



The Appeals Process: Information for Centres

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Introduction

In the course of developing, quality assuring and assessing qualifications, as an awarding body, SQA has to take decisions and carry out processes that affect centres and candidates. These range from validating qualifications 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 indicates the procedures to be followed in making an appeal.

By 'appeal' we mean an application for the review of a decision taken by SQA in relation to a candidate or centre (or proposed centre) to SQA's Appeals Sub-committee.

It also describes the scope and extent of the powers of SQA's Appeals Sub-committee, and the circumstances in which it meets. More information about the Appeals Sub-committee is given in section 3 of this document.

SQA's Appeals Sub-committee does not consider appeals from centres (or proposed centres) operating outside the United Kingdom. For the rest of this document, where we state that a centre (or proposed centre) has the right to refer a matter to the SQA Appeals Sub-committee, we mean only centres (or proposed centres) that operate in the UK.

Also, for the rest of this document, where we say 'SQA' we mean SQA as an awarding body, as distinct from its regulatory and accrediting function, which is carried out by SQA Accreditation.

This document replaces *The Appeals Process: Information for Centres* (FF5480, July 2017).

Appeals procedures vary, depending on the type of qualification and type of decision against which the appeal is being made. The overriding principles are that all appeals will be treated fairly and objectively; that SQA will consider the facts and circumstances of each appeal; and that SQA will take into account all relevant considerations when taking a decision.

Appeal routes

- ◆ An appeal against assessment judgements, other than an appeal against the grade awarded following exceptional circumstances consideration in National Qualifications, will be considered by subject experts who were not involved in the original decision.
- ◆ An appeal against assessment arrangement decisions for disabled candidates and/or those with additional support needs will be considered by an assessment arrangements panel who were not involved in the original decision.

- ◆ An appeal against our decision to refuse an exceptional circumstances consideration request in National Qualifications will be considered by a panel made up of heads of service who were not involved in the original decision.
- ◆ An appeal against grades awarded following exceptional circumstances consideration in National Qualifications will be considered by a panel made up of heads of service from SQA's Qualifications Development Directorate.
- ◆ An appeal against decisions taken in processes (such as approval), or a failure by SQA to apply its published procedures, will be considered by the senior managers who are responsible for managing those processes, and may also be referred to the Appeals Sub-committee.

SQA acknowledges that there might be circumstances that make submitting an appeal within the timelines stipulated in this document difficult. In the event of an unplanned circumstance that affects a centre's ability to submit an appeal within the deadline there may be legitimate grounds to submit an appeal beyond the deadline. These grounds may include:

- ◆ the appellant being incapacitated due to ill-health and no suitable delegate is available to submit the appeal
- ◆ the appellant suffering a close personal bereavement and no suitable delegate is available to submit the appeal
- ◆ the centre suffering some significant incident affecting continuity of service whereby the centre is closed due to unforeseen circumstances

Each delayed appeal will be considered on its own facts and circumstances. SQA may ask for supporting evidence to assist in deciding whether to accept a delayed appeal.

National Qualifications

There is policy information for centres on how to request a clerical check or marking review for National Qualifications, and links to further information, in the Post-results Services section of our website: www.sqa.org.uk/resultsservices. This document makes no further reference to clerical checks and marking review for National Qualifications.

Vocational qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales

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 six years, unless there is a legitimate reason to retain the records for a further period.

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 (for example a principal teacher) 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 representative' (remembering that the person making the appeal must be working at a senior level).

In the case of appeals in relation to devolved authority status, 'head of centre' can also be taken to mean people duly authorised by the parties to the Memorandum of Understanding.

1 Centre approval and quality assurance processes

Decisions that can be appealed

In relation to approval and quality assurance of qualifications, centres (or proposed centres) can appeal against SQA decisions on:

- ◆ approval of centres (other than de-approval for financial reasons or as a result of inactivity)
- ◆ approval of specific qualifications
- ◆ systems verification, including systems verification of assessment arrangements
- ◆ external verification of internal assessment
- ◆ a finding of malpractice against a centre and/or a candidate
- ◆ breach of the terms of the Memorandum of Understanding for Devolved Authority
- ◆ breach of the terms of a centre operating agreement

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.

Grounds for appeal

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

SQA defines an unreasonable decision as:

- ◆ a decision devoid of plausible justification, or
- ◆ a decision maker(s) taking into account irrelevant considerations or failing to consider relevant considerations, or
- ◆ a decision maker(s) failing to give reasons or the reasons given making no sense

Each appeal will be considered on its own facts and circumstances.

