

# Appeals Policy and Procedure

## Introduction

This Policy and Procedure sets out Gateway Qualifications' approach to handling and considering appeals.

## Purpose

The Policy applies to appeals relating to qualifications assessed by Gateway Qualifications' Recognised Centres ("Centres"), including Access to HE Diplomas and assessments set and marked by Gateway Qualifications. This includes where Gateway Qualifications provides End-point Assessment and is therefore applicable to Apprenticeship Training Providers ("Providers").

## Scope

This Policy applies to all Gateway Qualifications' Centres/Providers who are delivering and/or using regulated qualifications, including Access to HE Diplomas and End-point Assessment (EPA). This policy covers appeals from:

- A Learner in relation to an assessment decision made by the Centre where procedures have not been applied consistently or that procedures were not followed properly and fairly, and, as a result, the Learner disagrees with the decision made by the Centre and wishes to challenge the outcome.
- A Centre where evidence suggests Gateway Qualifications did not apply procedures consistently or that procedures were not followed properly and fairly in relation to the results of assessments.
- An Apprentice, a Provider or Employer in relation to an End Point Assessment decision made by Gateway Qualifications where procedures have not been applied consistently or that procedures were not followed properly and fairly, and, as a result, the Apprentice, provider or employer disagrees with the decision made by Gateway Qualifications and wishes to challenge the outcome.
- A Centre, Employer, Provider, Learner/Apprentice regarding decisions relating to Gateway Qualifications' decision to decline a request to make reasonable adjustments or give special considerations.
- A Centre, Learner/Apprentice, Provider or Employer regarding decisions relating to Gateway Qualifications not applying reasonable adjustments or special considerations as confirmed.
- A Centre, Learner/Apprentice, Provider or Employer regarding decisions relating to any action to be taken against a Learner/Apprentice or a Centre, Provider or Employer following the outcome of an investigation into malpractice or maladministration.
- A Centre or Provider in relation to an application of a Gateway Qualifications sanction.

For Learners who wish to appeal about their Access to HE assessment results or decisions affecting their learning, they should refer to the separate Access to HE Learner Appeals Policy.

## Audience

This policy is aimed at the following:

- Recognised Centres (“Centres”) in relation to the offer of qualifications with exception of End-point assessment - including all Centre staff, associates, freelance staff and contractors
- Apprenticeship Training Providers (“Providers”) in relation to End-point assessment – including all staff, associates, freelance staff and contractors
- Learners/Apprentices
- Gateway Qualifications’ Board of Trustees and Committee members
- Gateway Qualifications’ staff
- Gateway Qualifications’ wider workforce – including consultants, qualification developers, assessment associates, External Quality Assurers, Markers, Independent End-point Assessors, Internal Quality Assurers, Centre and Subject Moderators.

## Related policies and documents

This Policy should be read alongside Gateway Qualifications policies:

- Complaints Policy and Procedure
- Malpractice and Maladministration Policy and Procedure
- Sanctions Policy
- Conflicts of Interest Policy and Procedure
- Access to HE Diploma Learner Appeals Policy.

Please also refer to [Enquiries about Results - Gateway Qualifications](#)

## Responsibilities

### Centre/provider responsibilities

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Gateway Qualifications’ Centres must also operate an effective and appropriate appeals process for the benefit of Learners.

Centres must have an appeals process that includes having a named contact at the Centre. These arrangements must be transparent and accessible in order that appeals from Learners can be received, considered, and decided upon.

All Centre staff and contractors must be fully informed of the contents of both Gateway Qualifications’ and the Centre’s policy and procedures in relation to appeals.

Centres must make Learners aware of the Centre's own appeals process. Learners should also have the content of Gateway Qualifications' Appeals Policy and Procedure explained to them in terms of what an appeal is and what they should do if they wish to make an appeal.

Centres must retain Learner assessment evidence according to the requirements set out in the Centre Agreement Terms and Conditions in order to support any appeal request from its Learners.

