

<b>Policy number</b>	49.0
<b>Policy name:</b>	Learner Appeals Policy and Procedure for Higher and Further Education
<b>Version Number:</b>	2
<b>Developed by:</b>	Chrissy Moog
<b>Policy status:</b>	Approved
<b>Date Approved:</b>	29 <sup>th</sup> May 2020
<b>Next Review due by:</b>	29 <sup>th</sup> May 2021
<b>Applicable to:</b>	Assessors, Internal Verifier, Exams Officer, Students
<b>Related Policies/Procedures:</b>	Learner Complaints Procedure
<b>Equality and Diversity</b>	Equality Impact assessment was undertaken for this policy.

## REVISION HISTORY

Version	Date	Revision description/Summary of changes	Author
2	29/05/20	Edited summary table and added EIA	Chrissy Moog

## 1. Purpose

This policy, together with its associated procedures, provides an appeals procedure to ensure that Higher Rhythm's policies and procedures are applied appropriately, fairly and consistently to all learners.

## 2. Policy Statement

Higher Rhythm Limited will allow any learner the right to appeal against decisions made under the following company Policies and Procedures:

Learner Disciplinary Policy & Procedure  
Learner Complaints Procedure  
Customer Complaints Policy and Procedure  
Admissions  
Assessment  
General Complaints  
Any other decisions based on Higher Rhythm's rules and policies.

Validating and certificating bodies have their own appeals procedures in the case of appeals of an academic or examination nature.

## 3. Responsibilities

The Quality and Media Services Manager is responsible for the implementation and development of this policy. All members of staff and learners are responsible for the effective operation of this Policy and Procedure. The CEO is responsible for hearing appeals against the operation of this policy.

The CEO is responsible for hearing appeals and may work alongside the Governing Board where a complaint / appeal requires clarifying existing policies or creating new policies.

## 4. Appeals procedure

A formal appeal should be made only after the learner has exhausted informal and formal means of resolving issues or is not satisfied with the outcome of a complaint raised.

Any learner who wishes to make a formal appeal / review against a decision should submit the appeal in writing (letter or email) within fourteen working days of receipt of the outcome letter for the Formal Complaints Stage 2; this should be sent to the Administrator.

The letter or email should specify the reasons why the learner believes the complaint should be reviewed, which must fall within one or more of the following categories:

- i) proper procedures were not followed
- ii) the outcome was unreasonable.
- iii) new material evidence has come to light which the learner were unable for valid reason to provide earlier in the process.

The Stage 3 Review will not consider the issues afresh or involve a further investigation but will consider whether the relevant procedures were followed during the formal stage (including the giving of clear reasons why the complaint was rejected at the Formal Stage). If the Review Stage is upheld then the complaint will be returned either to the original complaints officer to consider the further material or to a complaints officer not previously involved in the matter.

If applicable, an appeal hearing will be held within twenty working days of the CEO receiving the Level 3 letter. The learner will be given every opportunity to personally explain the basis of the appeal. The learner will be given a minimum of three working days' notice of the time and date of the appeal hearing.

The learner may choose to be accompanied by a representative or friend at the appeal hearing. The Administrator should be notified, in writing prior to the meeting, of any person who will be accompanying an appellant.

The review will be considered by the CEO / Governing Board, within twenty working days of receiving the letter or email of review. In circumstances whereby twenty working days is impractical, this period may be extended by the agreement of Higher Rhythm and the learner.

Normally the decision of the CEO / Governing Board will be given to the learner verbally and will be confirmed in writing within ten working days by the Chair of the review panel.

A written record of the review hearing will be kept in Higher Rhythm's administration office.

A decision of the Governing Board is final and is not subject to further appeal within Higher Rhythm

Referral to the Office of the Independent Adjudicator within 28 days of completion of Higher Rhythm's complaints procedures, the Higher Rhythm will issue a 'Completion of Procedures Letter' to the learner confirming that the internal complaints procedures have been exhausted. If the learner remains dissatisfied with the outcome of Higher Rhythm's internal complaints procedures, then the learner may refer the matter to the Office of the Independent Adjudicator (OIA) within 12 months of the date of issue of the Completion of Procedures Letter.

