

NATIONAL EXAMINING BOARD FOR DENTAL NURSES

Appeals Policy

Purpose

The purpose of this policy is to ensure that:

- NEBDN has a clear policy and procedure in place for individuals and organisations to follow, should they wish to submit an appeal against (a) their examination result or (b) a decision made under and/or a sanction imposed through NEBDN quality assurance processes;
- all appeals are received, processed and considered in a consistent, fair and timely manner;
- a fair and standardised approach is taken when appeals are considered and decided.

Scope

Grounds for an Appeal

Examination Results

A candidate wishing to submit an appeal against their examination result must ensure that it is supported by evidence and is lodged on at least one of the following grounds:

- There is evidence to indicate that there was an irregularity in the conduct of an examination or that NEBDN Examiners did not act in accordance with published examination regulations;
- There appears to be a computational or administrative error in the recording, processing or reporting of examination results;
- There were Exceptional Mitigating Circumstances that it was not possible to tell NEBDN about prior to the issue of examination results. If this is the case the reasons will have to be clearly demonstrated in accordance with the NEBDN Exceptional Mitigating Circumstances Policy.

Quality Assurance

A Course Provider wishing to submit an appeal against NEBDN's quality assurance processes must ensure that it is supported by evidence and is lodged on at least one of the following grounds:

- There is evidence to indicate that there was an irregularity or that NEBDN did not act in accordance with published regulations, processes or NEBDN Accreditation Standards;

- There appears to be an administrative error in the recording, processing or reporting of an audit, investigation or other quality assurance decision;
- There is evidence to indicate that a decision was made and/or sanctions were imposed as a result of factually incorrect information.

Invalid Grounds for an Appeal

Examination Results

Examples of grounds on which an appeal will not be considered include:

- A candidate is disappointed with their examination result;
- A candidate's employer and/or their course provider is disappointed and/or surprised at an examination result because the candidate performs well at work or has done well during their course;
- A candidate and/or their employer and/or their course provider disagrees with the academic and/or professional judgment of NEBDN Examiners;
- A candidate did not understand, or was not aware of, the published NEBDN examination regulations, guidance or procedures;
- A candidate has a complaint or grievance against their course provider and/or the teaching methods used;
- Claims that a candidate's performance was adversely affected by factors such as ill-health where there is no independent, medical or other evidence to substantiate this;
- Details of Exceptional Mitigating Circumstances which we have not been notified about prior to the issue of examination results, in accordance with the Exceptional Mitigating Circumstances Policy.

Quality Assurance

Examples of grounds on which an appeal will not be considered include:

- A course provider is disappointed with an audit report, investigation or other quality assurance decision;
- A course provider is unhappy with a NEBDN policy or development (this would be treated as a complaint);
- A course provider is unhappy with a member of the NEBDN team (this would be treated as a complaint).

Who can appeal?

1. Any candidate registered with NEBDN who has valid grounds (see above) can appeal against the result of their examination.
2. Any course provider who has valid grounds (see above) can appeal against NEBDN quality assurance processes.

Policy statement

NEBDN is committed to having a fair and transparent process of appeals which recognises that candidates and course providers have the right to appeal against ratified examination results and/or decisions made and/or sanctions imposed under NEBDN quality assurance processes where they believe that an injustice or instance of maladministration has occurred.

Decisions made by a committee, for example the ratification of examination results or the imposing of sanctions upon course providers, cannot and must not be overturned by anyone without this Appeals Policy being invoked. In the unlikely event of this happening, the action taken by an individual outside of the Appeals Policy would be invalid.

Definitions

What is an appeal?

An appeal is a formal request from:

- a) a registered NEBDN candidate for a review to be undertaken in respect of their examination result because it is alleged that an injustice or instance of maladministration has occurred, or
- b) a course provider for a review to be undertaken in respect of a decision made or sanction imposed under NEBDN quality assurance processes because it is alleged that an injustice or instance of maladministration has occurred.

Refer to '*Grounds for an Appeal*'.

Responsibilities

The Education Committee is responsible for reviewing this policy on a regular basis to ensure that it is fit for purpose. The Committee will be guided by feedback from NEBDN staff members who operate the policy, in particular the Operations Manager.

