



The Appeals Process:

Information for centres

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Introduction

In the course of developing, quality assuring and assessing qualifications, SQA has to take decisions and carry out processes that affect centres and candidates. These range from validating Courses through quality assurance activities, to confirming results in assessment.

This document sets out the grounds for appeal in relation to all of these activities and processes, and sets out the procedures to be followed in making an appeal. It also describes the scope and remit of SQA's Appeals Sub-Committee, and the circumstances in which it meets.

This document replaces *The Appeals Process: a handbook for centres* (AA0690/4, March 2004).

Appeals procedures vary, depending on the type of qualification for which the appeal is being made. The over-riding principle is that all appeals will be treated fairly and objectively.

- ◆ Appeals against assessment decisions will be considered by subject experts.
- ◆ Appeals against assessment arrangement decisions will be considered by an assessment arrangements panel.
- ◆ Appeals against decisions taken in processes (such as approval), or maladministration of SQA's published procedures, will be considered by the people who manage those processes, and may also be referred to as the Appeals Sub-Committee.

National Qualifications

There is guidance on external assessment appeals for National Qualifications in [*Instructions for Centres on the submission of NQ appeals*](#), which is issued annually to centres. If you wish to make an appeal for National Qualifications, please refer to that publication. **This publication makes no further reference to NQ appeals.**

Vocational qualifications subject to statutory regulation by SQA Accreditation or Ofqual

For these qualifications, for example Scottish Vocational Qualifications, there are additional processes and steps in reviewing appeals. See Appendix 1 for information on these additional processes and how to refer matters to the appropriate regulator.

Retention of records

SQA and centres must retain records, including all materials and evidence, until the appeal has been resolved. Thereafter, assessment and internal verification records for appeals cases should be retained for three years.

Note: We use the term 'Head of Centre' throughout this document to denote the person in the centre who is responsible for making an appeal. In some cases, it may be more appropriate for a senior member of staff to make the appeal. Unless we specifically state that only the Head of Centre may take responsibility for a certain procedure, you should understand 'Head of Centre' in this document as meaning 'the Head of Centre or his or her nominee' (remembering that the person making the appeal must be working at a senior level).

1 Processes for qualifications development

1.1 Grounds for appeal

In qualifications development processes, centres can appeal against a decision on the validation of Group Awards.

When SQA gives its decision on validation, it will do so in writing and will give the reasons for taking the decision.

The sole ground for an appeal is that SQA's decision, based on all the evidence available to SQA at the time, was wrong. To prove that a decision was wrong, the appellant must prove **either** that the decision was unreasonable **or** that there was a breach of procedural requirements or maladministration by SQA.

A centre may appeal against validation decisions taken about its own proposals. Where a proposal has been made by a consortium, the appeal should be made by the convenor of the consortium.

1.2 How to appeal

If the centre disagrees with SQA's decision on validation of Group Awards, the member of staff in the centre who is responsible for this area should contact the SQA Manager (see Appendix 2) responsible for validation of the Group Award within **ten working days** to agree a time to discuss the matter. If, after this discussion, the member of staff is not satisfied, the Head of Centre can raise an appeal.

The appeal must be submitted to the Director of Qualifications, in writing, by the Head of Centre. It must be made within **fifteen working days** of the date of the discussion with the SQA Manager.

The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 2), and should be clearly marked as an appeal.

The appeal must include a written account of why the Head of Centre thinks that SQA's decision is wrong, and this account must address the reasons for the original decision given by SQA. Any evidence submitted to support this claim must be relevant to the case being made.

The Director of Qualifications will respond in writing, giving SQA's decision within **fifteen working days** of receiving the appeal. SQA will give reasons for this decision.

SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the Head of Centre informed of progress.

If the Director of Qualifications does not change the original decision, the centre has the right to take the case to the SQA Appeals Sub-Committee.

2 Processes for quality assurance

2.1 Grounds for appeal

In quality assurance of qualifications, centres can appeal against decisions on:

- ◆ approval
- ◆ external verification of internal assessment

When SQA gives its decision on any of these processes, it will do so in writing and will give the reasons for taking the decision.

The sole ground for an appeal is that SQA's decision, based on all the evidence available to SQA at the time, was wrong. To prove that a decision was wrong, the appellant must prove **either** that the decision was unreasonable **or** that there was a breach of procedural requirements or maladministration by SQA.