**Appendix 1 – Equality Impact Assessment**

Name of Proposal (policy/strategy/function/service being assessed)	Learner Appeals Policy and Procedure for Higher and Further Education
Those involved in assessment:	CEO, Quality and Media Services Manager
Is this a new proposal?	No
Date of Initial Screening	May 29, 2020

What are the aims, objectives?	To ensure that our learner's appeal policy and procedure for higher and further education adhere to awarding body's standards.
Who will benefit?	Staff, students
Who are the main stakeholders?	Staff
What are the desired outcomes?	Staff and students are clear about our appeals policy and procedure for higher and further education.
What factors could detract from the desired outcomes?	Non-awareness of this current policy.
What factors could continue to the desired outcomes?	Regular follow up and updates from Pearson.
Who is responsible?	Quality and Media Services Manager
Have you consulted on the proposal? If so, with whom? If not, why not?	Yes, Governing Board.

Which protected characteristics could be affected and be disadvantaged by this proposal (please tick)		Yes	No
Age	<u>Consider:</u> Elderly, or young people		✓
Disability	<u>Consider:</u> Physical, visual aural impairment, Mental or learning difficulties		✓
Gender Reassignment	<u>Consider:</u> Transsexual people who propose to, are doing or have undergone a process of having their sex reassigned		✓
Marriage and Civil Partnership	<u>Consider:</u> Impact relevant to employment and/or training		✓
Pregnancy and maternity	<u>Consider:</u> Pregnancy related matter/illness or maternity leave related matter		✓
Race	<u>Consider:</u> Language and cultural factors, include Gypsy and Travellers group		✓
Religion and Belief	<u>Consider:</u> Practices of worship, religious or cultural observance, include non-belief		✓
Sex/Gender	<u>Consider:</u> Male and Female		✓
Sexual Orientation	<u>Consider:</u> Know or perceived orientation		✓

What information and evidence do you have about the groups that you have selected above?

N/A

Consider: Demographic data, performance information, recommendations of internal and external inspections and audits, complaints information, ethnicity data, audits, service user data, etc.

**How might your proposal impact on the groups identified? For example, you may wish to consider what impact it may have on our stated goals: Improving Access, Reducing Social Inequalities, Developing Confidence, Developing skills, Supporting Vulnerable People**

Examples of impact re given below:

- a) Planning a trip with the students to a location, which may have impact on people with limited mobility.
- b) Planning to extend access to studio without considering how the services may be accessed by people with limited mode of transportation.
- c) Redesign of a services that is used by people who may not have English as a first language, and may be excluded from normal communication routes.

Please list the positive and negative impacts you have identified in the summary table on the following page.

Summary	
Positive impacts (note the groups affected)	Negative impacts (note the groups affected)
N/A	N/A

Summarise the negative impacts for each group:

N/A

What consultation has taken place or is planned with each of the identified groups?

N/A

What was the outcome of the consultation undertaken?

N/A

What changes or actions do you propose to make or take as a result of research and/or consultation?

Briefly describe the actions then please insert actions to be taken.

N/A

Will the planned changes to the proposal:

Please state Yes or No

Lower the negative impact?	N/A
Ensure that the negative impact is legal under anti-discriminatory law?	N/A
Provide an opportunity to promote equality, equal opportunity and improve relations i.e. a positive impact?	N/A

Taking into account the views of the groups consulted and the available evidence, please clearly state the risks associate with the proposal, weighed against the benefits.

N/A

What monitoring/evaluation/review systems have been put in place?

This policy, along with other policies, will be reviewed annually.

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When will it be reviewed?

May 29, 2021
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Date Review completed:	May 29, 2020
Signature:	Steven Mundin
Approved by:	Gwyn Ap Harri
Date Approved:	May 29, 2020