



Complaints and Appeals Policy

April 2020

Policy authorised by Responsible Officer

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1.0 Introduction

The key role of OTHM is to secure standards for those qualifications we certificate. As part of our commitment to quality assuring standards we aim to provide guidance and support to help Centres and their learners to achieve learning and development goals. We also ensure that any regulatory requirements are met, and in turn we support Centres to meet those requirements.

We review all our policies annually or in response to regulatory changes to ensure that they remain fit for purpose.

2.0 Scope of policy

This policy is aimed at all OTHM stakeholders including learners, centres, and other parties involved in any aspect of OTHM qualifications and endorsed learning provision.

3.0 Policy statement

This document sets out the policy and procedures with regards to the effective and efficient management of complaints and appeals.

For this purpose, the term complaint refers to a concern about a product or service provided by OTHM or an OTHM Approved Centre.

All OTHM Approved Centres are required to have their own internal complaints and appeals procedures and learners should refer their complaint to the Centre in the first instance. If it is not resolved at the Centre, the complaint or appeal can be brought to the attention of OTHM who will require copies of any relevant documents or correspondence.

4.0 External complaint procedure

OTHM aim is to solve the issue as quickly and efficiently as possible. All complaints should be made in writing to OTHM via email: info@othm.org.uk or post:

OTHM Qualifications
8 Waterside Court
Galleon Boulevard
Crossways Business Park
Dartford
DA2 6NX
United Kingdom

Once the complaint is received by OTHM, we will acknowledge receipt within **two** working days.

OTHM will appoint an investigating officer who will undertake a full investigation of the nature of the complaint and respond in full within 10 working days. Should the investigation require further time, we will contact the complainant in writing after **seven** working days to provide an update on our progress.

If any part of the complaint is upheld, OTHM will respond to the complainant accordingly and give due consideration to how we can improve our service and arrangements. This will include reviewing our procedures to assess the impact on our qualification development, delivery or awarding arrangements and assessment process (if relevant) or arranging for staff training. In extreme circumstances, internal disciplinary or other relevant procedures may be exercised where the performance or behaviour of our staff is deemed to be inappropriate.

In situations where a complaint has been upheld, or where an investigation following notification from the regulators indicates a failure in our processes, we will give due consideration to the outcome and will take appropriate actions such as:

- a) identify any other learner who has been affected by that failure
- b) correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure, and
- c) ensure that the failure does not recur in the future.

If the complainant disagrees with the decision, the Chief Executive Officer will oversee the complaints procedure.

If the outcome is still unsatisfactory for the complainant, they may where relevant, take the matter through the Appeal procedure outlined below.

5.0 Appeals procedure

Centres are required to make their enquiries and appeals procedure available to learners, so that if learners wish to appeal against assessment decisions they have clear guidelines on how to proceed. The procedure should:

- identify the person with whom the learner should lodge an enquiry or appeal;
- state the method by which an enquiry or appeal is to be made;
- incorporate an appeals panel or equivalent which is independent and objective;
- stipulate a clear time limit for dealing with the appeal considering OTHM timescales.

Appeals made against an OTHM decision the appeals procedure will focus on whether OTHM:

- used procedures that was consistent with the requirements of the regulators;
- applied the procedures properly and fairly in arriving at judgments.

There are three stages in the appeals process:

- Stage 1: Internal Appeals Panel
- Stage 2: External Appeals Panel
- Stage 3: Independent Appeals Panel

For any appeal case that goes beyond stage 2, the Independent Appeals Panel will conduct this final stage of the appeals process. The outcome of the Independent Appeals Panel is final; there is no further right of appeal beyond this stage.

When the outcome of an enquiry or appeal questions the validity of other results, OTHM will take appropriate action to protect the interests of other learners and the integrity of the qualification.

Conditions of Appeals

OTHM will only consider an appeal if the following conditions have been met:

- the appeal is submitted to OTHM in writing by the Head of Centre and includes the grounds for the appeal and any supporting documentation;
- an appeal is submitted once the Centre's own internal procedures have been exhausted;
- the individual learner remains dissatisfied with the outcome of the Centre's internal appeals procedure and wants to pursue the appeal further with OTHM. In such a case, the appeal must be submitted to OTHM in writing by the Head of Centre and include the grounds for appeal and any supporting documentation;
- the appeal is submitted within 14 calendar days of the receipt by the appellant of the OTHM or Centre decision under question;
- a Centre notifies OTHM within 14 calendar days (of the receipt, by the appellant, of the OTHM or Centre decision under question) that an appellant has lodged an appeal with the Centre's internal appeals process.

During an appeal

- The Centre must retain all evidence relating to the appeal case.
- If the appeal involves the work of a learner or group of learners the Centre must retain the work of the complete cohort.
- OTHM will retain all documentation regarding an appeal for a minimum of 18 months.
- Centres must also keep documentation relating to a Centre appeal or an appeal to OTHM for a minimum of 18 months.

6.0 The Appeals Process

Stage 1 (Internal Appeal)

This stage of the procedure involves a review of the appeal by the Internal Appeals Panel. This panel is made up of senior OTHM staff, an independent member and a senior associate with experience in the qualification concerned.

