeal and a contact telephone number.
- The Account Manager will respond in writing within 1 working day to acknowledge the appeal.
- The appeal should have objective grounds showing why the decision is in error based on published criteria associated with the subject of the appeal.
- The Account Manager will discuss the issue in the first instance and will endeavour to resolve the matter through discussion.
- In the event that the situation can not be resolved, the evidence will be presented first to the Chief Assessor and if still unresolved to an independent consultant, normally the headteacher of a school near to the Centre/Academy or a person of professional standing in the local community acceptable to all parties. By independent we mean someone with no connection or previous affiliation with the Awarding Body or its Governing Body. This person will give a final ruling.
- This will not incur a charge. The whole process should not take more than 6 weeks assuming that requested information and responses from the appellant are received promptly by E-mail on request.
- The outcomes of appeals will be reported to the Governing Body in keeping with the monitoring and evaluation policy below.
- The appellant will receive written notification of the outcomes of any appeal within 5 days of the decision.

## Overview of malpractice procedures, appeals procedures and monitoring and evaluation.

- The purpose of the overview of procedures is to mitigate risk and reduce the potential instance of malpractice.
- The overall aim is to eradicate malpractice and promote fairness ensuring that the procedures related to malpractice and appeals are sufficiently robust but low in bureaucratic overhead.
- All enquiries, investigations and appeals will be recorded and dated.
- These will be reviewed quarterly to check for any patterns or issues that require a policy change.

- A summation of the evidence produced will be presented to the Governing Body together with recommendations for any improvements.
- The Governing Body will decide and sanction any actions to be taken
- The Governing Body will review the entire malpractice policy and procedures including the procedures for the overview of the procedures and it will make all related information to the regulatory authorities on request.
- Link to candidate malpractice in examination flowchart can be found [here](#) [2]
- Link to Report document for suspected candidate malpractice can be found [here](#) [3]
- Link to Appeal against a decision of the Malpractice Committee can be found [here](#) [4]

## Where the result of an appeal calls other awards into question

If as a result of an appeal or complaint, the validity of awards to other candidates is drawn into question the Chief Assessor will initiate an investigation to ascertain

- Whether any Principal Assessors or Assessor Trainers have been negligent in their responsibilities for quality assurance. Individuals will be suspended from their duties if there are reasonable grounds to suspect negligence until such time that they can provide evidence of being capable of providing the consistency required by the Awarding Body. This might require some compulsory re-training.
- Whether any active assessors are currently requesting awarding of certificates that are likely to be below the standards set. In such cases, the assessor's rights to request moderation/assessment will be withdrawn until such time that the Awarding Body is satisfied that the assessor's work is a consistent reflection of the Awarding Body's expectations. This might require some compulsory re-training.
- Whether certificates have been awarded to candidates that have not demonstrated that they can meet the criteria. The Awarding Body will revoke any certification where there is substantial doubt about the validity of the award that has been made. This will result in the removal of the award from the database until such time that evidence is provided that the award is justified. All candidates affected by such action will be informed and offered opportunities to verify their capability of meeting the criteria.
- The approach in gathering evidence will vary with the particular circumstances but it will involve collecting samples of work, interviews and direct observation.
- These procedures should be considered in the context of the Procedures for Quality Assurance.

## Examination Appeals

- It is our aim to treat each case fairly and consistently.
- If a Head of Centre or private candidate is not happy with an examination result and has reasons to suspect it may not be accurate, the first step is to make an enquiry about results.

## Examination Papers

- The content of all papers and questions is confidential.
- TLM offer examinations on demand. A consequence of this service is that when your candidates have finished their exam, the paper remains live and will be used for more candidates in other schools. For this reason, you must not view or reproduce used exam papers and they must remain confidential. Papers cannot be returned to centres and no discussion over questions or content can be entered into while exam papers remain live.

## Making an Enquiry about an exam result

- An enquiry involves a review of the original marking and is not a re-mark.
- By ensuring that marks are reviewed, only those marks that are the result of a genuine marking error, not a difference in judgement, will be changed, which will be fairer to all

candidates.

### **TLM offers the following enquiry about results services.**

#### **Service 1 (Clerical re-check)**

This is a re-check of all clerical procedures leading to the issue of a result.

- Candidate consent is required as marks may be lowered.
- Clerical checks will be carried out as quickly as possible, normally within a few days however this could be longer at busy times.
- The outcome of the re-check will be reported along with a statement of the total marks awarded for each unit, or component, included in the enquiry.
- Only Service 1 clerical re-checks can be requested for objective tests (multiple choice tests).
- If the Centre or candidate remains dissatisfied, he/she may take the appeal to Stage 2.

#### **Service 2 (Mark review)**

This is a post-results review of the original marking to ensure that the agreed mark scheme has been applied correctly.

- This service will include the clerical re-checks detailed in Service 1;
- The service is available for externally assessed examinations.
- Candidate consent is required as marks may be lowered
- The deadline for completion is within 30 calendar days of the awarding body receiving the request.
- The outcome of the mark review will be reported along with a statement of the total marks awarded for each unit, or component, included in the enquiry.
- TLM will, where possible, ensure that the mark review is undertaken by someone other than the original examiner.
- The sample should contain 8-20 candidates
- Please note that taking this action does not mean that TLM will automatically proceed to review the entire cohort.
- Centres must obtain written candidate consent for mark reviews, as with these services, candidates' marks and subject grades may be lowered.
- If upon receipt of the review of marking outcomes, the centre still has concerns it should formally raise the matter in writing with TLM within 14 days of receipt of the outcome of the last relevant review of marking result;
- TLM will review the case, and will authorise an extended review of marking if it decides that a trend of significant incorrect marking has been revealed.

The sample will consist of all requests submitted.

- Significant incorrect marking' is generally defined as a change of more than 5% of the total available raw marks for the paper.
- At least 50% of the centre sample must have experienced significant incorrect -marking for it to be considered a 'trend'.
- Subject grade changes will not be used as a criterion to determine whether an Enquiry about results should be extended.
- The evidence of a very small number of enquiries about results cannot be accepted as a trend.

Where TLM is satisfied that an extended review of marking is warranted, the review may take one of the following courses of action, which the awarding body considers appropriate:

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- review of the marking of some candidates or some responses;
- review of the marking of all remaining candidates in the centre
- a statistical adjustment to the raw marks of the remaining candidates in the unit/component concerned.
- Where TLM initiates an extended review of marking, candidates' marks and subject grades may not only be confirmed or raised but may be lowered.
- Where TLM initiates an extended review of marking, centres will not be charged a fee.
- Where the awarding body initiates an extended review of marking, centres will be invoiced for those reviews requested as part of the 'representative sample'

### Candidate consent

- Centres must obtain written candidate consent for clerical checks and mark reviews, as with these services candidates' marks and subject grades may be lowered.
- NB Written consent from the candidate is also acceptable by e-mail.

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[3] <https://theingots.org/community/sites/default/files/uploads/user2256/TLMR1CandidateMalpractice.odt>

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