Approval

A centre or proposed centre can appeal if SQA has:

- ◆ refused to approve the proposed centre as an SQA centre
- ◆ refused to approve the centre or proposed centre to offer specific SQA qualifications
- ◆ suspended approval status for specific qualifications as a result of qualifications or systems verification
- ◆ suspended approval or devolved authority status of the centre as a result of qualifications or systems verification

- ◆ withdrawn approval for specific qualifications from the centre as a result of qualifications or systems verification
- ◆ withdrawn approval or devolved authority status from the centre as a result of qualifications or systems verification
- ◆ suspended or withdrawn centre approval status as a result of a breach of the terms of a centre operating agreement

In instances where approved centre status is suspended or withdrawn, centres should note that this takes effect immediately on the date the original decision is notified to the centre, unless otherwise agreed by SQA. This means that, unless otherwise indicated by SQA in the decision letter, no new entries or results can be submitted:

- ◆ in the period in which a suspended or de-approved centre is entitled to consider an appeal, or
- ◆ in the period in which SQA is considering an initial or escalated appeal submitted by the suspended or de-approved centre, before that centre is notified of SQA's appeal decision.

SQA will explain in the decision letter the arrangements for current candidates in the centre.

Systems verification

A centre can appeal against the outcomes of systems verification, required actions and/or sanctions placed as a result.

External verification of internally-assessed qualifications

A centre can appeal against the outcomes of external verification of internally-assessed qualifications, required actions and/or sanctions placed as a result.

Breach of terms of centre operating agreement

A centre can appeal against the decision by SQA that there has been a breach of a centre operating agreement, and any required actions and/or sanctions placed as a result — for example, suspension or withdrawal of centre approval status.

Malpractice

Centres have the right to appeal a decision where a case of reported malpractice by the centre has been confirmed through investigation by SQA.

Centres also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by the centre to SQA.

Candidates have the right to appeal to SQA where:

- ◆ the centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted the centre's appeals process

- ◆ SQA has asked the centre to conduct an investigation and the candidate disagrees with the outcome, where the centre's internal appeals process has been exhausted, or
- ◆ SQA has conducted an investigation and the candidate disagrees with the decision

For more information on SQA's policy and procedures in relation to malpractice decisions, see our publication *Malpractice: Information for Centres*.

How to appeal

Approval

The process for an appeal is as follows:

- 1 If a centre (or proposed centre) disagrees with SQA's decision on centre or specific qualification approval, the member of staff in the centre (or proposed centre) who is responsible for the area should contact the relevant SQA manager (see appendix 2) within **10 working days** to agree a time to discuss the matter with an appropriate SQA manager. If, after this discussion, the member of staff is not satisfied, the head of the centre (or proposed centre) can raise an appeal.
- 2 The appeal must be submitted to an SQA director at the Corporate Office at SQA's Glasgow office (see appendix 2). It should be submitted in writing, **clearly marked as an appeal**, by the head of the centre (or proposed centre) within **15 working days** of the date of the earlier discussion in terms of paragraph 1 above. The SQA director considering the appeal will not have been involved in the original decision. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 3 The appeal must include a written account of why the head of the centre (or proposed centre) thinks that SQA's decision is wrong (as defined in 'Grounds for appeal' on page 4), and this account must address the reasons for the original decision given by SQA. The evidence submitted to support this claim must be relevant to the case being made.
- 4 The SQA director who is responsible for considering the appeal may seek additional relevant information to assist their review of the case. They may consult experienced subject specialists insofar as relevant to the issues raised in the appeal. The director will respond in writing, giving SQA's decision within **15 working days** of receiving all information relevant to the appeal.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 working days** of receiving all information relevant to the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the head of the centre (or proposed centre) informed of progress.

For centre approval appeals only, the centre (or proposed centre) has the right to take the case to the SQA 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, or where the head of centre believes that there has been procedural irregularity in SQA's handling of the initial appeal.

For specific qualifications approval decisions, SQA's appeal decision, based on the advice of subject specialists, is final. The SQA Appeals Sub-committee cannot overturn decisions involving academic judgement. An appeal can only be made to the Appeals Sub-committee where the head of centre believes that there has been procedural irregularity in SQA's handling of the initial appeal.

