



<b>Title of the policy</b>	NEBDN Appeals Policy and Procedure
<b>Effective Date</b>	24 <sup>th</sup> June 2021
<b>Date Last Reviewed</b>	June 2021
<b>Scheduled Review Date</b>	June 2022
<b>Supersedes</b>	-
<b>Owned by</b>	NEBDN Executive
<b>Monitored by</b>	Governance and ESC
<b>Approved by</b>	Governance and ESC in March 2021 and Board of Trustees on 24 <sup>th</sup> June 2021

### **Purpose**

This Policy and Procedure reflects the need for NEBDN, as an awarding organisation, to establish, maintain and comply with a fair, transparent, and consistent process of appeal against decisions made in relation to NEBDN's qualifications or quality assurance decisions. It sets out the process Learners registered with NEBDN, Centre's and other Stakeholders should follow when submitting appeals to NEBDN and the process NEBDN will follow when responding to such appeals.

### **Scope**

The Policy and Procedure applies to Centre's applying for or who have been recognised by NEBDN and Learners (who are registered with NEBDN on an NEBDN qualification) who wish to appeal against a decision of NEBDN in relation to an NEBDN qualification or quality assurance decision. All Centre's should have a local Appeals policy for any decisions made by them and the local appeals process must have been exhausted before raising it to NEBDN.

### **Policy Statement**

The objective of this Policy is to ensure that an appeal by a Learner or Centre's against a decision made by NEBDN in relation to one of its qualifications or Quality Assurance decisions, actions or sanctions is subjected to a fair evaluation and to ensure all appeals are dealt with in a transparent and consistent manner. Centre staff and Learners should be aware of this policy. The Procedure to be followed when making or processing an appeal is set out in Appendix 1.

The following principles will be applied in dealing with appeals:

- Any Learner or Centre working with NEBDN has the right to appeal NEBDN decisions such as an exam result, malpractice decision, audit outcome, a recount of marks etc
- An appeal can be made on the basis that NEBDN did not apply procedures consistently or that procedures were not followed properly and fairly
- Only relevant appeals will be considered, and will be managed through consistent, fair, and transparent procedures in a timely way.
- All appeal decisions will be taken by individuals who have no personal interest or connection to the decision being appealed



- All appeal decisions will be taken by persons who have appropriate competence
- All responses for the outcome of appeals will be delivered within acceptable, agreed timelines (see below)
- Confidentiality will be maintained appropriately
- Information on the appeals policy and procedure will be available on the website

### Areas covered by this Appeals Policy and Procedure

The following is a non-exclusive list of examples where this policy and procedure will apply:

#### Learner Appeals

- Appeals relating to an assessment decision on the basis that NEBDN did not apply procedures consistently or that procedures were not followed properly and fairly.
- Appeals relating to an NEBDN decision to decline a request to make reasonable adjustments or give special considerations should be made under the Appeals Policy in the first instance. Follow up concerns should then be submitted via the Complaints Policy.

#### Centre Appeals

- Appeals relating to the application by NEBDN of a sanction/action on a Centre resulting from a verification activity or visit, an investigation into malpractice or maladministration or a decision to amend a Learner/set of Learner results following a malpractice or malpractice investigation.
- Appeals relating to an NEBDN decision concerning a Centre's application to offer an NEBDN qualification.
- Appeals relating to the contents of a Centre monitoring report from NEBDN or to any outcome from NEBDN's external quality assurance activities, for example a report from a Quality Assurance Auditor or amendment to a learner(s) result following an investigation.
- Appeals relating to a decision made by NEBDN following an investigation into a complaint about a Centre Provider.
- Appeals on curriculum content where it fails to meet GDC standards following changes.

**There are alternative policies for other issues and the appropriate one should be used.**

Complaints Policy	For raising concerns as to NEBDN Staff or organisational decisions and or actions. Complaints about Centres may only be referred to NEBDN once the local complaint process has been exhausted; evidence of outcomes should be shared with NEBDN
Raising a Concern Process	This specifically relates to patient safety under the 'Standards for the Dental team'. GDC guidance and support may be appropriate before making a disclosure
Whistle Blowing	Raising a wrongdoing within an organisation when there is a genuine concern about a crime, criminal offence, miscarriage of justice, dangers to health and safety and to the environment – and of the cover up of these.