The Internal Appeals Panel will make enquiries based on the nature of the appeal and on this evidence, decide if any further work relating to the appeal should be authorised.

For most cases, the appeal can be resolved at this stage.

OTHM will communicate the outcome of this appeal to the Head of Centre within 10 working days of the meeting of the Appeals Panel.

A report of the review will be sent to the Head of Centre within 28 days of the appeal hearing.

Stage 2 (External Appeal)

If the Centre or their learners are dissatisfied with the outcome of Stage 1, they may apply to the OTHM External Appeals Panel.

The panel will consider an appeal for stage 2 provided that OTHM's stage 1 appeal process has been exhausted.

The Panel will include in the decision making at least one independent member, who has had no previous involvement with the case.

The Panel will comprise, as appropriate:

- a member of the team of OTHM External Associates
- an independent member from the Board of Governance
- a member of the senior management team of OTHM

OTHM will arrange for the panel to review the case and inform the Centre of the outcome of the review.

In cases where panel decisions are required, the majority vote will apply.

OTHM will communicate the outcome of the hearing to the Head of Centre within 7 calendar days of the hearing. A report of the hearing will be sent to the appellant within 28 calendar days of the hearing.

Stage 3 (Independent Appeals Panel)

In the event of stages 1 and 2 being exhausted without a satisfactory resolution, stage 3 of the appeals procedures can be invoked. In Stage 3 the case will be put

before an Independent Appeals Panel. Members of the Panel will be drawn from the Board of Governance and from other independent assessment experts.

The chair of the Panel will consider the appeal for stage 3 provided that OTHM's stage 2 appeal process has been exhausted.

The chair of the Independent Appeals Panel will decide if there is an appeal case to be heard. The appellant will be notified within 14 days if the case has been accepted or not. If it has been accepted the Independent Appeals Panel will be arranged and the case will be heard.

The Independent Appeals Panel will review all the evidence presented at Stages 1 and 2. They will review whether OTHM has applied its procedures fairly, appropriately and consistently in line with policy.

The independent review process may involve:

- a discussion with the Centre or the learner and OTHM personnel
- a request for further information from the Centre, the learner or OTHM personnel
- a centre visit by authorised OTHM personnel

Stage 3 is the final step in the appeals process. At Stage 3 a final decision will be made regarding the outcome of the initial appeal. The Independent Appeals Panel will communicate the outcome of the hearing to both parties within 7 calendar days of the hearing. A report of the hearing will be sent to both parties within 28 calendar days of the hearing.

In cases where the outcome of an appeal or enquiry against an assessment decision affects the accuracy of results for other learners in the same cohort, the personnel involved in the review of the appeal or enquiry about a result will decide whether the outcome warrants reassessment of all assessments affected.

Following an enquiry or appeal, OTHM will amend Centre and/or learner records where appropriate.

7.0 Fees

OTHM will charge a fee to cover the administrative and personnel costs of any enquiry or appeal and additional fees if they need to carry out a centre visit. However, if OTHM upholds an appeal the fee will be returned. The fees are contained in OTHM's current Fees Structure which is available on the OTHM website.

8.0 Regulatory references

Ofqual requires all regulated Awarding Organizations to establish and maintain evidence of their compliance with the General Conditions of Recognition. As part of its ongoing process of compliance, OTHM policies and procedures will reflect the conditions and criteria they address.

This policy addresses the following Ofqual General Conditions of Recognition (GCR).

GCR Reference	GCR Section title
II1	Appeals Process
II2	Compliance with Ofqual's appeals and complaints process

9.0 Policy review date

July 2020

10.0 Useful contacts

For more information on our qualifications and services visit: www.othm.org.uk. Alternatively, call at: +44(0)20 7118 4243 or email at: info@othm.org.uk

End of policy



Notice of Appeal Form

Name of Centre:

Centre Number:

Centre Address:

Postcode:

Telephone:

Email

Learner's full name

Learner ULN if applicable:

Decision date you wish to appeal:

NOTE: Please write clearly in block capitals using black ink. Incomplete, illegible or unauthorised forms will be returned to you – this will delay the decision.

The appeal should be lodged with OTHM within 6 weeks of receiving the outcome of the decision against which they are appealing.

Please complete both sections A and B

Section A

Confirm under which criteria you wish to appeal by placing a tick in the appropriate box(es).	✓
Criteria 1: OTHM procedures applied are not consistent with the regulatory criteria.	
Criteria 2: OTHM has not applied the procedures properly or fairly in arriving at decisions.	

Section B

Please provide full details of the decision you wish to appeal against.

Declaration

Name (Print):

Job title:

Signature:

Date:

We aim to reply to you within 2 working days of receipt of this form and to provide you with a decision within 28 days.

Please complete this form together with any supporting materials and submit with the relevant fee to: info@othm.org.uk or send by post

OTHM Qualifications
8 Waterside Court
Galleon Boulevard
Crossways Business Park
Dartford
DA2 6NX
United Kingdom

Please keep a copy of the completed form for your own reference.