Systems verification

If a centre disagrees with SQA's decision on the outcomes of systems verification, required actions and/or sanctions placed as a result, it can appeal. Appeals may only be submitted by a head of centre, or his or her representative. This includes appealing SQA's decision on the outcomes of systems verification for assessment arrangements. More details on assessment arrangements for disabled candidates and/or those with additional support needs are available on SQA's website at www.sqa.org.uk/assessmentarrangements.

The process for an appeal is as follows:

- 1 If a head of centre disagrees with SQA's system verification decision, the head of centre, or his or her representative, should first contact the relevant SQA manager (see appendix 2) within **10 working days** of receipt of the written report to agree a time to discuss the matter. If, after this discussion, the head of centre is not satisfied, an appeal can be raised.
- 2 Any appeal against a systems verification decision must be submitted to an SQA director at the Corporate Office at SQA's Glasgow office (see appendix 2). It should be submitted in writing, **clearly marked as an appeal**, by the head of centre within **15 working days** of the date of the discussion with the SQA manager in terms of paragraph 1 above. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 3 The appeal must include a detailed 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. The evidence that is submitted in support of the appeal must be relevant to the case being made.
- 4 The SQA director considering the appeal may seek advice from quality assurance specialists who were not involved in the original decision. They may also seek additional relevant information to assist their review of the case.
- 5 The director will respond in writing, giving SQA's decision within **15 working days** of receiving all information relevant to the appeal.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 working days** of receiving all information relevant to the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the head of the centre informed of progress.

If the SQA director does not change the original decision, the centre has the right to take the case to the SQA 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, or where the head of centre believes that there has been procedural irregularity in SQA's handling of the initial appeal.

Devolved authority status

If a centre disagrees with SQA's decision in relation to a breach of the terms contained in the Memorandum of Understanding, it can appeal. Appeals may only be submitted by personnel duly authorised by the parties to the Memorandum of Understanding to do so.

The process for an appeal is as follows:

- 1 Any such appeal must be submitted to an SQA director at the Corporate Office at SQA's Glasgow office (see appendix 2). It should be submitted in writing, **clearly marked as an appeal**, by a person authorised to do so, within **15 working days** of an SQA notification of a breach of the terms contained in the Memorandum of Understanding. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 2 The appeal must include a detailed written account of why the centre thinks that SQA's decision is wrong, and this account must address the reasons given by SQA. The evidence that is submitted in support of the appeal must be relevant to the case being made.
- 3 The SQA director considering the appeal may seek advice from quality assurance specialists who were not involved in the original decision. They may also seek additional relevant information to assist their review of the case.
- 4 The director will respond in writing, giving SQA's decision within **15 working days** of receiving all information relevant to the appeal.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 working days** of receiving all information relevant to the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the head of the centre informed of progress.

If the SQA director does not change the original decision, the centre has the right to take the case to the SQA 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, or where the head

of centre believes that there has been procedural irregularity in SQA's handling of the initial appeal.

External verification of internally-assessed qualifications

If a centre disagrees with the outcome of external verification of internally-assessed qualifications, or with recommendations, required actions and/or sanctions placed as a result, 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 for National Qualifications (NQ), the head of centre, or his or her representative, should first contact the NQ Verification Team by e-mail (see appendix 2) within **10 working days** to arrange a time to discuss the matter with an appropriate SQA manager. If, after this discussion, the head of centre is not satisfied, an appeal can be raised.

If a head of centre disagrees with SQA's external verification decision for Higher National or vocational qualifications, the head of centre, or his or her representative, should first contact the relevant manager (see appendix 2) within **10 working days** to arrange a time to discuss the matter with an appropriate SQA manager. If, after this discussion, the head of centre is not satisfied, an appeal can be raised.

The process for an appeal is as follows:

- 1 Any subsequent appeal against an external verification decision must be submitted to an SQA director at the Corporate Office at SQA's Glasgow office (see appendix 2). It should be submitted in writing, clearly marked as an appeal, by the head of centre within **15 working days** of the date of the earlier discussion. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 2 The appeal must include a detailed 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. The evidence that is submitted in support of the appeal must be relevant to the case being made.
- 3 SQA may consult experienced subject specialists who were not involved in the original decision or earlier discussion when considering appeals against assessment judgements to help review the evidence.
- 4 SQA will inform the head of centre in writing of its decision within **15 working days** of receiving the written appeal.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 working days** of receiving all information relevant to the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the head of centre informed of progress.

