

The Appeals Process:

Information for awarding bodies, Sector Skills Councils and Standard Setting Organisations

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Introduction

In the course of undertaking accreditation and regulation responsibilities, SQA has to take decisions and carry out processes that affect awarding bodies, Sector Skills Councils and Standard Setting Organisations. These range from approving qualification structures and accrediting qualifications through to carrying out awarding body audits and provider monitoring visits.

This document sets out the grounds for appeal in relation to all of these activities and processes, and sets out the procedures to be followed in making an appeal. It also describes the scope and remit of SQA's Accreditation Committee with regards to the appeal hearing.

The processes set out in this document apply only to awarding bodies, Sector Skills Councils and Standard Setting Organisations.

- ◆ The over-riding principle is that all appeals will be treated fairly and objectively. Grounds for appeal will vary depending on individual situations, therefore, all appeals made will be considered in their own right. The sole ground for an appeal is that SQA Accreditation's decision, based on all the evidence available to SQA Accreditation at the time, was wrong.

Retention of records

SQA Accreditation and appellants must retain records, including all materials and evidence, until the appeal has been resolved. Thereafter, records for appeals cases should be retained for three years.

1: Appealing against a decision made by SQA Accreditation

1.1 Grounds for appeal

The sole ground for an appeal is that SQA Accreditation's decision, based on all the evidence available to SQA Accreditation at the time, was wrong. To prove that a decision was wrong, the appellant must prove either that the decision was unreasonable or that there was a breach of procedural requirements or maladministration by SQA.

1.2 How to appeal

If your organisation disagrees with a decision made by SQA Accreditation, the member of staff who is responsible for this area should contact the relevant Accreditation Manager or Regulation Manager to discuss the matter. If, after this discussion, the member of staff is not satisfied, you can raise an appeal. We would normally expect the appeal to be made by a Senior Manager or Director.

The appeal must be submitted to the Head of Accreditation, in writing. It must be made within **20 working days** of the date of the Accreditation Co-ordination Group (ACG) meeting at which the decision was made. (ACG is the internal officer group responsible for the approval of qualification structures, accreditation of qualifications, agreeing the awarding body and provider monitoring reports, and the application of sanctions.) Your letter **should be clearly marked as an appeal**.

The appeal must include a written account of why you think that SQA Accreditation's decision is wrong, and this account must address the reasons for the original decision given by SQA Accreditation. Any evidence submitted to support this claim must be relevant to the case being made.

Where possible, every attempt will be made by ACG to resolve your concerns. In line with SQA Accreditation Customer Service Charter, ACG will acknowledge the appeal within **five working days** of receipt of the appeal and provide a written response within **20 working days of receipt** of the appeal.

Your organisation will be provided with an opportunity to respond to ACG's comments. Should the actions proposed by ACG not be acceptable to you, you must notify us in writing within **15 working days** of the date of ACG decision. This will be considered as the 'final appeal' and will be considered by the Accreditation Committee (see section 3)

2: Maladministration

If your organisation believes there has been maladministration by SQA Accreditation in any aspect of an appeal against any of SQA Accreditation's internal processes, you have a right to appeal directly to the Accreditation Committee.

A senior member of staff from your organisation must write to the Convenor of the Accreditation Committee in Glasgow (see Appendix 1). The appeal must be **clearly marked as an appeal to the Accreditation Committee**, and must include a written account of the alleged failure of SQA Accreditation's internal processes, with specific details.

The Accreditation Officer will acknowledge receipt of the appeal material, and will keep the awarding body/Sector Skills Council/Standard Setting Organisation informed about the arrangements for the meeting of the Accreditation Committee.

3: Appeals to the Accreditation Committee

One of the remits of the Accreditation Committee is to consider appeals relating to:

- ◆ SQA Accreditation's processes regarding approval of qualification structures, accreditation of qualifications, auditing activity, provider monitoring activity, application of sanctions
- ◆ maladministration by SQA Accreditation of any aspect of an appeal against its processes

The Accreditation Committee is a statutory committee and oversees the work of SQA Accreditation.

The Accreditation Committee comprises a Convenor, who is a member of SQA's Board, one other Board Member, the Chief Executive and seven independent Members appointed from industry and Further and Higher Education. The majority of Members on the Accreditation Committee must be neither employees nor members of the Board of SQA.

The quorum for the Accreditation Committee to transact business will be a minimum of three members, the majority of whom must be members (and not observers) of the Accreditation Committee but who are not SQA Board members, nor employees of the SQA.

