

Appeals Policy and Procedure

1. Purpose

This policy outlines the valid grounds for an appeal, the level of authority and responsibility of all parties involved in an appeal, the procedure followed and the normal timescale for each stage of the appeal process.

2. Scope

This policy applies to all Gatehouse Awards (GA) Approved Centres which offer GA qualifications, and learners who take a GA qualification, regardless of level, subject or type, including unregulated qualifications. Appeals relating to individual centres or learners by unauthorised third parties will not be dealt with through this procedure. Individual learners may appoint and authorise a third party to submit and oversee an appeal on their behalf. Authorisation of the third party should be clearly communicated to GA using the *Appeal Authorisation Form* below.

This Policy document covers appeals from:

- learners in relation to an assessment decision made by a centre ('internal assessment')
- learners and/or centres in relation to an assessment decision made by GA ('external assessment')
- learners and/or centres in relation to a GA decision regarding a reasonable adjustment or special consideration
- learners and/or centres relating to decisions and/or sanctions and any action(s) taken following an investigation into malpractice or maladministration or undeclared conflict of interest
- centres in relation to any decisions taken by GA in relation to the centre's non-compliance with the Criteria for Centre Approval, Re-Approval, Criteria for Qualification Approval or individual qualification requirements.

3. Definitions

An appeal is a request for a review of a decision. An appeal differs from a complaint, which is considered under the GA Comments, Compliments and Complaints Policy. A complaint is defined as a formal expression of dissatisfaction made by a learner, centre or member of the public.

Wherever GA is referenced in this policy this defines Gatehouse Awards Ltd in the UK.

Wherever a GA Representative(s) is referenced in this policy, this defines a GA-nominated organisation which operates in a specific territory on behalf of GA.

Wherever a centre is referenced in this policy, this defines the organisation responsible for conducting the direct delivery of GA qualifications (including any satellite centres).

Wherever a learner is referenced in this policy, this defines an individual learner registered for a GA qualification.

4. Responsibilities

4.1. Centre Responsibilities

It is the responsibility of the Head of Centre to ensure that all relevant staff are aware of this Policy. Centres are accountable for ensuring that all appeals from learners are dealt with in accordance with this policy.

Centres must ensure that they have in place an internal appeals process. Where the centre undertakes internal assessments (i.e. where they are responsible for making assessment decisions in respect of GA qualifications), this must be fully robust, making clear the processes learners should follow should they wish to raise an appeal, all applicable timings for each stage and include the ability to escalate an appeal to GA should the learner be dissatisfied with the outcome of the appeal. The escalation process must make it clear that a learner must have exhausted the centre's appeals procedures prior to escalating this to GA.

Any learner or group of learners intending to submit an appeal of any type should initially follow the centre's internal appeals process. The centre must ensure that learners are given access to the centre's internal Appeals Policy.

The centre should ensure that any appeal raised to GA has sufficient grounds for such an appeal prior to submitting this. They should ensure that, where there are no solid grounds for an appeal, that they take reasonable steps to explain this to the appellant. Where the centre does not support the appeal, they are allowed to refuse to escalate the appeal to GA, however they must provide the learner with all required guidance and documentation to allow them to raise the appeal directly.

4.2. GA Representative Responsibilities

In territories where a GA Representative operates, an appeal must be submitted in writing, via email, to the relevant GA Representative in the first instance. The GA Representative will act as the in-country liaison between GA and the appellant.

Where an appeal is received in a language other than English, the GA Representative is responsible for ensuring that accurate information regarding the content of the appeal is provided to GA.

4.3. Appeals via third parties

Any third party, acting on behalf of a learner or group of learners (for example, an employer or school not holding approved centre status with GA), may also submit an appeal to GA, provided that the Appeal Authorisation Form has been submitted. The form must be signed by the learner in accordance with the General Data Protection Regulations (GDPR) and other relevant privacy legislation and regulations.