For End Point Assessment, we recommend that Providers provide an appeals procedure to cover any aspects of the delivery confirmed prior to entry to Gateway for EPA.

## Gateway Qualifications' responsibility

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Gateway Qualifications will operate in accordance with this Policy.

Gateway Qualifications will ensure that appeal decisions are taken by individuals who have no personal interest in the decision being appealed and have the appropriate competence to make decisions on such matters.

Decisions on appeals will be provided within the timescales specified below.

Should Gateway Qualifications find any failure in its assessment process, steps will be taken to:

- identify any Learner/Apprentice(s) who have been affected by the failure
- correct or, where it cannot be corrected, mitigate as far as possible the effect of any failure; and
- ensure that the failure does not recur in the future.

## Centre-related Appeals

Where a Learner has been assessed by a Gateway Qualifications Centre, they must first appeal to the Centre using the Centre appeals policy. Only once that process is complete may they appeal to Gateway Qualifications. Learners must provide Gateway Qualifications with evidence that they have first appealed to their Centre.

As a Centre, if the appeal is being made on behalf of Learners, written permission must be obtained from the Learner(s) concerned, as grades/results can go down as well as up (where applicable) as a result of an investigation.

The Gateway Qualifications' [appeals form](#) must be used to submit an appeal. Relevant reports, documentation and supporting evidence must be provided. \*\* Whilst Gateway Qualifications will aim to complete the review within 20 working days, there may be circumstances where this may take longer, in which case the appellant will be notified.

## EPA-related appeals

When an Apprentice has been assessed by Gateway Qualifications, the Apprentice, provider, or employer must make the appeal. If an appeal is submitted on behalf of the Apprentice, the provider or employer is required to have the Apprentice's consent.

## Appeals process

### Timescales

Stage	Timescales
Appeal submitted	Within 10 working days of decision being appealed*
Gateway Qualifications acknowledges receipt of appeal	Within 2 working days of receipt of the appeal
Gateway Qualifications notifies outcome of Stage 1 review	Within 10 working days of appeal receipt**
Appellant writes to confirm request to proceed to Stage 2 of the appeals process following Stage 1 outcome	Within 15 working days from date of Stage 1 outcome*
Gateway Qualifications Stage 2 outcome notification	Within 20 working days of confirmation from appellant to proceed to Stage 2**

\*Gateway Qualifications will not accept an appeal outside of this timeframe. Please note, EPA will be paused when a request to appeal is submitted, any booked assessments or resits / retakes will be suspended pending the outcome of the appeal.

\*\* There may be circumstances whereby timescales may need to be different, such as for EPA-related appeals where timescales may need to be shorter to support timely completion or more complex cases where timescales may need to be longer. In these case Gateway Qualifications will notify the appellant of any changes to the timescale.

Gateway Qualifications will undertake an initial review of the appeal submission to ensure that there are reasonable grounds and sufficient supporting information for the basis of the appeal within the scope of this Policy.

Where this is not the case, Gateway Qualifications may request further information, notify that there are no grounds for appeal or notify the appellant of alternative courses of action.

### Stage 1: Independent review

Gateway Qualifications will appoint an individual to review the appeal. The reviewer will:

- not have been involved in the original decision.
- will have no personal interest in the decision and be competent to review the appeal.
- review all relevant information considered as part of the original decision and the written submission, along with any new information presented.

The Stage 1 process may also involve:

- a discussion with the appellant or the affected Apprentice/Learner(s) and any Gateway Qualifications' representatives.
- a request for further information from the appellant, the Apprentice/Learner(s), Employer / Provider or Gateway Qualifications.
- a Centre visit by authorised Gateway Qualifications staff (Not applicable to EPA)
- A visit to the employer's location or that at which the assessment was carried out, if location or provision of resource to complete the assessment at said location is the cause for the appeal.