SQA's decision, based on the advice of subject specialists, is final. The SQA Appeals Sub-committee cannot overturn assessments involving academic decisions. Where the centre believes there has been procedural irregularity by SQA in respect of the appeals process, the head of centre has the right to appeal 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, or where the head of centre believes that there has been procedural irregularity in SQA's handling of the initial appeal.

Further arrangements in place to consider appeals for vocational qualifications subject to statutory regulation by SQA Accreditation, Ofqual or Qualifications Wales are set out in appendix 1.

Breach of terms of centre operating agreement

If a centre disagrees with SQA's decision in relation to a breach of the terms of the centre operating agreement, it can appeal. Appeals may only be submitted by a head of centre, or his or her representative.

The process for an appeal is as follows:

- 1 If a head of centre disagrees with SQA's decision in relation to a breach of the terms of a centre operating agreement, the head of centre, or his or her representative, should first contact the relevant SQA manager (see appendix 2) within **10 working days** of receiving written notification of the decision to agree a time to discuss the matter. If, after this discussion, the head of centre is not satisfied, an appeal can be raised.
- 2 Any such appeal must be submitted to an SQA director at the Corporate Office at SQA's Glasgow office (see appendix 2). It should be submitted in writing, **clearly marked as an appeal**, by the head of centre within **15 working days** of the date of the discussion with the SQA manager in terms of paragraph 1 above. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 3 The appeal must include a detailed 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. The evidence that is submitted in support of the appeal must be relevant to the case being made.
- 4 The SQA director considering the appeal may seek advice from quality assurance specialists who were not involved in the original decision. They may also seek additional relevant information to assist their review of the case.
- 5 The director will respond in writing, giving SQA's decision within **15 working days** of receiving all information relevant to the appeal.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 working days** of receiving all information relevant to the appeal. If, for any

reason, the matter cannot be resolved within this period, SQA will keep the head of the centre informed of progress.

If the SQA director does not change the original decision, the centre has the right to take the case to the SQA 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, or where the head of centre believes that there has been procedural irregularity in SQA's handling of the initial appeal.

Centre malpractice

If a centre disagrees with an SQA malpractice panel finding of centre malpractice, it can appeal. Appeals may only be submitted by a head of centre.

The process for an appeal is as follows:

- 1 If a head of centre disagrees with an SQA malpractice panel finding of centre malpractice, the head of centre should first contact the relevant SQA manager identified in the panel decision letter within **10 working days** of receiving written notification of the decision to agree a time to discuss the matter. If, after this discussion, the head of centre is not satisfied, an appeal can be raised.
- 2 Any such appeal must be submitted to an SQA director at the Corporate Office at SQA's Glasgow office (see appendix 2). It should be submitted in writing, **clearly marked as an appeal**, by the head of centre within **15 working days** of the date of the discussion with the SQA manager in terms of paragraph 1 above. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 3 The appeal must include a detailed 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. The evidence that is submitted in support of the appeal must be relevant to the case being made.
- 4 The SQA director considering the appeal may seek additional information to assist their review of the case.
- 5 The director will respond in writing, giving SQA's decision within **15 working days** of receiving all information relevant to the appeal.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 working days** of receiving all information relevant to the issues in the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the head of the centre informed of progress.

If the SQA director does not change the original decision, the centre has the right to take the case to the SQA 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, or where the head of centre believes that there has been procedural irregularity in SQA's handling of the initial appeal.

2 Candidate assessments

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 decisions that may be appealed are:

- ◆ decisions in cases of candidate malpractice
- ◆ assessment arrangements for disabled candidates and/or those with additional support needs
- ◆ exceptional circumstances (NQ external assessment only)

The sole ground for any appeal is that SQA's decision, based on all the relevant evidence available to SQA at the time, was wrong. To establish that a decision was wrong, the centre must demonstrate either that the decision was unreasonable or that there was procedural irregularity by SQA.

The additional arrangements that apply to vocational qualifications regulated by SQA Accreditation, Ofqual or Qualifications Wales are explained in appendix 1.

Candidate malpractice

Candidates (or their authorised representatives) have the right to appeal to SQA where:

- ◆ the centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted the centre's internal appeals process
- ◆ SQA has asked the centre to conduct an investigation, the candidate disagrees with the outcome and has exhausted the centre's internal appeals process, or
- ◆ SQA has conducted an investigation, an SQA malpractice panel has found candidate malpractice and the candidate disagrees with SQA's decision

Centres also have the right to appeal an SQA malpractice panel finding of candidate malpractice.