4.4. Learner Responsibilities

Learners must ensure that, if they are looking to raise an appeal against an assessment decision, that they have sufficient grounds for such an appeal. GA reserves the right to reject appeals that are submitted without a reasonable rationale, particularly against external assessment decisions.

If a learner, who has been under registration with a GA centre, wishes to raise an appeal in respect of an external assessment decision (i.e. where the assessment decision has been made by GA), they should approach the centre in the first instance. Wherever a centre model is operated, if a learner or group of learners is appealing against a decision which has been taken by GA, they should ask the centre to make the appeal on their behalf.

In instances where the learner was not enrolled at a GA centre but undertook an assessment independently, or where the centre is no longer in operation, or where the centre does not support the appeal but the learner wishes to proceed, that learner (or group of learners) may appeal directly to GA and/or the GA Representative.

4.5. GA Responsibilities

GA are responsible for ensuring that all appeals are handled in accordance with this policy. They will ensure that, where an appeal is received, it will be considered taking into account all relevant information and rationale provided in respect of the grounds for appeal.

All appeals must be undertaken in a timely manner, in accordance with any publicised service standards.

5. Commitment to Fair Dealing

It is GA's policy to make every effort to resolve any appeal quickly, efficiently and fairly. We will carry out a review of the procedure at least every two years and revise it, if necessary, in response to centre and learner feedback or requests from, or good guidance issued by, the regulatory authorities, including a need to align with any appeals processes established by the regulatory authorities.

6. Fees for Appeals

GA operates a two stage Appeal process (see Section 8 below) with different fees applied for each stage and which are appropriate to the level of administration and cost incurred by GA at that stage, relating to the nature and type of appeal.

All fees are refundable if the overall appeal is upheld.

All fees are per appeal and are required to be paid in full, regardless of the type of appeal. An invoice will be raised upon receipt of the submitted appeal. The appeal fee must be paid prior to the timescale for processing the appeal to start.

Fees for appeals must be made in GBP. GA is not responsible for any additional charges applied for currency conversion fees, banking fees or any other fees which an individual may incur in making the appeal payment.

The payment reference MUST include the Learner Reference or GA Centre Number.

Appeal	Fee (UK only)*
External Assessment Appeals	
Appeal against external assessment decision: Stage 1 (re-marking/re-moderation)	£110
Appeal against external assessment decision: Stage 2 (independent review)	£380
Internal Assessment Appeals	
Appeal against internal assessment decision: Stage 1 (additional external moderation)	£250
Appeal against internal assessment decision: Stage 2 (independent review)	£380
Non-Academic Appeals	
Non-academic appeal against a decision made in relation to a centre (e.g. against a sanction): Stage 1 (re-evaluation)	£300
Non-academic appeal against a decision made in relation to a centre (e.g. against a sanction): Stage 2 (independent review)	£380
Non-academic appeal against a decision made in relation to an individual learner (e.g. reasonable adjustment decision or decision to disqualify): Stage 1 (re-evaluation)	£110 per learner**
Non-academic appeal against a decision made in relation to an individual learner (e.g. decision to disqualify): Stage 2 (independent review)	£380 per learner**

*Fees for centres and learners outside the UK may vary. Please contact GA or the local GA Representative office in your country for further information about pricing and fees for appeals.

**Where an appeal is received on behalf of a group of learners, fees may vary depending on the number of individual learners.

Fees for appeals in territories where a GA Representative is appointed should be paid directly to the Representative organisation unless otherwise indicated.

7. General Procedure for Raising an Appeal

Whilst there are slightly differing procedures depending on the nature of the appeal, there are some basic principles which must be adhered to:

- All applicable fees must be paid at the time of raising an appeal at the relevant level

- All evidence supporting an appeal must be provided at the time the appeal is submitted
- Appeals must be made by an appropriate centre staff member, by the learner directly, or their representative if they require representation (e.g. if they are under the age of 18 or deemed a 'vulnerable adult')
- Appeals made by a third party must be submitted with the Appeal Authorisation Form below
- All appeals must be made in writing, via email, to compliance@gatehouseawards.org within 20 working days of the initial decision being received
- Appellants must adhere to the timescales laid down in this policy unless prior agreement has been provided, in writing, by GA

The appeal must state which of the following categories it falls under:

- an External Assessment Appeal
- an Internal Assessment Appeal
- a Non-Academic Appeal in relation to a centre
- a Non-Academic Appeal in relation to an individual learner

GA provides the Appeal Form appellants must complete and submit.

