



APPEALS PROCEDURE

The Thoughtful Body™ (TTB) recognises that although there is a standard appeals procedure there may be some instances that need special consideration. It is our policy that each case will be dealt with fairly and equitably and promotes standardisation amongst our partners and sub-contractors. This procedure has been designed for summative assessment appeals but can also be applied to formative assessment. For courses delivered with Active IQ all staff involved in the delivery of assessment will have a copy of this procedure.

Grounds for Appeal from the learner

1. All learners have the right to appeal against any assessment decision which is unclear or unfair.
2. The assessment was not carried out in accordance with protocol or under assessment conditions or regulations and as a result, the learner disagrees with the decision and wishes to challenge the outcome.
3. The assessor/Internal quality Assurer (IQA)/ External Quality Assurer (EQA) have given incorrect assessment information.
4. The assessor/IQA/EQA has behaved inappropriately towards the learner.
5. There has been an administrative error.
6. The learner's performance was affected by a medical condition or other factors to which the IQA/EQA were not made aware of at the time or after the assessment decision. However, it is the responsibility of the learner to notify TTB of any medical problem, which may affect learner performance adversely in the assessment process, so that a decision can be made for deferral, prior to the assessment date.
7. An appeal made on behalf of a learner by TTB to Active IQ. This can be on behalf of one learner or a cohort of learners if TTB believes IQA or EQA has not followed procedures properly and fairly. In this instance TTB will first obtain written permission from the learner(s) and learners should note that as a result



of investigation into appeal, assessments results can change both positively and negatively. In this instance TTB should complete the Active IQ Appeals Form

8. If a learner should wish to appeal directly to Active IQ should be in exceptional circumstances and they need to have completed the TTB appeals procedure first. They must also provide evidence to Active IQ that they have completed the internal appeals process.

Stage 1

- The learner should first approach their tutor to discuss the appeal. The tutor will liaise with the Course Director of TTB, Rachel Rafiefar, assessor and IQA to discuss the appeal.
- The reasons underpinning the assessment decision will be taken into consideration by TTB/IQA who will liaise with the learner, assessor and the External Quality Assurer (EQA) if necessary. All parties involved should give clear feedback and maintain evidence of such.
- If TTB/IQA upholds the original assessment decision then the learner must be provided with full information outlining what is required to fulfil the criteria and demonstrate their competence. This must be provided in a report written by TTB/IQA, be specific to the remit of the original assessment, industry standards and relate specifically to the assessment decision.
- The learner should then write a report to TTB/IQA stating that they understand what is required of them, and detail how they will achieve this. TTB/IQA can help mentor the learner through the process and liaise with the EQA for the next stages in re-application of the failed assessment.



Stage 2

If the appeal is not resolved or the assessment decision is not given to the learner on the day of the assessment or the learner disagrees with the appointed and reviewed assessment decision the learner must appeal in writing to the appointed EQA. The appointed EQA can act as a mediator on the learner's behalf.

- The learner must appeal in writing to the EQA using the **Learner Appeal Form** (a copy of which is available upon request) within 5 working days of the date of the assessment or the date of receiving the assessment result. Any appeal must be actioned within 20 days of the assessment or the assessment decision. If there is a delay in the appeal on the learner's part, clear, written reasons must be given which will be taken into consideration.
- The final written assessment and assessment marking grid should be made available to the appointed EQA. TTB will make available to the EQA any request for any additional learner portfolio evidence they feel may be applicable to the case.
- The appointed EQA should liaise with TTB/IQA. The learner and IQA must be informed orally and in writing by the appointed EQA, using the appropriate section of the Learner Appeal Form.
- The appointed EQA will investigate the appeal and respond in writing within 7 working days from the date of acknowledgement. They may also inform the Lead External Quality Assurer (LEQA) of Active IQ.
- If the appointed EQA or is unable to resolve the appeal issue, the learner will be directed to the third stage of the appeals process.
- The LEQA must be informed and updated with the progression of Stage 2 and copied in all paperwork.



Stage 3

- Before proceeding with stage 3 the learner should review the procedure outlined in Active IQ Centre Appeals Policy. Active IQ charge a nominal fee of £50 per learner applicant to cover the administration costs involved in investigating an appeal, which is retained if the appeal is not upheld. If the appeal is upheld, the fee will be waived and a refund issued.
- The learner must make the appeal within 20 working days of the date the learner was notified of the assessment. All staff will retain any evidence relating to the appeal until the outcome is known. For learners, this means 20 working days from the date the results or assessment decision was received following an exam or summative practical assessment, or 20 working days from the date of the decision in relation to reasonable adjustments or special consideration, or other relevant decision.