For more information on SQA's policy and procedures in relation to malpractice decisions, see our publication *Malpractice: Information for Centres*.

Assessment arrangements for disabled candidates and/or those with additional support needs

A centre can appeal on a candidate's behalf if the head of centre disagrees with SQA's decision on approving assessment arrangements in internal and external assessments.

Exceptional circumstances (National Qualifications only)

A head of centre can appeal on a candidate's behalf if:

- ◆ they believe that SQA's decision to refuse the reason for an Exceptional Circumstances Consideration Service (ECCS) request, based on all the evidence available to SQA at the time, is wrong
- or
- ◆ they believe that SQA's decision on the grade awarded to a candidate following consideration of an exceptional circumstances case, based on all the evidence available to SQA at the time, is wrong

For more information on exceptional circumstances, please see our publication on *Exceptional Circumstances Consideration Service: Information for centres* (Publication Code: BA6929).

How to appeal

Candidate malpractice

If a centre, candidate or candidate's authorised representative disagrees with an SQA malpractice panel finding of candidate malpractice, they can appeal. The process for an appeal is as follows:

- 1 An appeal must be submitted in writing to an SQA director within **15 working days** of being notified of the decision by decision letter and/or Notification of Penalty form. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 2 The appeal must be presented by the centre, the candidate or the candidate's authorised representative directly.
- 3 The appeal must be submitted, **clearly marked as an appeal**, to an SQA director at the Corporate Office at SQA's Glasgow office: Optima Building, 58 Robertson Street, Glasgow, G2 8DQ (see appendix 2).
- 4 The appeal must include a written account of why the appellant believes that SQA's decision is wrong, and address the reasons for the original decision. Any evidence made to support the appeal must be relevant to the case being made.
- 5 The SQA director considering the appeal may seek additional relevant information to assist their review of the case.

- 6 The director will respond in writing, giving SQA's decision within **15 working days** of receiving all information relevant to the appeal.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 days** of receiving all information relevant to the issues in the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the appellant informed of progress.

If the SQA director does not change the original decision, the appellant has the right to take the case to the SQA 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, or where the appellant believes that there has been procedural irregularity in SQA's handling of the initial appeal.

Assessment arrangements for candidates with disabilities and/or those with additional support needs

The process for an appeal is as follows:

- 1 If a head of centre disagrees with an SQA decision on approval of assessment arrangements for candidates with disabilities and/or those with additional support needs, the head of centre, or his or her representative, should first contact the Assessment Arrangements Team by e-mail (see appendix 2) within **10 working days** to arrange a time to discuss the matter with an appropriate SQA manager. If, after this discussion, the head of centre is not satisfied, an appeal can be raised.
- 2 The appeal must be submitted to an SQA director at the Corporate Office at SQA's Glasgow office: Optima Building, 58 Robertson Street, Glasgow, G2 8DQ (see appendix 2). It should be submitted in writing, **clearly marked as an appeal**, by the head of centre within **15 working days** of the date of the discussion with the SQA manager in terms of paragraph 1 above. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 3 The appeal must include full details of the candidate's disability and/or additional support needs and the effect this has on the candidate's ability to demonstrate their attainment, as well as a statement of why the head of centre thinks SQA's decision is wrong.
- 4 The account must address the reasons for the original decision given by SQA. Medical certificates or reports by educational psychologists may only be considered where they are relevant to the particular appeal.

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 SQA director will inform the head of centre in writing of the decision within **15 working days** of receiving the written appeal.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 working days** of receiving all information relevant to the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the head of centre informed of progress.

For National Qualifications, every effort will be made to resolve the matter in time for the candidate undertaking the external assessment.

Exceptional circumstances

Heads of centre can appeal on a candidate's behalf if:

- ◆ they believe that SQA's decision to refuse the reason for an ECCS request, based on all the evidence available to SQA at the time, is wrong

or

- ◆ they believe that SQA's decision about the grade awarded to a candidate following consideration of an ECCS request, based on all the evidence available to SQA at the time, is wrong

Centres should advise candidates how to make enquiries about results and the appeals process.