### **Appeals not covered by this policy and procedure.**

For the sake of clarity an appeal cannot be made on the basis of a Learner or Centre:

- claiming that a higher mark was deserved following a difficult exam based on other perceptions of a Learner's considered knowledge or ability.
- disappointment with a result where marks have been accurately recorded, assessment regulations correctly followed and where no evidence of material irregularity exists.
- challenging the quality or relevance of the teaching provided during the programme.
- questioning the content of the curriculum unless questions related to topics not included in the outline curriculum were included in the assessment.

### **Responsibilities**

NEBDN's Board of Trustees has overall accountability for this policy and its implementation via the Education and Standards Committee (ESC). Day to day responsibility for the effective operation of this policy is delegated to the Responsible Officer (RO), who is a senior NEBDN manager. The RO is a specific role required by regulators, such as Ofqual, who communicate and liaise with them on behalf of NEBDN.

The Board will ensure:

1. There is a fair and consistent approach to dealing with appeals, and to the application of the appeals procedure
2. Appeals are reviewed and monitored to ensure any organisational improvements are made where needed

Centres and Learners must be aware of this policy and procedure. All Centres must have internal appeal arrangements which Learners can access if they wish to appeal against a decision taken by their Centre. If an individual Learner wishes to appeal against a decision taken by their Centre s/he must first go through the Centre's appeals process before bringing the matter to NEBDN only in exceptional circumstances. Learners should be aware that results can go up as well as down and therefore Centres should have the written permission of a Learner before appealing their result(s).

Employees and Associates are expected to:

1. Be aware of this policy and process (where their role relates to any aspect of Customer Support or Assessment & Awarding activities)
2. Follow this policy and process to protect the interests of NEBDN, Learners and ensure compliance with regulatory requirements.

Managers in relevant roles are responsible for ensuring that:

1. All employees are aware of and follow this Policy and Procedure



## Policy Review

### Post Appeal Review

A redacted final report of the outcomes of all appeals will be sent to the Education and Standards Committee for discussion of any changes that may be required to assessment processes. A redacted final report will also be sent to Governance Committee for consideration of changes to any Policy and Procedure that may be required before the planned annual policy review.

### Regular Review

NEBDN through ESC and the Governance Committee will review the policy and procedure regularly as part of self-evaluation arrangements and may also revise the policy and procedure as and when necessary, in response to Staff, Associates, other Stakeholders, Centres and Learner feedback or requests from, or good practice guidance issued by, the regulatory authorities (e.g. to align with any appeals and complaints process established by the regulatory authorities such as Ofqual).

### Situations brought to NEBDN's attention

Where NEBDN becomes aware of a failure or major incident in another Awarding Organisation, NEBDN Staff, such as the Responsible Officer will review whether or not a similar failure could affect NEBDN assessment processes and arrangements and this and any proposed mitigation will be notified to the Education and Standards Committee.

It is the RO's responsibility to notify Ofqual of any failures in NEBDN process that gives rise to an Adverse Effect (per Incident Management Policy)

In situations following identification of any issues or a notification from Ofqual indicating a failure in NEBDN processes, NEBDN will give due consideration to the outcome and will as appropriate take actions such as:

- amending the profile of a Centre
- identifying any Learners who might have been affected and correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g., and amend the results for the Learner(s) affected)
- reviewing NEBDN's associated processes and policies to ensure that the 'failure' does not occur again or to mitigate the situation as far as possible if the failure that occurred cannot be corrected.
- cooperating with any follow-up investigations required by the qualifications regulators and if appropriate agreeing any remedial action with them.

## Fees

NEBDN will charge Learners a £50 fee to cover the administrative and personnel costs involved in dealing with appeals if it is considered valid following an informal review. This will be refunded if the appeal results in a change. Learners and Centres are strongly encouraged to consider the scope and focus of the Appeals Policy to ensure appeals are made appropriately.



