

Policy and Procedure Ref: QDM27	<b>Appeals Policy and Procedure for LAMDA Examinations</b>
Version: 05	
Owner: Quality, Standards and Compliance Manager	
Last Reviewed: August 2018	

## Introduction

LAMDA endeavour to resolve all issues amicably and efficiently without recourse to take the matter further. However, if a complainant is dissatisfied with the response to their complaint, Enquiry About a Result (EAR), Reasonable Adjustment request, Special Consideration request or sanction imposed they may lodge a formal appeal, provided they have grounds for doing so.

The decision as to whether or not LAMDA Examinations will accept the application for an appeal is based on

- the grounds for the appeal put forward
- whether the correct procedures have been followed prior to the application of the appeal.

If an application for an appeal is not accepted, the reason(s) for this will be given in writing.

## Allowable Grounds for Appeal

An appeal may be lodged following completion of the procedures outlined in the *Complaints Policy and Procedure for LAMDA Examinations*, *Enquiries About Results (EAR) Policy and Procedure for LAMDA Examinations*, *Reasonable Adjustments for LAMDA Examinations*, *Special Considerations for LAMDA Examinations* or where the appellant disagrees with the outcome of an investigation into alleged malpractice. For further details on this, please see the *Malpractice and Maladministration Policy and Procedure for LAMDA Examinations*. An appeal may also be lodged if the appellant disagrees with any sanctions imposed.

The appellant has grounds for appeal if they allege, contend or can provide evidence that:

- there have been procedural or professional irregularities, bias, prejudice or lack of professional standards, and/or
- there have been circumstantial irregularities which have led to an unfair or inaccurate decision having been made which disadvantages a Learner or Learners.

For appeals relating to complaints, EARs, Reasonable Adjustments or Special Considerations, the appeal will only be accepted from the person who put forward the original complaint or EAR.

## Stage One Appeal

The first stage of the appeals process is the Stage One Appeal. This must be submitted to LAMDA on the *Stage One Appeal Form* which is available on request from LAMDA Examinations. A copy of this form can be found in **Appendix 1** of this document and a Word version is available upon request.

Stage One involves an investigation of the case by an Investigating Manager who has not had any previous involvement with the matter.

The completed Stage One Appeal Form must be sent to LAMDA either via e-mail, at exams@lamda.ac.uk, or by post to

Customer Services  
LAMDA Examinations  
155 Talgarth Road  
London  
W14 9DA

LAMDA must receive the *Stage One Appeal Form* within **fifteen working days** of the appellant receiving LAMDA's original response. The form must clearly state why the appellant disagrees with the outcome.

LAMDA will acknowledge receipt of the *Stage One Appeal Form* within **five working days** of receipt.

The investigation will take into account all information on the *Stage One Appeal Form*, plus any other supporting documentation the appellant wishes to submit in support of their appeal. The investigation will also check that all relevant LAMDA policies and procedures were followed when arriving at the outcome, and whether those procedures were compliant and applied fairly. The Investigating Manager will reach a conclusion on the matter and write to the appellant, providing a judgement on the points raised and referencing this judgement with relevant evidence.

The Investigation will lead to one of two outcomes:

- the appeal is upheld
- the appeal is rejected.

If an appeal relating to the outcome of a complaint, sanction, malpractice investigation, Reasonable Adjustment or Special Consideration request is upheld, suitable action will be taken in accordance with the nature and circumstances of the appeal.

If an appeal relating to the outcome of an EAR investigation is upheld, an offer will be made to re-examine the Learner/s at no cost to the appellant, to refund the examination fee or to issue a Transfer Credit Voucher. The Examiner for any re-examination will not be the Examiner who conducted the original examination.

A full response to the appellant, detailing the findings of the investigation, will be issued **within fifteen working days** of despatch of the acknowledgement of the *Stage One Appeal Form*.

If the appellant remains unsatisfied with the outcome of the Stage One Appeal, a written request to conduct a Stage Two Appeal must be submitted.

### **Stage Two Appeal**

A Stage Two Appeal must be submitted to LAMDA on the *Stage Two Appeal Form* which is available upon request from LAMDA Examinations. A copy of this form can be found in **Appendix 2** of this document. A Word version is available upon request.

A Stage Two Appeal incurs a fee of £100, payable by the appellant. This amount will be refunded if the Stage Two Appeal is upheld.

