The Quality Assurance Agency for Higher Education

Consolidated Appeals Procedure

Introduction

1 This document sets out the procedures for consideration of an appeal made by a higher education provider (henceforth 'provider') against a QAA review team's judgements following a review conducted under any of the following review methods:

- Educational Oversight Review (EOR)
- Tertiary Quality Enhancement Review (TQER)
- Gateway Quality Review Wales (GQRW)
- Quality Enhancement Review (QER)
- International Quality Accreditation (IQA) / International Quality Review (IQR)
- International Programme Accreditation (IPA).

2 The procedure outlined in this document comes into effect for all reviews where judgements have been confirmed on or after **1 October 2022**, with the exception of those conducted under the Nursing and Midwifery Council contract.

Definitions

Independent Reviewer: This is a reviewer trained in the methodology of the review being appealed who has had no prior involvement in the review process and has no conflicts of interest with the provider.

Chair of the Appeals Panel: The Chair of the Appeals Panel will chair QAA appeals panels across all its methods and lead the discussion of an appeal submission.

Expert Adviser: This is a Review Manager and member of QAA staff who has had no prior involvement in the review being appealed, but who can provide expert advice on the review method and process.

Appeal Panel: The convening of the Independent Reviewers in a virtual meeting to discuss the appeal.

Making an appeal

3 QAA distinguishes between complaints and appeals. A complaint is an expression of dissatisfaction with services QAA provides or actions QAA has taken. QAA has a separate complaints procedure. Appeals are specific challenges to judgements reached further to a review under one of the QAA review methods listed above, and are handled through this procedure.

4 Where an appeal contains matters that properly fall within the complaints procedure, QAA's Governance team, the Independent Reviewer or the Appeal Panel may refer those matters to be considered under the complaints procedure.

5 Where a complaint is submitted with an appeal submission, its consideration is stayed until the completion of the appeal procedure in order that the investigation of the complaint does not prejudice, and is not seen to prejudice, the handling of the appeal. In exceptional circumstances the Director of Corporate Affairs may vary this if it is judged to be necessary that the complaint be heard first.

6 Appeals must be submitted on the QAA Consolidated Appeals Form (see Annex 3) by the head of the provider concerned and addressed to the Head of Governance. Oral appeals are not accepted. Completed forms should be returned to governance@qaa.ac.uk. Appeals made in any format other than on the QAA Consolidated Appeals Form are not acceptable and will be returned.

7 An appeal must be lodged within 10 working days of receipt by the provider of the version of the review team's report specified in Annex 1. When the deadline for receipt of an appeal falls on a non-working day, it will be amended to the next working day. Amendments will also be made to take account of QAA closure dates. An appeal will normally be acknowledged within three working days of receipt.

8 A provider making an appeal must nominate a contact person for liaison with QAA. QAA will not discuss an appeal with any person other than the head of the provider or the nominated contact person. The QAA contact person will normally be the Head of Governance or their nominee[1] who will keep the provider informed of progress. All contact in relation to the submission of an appeal must be made through the Governance team.

9 Normally, the appeal procedure will be completed within 12 weeks of receipt of an appeal. In some circumstances it may be necessary to extend this period. The Governance team will inform the provider of the likely timescales at the outset of the appeal.

10 An appeal may be lodged if, and only if, the review team's judgements are any of those specified in Annex 2 ('the appealable judgements').

11 An appeal can be lodged on either or both of the following grounds:

a) Procedure

That there was a procedural irregularity in the conduct of the review, such that the legitimacy of the decision or decisions reached is called into question. Examples include the review team: failing to carry out agreed procedures; reaching decisions that are disproportionate; failing to take account of relevant information or taking account of irrelevant information; or exceeding its powers.

b) New material

There is material that was in existence at the time the review team made its decision, which, had it been made available before the review had been completed, would have influenced the judgement(s) of the team, and in relation to which there is a good reason for it not having been provided to the review team.

[1] All references to the Head of Governance in this procedure may include any person nominated to act on their behalf.

12 The 'good reason' for non-provision requirement under the ground of new material will not be considered satisfied in cases that allege solely that the review team did not specifically ask to see the new material, or that the limitation on upload of documents restricted the provider's ability to present the new material.

13 The provider should set out clearly and concisely in the QAA Consolidated Appeals Form (see Annex 3), the ways in which it considers the review to be flawed based on the grounds of appeal set out in paragraph 11. In so doing, the provider should explicitly identify the alleged deficiencies that led to the judgement. The provider may submit evidence to substantiate its claim, it must be focused on the specific reason for appeal, including only directly relevant supporting documentation which should be clearly labelled and referenced. The completed QAA Consolidated Appeals Form, and all associated evidence must be submitted by the appeal deadline. It is the provider's responsibility to ensure that the QAA Consolidated Appeals Form is completed in a clear and concise fashion and that all relevant evidence is supplied. QAA will process all appeals in the form that they are originally submitted and will not seek any clarification or amplification.