An Extraordinary Meeting of the Accreditation Committee will be convened to consider appeals.

When considering an Appeal, the Accreditation Committee can ask for a member of ACG to attend the appeal hearing to advise on SQA procedures and processes and any matters relating to the appeals procedure. The ACG Member may be present throughout the meeting of the Accreditation Committee, but has no role in the decision making process. An Administrator from SQA Accreditation is also present and will be responsible for recording the proceedings of the appeal hearing.

3.1 Grounds for appeal

The sole ground for any appeal to the Accreditation Committee is that SQA Accreditation's decision, based on all the evidence available to SQA Accreditation at the time, was wrong. To demonstrate that a decision was wrong, the appellant must show that **either** the decision was unreasonable, **or** that there was a breach of procedural requirements and/or maladministration by SQA Accreditation.

3.2 How to appeal to the Accreditation Committee

With the exception of maladministration cases (appeals in these cases are made directly to the Accreditation Committee), an appeal to the Accreditation

Committee can only be made when all other relevant forms of enquiry have been exhausted (see section 1).

On receipt of any further correspondence, an Extraordinary Meeting of the Accreditation Committee will be convened to independently review the final appeal. Your organisation and ACG Members will be informed of the date of this meeting. This Committee will be independent of ACG. No ACG Members will be involved in the Extraordinary Meeting of the Accreditation Committee unless in an independent advisory capacity.

A senior manager or Director from your organisation must write to the Accreditation Administrator within **15 working days** of receiving written notification that the appeal has been turned down by ACG.

The letter must be sent to the Accreditation Administrator in Glasgow (see Appendix 1), and must:

- ◆ be clearly marked as an appeal to the Accreditation Committee
- ◆ confirm that all internal stages of the appeal process have been exhausted by the appellant
- ◆ include a written account of why the Senior Manager or Director thinks that SQA Accreditation's decision is wrong
- ◆ specifically address the reasons given in the Head of Accreditation's letter turning down the appeal

Any evidence submitted to support this claim must be relevant to the appeal.

In a case of alleged maladministration by SQA Accreditation, the letter must include a written account of the alleged failure of SQA Accreditation's internal processes, with specific details.

SQA Accreditation will acknowledge receipt of the appeal material, and will keep the appellant informed about the arrangements for the meeting of the Accreditation Committee. The Accreditation Administrator will ensure that the appeal material is held securely and that it is not made available to any other member of Accreditation Staff.

The meetings will normally be expected to take place within four to eight weeks of your appeal being submitted to SQA Accreditation. SQA will give the appellant at least **15 working days'** notice of the date of the hearing.

No later than **10 working days** before the hearing, SQA Accreditation will supply the Accreditation Committee Members with the papers for the case. These will comprise:

- ◆ the appeal documentation submitted your organisation
- ◆ documentation supporting SQA's decisions in relation to the appeal

No other material will be admitted at the Extraordinary Meeting of the Accreditation Committee.

Your organisation can be represented at the hearing by two members of its staff. SQA Accreditation will be represented by two members of staff.

The hearing will involve an oral submission, and the Accreditation Committee will hear the submission from each party separately. SQA Accreditation staff will make the initial submission and then withdraw from the appeal hearing. You will then be invited into the appeal hearing to make your submission and then withdraw from the hearing. The members of the Accreditation Committee may ask questions of both parties. The Accreditation Committee may invite either back to the appeal hearing, for example, to seek clarification.

The Accreditation Committee will issue their decision in writing to both parties **on the date** of the Extraordinary Meeting.

The Accreditation Committee's decision is **final**.

In addition to the appeals procedure, any formal complaint about SQA Accreditation's administration of the case can be submitted according to the formal complaints procedure as detailed in our Customer Charter, which can be downloaded from our website (www.sqa.org.uk/accreditation). This includes raising matters with the Scottish Public Service Ombudsman.

SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep you informed of progress..

Appendix 1: Who to contact

SQA Accreditation and Regulation Managers

Your first contact with the relevant SQA Accreditation or Regulation manager will be to discuss your disagreement with SQA Accreditation's decisions.

Head of Accreditation

SQA Accreditation
SQA
The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

Convenor of Accreditation Committee

SQA Accreditation
SQA
The Optima Building
58 Robertson Street
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Accreditation Officer

SQA Accreditation
SQA
The Optima Building
58 Robertson Street
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Accreditation Administrator

SQA Accreditation
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