## Definitions

For the purposes of this Policy and Procedure an appeal is defined as the process where a Learner or Centre requests a formal change to a decision made by NEBDN in relation to an NEBDN qualification.

Throughout the document the following terminology is used:

- Associate – term applied to all those involved with NEBDN assessments including External Examiners.
- Learner – a Learner registered with NEBDN for a qualification.
- Claimant – Learner or Centre submitting an appeal.
- Centre – approved organisation providing quality assured NEBDN teaching and learning to Learners to enable them to sit assessments to achieve the award of an NEBDN qualification.
- Independent Investigator – individual unconnected with NEBDN who is appointed by the Responsible Officer to lead formal investigations or reviews.
- Learner – individual attending and registered by NEBDN on an educational course provided by a recognised Centre.
- Reviewing Manager – individual manager who initially reviews the Appeal and associated documents.
- Staff – NEBDN contracted employees.
- Stakeholder – term used to identify anyone linked with the business of NEBDN.
- Trustee – Member of the Board of Trustees

## Contact us

If there are any queries about this policy, please email NEBDN at [info@nebdn.org](mailto:info@nebdn.org) and your enquiry will be directed to an appropriate member of Staff or committee.

## References

NEBDN Learner Appeal Form

NEBDN Extenuating Circumstances Policy and Procedure

NEBDN Complaints Policy

NEBDN Fees and Invoicing Policy

NEBDN Sanctions Policy

NEBDN Incidents and Issues Policy

Ofqual General Conditions of Recognition (<http://ofqual.gov.uk/>)



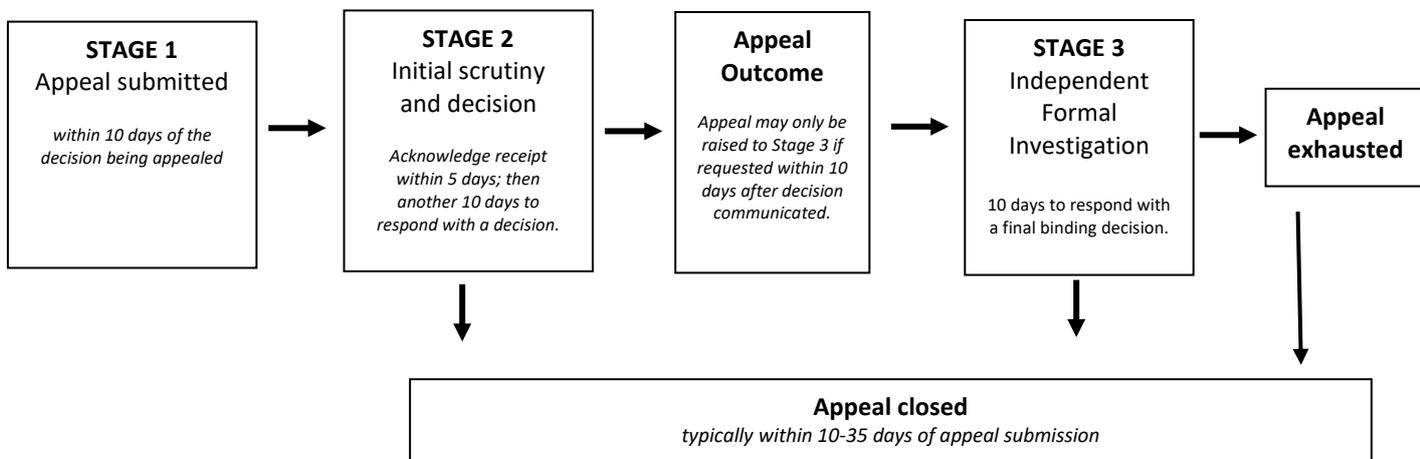
## Appendix 1

### Procedure for Appeals

There are three possible stages within an appeal:

- First stage: Appeal Form completed and submitted.
- Second stage: Initial Scrutiny to ensure appeal is within permitted grounds.
- Third stage: Independent Formal Investigation

### Summary of Appeal Process



### Stage 1: Appeal Form Submission

An appeal must be submitted by the published deadline and will not be accepted unless there is an exceptional reason for the late submission. Discretion may be exercised, and an appeal may be processed where it appears that issues may have impacted on the ability of a Claimant to follow due process. The existence of these issues must be supported by Independent supporting evidence in writing. The decision of the Reviewing Manager (or nominee) in this respect will be final.