Active IQ Stage 1

- Upon receipt of all appeals, the Lead External Quality Assurer (LEQA) will acknowledge receipt of the appeal within 2 working days. They will aim to respond fully to the appeal within 20 working days. However there are some instances when the review process may take longer, for example if a situation is complex, or a centre visit is required or further information is required. In such instances all persons concerned will be contacted by the LEQA to inform them of the likely revised timescale.
- The appeal will be reviewed by one or more of the following Active IQ staff:
Active IQ External Verifier allocated to TTB (unless they are directly connected to the appeal), Active IQ Lead Verifier, Active IQ Head of Quality Assurance
Active IQ will ensure that the person carrying out the Stage 1 Active IQ review does not have a personal interest in the dispute and was not involved in the original decision.



In the instance of where there is a conflict of interest and none of the individuals listed above are in a position to review the previous decision then Active IQ reserves the right to move straight to:

Active IQ Stage 2

Stage 2 will take approximately 25 working days from the date of the application, but it may take longer depending on the circumstances but Active IQ will keep the learner/TTB informed. Following the review of the appeal at Stage 1, Active IQ will write to the learner/TTB with details of and summarised reasons for their decision to either:

1. Amend their original decision or
2. Uphold the original decision

If the original decision is upheld following the Stage 1 review, the learner must confirm within 15 working days, if they wish to proceed to Stage 2 of the appeals process or The Independent Review Appeals Process.

The Independent Review Appeals Process.

The learner/TTB must describe, in writing, why they think the Stage 1 appeal decision is wrong and provide any additional supporting evidence that has not previously been provided. Active IQ will then arrange for an independent review to be carried out by the Director of Quality and Standards. In the case of in which case of conflict of interest the Managing Director will replace this role to the extent that they have not been directly involved with the matter previously) and/or an independent reviewer.

The independent reviewer and Director of Quality and Standards will review all the evidence which was provided in the original assessment, the internal centre-level appeal process and Stage 1 of Active IQ's process and subsequently, also checking if



Active IQ applied their procedures fairly, appropriately and consistently in line with this policy.

The independent review process may require:

- Further information from those involved
- A discussion with TTB, or the learner and Active IQ staff
- A centre visit

Upon completion of Stage 2

Active IQ will give the learner/TTB one of the following outcomes:

- The Stage 1 decision may be upheld
- The Stage 1 decision may be amended

The learner/TTB has the right to contact Ofqual (England), Qualification Wales or CCEA (Northern Ireland) directly, to raise a formal complaint regarding the appeals process. They will need to provide evidence that they have gone through all of the other internal and external procedures. It must be noted that they may not accept the complaint.

Documentary Evidence

The appeals procedure must be documented and logged during every stage of the process with concise detailed information. Copies should be given to those involved in the process and the information should be held securely.



The Thoughtful Body™ Ltd

In accordance with Active Centre Appeal Policy, Active IQ's Learners attending Active IQ courses can also make appeals if:

- There have been appeals made from TTB in relation to an assessment decision (for either an individual learner or a cohort of learners) being overturned by Active IQ as a result of associated external verification activity.
- There have been appeals from TTB concerning the content of our monitoring in our EQA report.
- There have been appeals from TTB and/or learners relating to an Active IQ decision to decline a centre's request to make reasonable adjustments or give special considerations.
- There have been appeals from TTB in relation to action taken by Active IQ following a verification visit
- There have been appeals from TTB on the outcome of an investigation into malpractice or maladministration, or a decision to amend a learner's (or cohort of learners') results following a malpractice or maladministration investigation.

NO APPEAL WILL BE CONSIDERED IF:

- If it raises issues for the first time concerning the supervision or training of the learner unless these issues were raised at the initial occurrence.
- The learner has not stated their outcome.



Additional Notes on Practical Assessments

The learner has the right to digitally record any assessment process. To do this they should use their own recording equipment, arrange an operator, and make their own copy of the assessment. It is the responsibility of the learner to ensure that the recording does not affect the participants or the environment in an adverse manner. Nor should it affect the role(s) of the IQA/EQA or compromise Health and Safety or data protection considerations.

Appeals against referrals in practical teaching are required to have digitally recorded evidence, as an appeal based solely on the learner's disagreement with the assessor's decision requires evidence. Learners should be informed of this option when receiving Assessment Guidelines from TTB.

Additional Notes on Theory Assessments

Theory papers that are externally assessed by Active IQ and are marked electronically and sampled on a regular basis. Appeals against referrals in the external theory result can result in the following:

- Hand marking of the theory papers.
- Investigation into the centre's invigilation procedures/delivery.
- Investigation into the content of the theory paper

ACTIVE IQ Appeals Policy

Learners should also make themselves familiar with the ACTIVE IQ Appeals Policy which is given on induction.



Policy Renewal and Review

This policy will be renewed annually. The policy will also act upon any feedback from external organisations, actions from regulatory bodies, individual (s) or feedback or any changes in our working practices. Any individual (s) are welcomed to enquire further about the policy or give us feedback.

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