Revisions to the policy will be reviewed and approved by the Governance Committee or Board of Trustees.

The Chief Executive is responsible for ensuring that this policy is communicated and implemented effectively throughout the organisation.

The Operations Manager is responsible for the operation of the appeals policy and for ensuring that team members understand what to do when appeals are received.

The Assessment and Awards Lead (candidate appeals) or Quality Assurance Lead (course provider appeals) is responsible for receiving appeals and for carrying out an initial assessment against this appeals policy to ascertain if there are grounds for appeal.

The Assessment and Awards Administrator (candidate appeals) or Quality Assurance Lead (course provider appeals) is responsible for recording appeals in a central complaints log and for processing payment of the fee and for liaising with the Finance Lead.

The Finance Lead is responsible for confirming that the payment has cleared in NEBDN's bank account.

The Assessment and Awards Lead (candidates) or Quality Assurance Lead (course providers) is responsible for processing appeals in accordance with this policy and specified timelines, including the convening of an Appeals Panel and communication with the person making the appeal.

NEBDN staff can provide guidance regarding the appeals process but cannot change or reverse a decision once it is made, no matter what informal approaches or appeals are made by the person making the appeal.

Confidentiality

Appeals will be dealt with in a confidential manner. Everyone involved in the process has a duty to maintain confidentiality. However, for an appeal to be fully investigated, it may be necessary to disclose the identity of the person making the appeal to anyone directly involved in the appeal and/or its investigation. We may need to provide relevant parties with a copy of the appeal and any evidence relating to it.

For example, where the person making the appeal is a candidate, it may be necessary to disclose their identity to examiners. NEBDN will communicate directly with the candidate but the candidate's course provider will be informed that an appeal has been received. Both the candidate and the course provider will be notified of the outcome.

Where the person making the appeal is a course provider, the course provider will be notified of the outcome directly.

References

Assessment Strategy
Bribery and Corruption Policy
Bullying and Harassment Policy
Candidate Conduct Policy

Candidate Performance Report Policy
Complaints Policy
Conflict of Interest Policy
Disciplinary Policy
Exceptional Mitigating Circumstances Policy
Fees and Invoicing Policy
Gifts and Hospitality Policy
Reasonable Adjustments Policy
Risk Management Policy
Standards for Course Provider Accreditation
Standards of Performance and Conduct
Volunteer Recruitment and Management Policies
Whistleblowing Policy

Questions

If you have any questions about this policy, please email NEBDN at info@nebdn.org and your enquiry will be directed to the appropriate member of staff.

Appeals Procedure

There is a fee for this service. The current fee is specified on the relevant Appeal Form available on the NEBDN website at www.nebdn.org

Appeals which are accepted for consideration may be:

- a) upheld, or
- b) not upheld

Where an appeal is upheld, NEBDN will refund the appeal fee to the person making the appeal.

Submitting an Appeal

An appeal must be submitted on the correct form with supporting evidence and within the published timescales:

1. Where a candidate is appealing against an examination result, the appeal should be submitted within 10 working days from the date of issue of examination results.
 2. Where a course provider appealing against a quality assurance decision, the appeal should be submitted within 10 working days from the date of receiving notification of a quality assurance decision.
- Appeals will only be considered once the current appeal fee has been paid and the funds have been cleared in NEBDN's bank account.
 - Appeals should be supported by evidence, where possible. For example, if a candidate appeals their examination result on the grounds of an irregularity in the conduct of an examination, we would expect to see a full account of the misconduct supported by facts that can be substantiated such as dates, times, locations, witnesses, and any documentary evidence.
 - Appeals will not be accepted for consideration where:
 - a) the appeal is not submitted on the correct form;
 - b) the appeal does not meet the grounds for appeal;
 - c) the appeal fee has not been paid or has not cleared in NEBDN's bank account;
 - d) the appeal is not submitted within 10 working days of examination result (candidate appeals) or notification of a quality assurance decision (course provider appeals).

NEBDN Appeals Panel

Once an appeal has been accepted and the appeal fee has cleared NEBDN's bank account, the details are forwarded to an Appeals Panel for consideration.