Learners or Centres should either use the online system to submit an appeal or use the NEBDN Appeals Form (Appendix 2) and submit this within 10 days of the publication of the relevant results, decision, or issue of a report. Appropriate evidence to support the appeal must be attached in support of any claims made in the appeal and further submissions will not normally be permitted unless requested at the Independent Formal Investigation stage.

Before submitting an appeal, Claimants are expected to have read the policy and apply only on permissible grounds. Claimants are advised to contact NEBDN for advice if they have any queries.

Where late appeals are refused, the appeals procedure will not be initiated. The decision of the Reviewing Manager (or nominee) in this respect will be final.

NEBDN Staff should use Sections B, C and D or other records and ensure that all records and decisions are maintained in the CRM and or other systems for audit purposes.



### **Stage 1: Learner Appeals**

Learner Appeals should only be made by the Learner and applications from a Centre, another individual acting in a legal capacity or an employee of NEBDN, for example, will not normally be accepted.

Learner appeals will only be considered on permitted grounds according to the policy and the most common appeals relate to the following areas:

- **Recounting**

A Learner may apply for recounting of the marks of an assessment. NEBDN will permit a recounting of the marks by two individuals, usually the Reviewing Manager (or Nominee) and a Chief External Examiner to ensure that all marked parts of the assessment have been accounted for, that the summation of marks is correct and that the marks have been correctly recorded.

- **Re-evaluation**

A Learner may apply for a re-evaluation of the marks or marking of an assessment. NEBDN will permit a re-evaluation of the marks by two appropriate individuals, usually the Reviewing Manager and a Chief External Examiner. If a defect or irregularity in the conduct of the assessment or if the written instructions or written advice relating to an assessment can be shown to have had an adverse effect on the Learner's performance, re-evaluation of assessment written scripts, shall be permissible.

- **Extenuating Circumstances**

If these negatively affected a Learner's performance, were unknown to NEBDN and the Learner can show good reason why they could not have been made known to NEBDN before the Learner's results were being ratified, these may be considered. See the Extenuating Circumstances Policy for the permitted timeframe allowed to make requests.

- **Bias or Prejudice**

If there are other elements included in the appeal, such as an allegation of bias, discrimination, or prejudice, for example, the appeal will be processed in the normal way.

Claimants should be aware that following a recounting or re-evaluation a result may remain unchanged or be higher or lower than that originally awarded.

Claimants should be aware that if Extenuating Circumstances are accepted after ratification of results the marks will not be counted. The Claimant will be offered another attempt to resist the exam at the next scheduled opportunity.



### **Stage 1: Centre Appeals**

Appeals from Centres relating to NEBDN reports or sanctions will be accepted on permitted grounds and managed through this procedure.

### **Stage 2: Initial Scrutiny of Appeals Form**

The Reviewing Manager (or nominee) will acknowledge receipt of an Appeals Form within 5 working days of receipt. The appeal will be logged, and the Responsible Officer notified. If the form is incomplete or no evidence is attached, the Claimant will be advised to resubmit within 10 working days, or the matter will not be progressed to a formal stage of appeal.

The first stage is for NEBDN to undertake an initial, informal assessment of all evidence related to the potential appeal to ascertain if the issue can be informally resolved before the matter goes to the formal stage of appeal. The Responsible Officer will authorise the Reviewing Manager (or nominee) to assess the appropriately completed claim and accept or reject the appeal

If the Reviewing Manager has any involvement in the matter under appeal, they may not be responsible for allocating a member of Staff to carry out the initial scrutiny or for overseeing and managing the investigation and this will be passed to the Responsible Officer or other senior manager. In all instances NEBDN will ensure that the person carrying out this initial check does not have a personal interest in the decision being appealed.

The Reviewing Manager (or nominee) will be permitted to refuse any appeals based on any grounds that are not recognised. E.g. by regulations from Ofqual etc or falling outside of this policy as valid grounds for appeal.