The process for an appeal is as follows:

- 1 Where a centre believes that SQA's decision to challenge and refuse an ECCS request based on the reason for the request is wrong, a written appeal must be submitted by the head of centre within **5 working days** of the notification of refusal. The letter should be clearly marked as an appeal and sent to the Results Services Operations Manager in Lowden, 24 West Shawfair, Dalkeith, EH22 1FD. The appeal must include full details of why the head of centre wishes to challenge the decision.
- 2 The appeal will be referred to a panel made up of SQA heads of service who were not involved in the original decision. SQA will inform the head of centre in writing of the decision within **5 working days** of receiving the written appeal. If the panel does not change the original decision, the centre has the right to take the case to the Appeals Sub-committee.
- 3 Where a centre believes that SQA's decision on the grade awarded to a candidate following consideration of an ECCS request is wrong, a written appeal must be submitted by the head of centre within **15 working days** of the date of August certification. The letter should be clearly marked as an appeal and sent to the Results Services Operations Manager in Lowden, 24 West Shawfair, Dalkeith, EH22 1FD. The appeal must include full details of why the head of centre wishes to challenge the decision. SQA may consider

appeals lodged outside this timescale if there are legitimate reasons for the delay.

- 4 The appeal will be referred to an appeals panel made up of the relevant SQA subject area head of service and another head of service from SQA's Qualifications Development Directorate. The panel may seek additional relevant information to inform its decision. The decision of this panel is final. SQA will inform the head of centre in writing of the decision within **20 working days** of receiving the written appeal.

In either case, SQA will deal with the appeal as quickly as possible and, in any event, within **20 working days** of receiving all information relevant to the appeal. If, for any reason, the matter cannot be resolved within this period, SQA will keep the head of centre informed of progress.

Urgent appeals

Centres are advised to identify any candidates with conditional offers for a university/college/apprenticeship/employment place who need to know their result of their appeal ahead of the deadline for university admissions. Appeals submitted for these candidates must include:

- ◆ candidate's name
- ◆ Scottish Candidate Number
- ◆ candidate's date of birth
- ◆ centre name
- ◆ centre number
- ◆ name of subject (eg French)
- ◆ subject code
- ◆ subject level
- ◆ name of university, college, or other body that made the conditional offer
- ◆ confirmation that the university, college, employment or apprenticeship place is conditional and for the next academic year

SQA will accept this information and the letter from the head of centre by e-mail to the Exceptional Circumstances Helpdesk. The e-mail must be clearly marked 'URGENT — Exceptional Circumstances appeal'. In the absence of evidence confirming that the appeal is urgent, the appeal will be treated as non-urgent.

SQA will deal with non-urgent appeals (or cases that are not clearly marked as urgent) according to its standard procedure, as outlined under the heading 'Exceptional circumstances'.

The last date on which a request for an urgent appeal against the grade awarded following an ECCS request can be submitted is **10 days after the date of August certification**. SQA will endeavour to advise the head of centre and university, college or other specified body of the outcome of any urgent appeal as soon as possible, but cannot guarantee that this will be completed in every case ahead of the deadline for university admissions.

3 Appeals to the Appeals Sub-committee

The Appeals Sub-committee is a sub-committee of the Qualifications Committee. The remit of the sub-committee is to consider escalated appeals relating to:

- ◆ SQA's decisions in relation to centre approval and systems verification
- ◆ SQA's decisions in relation to centres' systems for assessment arrangements or exceptional circumstances consideration
- ◆ SQA decisions in cases of centre or candidate malpractice
- ◆ SQA decisions relating to breach of a Memorandum of Understanding for Devolved Authority
- ◆ SQA decisions relating to a breach of a centre operating agreement
- ◆ procedural irregularity by SQA in its handling of an appeal against the decisions identified in this publication, which contributed to an appeal decision that the appellant believes to be wrong

It does not consider appeals from centres operating outside the UK.

The sub-committee comprises a chair (the Chair of the Qualifications Committee), two other members drawn from either SQA's 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 SQA director will have had no role in the processes that led to the decision that is being appealed against. The SQA director is present throughout the meeting of the sub-committee, but has no role in the decision-making process. The SQA 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.

Grounds for appeal

The Appeals Sub-committee will consider escalated appeals on the following grounds:

- ◆ The appellant believes that the outcome of SQA's initial appeal decision in relation to centre approval (not specific qualifications approval) or systems verification, based on all the evidence available to SQA at the time, was unreasonable.

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.