Approval

A centre can appeal if SQA has:

- ◆ not approved the centre as an SQA centre
- ◆ not approved the centre to offer specific SQA qualifications
- ◆ suspended approval status for specific qualifications
- ◆ suspended approval status of the centre
- ◆ withdrawn approval for specific qualifications from the centre
- ◆ withdrawn approval status from the centre

External verification of internal assessment

A centre can appeal in cases where internal assessments have not been accepted as meeting the national standard.

2.2 How to appeal

Approval

If the centre disagrees with SQA's decision on approval, the member of staff in the centre who is responsible for the area should contact the relevant SQA Manager (see Appendix 2) within **ten working days** to agree a time to discuss the matter. If, after this discussion, the member of staff is not satisfied, the Head of Centre can raise an appeal.

The appeal must be submitted to the Director of Operations in writing by the Head of Centre. It must be made within **fifteen working days** of the date of the discussion with the SQA Manager.

The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 2), and should be clearly marked as an appeal.

The appeal must include a written account of why the Head of Centre thinks that SQA's decision is wrong, and this account must address the reasons for the original decision given by SQA. Any evidence submitted to support this claim must be relevant to the case being made.

The Director of Operations will respond in writing, giving SQA's decision within **fifteen working days** of receiving the appeal. SQA will give reasons for this decision.

SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the Head of Centre informed of progress.

If the Director of Operations does not change the original decision, the centre has the right to take the case to the SQA Appeals Sub-Committee.

External verification of internal assessment

If a centre disagrees with SQA's external verification decision on the application of national standards in internal assessment, it can appeal. Appeals may only be submitted by a Head of Centre, or his or her representative.

If a Head of Centre disagrees with SQA's external verification decision, the Head of Centre, or his or her representative, should first contact the relevant SQA Manager (see Appendix 2) within **ten working days** to agree a time to discuss the matter. If, after this discussion, the Head of Centre is not satisfied, an appeal can be raised.

Any appeal against an external verification decision must be submitted, in writing, to the Director of Operations by the Head of Centre requesting a review of the decision. The appeal must be submitted within **fifteen working days** of the date of the discussion with the SQA Manager.

The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 2), and should be clearly marked as an appeal.

The appeal must include a written account of why the Head of Centre thinks that SQA's decision is wrong, and this account must address the reasons given by SQA. Any evidence which is submitted in support of the appeal must be relevant to the case being made.

Appeals of this kind will be referred by SQA to experienced subject specialists who were not involved in the original decision. Their decision is final.

The Director of Operations will inform the Head of Centre in writing of the decision of the subject specialists within **fifteen working days** of receiving the written appeal.

SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the Head of Centre informed of progress.

3 Candidate assessments

3.1 Grounds for appeal

Candidates should be advised by their centre of how to make enquiries about results and the appeals process.

The processes for assessing SQA qualifications involve SQA's officers and appointees in making a number of decisions which affect candidates. These processes vary according to the type of qualification being undertaken, and this means that the areas in which SQA makes decisions will also vary.

The issues on which Heads of Centre may appeal are:

- ◆ assessment arrangements
- ◆ decisions in cases of malpractice

Appeals can be made for National Qualifications, Higher National Qualifications, and vocational qualifications.

The sole ground of any appeal is that SQA's decision, based on all the evidence available to SQA at the time, was wrong. To prove that a decision was wrong, the centre must prove **either** that the decision was unreasonable **or** that there was a breach of procedural requirements/maladministration by SQA.

Assessment arrangements

A centre can appeal on a candidate's behalf if the Head of Centre disagrees with SQA's decision on granting amendments to internal and external assessment arrangements or to Course requirements. See [our website](#) for more details on assessment arrangements.

Decisions in cases of malpractice

Candidates and centres have the right to appeal a decision where a case of malpractice has been upheld.

For more information on SQA's policy and procedures on appeals against malpractice decisions, see our publications [Dealing with Malpractice in Internally Assessed Qualifications: Information for Centres](#) and [Candidate Malpractice in Externally Assessed Examinations and Assessments](#).

These publications outline the processes and timescales for appeals.