### **Stage 2: Decision Options**

Following the initial review of the potential appeal NEBDN will write to the Claimant within 10 working days with details of NEBDN's initial decision to either:

- a. Refuse the appeal as not submitted within permissible grounds.
- b. Amend the original decision in light of the new rationale/evidence being put forward and which has now been reviewed.
- c. Confirm NEBDN stands by the original decision and the rationale for this decision and request that the Claimant confirms, within 10 further working days, whether this decision is accepted or if the Claimant wishes to formally proceed to the NEBDN Independent Formal Investigation stage which will be carried out by an independent party.
- d. Progress to Independent Formal Investigation stage  
The decision will be reviewed by the Chief Executive and reported to the Learner (Claimant) within 10 days from the receipt of the initial appropriately completed request.



### **Stage 3: Independent Formal Investigation Stage**

If the appeal cannot be resolved in the informal stage the Responsible Officer will appoint an Independent Investigator to undertake further investigation and the Claimant will receive further information regarding the process and timeframe of the procedure.

At all times NEBDN will ensure that personnel assigned to manage the appeal investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter. This stage will be carried out by someone who is not an employee of NEBDN, not an assessor or External Examiner, Associate or otherwise connected to NEBDN operations.

On appointment, the Independent Investigator will undertake a detailed review of the evidence and may arrange to examine additional documentation or interview individuals involved in the issue under appeal. The Independent Investigator will also consider if NEBDN have applied procedures fairly, appropriately, and consistently in line with NEBDN policy.

Note: Centres and Learners are not permitted to inspect or review any component of assessments.

The Independent Investigator's decision is final in relation to how NEBDN will consider the outcome of the appeal and NEBDN will advise the Learner within 20 days of the start of the formal stage of the appeal process. If the Learner is still unhappy with the outcome at this final stage, they are entitled to raise the matter with the relevant qualification regulator (e.g. Ofqual in England).

### **Appeal Outcome**

The final decision on the outcome of any stage of an appeal will be sent for information to the Responsible Officer and shared with the Education and Standards Committee and subsequently the Board of Trustees. The final report will be submitted for information to the relevant Committee(s).

A Claimant will usually be notified of the outcome of their appeal within 10-15 working days of NEBDN receiving the appropriately completed NEBDN Appeal Form if settled through Stage 1 or a further 20 working days if the formal stage is followed (max 35 days).

Where the application of an appeals process leads to NEBDN discovering a failure in its policies or processes, it will take all reasonable steps to –

- identify any other Learners or Centre's who may have been affected by the failure
- correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure
- ensure that the failure does not recur in the future

### **Guidance for Centres**

If you appeal on behalf of your Learners, you must ensure that you have obtained the written permission of the Learner(s) concerned as grades/results can go down as well as up as a result of an investigation.

Learners who wish to appeal about their assessment results or about a related decision should be supported by their Centre. It is expected that Learners will only appeal directly to us in exceptional circumstances.



Centres should either complete the Appeals form in the online Hub/CRM system or provide a completed form via email to: [assessmentandawards@nebdn.org](mailto:assessmentandawards@nebdn.org) in order to submit an Appeal on behalf of a Learner and or the centre and in doing so supply relevant supporting information such as the following where relevant:

- Learner's name and NEBDN registration number
- date(s) you or the Learner received notification of NEBDN's decision.
- title and number of the NEBDN qualification affected or nature of service affected (if appropriate)
- full nature of the appeal
- contents and outcome of any investigation carried out by you relating to the issue



## NEBDN Appeal Form

### SECTION A – To be filled in by the Learner/Centre

Please read the Appeals Policy before filling out this form.