Examination Results

Where a candidate is appealing against the result of an examination, the Appeals Panel will normally be:

- the Chair of the Education and Standards Advisory Committee
- the Chair of one of NEBDN's Qualifications Committees*
- the Operations Manager

If a panel member is unavailable they may be substituted so as not to delay the appeals procedure. For example, NEBDN's Chief Executive or a senior staff member, a Chair of a Committee* or a member of the Board of Trustees may step in.

**This will not be the same Committee as that which is responsible for the qualification that the appeal relates to.*

Quality Assurance

Where a course provider is appealing against quality assurance processes, the Appeals Panel will normally be:

- A member of the Board of Trustees
- the Chief Executive
- the Operations Manager

If a panel member is unavailable they may be substituted so as not to delay the appeals procedure. For example, a Quality Assurance Auditor who has not been involved with the provider before, a senior staff member, the Chair of the Education and Standards Advisory Committee or a further member of the Board of Trustees may step in.

Timescale

Examination Result

- For an appeal against an examination result to be considered it must be **received at** NEBDN within 10 working days from the published date on which examination results are issued. *Examination schedules (which include these dates) are publicly available on our website at www.nebdn.org*
- Upon receipt at NEBDN, the Assessment and Awards team will carry out a basic check against the grounds for appeal as set out in this policy. The appeal will either be:
 - rejected (if it does not meet the basic grounds) *or*
 - forwarded to the Appeals Panel within 10 working days from the date of receipt.
- The Appeals Panel will reach a decision within 20 working days from receiving it. In cases where additional information has to be obtained and considered, it may take longer than 20 working days but the candidate will be informed.
- The candidate will be notified in writing of the Appeals Panel's decision within 5 working days thereafter.

Quality Assurance

- For an appeal against quality assurance processes to be considered it must be lodged with NEBDN within 10 working days from the Course Provider receiving notification of a quality assurance decision.
- Upon receipt at NEBDN, the Quality Assurance Coordinator will carry out a basic check against the grounds for appeal as set out in this policy and the appeal will either be:
 - rejected (if it does not meet the basic grounds) *or*
 - forwarded to the Appeals Panel within 10 working days from the date of receipt.
- The Appeals Panel will consider the appeal and reach a decision within 20 working days from receipt. In cases where additional information has to be obtained and considered, it may take longer than 20 working days but the course provider will be informed.
- The course provider will be notified in writing of the Appeals Panel's decision within 5 working days thereafter.

Appeal Outcomes

Examination Results

If an appeal is upheld, the outcome of the appeal *may* include, but is not limited to, one or more of the following:

- financial recompense (for example, fee reduction);
- an extension granted;
- additional marks awarded;
- a change to an examination result.

The outcomes will vary dependent on the content of the appeal, its nature and the examination to which it refers.

It is important to note that additional marks and/or a change to the examination result cannot be made on the basis of an Exceptional Mitigating Circumstance. This is because candidates need to demonstrate their professional competence and NEBDN need to be satisfied that they have done so.

Candidates should *not* assume that the outcome of their appeal will mean that they do not need to re-sit their examination. If this does happen, NEBDN will withdraw the candidate from the re-sit examination and make arrangements with their course provider for the re-sit exam fee to be refunded.

Quality Assurance

If an appeal is upheld, the outcome of the appeal *may* include, but is not limited to, one or more of the following:

- a review of the application for accreditation;

- an extension granted;
- accreditation approval granted;
- a review of the sanctions imposed;
- removal of imposed sanctions.