3.2 How to appeal

Assessment arrangements

If a centre disagrees with SQA's decision about a request for assessment arrangements, the member of staff in the centre who is responsible for the area

under discussion should contact the SQA Manager (see Appendix 2) within **ten working days** agreeing a time to discuss the matter. If, after this discussion, the member of staff is not satisfied, the Head of Centre can raise an appeal.

The appeal must be submitted to the Director of Operations in writing by the Head of Centre, and must be made within **fifteen working days** of the date of the discussion with the SQA Manager.

The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 2), and should be clearly marked as an appeal.

The appeal must include full details of the candidate's difficulties and the effect this had on the candidate's performance, as well as a statement of why the Head of Centre thinks SQA's decision is wrong.

The account must address the reasons for the original decision given by SQA. Medical certificates or reports by educational psychologists will only be considered where they are relevant to the particular appeal and do not involve the interpretation of any test results.

Appeals of this kind will be referred to an assessment arrangements panel of senior managers who were not involved in the original decision.

The decision of the assessment arrangements panel is final.

The Director of Operations will inform the Head of Centre in writing of the decision within **fifteen working days** of receiving the written appeal.

SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the Head of Centre informed of progress.

Please note that for National Qualifications, the timescales for each stage are shortened to five working days. This is to ensure that the appeal can be resolved in time for the candidate undertaking the external assessment.

4 Maladministration

If a Head of Centre believes there has been maladministration by SQA in any aspect of an appeal against any of SQA's internal processes, the Head of Centre has a right to appeal directly to the Appeals Sub-Committee.

The Head of Centre (who **may not**, in this case, be represented by a nominee) must write to the Appeals Sub-Committee at the Corporate Office in Glasgow (see Appendix 2). The appeal must be clearly marked as an appeal to the Appeals Sub-Committee, and must include a written account of the alleged failure of SQA's internal processes, with specific details.

The Corporate Office will acknowledge receipt of the appeal material, and will keep the centre informed about the arrangements for the meeting of the sub-committee.

5 Appeals to the Appeals Sub-Committee

The remit of the sub-committee is to consider appeals relating to:

- ◆ SQA's processes in development, quality assurance and malpractice
- ◆ maladministration by SQA of any aspect of an appeal against its processes

The Appeals Sub-Committee is a sub-committee of the Qualifications Committee. The sub-committee comprises a Chair (the Chair of the Qualifications Committee), two other members drawn from either the Board or the Qualifications Committee, and an independent member.¹ The independent member is a person of standing in the education and training environment, and is expected to serve on the sub-committee for no more than two years. The quorum for the Appeals Sub-Committee is three — the Chair, one member representing the Board or Qualifications Committee, and the independent member.

At any meeting of the Appeals Sub-Committee, the members will be accompanied by an SQA Director, whose duty is to advise on SQA procedures and processes and any matters relating to the appeals procedure. The Director is present throughout the meeting of the sub-committee, but has no role in the decision making process. The Director is also responsible for recording the proceedings of the sub-committee, and he or she may be accompanied by a secretary to record these proceedings.

5.1 Grounds for appeal

The sole ground for any appeal to the Appeals Sub-Committee is that SQA's decision, based on all the evidence available to SQA at the time, was wrong. To prove that a decision was wrong, the appellant must prove **either** that the decision was unreasonable **or** that there was a breach of procedural requirements/maladministration by SQA.

5.2 How to appeal to the Appeals Sub-Committee

With the exception of maladministration cases (appeals in these cases are made directly to the Appeals Sub-Committee), an appeal can only be made to the Appeals Sub-Committee when all other relevant forms of enquiry and internal appeal to the relevant Director have been exhausted.

The Head of Centre (who may not, in this case, be represented by a nominee) must write to the relevant Director within **fifteen working days** of receiving written notification from the Director that the appeal has been turned down.

The Head of Centre's letter must be sent to the Appeals Sub-Committee at the Corporate Office in Glasgow (see Appendix 2), and must:

¹ The independent member will not be or will not have been a member of SQA's Board or committees, an SQA employee or an SQA appointee, at any time during the past seven years. The independent member will not have been involved in previous stages of the appeal which is under review.