<b>Claimant Name</b>			
<b>Learner Number (if applicable)</b>		<b>Centre Name</b>	
<b>Name of Assessment (if applicable)</b>			
<b>Type of Assessment (if applicable)</b>	<input type="checkbox"/> Written <input type="checkbox"/> OSCE <input type="checkbox"/> Other, please note:		
<b>Date of Assessment (if applicable)</b>		<b>Date of Receipt of Results (if applicable)</b>	
<b>Date of Report (Centres only)</b>		<b>Date of Sanction (Centres only)</b>	
<b>Type of Appeal</b>	<input type="checkbox"/> Recounting of marks <input type="checkbox"/> Re-evaluation of paper <input type="checkbox"/> Extenuating Circumstances <input type="checkbox"/> Other, please note:		
<b>Reason for Appeal</b> (Continue on a separate sheet if necessary)			
<b>Signature of Claimant</b>		<b>Date</b>	



**SECTION B – For use by NEBDN**

<input type="checkbox"/>	<b>Claimant form received for processing</b>	<b>Date received:</b>
<input type="checkbox"/>	<b>Incomplete and returned to claimant</b>	<b>Date returned to claimant:</b>
<input type="checkbox"/>	<b>Claimant form re-submitted for processing within 10 days</b>	<b>Date received:</b>
<input type="checkbox"/>	<b>Claimant form not re-submitted for processing within 10 days</b>	<b>Date appeal archived:</b>
<input type="checkbox"/>	<b>Results, Report or Sanction publication date checked</b>	<b>Date:</b>
<input type="checkbox"/>	<b>Appeal received within 10 days of results publication, receipt of NEBDN report or sanction</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<b>A - Appeal refused and claimant notified</b>	<b>Date:</b>
<b>Reason for refusal (A):</b>		
<input type="checkbox"/>	<b>B - Original decision amended after Initial Scrutiny and claimant notified</b>	<b>Date:</b>
<input type="checkbox"/>	<b>C - No change to original decision and claimant notified</b>	<b>Date:</b>
<input type="checkbox"/>	<b>D - Appeal progressed to Independent Formal Investigation and claimant notified</b>	<b>Date:</b>
<b>Reason for outcome (B, C or D):</b>		
<input type="checkbox"/>	<b>Outcome of Initial Scrutiny sent to claimant</b>	<b>Date:</b>
<input type="checkbox"/>	<b>Response received from claimant within 10 days</b>	<b>Date:</b>
<input type="checkbox"/>	<b>Response not received from claimant within 10 days</b>	<b>Date appeal archived:</b>
<input type="checkbox"/>	<b>D - Appeal progressed to Independent Formal Investigation and claimant notified</b>	<b>Date:</b>
<input type="checkbox"/>	<b>Independent Investigator appointed by CEO</b>	<b>Date:</b>
<input type="checkbox"/>	<b>Proposed date for completion of investigation (+20 days from D)</b>	<b>Date:</b>



**SECTION C – For use by NEBDN**

**Initial Scrutiny - of appeal documentation**

<b>RECOUNTING</b>	<b>Reviewing Manager (or nominee)</b>	<b>Chief External Examiner</b>
<b>Name</b>		
<b>All sections fully marked</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
<b>Totalling of marks is correct</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
<b>Marks recorded correctly</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
<b>Other discrepancy noted</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
<b>Details</b>		
<b>Recommendation</b>		
<b>Signature</b>		
<b>Date</b>		

<b>RE-EVALUATION</b>	<b>Reviewing Manager (or nominee)</b>	<b>External Examiner</b>
<b>Name</b>		
<b>Irregularity noted</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable
<b>Details</b>		



<b>Recommendation</b>		
<b>Signature</b>		
<b>Date</b>		

**SECTION D – For use by NEBDN: Outcome of Appeal**

<b>Final recommendations from Investigator</b>			
<b>Details of any action to be taken following investigation (all papers to be attached)</b>			
<b>Committee –recommended actions taken</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <b>Comment:</b>	<b>Date Received</b>	
<b>Relevant NEBDN Committees to be informed</b>	<b>Committee</b>	<b>Date informed</b>	
	<b>Insert Committee Name (if needed)</b>		
	<b>Board of Trustees</b>		
	<b>Governance Committee</b>		
	<b>Education and Standards Committee</b>		
<b>Learner informed of outcome of appeal</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<b>Date informed</b>	
<b>Centre informed of outcome of appeal</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<b>Date informed</b>	
<b>Responsible Officer Signature and Date to close investigation</b>		<b>Date</b>	