- ◆ The appellant believes that the outcome of SQA's initial appeal decision in relation to candidate or centre malpractice, based on all the evidence available to SQA at the time, was unreasonable.
- ◆ The appellant believes that the outcome of SQA's initial appeal decision in relation to a breach of a Memorandum of Understanding for Devolved Authority, based on all the evidence available to SQA at the time, was unreasonable.
- ◆ The appellant believes that the outcome of SQA's initial appeal decision in relation to a breach of the terms of a centre operating agreement, based on all the evidence available to SQA at the time, was unreasonable.
- ◆ The appellant believes that there was procedural irregularity in SQA's handling of an appeal, which contributed to a decision that the appellant believes was wrong.

How to escalate an appeal to the Appeals Sub-committee

If the escalated appeal relates to candidate malpractice, then the actions below may be undertaken by the candidate or their authorised representative. In all other cases, the actions must be undertaken by the relevant head of centre who may not in these circumstances devolve this to a representative.

The appellant must write to the relevant director within **15 working days** of receiving written notification from SQA of the appeal decision. Where the appeal is on behalf of a centre rather than a candidate, the head of centre may not in this case devolve responsibility to a representative. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.

The appellant's letter must be sent to the Appeals Sub-committee at the Corporate Office in Glasgow (see appendix 2), and must:

- ◆ be clearly marked as an escalated appeal to the Appeals Sub-committee
- ◆ confirm that all other relevant SQA appeal processes have been exhausted
- ◆ include a written account of why the appellant thinks that SQA's original appeal decision is wrong
- ◆ specifically address the reasons given in SQA's letter explaining the original appeal decision

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

In a case of alleged procedural irregularity in respect of the original appeal process 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 appellant informed about the arrangements for the meeting of the sub-committee. The appellant will be asked to confirm in writing the full scope and grounds for appeal. These will be the sole basis for the meeting. The Appeals Sub-committee will only meet when in the judgement of the Appeals Sub-committee there is a case for it to consider.

The meetings will normally be expected to take place within 6 to 8 weeks of the escalated appeal's submission to SQA. SQA will give the appellant at least **15 working days'** notice of the date of the hearing.

No later than **5 working days** before the hearing, SQA will supply the sub-committee members, the appellant and the SQA staff representatives with the papers for the case. These will comprise:

- ◆ the appeal documentation submitted by the appellant
- ◆ documentation supporting SQA's decisions in relation to its initial decision
- ◆ any additional relevant information that has been identified by SQA through further investigation

No other material will be admitted at the meeting of the sub-committee. The chair of the sub-committee may cancel or adjourn the meeting of the sub-committee if they take the view that the scope or grounds for appeal presented by the appellant in the meeting are significantly different to those provided in writing prior to the meeting.

The appellant can be represented at the hearing by up to two people, for example two members of centre staff. The appellant should notify SQA of the identity and role of any person planning to attend the meeting at least **5 working days** before the meeting is scheduled to take place. SQA will be represented by two members of staff responsible for the function under appeal. Legal representation will not normally be permitted.

The hearing will involve an oral submission by the appellant, 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 chair.

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 **10 working days** after the hearing.

The Appeals Sub-committee's decision marks the end of SQA's appeals procedure.

For vocational qualifications that are subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales, if a head of centre believes that there has been procedural irregularity by SQA (awarding body) in any aspect of an appeals process, the head of centre has a right to raise this matter with the appropriate regulator as a complaint. Ofqual and Qualifications Wales will not get involved in any individual appeals and will only deal with procedural irregularity by awarding bodies under their complaints procedures, which are published on their websites.

Appendix 1: Vocational qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales

The arrangements set out in this appendix relate only to vocational qualifications that are subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales.

Candidates should be advised by their centre of how to make enquiries about results. They should also be advised about the appeals process for internal and external assessment judgements, 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.

Internal assessments

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.

The process for an appeal is as follows:

- 1 Candidates should submit appeals to an SQA director, in writing, within **15 working days** of receiving written notification from their centre on the outcome of the appeal. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay. 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.
- 2 The appeal must include a detailed 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.
- 3 The SQA director considering the appeal may seek additional relevant information to assist their review of the case. They may consult experienced subject specialists who were not involved in the original decision when considering appeals against assessment judgement to help review the evidence.
- 4 The SQA director will inform the candidate and the centre in writing of the decision within **15 working days** of receiving all the information relevant to the appeal and will give the reasons for the decision.