- ◆ be clearly marked as an appeal to the Appeals Sub-Committee
- ◆ confirm that all internal stages of the appeal process have been exhausted by the centre
- ◆ include a written account of why the Head of Centre thinks that SQA's decision is wrong
- ◆ specifically address the reasons given in the Director's letter turning down the appeal

Any evidence submitted to support this claim must be relevant to the appeal.

In a case of alleged maladministration by SQA, the letter must include a written account of the alleged failure of SQA's internal processes, with specific details.

The Corporate Office will acknowledge receipt of the appeal material, and will keep the centre informed about the arrangements for the meeting of the sub-committee. The Appeals Sub-Committee will only meet when there is a case for it to consider. The meetings will normally be expected to take place within six to eight weeks of a Head of Centre submitting an appeal to SQA. SQA will give the Head of Centre at least **fifteen working days**' notice of the date of the hearing.

No later than **ten working days** before the hearing, SQA will supply the sub-committee members, the centre and the SQA staff representatives with the papers for the case. These will comprise:

- ◆ the appeal documentation submitted by the centre
- ◆ documentation supporting SQA's decisions in relation to the appeal

No other material will be admitted at the meeting of the sub-committee.

The centre can be represented at the hearing by two members of its staff. SQA will be represented by two members of staff responsible for the function under appeal.

The hearing will involve an oral submission by the appellants, which will be responded to, orally, by the SQA representatives. The members of the sub-committee may ask questions of both parties. Questions may be put to each party by the other through the Chairperson.

When the members have heard the oral submissions and taken such additional evidence as they require from the parties, both parties will withdraw. The sub-committee's decision will be communicated to the parties in writing no later than **five working days** after the hearing.

The Appeals Sub-Committee's decision is final.²

In addition to the appeals procedure, any formal complaint about SQA's administration of the case can be submitted according to the formal complaints procedure as detailed in our Customer Charter, which can be downloaded from our website (www.sqa.org.uk). This includes raising matters with the Scottish Public Service Ombudsman.

² For vocational qualifications subject to statutory regulation by SQA Accreditation or Ofqual, matters can be referred to the appropriate regulator — see Appendix 1.

Appendix 1: Vocational qualifications subject to statutory regulation by SQA Accreditation or Ofqual

Candidates should be advised by their centre of how to make enquiries about results. They should also be advised about the appeals process for external and internal assessment decisions, and made aware that this includes the right to appeal to SQA awarding body.

Should the appeal bring the outcome of the assessment into question, SQA reserves the right to look at other candidate evidence or results.

External assessment

In addition to the appeals processes outlined above, the Head of Centre can appeal on behalf of a candidate against a decision in an external assessment where this forms part of a sector skills council's assessment strategy. A centre can appeal by requesting a review of the decision, **provided that SQA awarding body is solely responsible for this external assessment.**

If the centre disagrees with SQA's decision about a candidate, the member of staff in the centre who is responsible for the area under discussion should first contact the SQA Manager (see Appendix 2) within **ten working days** to agree a time to discuss the matter. If, after this discussion, the member of staff is not satisfied, the Head of Centre can raise an appeal.

The appeal must be submitted to the Director of Operations in writing by the Head of Centre, or his or her representative, and must be made within **fifteen working days** of the date of the discussion with the SQA Manager.

The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 2), and should be clearly marked as an appeal.

The appeal must include a written account of why the Head of Centre thinks that SQA's decision is wrong, and this account must address the reasons given by SQA and must include the candidates' evidence for other relevant Units. Any other evidence that is submitted in support of the appeal must be relevant to the case being made.

Appeals of this kind will be referred by SQA to experienced subject specialists who were not involved in the original decision. Their decision is final.

The Director of Operations will inform the Head of Centre in writing of the decision of the subject specialists within **fifteen working days** of receiving the written appeal and will give the reasons for the decision.

SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the Head of Centre informed of progress.

The Head of Centre has the right to request a review of the awarding body's process in reaching this decision by SQA Accreditation or Ofqual (depending on the qualification). See below.

Internal assessment

Centres should advise candidates that they can appeal against the centre's internal assessment decision to SQA awarding body. Candidates must have exhausted their centre's own appeals process before appealing to SQA, and must be able to provide evidence that they have followed this process. It is expected that candidates will only appeal directly to SQA in exceptional circumstances.