The *Stage Two Appeal Form*, and the £100 fee, must be sent to LAMDA either via e-mail, at exams@lamda.ac.uk, or by post to

Head of Examinations  
LAMDA Examinations  
155 Talgarth Road  
London  
W14 9DA

LAMDA must receive the *Stage Two Appeal Form*, and the fee, within **fifteen working days** of the appellant receiving the outcome of their Stage One Appeal. The form must clearly explain why the appellant disagrees with the outcome of the Stage One Appeal investigation.

LAMDA will acknowledge receipt of the *Stage Two Appeal Form* within **five working days** of receipt.

The Head of Examinations will convene and chair an Appeals Panel, consisting of one LAMDA Examination Committee member and one member, independent to LAMDA, who has a current association to the educational sector.

Each panel member will be asked to confirm at the start of the appeal hearing that they have not had a previous connection with, or any personal interest in, the case.

The Appeals Panel will meet within **twenty working days** of receipt of the *Stage Two Appeal Form* to discuss the appeal in detail. The meeting will only conclude once a unanimous decision has been reached.

Consideration by the Appeals Panel will lead to one of two outcomes:

- the appeal is upheld
- the appeal is rejected

If an appeal relating to a sanction, complaint, malpractice investigation, Reasonable Adjustment or Special Consideration request is upheld, suitable action will be taken in accordance with the nature and circumstances of the appeal.

If an appeal relating to an EAR is upheld, an offer will be made to re-examine the Learner/s at no cost to the appellant, to refund the examination fee or to issue a Transfer Credit Voucher. The Examiner for any re-examination will not be the Examiner who conducted the original examination.

A full response to the appellant, detailing the findings of the Appeals Panel, will be issued within **five working days** of the Appeals Panel Meeting. In all circumstances where a Stage Two Appeal is upheld, the £100 appeal fee will be refunded. In cases where the appeal is rejected, the Stage Two Appeal Fee will not be refunded

If the appellant remains unsatisfied with the outcomes of the Stage Two Appeal, a written request to conduct a further independent review must be submitted.

### **Independent Review**

In the circumstance that the appellant does not accept the decision of the Appeals Panel, they may, as a final arbitration, seek an Independent Review of the appeals process and outcome. An independent person not connected with LAMDA will conduct the review.

A request for an Independent Review incurs a fee of £100 payable by the appellant. Both this amount and the Stage Two appeal fee will be refunded if the appellant's appeal is upheld as a result of the Independent Review.

A request for an Independent Review, and the £100 fee, must be sent to LAMDA either via e-mail, at [exams@lamda.ac.uk](mailto:exams@lamda.ac.uk) or by post to

Head of Examinations  
LAMDA Examinations  
155 Talgarth Road  
London  
W14 9DA

LAMDA Examinations must receive the request, and the £100 fee, within **fifteen working days** of the appellant receiving the outcome of the Stage Two Appeal Panel decision.

The findings of the Independent Review will be final.

### **Assessment Processes**

Where the application of the appeals process leads to the discovery of a failure in the assessment process, LAMDA Examinations will take all reasonable steps to protect the interests of all Learners and the integrity of the qualification, including as appropriate:

- identifying any other Learners who might have been affected by the failure
- correcting or, where it cannot be corrected, mitigating as far as possible the effect of the failure
- reviewing quality processes to ensure that the failure does not recur
- undertaking a review of the qualification if there is evidence to suggest that integrity may have been compromised.

Where Ofqual, CCEA Regulation or Qualifications Wales notify LAMDA Examinations of failures that have been discovered in the assessment process of another awarding organisation, we will review whether or not a similar failure could affect our own assessment processes and arrangements.

### **Confidentiality and Data Protection**

All communication related to appeals will be treated confidentially and details will only be disclosed to those directly concerned with the matters raised, except where express permission to communicate with third parties has been given.

The records of any communication will be kept on file and destroyed at a time appropriate and in line with LAMDA policy.

In accordance with the requirements of Ofqual, CCEA Regulation and Qualifications Wales, information and records related to appeals may be made available to the regulators on request.

### **Vexatious Correspondence**

Persistent contact from a appellant that is not appropriate, or that is not in line with the *Appeals Policy and Procedure for LAMDA Examinations*, may be classified as 'vexatious'. If at any time a complainant engages in verbal or written correspondence that could be

deemed vexatious, LAMDA Examinations reserves the right to cease contact with the appellant in relation to the relevant matter.