Following the review of the appeal at Stage 1, Gateway Qualifications will write to the appellant with details of and summarised reasons for the decision within the appropriate timescales, (as detailed above) to either:

1. amend the original decision; or
2. uphold the original decision.

If the original decision is upheld following the Stage 1 review, the appellant may proceed to Stage 2 by writing to Gateway Qualifications. The request must clearly set out the grounds of appeal along with all supporting documentation. The appellant must make this request within the appropriate timescales (as detailed above) of the notification date of the Stage 1 outcome.

## Stage 2 Appeals panel

At Stage 2, Gateway Qualifications will convene a panel.

The panel will review all the evidence considered in Stage 1, any additional evidence that might have emerged and whether Gateway Qualifications has applied procedures fairly, appropriately, and consistently in line with the Policy.

The panel will include:

- a Chair
- a minimum of three individuals
- at least one individual who is not an employee of Gateway Qualifications
- individuals with relevant competence to make a decision in relation to the appeal.

Panel members involved in making a decision regarding the appeal panel will not have a personal interest in the outcome of the appeal and will not have been involved in the original decision.

The panel may also call any representatives relevant to the case to attend the panel.

The Stage 2 decision is final. The outcome of the review will be advised within the appropriate timescale (as detailed above) of the panel.

## Where an appeal is upheld

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In situations where an appeal has been upheld, Gateway Qualifications will give due consideration to the outcome and will, as appropriate, take actions such as:

- Amend the record of the Learner(s)/Apprentice/Centre concerned.
- Identify any other Learners/Apprentices who may have been affected and then correct or, where it cannot be corrected, mitigate as far as possible the effect of any finding.

## What to do if you are not satisfied with the outcome

If Gateway Qualifications' appeals procedure has been exhausted and you are not satisfied with the outcome, the complaints process of the relevant regulatory body may be followed:

In England	<p>Ofqual:  <a href="https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure">https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure</a></p> <p>QAA – Access to HE Diplomas:  <a href="mailto:ahe@qaa.ac.uk">ahe@qaa.ac.uk</a></p>
In Wales	<p>Qualifications Wales:  <a href="mailto:enquiries@qualificationswales.org">enquiries@qualificationswales.org</a></p>

## Fees

Gateway Qualifications reserves the right to charge Centres or Learners a fee to cover the administration costs where the appeal about a result is not upheld. This may be applied at any stage of the appeals process.

Fees are invoiced as follows:

- Stage 1 £150
- Stage 2 £300

## Situations brought to our attention by the regulators

Where a regulator or other third party notifies us of failures that have been discovered in the assessment process of another awarding organisation(s), we will review whether or not a similar failure could affect our own assessment processes and arrangements, consider whether any remedial action is necessary in relation to assessments that have been undertaken, and consider appropriate amendments to those processes for the future.

## Review arrangements and monitoring

Gateway Qualifications will periodically review this Policy and associated procedures and revise as necessary. As part of the review consideration will be given to feedback received and regulatory/legislative requirements.

If you would like to feedback any views on this Policy, please contact us via the details provided at the end of this document.

Gateway Qualifications' Quality and Standards and Access to HE Committees are responsible for monitoring the effectiveness of the application of this Policy. An annual summary is also submitted to the Board of Trustees for monitoring and ratification.

## Contact us

If you wish to discuss any aspect of the policy please contact:

Telephone: 01206 911211  
 Email: [enquiries@gatewayqualifications.org.uk](mailto:enquiries@gatewayqualifications.org.uk)  
 Post: Gateway Qualifications, Gateway House, 6 Tollgate Business Park,  
 COLCHESTER, CO3 8AB

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### Ofqual General Conditions of Recognition

#### Condition I1: Appeals process

#### Qualifications Wales Standard Conditions of Recognition

#### Condition I1: Appeals process

#### QAA licensing criteria

#### Criteria 30, 31: Operations

#### Criteria 50n, 54e: Provider and Course Recognition