Candidates should submit appeals to the Director of Operations in writing within **fifteen working days** of receiving written notification from their centre on the outcome of the appeal. The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 2), and should be clearly marked as an appeal.

The appeal must include a written account of why the candidate thinks that the centre's decision is wrong, and must include the candidate's evidence to support their case.

Appeals of this kind will be referred by SQA to experienced subject specialists. Their decision is final.

The Director of Operations will inform the candidate and the centre in writing of the decision of the subject specialists within **fifteen working days** of receiving the written appeal, and will give the reasons for the decision.

SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the candidate informed of progress.

The centre should also advise candidates that if they are unhappy with the outcome of this appeal to SQA awarding body, they have the right to raise this matter with the appropriate regulator, who will advise them of the next steps in their review of the awarding body's process in reaching this decision.

SQA Accreditation (for qualifications regulated by SQA Accreditation)

In the event that the Head of Centre is unhappy with the outcome of SQA awarding body's appeals process, they can write to SQA Accreditation and ask for a review of the process in reaching the decision taken in the following processes:

- ◆ centre and qualifications approval
- ◆ external verification of internal assessment
- ◆ assessment arrangements
- ◆ malpractice
- ◆ external assessment

Additionally, in those cases where a Head of Centre believes there has been maladministration by SQA awarding body in any aspect of an appeal against these internal processes, the Head of Centre has a right to raise this matter with SQA Accreditation.

The Head of Centre's letter must be submitted to the Head of SQA Accreditation (see Appendix 2) within **ten working days** of receiving the written notification of SQA awarding body's decision on the outcome of the appeal.

The Head of Accreditation will only conduct the review if SQA awarding body's appeals process has been followed, and will consider whether due process has been followed by the awarding body in considering the appeal. The review will normally be completed within six to eight weeks of receipt of the Head of Centre's letter. If SQA Accreditation finds that the correct procedures have not been followed, it will direct SQA awarding body to reconsider the case.

The Head of Centre's letter to the Head of Accreditation must:

- ◆ be clearly marked as requesting a review by the Head of Accreditation
- ◆ include a written account of why the Head of Centre thinks that the Appeals Sub-Committee's decision is wrong
- ◆ specifically address the reasons given by the Appeals Sub-Committee for not upholding the appeal

In a case of alleged maladministration, the letter must include a written account of the alleged failure of SQA's internal processes, with specific details.

Any evidence submitted to support the request for review must be relevant to the case.

The Head of Centre will then be advised in writing by the Head of Accreditation of the outcome of the review.

Ofqual (for qualifications regulated by Ofqual)

If a Head of Centre believes there has been maladministration by SQA awarding body in any aspect of an appeals process, the Head of Centre has a right to raise this matter with Ofqual.

Ofqual will not get involved in any individual appeals and deals with awarding body maladministration under its complaints procedure, which is published on the Ofqual website (www.ofqual.gov.uk). If you wish to make a complaint, the Head of Centre should write to the Customer Relations team at info@ofqual.gov.uk.

They will advise on next steps.

Appendix 2: Who to contact

SQA managers

Your first contact with the relevant SQA manager will be to agree a time to discuss your disagreement with SQA's decisions on processes and assessments.

Validation decisions

Head of Qualifications Portfolio Management
Qualifications Directorate
Tel: 0845 213 5387

Approval and external verification decisions in internal assessment in HN/Vocational Qualifications

Head of HN/Vocational Qualifications Delivery
Operations Directorate
Tel: 0845 213 5198

Approval and external verification decisions in internal assessment in National Qualifications

Head of NQ Delivery: Assessment and Data Services
Operations Directorate
Tel: 0131 561 6853

Candidate assessment decisions in assessment arrangements and cases of malpractice in HN/Vocational Qualifications

Head of HN/Vocational Qualifications Delivery
Operations Directorate
Tel: 0845 213 5198

Candidate assessment decisions in assessment arrangements and cases of malpractice in National Qualifications

Head of Assessment and Data Services
Operations Directorate
Tel: 0131 561 6853

External and internal assessment decisions in Vocational Qualifications subject to statutory regulation by SQA Accreditation or Ofqual

Head of HN/Vocational Qualifications Delivery
Operations Directorate
Tel: 0845 213 5198

Corporate Office

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The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Head of Accreditation

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Ofqual

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