SQA will deal with the appeal as quickly as possible and, in any event, within **15 working days** of receiving all information relevant to the appeal. 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 way this appeal to SQA (awarding body) has been handled, 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.

External assessment

The head of centre can appeal on behalf of a candidate against a decision in an external assessment. For qualifications accredited by SQA Accreditation, this right applies where the assessment forms part of an approved 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.

The process for an appeal is as follows:

- 1 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 **10 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.
- 2 The appeal must be submitted to an SQA director, in writing, by the head of centre, or his or her representative, and must be made within **15 working days** of the date of the discussion with the SQA manager in terms of paragraph 1 above. SQA may consider appeals lodged outside this timescale if there are legitimate reasons for the delay.
- 3 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**.
- 4 The appeal must include a detailed 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.
- 5 The SQA director considering the appeal may seek additional relevant information to assist their review of the case. They may consult experienced subject specialists who were not involved in the original decision when considering appeals against assessment judgement to help review the evidence.
- 6 The SQA director will inform the head of centre in writing of the decision within **15 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 and, in any event, within **15 working days** of receiving all information relevant to the appeal. 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, Ofqual or Qualifications Wales (depending on the qualification).

SQA Accreditation (for qualifications regulated by SQA Accreditation)

In the event that the head of centre is unhappy with the outcome of SQA's (awarding body) appeals process, they can write to SQA Accreditation and ask for a review of the appeals process applied to reach the appeal decision in the following processes:

- ◆ centre approval and systems verification
- ◆ specific qualification approval and external verification of internal assessment
- ◆ assessment arrangements
- ◆ malpractice
- ◆ internal and external assessment

Additionally, in those cases where a head of centre believes there has been procedural irregularity 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.

Ofqual or Qualifications Wales (for qualifications regulated in England and Wales)

If a head of centre believes there has been procedural irregularity by SQA (awarding body) in any aspect of an appeals process, the head of centre has a right to raise this matter with the appropriate regulator as a complaint.

Ofqual and Qualifications Wales will not get involved in any individual appeals and will only deal with procedural irregularity by awarding bodies under their complaints procedures, which are published on their websites.

Appendix 2: Who to contact in the first instance

SQA managers

Your first contact with the relevant SQA manager will be to agree a time to discuss your disagreement with SQA's decision. For appeals following exceptional circumstances consideration or qualifications verification, the relevant teams can only assist with enquiries about the process and will not be able to discuss the academic judgement of the subject specialists.

Centre and qualifications approval decisions

Head of Operations: HN and Vocational Qualifications, Operations Directorate
Tel: 0345 213 5909

Systems verification decisions including outcomes of NQ assessment arrangement systems verification

Head of Operations: HN and Vocational Qualifications, Operations Directorate
Tel: 0345 213 5909

Devolved authority status

Head of Operations: HN and Vocational Qualifications, Operations Directorate
Tel: 0345 213 5909

Centre operating agreement decisions

Head of Operations: HN and Vocational Qualifications, Operations Directorate
Tel: 0345 213 5909

External verification decisions for internally-assessed National Qualifications

NQ Verification Team nqverification@sqa.org.uk

External verification decisions for internally-assessed HN and vocational qualifications

Head of Operations: HN and Vocational Qualifications, Operations Directorate
Tel: 0345 213 5909

Candidate assessment decisions in assessment arrangements and cases of malpractice in HN and vocational qualifications

Head of Operations: HN and Vocational Qualifications, Operations Directorate
Tel: 0345 213 5909

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

Head of Operations: Assessment and Data Services, Operations Directorate
Tel: 0345 213 6853

Requests for exceptional circumstances consideration in National Qualifications

Head of Operations: Assessment and Data Services, Operations Directorate
Tel: 0345 213 6853

External and internal assessment decisions in vocational qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales

Head of Operations: HN and Vocational Qualifications, Operations Directorate
Tel: 0345 213 5909

Corporate Office

SQA
The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Regulators

SQA Accreditation

Head of Accreditation
SQA Accreditation
The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

accreditation@sqa.org.uk

Ofqual

Complaints
Spring Place
Herald Avenue
Coventry
CV5 6UB

public.enquiries@ofqual.gov.uk

Qualifications Wales

Qualifications Wales
Q2 Building
Pencarn Lane
Imperial Park
Coedkernew
Newport
NP10 8AR

enquiries@qualificationswales.org