The appeal must include all relevant information pertaining to the reasons for the appeal which may include, but not be limited to:

- any errors or omissions you feel the centre and/or GA has made in its process or procedures
- evidence or information not provided when an assessment was first submitted or results claimed (together with a reason as to why it was not provided earlier)
- mitigating circumstances which you feel should be taken into consideration

GA or a GA Representative will not refuse to accept any reasonable appeal made within the set timescales. For the avoidance of doubt, decisions which may be appealed against are normally issued via email but are considered as received by the other party on the first business day following issue, unless a notification has been received by GA that the email has not been delivered.

8. Stages of an Appeal

GA operates a two-stage appeals process, regardless of the reason for the appeal, including access to an independent review for all appellants.

8.1. Stage 1: Review with a Report

GA will assign an appropriate person, the Reviewer, to review the process that has been carried out, ensuring that the procedures up to that point have been followed correctly, fairly and fully, and that they are consistent with the regulatory criteria.

A Reviewer is an individual who is suitably experienced to undertake the Stage 1 Review, i.e. a Moderator or External Quality Assurer, who has not been previously involved with any decision(s) that has resulted in the appeal.

Note that GA may escalate an appeal directly to Stage 2 where it considers that:

- a) the matters raised have already been fully considered through the original investigation or decision-making process;
- b) the seriousness or urgency of the case warrants immediate independent review; or
- c) to do otherwise would give rise to an actual or perceived conflict of interest.

The Reviewer will reach a decision usually **within 20 working days of the appeal being received, including all the relevant information and the applicable fee.** However, should the Reviewer require more time, the appellant will be informed of this and given a new timescale.

When the Reviewer has completed their review and come to a decision, they will provide a written report, including the rationale for the decision.

There are two possible outcomes:

- Appeal upheld: because the correct processes, procedures and/or policy documents were not followed.
- *NOTE: in regard to an appeal which is upheld in respect of an external assessment decision, the overall result and the results of other learners may be affected (see section 9).
- Appeal rejected: rejection of the grounds for appeal with clearly stated reasons.

If the appeal is upheld, GA will also be responsible for ensuring that any relevant feedback is provided to the member of staff involved in the original decision making.

If the Stage 1 appeal is rejected, the appellant is informed that they may, within 20 working days of receipt of decision, ask for the appeal to be referred to Stage 2.

8.2. Stage 2: Independent Review with a Report

Whilst the majority of appeals are normally resolved at Stage 1, if an appellant is not satisfied with the outcome of Stage 1, they have the right to have the case escalated to Stage 2.

Stage 2 involves an independent review of the decision and information and evidence received as part of the appeal.

An Independent Reviewer is an individual who is suitably experienced to undertake the Stage 2 Review and has not been previously involved with the original decision or the Stage 1 Review, and is not employed by or otherwise connected with GA.

The Independent Reviewer will be provided with access to all relevant information and documentation regarding the appeal case, including all correspondence between GA and the appellant. When the Independent Reviewer has completed their review and come to a decision, they will provide a written report, including the rationale for the decision to GA.

The Stage 2 Independent Reviewer's decision is final, and the appellant will be informed of the outcome of the review within 30 working days of the Appeal being received, including all the relevant information and the applicable fee. If the Centre and/or learner(s) remain dissatisfied with the outcome they are entitled to raise the matter with the relevant regulatory authority (applies to regulated qualifications only - see Section 11).

There are two possible outcomes:

- Appeal upheld: the overall result may be adjusted (or an offer of re-assessment made if this would be appropriate) and the results of other Learners may be affected (see section 9)
- Appeal rejected: rejection of the grounds for appeal with clearly stated reasons.