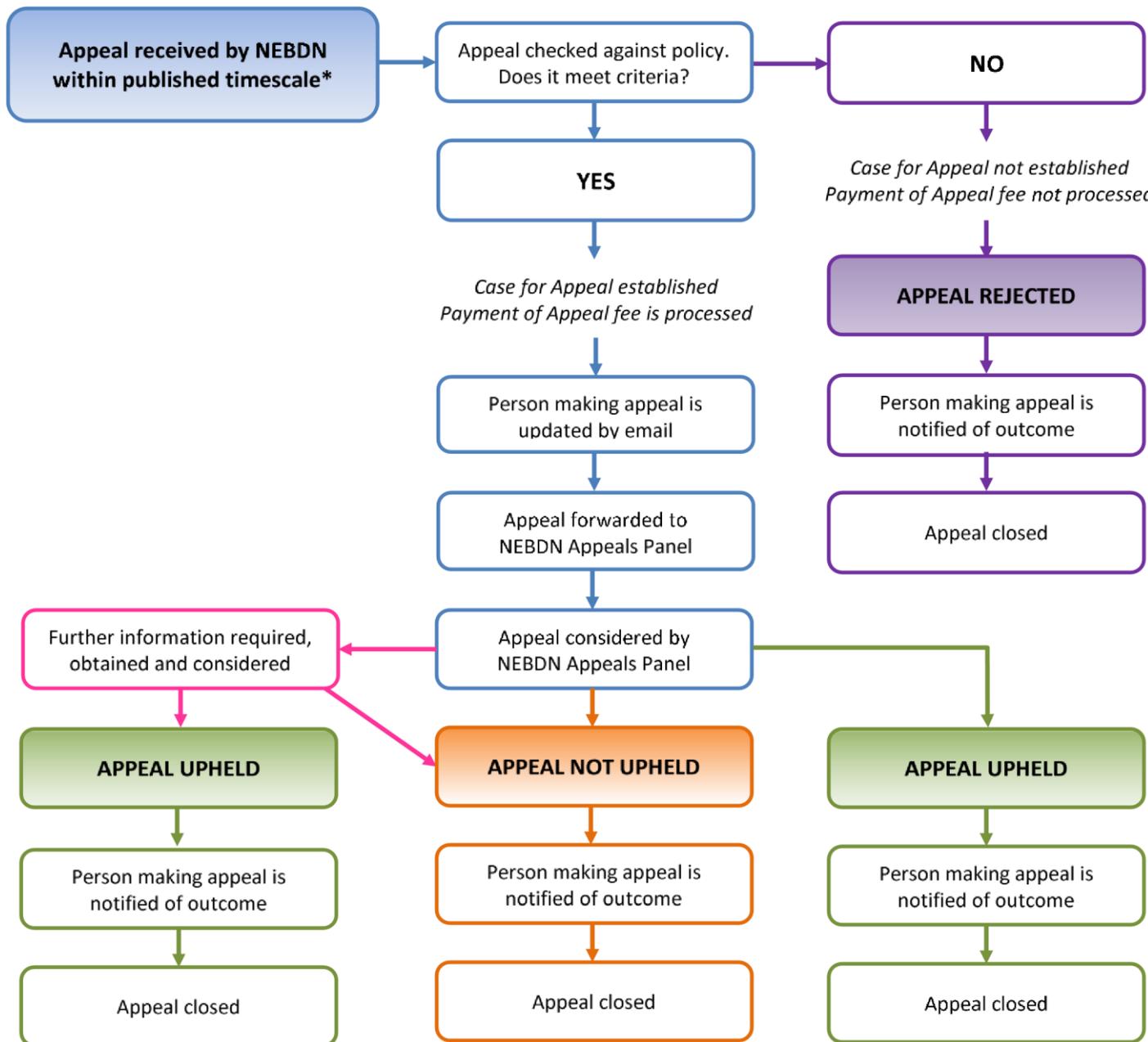
The outcome will vary dependent on the content and nature of the appeal.

CHECKLIST – Submitting an appeal

If you are submitting an appeal, check that you have:

3. Completed the correct Appeal Form.
Current form available on our website at www.nebdn.org
4. Included supporting evidence, where possible.
Documentary evidence and/or factual information that can be substantiated
5. Enclosed the correct payment (or indicated method of payment on form) *The current fee is listed on the Appeal Form*
6. Applied within 10 working days from:
 - the date of issue of examination results (candidate appeals)
 - the date of being notified about a quality assurance decision (course provider appeals)

NEBDN Appeals Process



*Timescale

For an Appeal to be considered it must be received at NEBDN within 10 working days from the published date on which examination results are issued (*where a candidate is appealing against an examination result*) or, for course providers, within 10 working days from being notified of a quality assurance decision.

An Appeal will be forwarded to the relevant Appeals Panel (or rejected) within 10 working days from receipt.

The Appeals Panel will reach a decision within 20 working days from receipt. In cases where additional information has to be obtained and considered, it may take longer than 20 working days.

The candidate / course provider will be notified in writing of the Appeals Panel's decision within 5 working days thereafter.