If the Appeal is upheld, GA will also be responsible for ensuring that any relevant feedback is provided to the member of staff involved in the original decision making.

GA will not accept an appeal against any decision that has previously been appealed in line with this policy or an appeal against the outcome of a Stage 2 appeal.

9. Appeals Received via Solicitors / Legal Advisers

It is accepted that some appellants may decide to seek legal advice in respect of an appeal, particularly where an appeal has been denied by GA. Whilst it is the right of any Centre or individual to seek such advice, GA would point out that its main duty is to ensure compliance with its Conditions of Recognition under Ofqual.

The General Conditions of Recognition (GCoR) form the Statutory Regulation and Statutory Guidance set down by Ofqual, whose powers are granted under the **Apprenticeship, Skills, Children and Learning Act 2009**. This means that the regulations contained within the GCoR are underpinned by an Act of Parliament which is a legal instrument. Furthermore, Ofqual's powers of enforcement were enhanced by the **Education Act 2011** allowing it to impose fines as well as sanctions on awarding organisations who do not adhere to the GCoR.

Adherence to the GCoR, therefore, can often supersede GA's responsibilities under some other legislation and regulation. For instance, the GCoR require awarding organisations to share intelligence regarding centres and learners who have been found to have committed, or allowed to commit, malpractice with other awarding organisations, centres and other stakeholders (e.g. professional bodies, licensing bodies, etc). Where this is the case, the appellant may believe this to be in breach of the Data Protection Act 2018, but the specific requirements of the GCoR, under Condition A8.7, requires such information to be shared and therefore this falls within the remit of being a lawful basis for processing personal data in this way.

If an appeal is escalated via a legal route, GA will first respond to the solicitor or legal advisor setting out the reasons for the action taken and/or why an appeal has been denied. Such response will be issued by the Director, in consultation with the Governance Committee. GA will not engage in a protracted exchange of correspondence with a solicitor or legal adviser.

10. Impact on Results Following an Upheld Assessment Decision Appeal

In any case where an appeal against an assessment decision is upheld (at any stage of the process), or where an investigation following the identification of an incident, or as a result of notification from the Regulator, indicates a failure in the assessment processes of GA, the Assessment Manager will be responsible for ensuring an internal investigation is carried out. The investigation will determine whether the decision to overturn the original decision as a result of the appeal process has had a wider ranging adverse effect, and if so, how it can be mitigated. This investigation will consider whether any other learner has been affected by the failure and what steps need to be taken to correct the failure and ensure that the failure does not recur in the future.

11. Notifications to the Regulator (Ofqual)

Where GA has administered the appeals process and has identified any adverse effect or incident which could lead to further adverse effects such as a failure in the assessment process, the Responsible Officer for GA will promptly notify the Regulator, Ofqual, as per Condition B3.

Where this has indicated failures by a specific centre which implies an issue of potential malpractice, GA will implement the Malpractice and Maladministration Policy.

12. Right of Escalation to Ofqual (applicable to Ofqual-regulated qualifications only)

Should an appellant believe that their appeal has not been dealt with correctly, they may raise a complaint with Ofqual. **Please note that Ofqual will not consider an appeal against an assessment decision and will only look at complaints in respect of the way that the appeal has been handled.**

Appellants wishing to raise a complaint with Ofqual should do so via their website here: <https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure>.

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Links to Ofqual GCR:	I – Appeals and Certificates
Other relevant documents:	<ul style="list-style-type: none"> GA Appeal Form Stage 1 and 2 GA Appeal Authorisation Form GA Candidate Access Policy and Procedures GA Centre Handbook GA Comments, Compliments and Complaints Policy GA Conflict of Interest Policy GA Governance Committee Terms of Reference GA Malpractice and Maladministration Policy GA Sanctions Policy GA Centre Assessment Standards Scrutiny (CASS) and General Moderation Policy GA Quality Assurance Policy