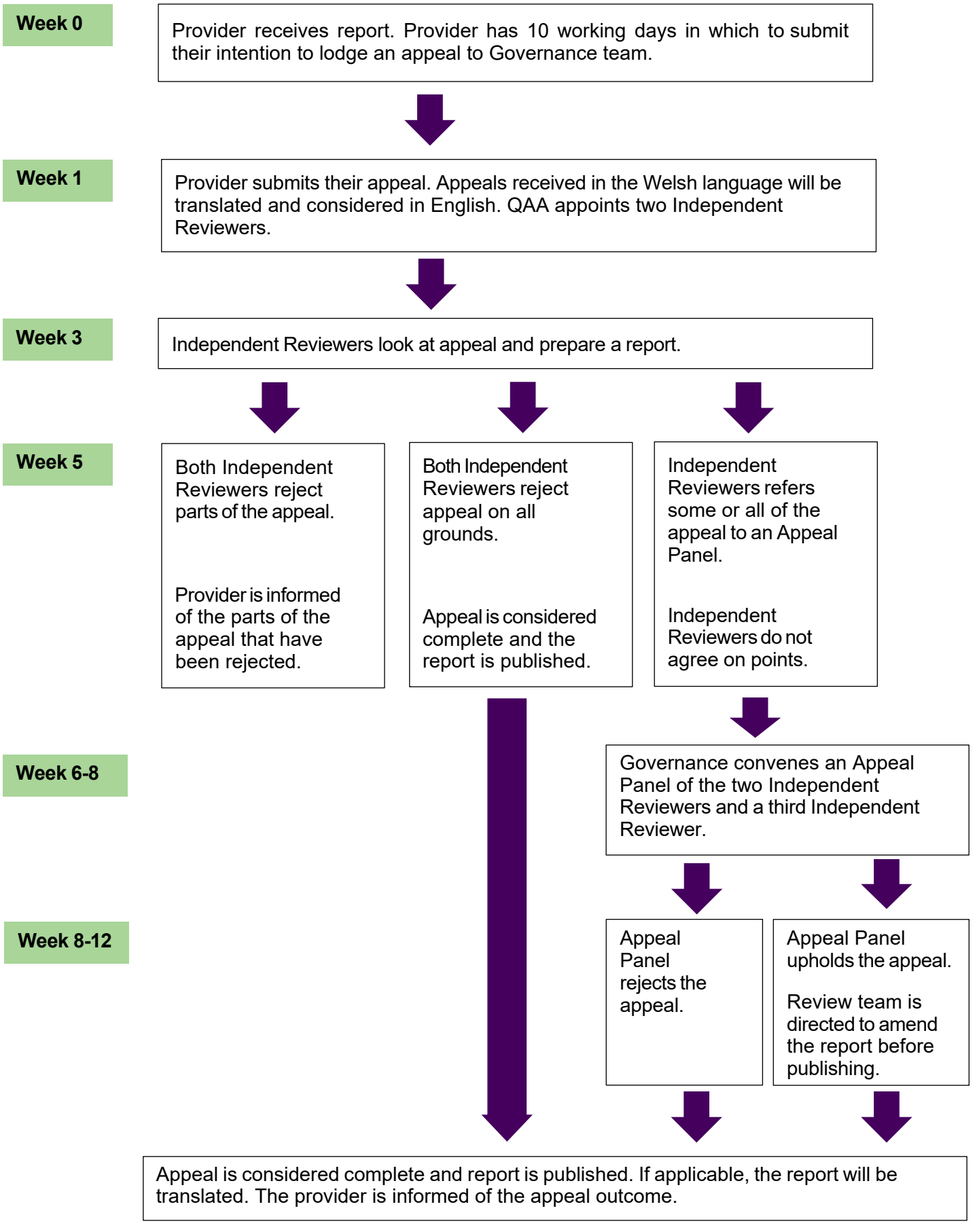
Conflicts of interest

14 The Independent Reviewers, Chair of the Appeal Panel, and the Expert Adviser (paragraphs 17, 22 and 24 below) are experienced reviewers or review managers who have had no prior involvement in the review under appeal.

15 QAA has a robust conflicts of interest procedure[2] that applies to anyone engaged in work for QAA.

2 www.qaa.ac.uk/about-us/how-we're-run/qaa-policies

Appeal procedure



Initial consideration of an appeal

16 Upon receipt of an appeal, QAA will refer it for preliminary separate consideration by two Independent Reviewers.

17 The Independent Reviewers will separately consider:

- the review team's final report
- the QAA Consolidated Appeals Form lodged by the provider and associated evidence
- any submission made to the review team by the provider after the draft report.

18 The Independent Reviewers may seek advice on the operation of this procedure from QAA's Governance team.

19 QAA has a compliance notice under the Welsh Language (Wales) Measure 2011. In line with our compliance notice, we will treat English and Welsh languages as equal when considering appeals. Appeals can be submitted in Welsh, English or bilingually. If a translation is required, the provider will have the opportunity to review the translation prior to it being provided to reviewers.

20 The Independent Reviewers may reject an appeal, or any part(s) of an appeal, only where they decide there is no realistic prospect of the appeal, or any part(s) of the appeal, being upheld. The Independent Reviewers will outline their reasons for rejecting the appeal or part(s) of the appeal in the pro-forma template. In all other cases, the Independent Reviewers will refer the appeal or remaining parts of the appeal to the Appeal Panel.

21 Where both the Independent Reviewers reject an appeal, or part(s) of an appeal, the provider will be notified in writing of this decision and the reasons for the appeal or the relevant part(s) thereof being rejected. There is no appeal from, or review of, the Independent Reviewer’s decision.

The Appeal Panel

22 Where the Independent Reviewers do not agree or have referred an appeal to Appeal Panel, the Governance team will convene an Appeal Panel to consider the appeal. The Appeal Panel will consist of the original two Independent Reviewers, and the QAA Appeals Panel Chair, or a Deputy Chair.

23 The administrative, secretarial and procedural support to the Appeal Panel is provided by QAA Governance Officers, who have no operational involvement in the review programme or any prior involvement in the review under appeal.

24 An Expert Adviser will be available to the Appeal Panel to provide guidance on the application of the relevant QAA review method. The Expert Adviser will be an experienced QAA Review Manager who has no prior involvement in the particular review under appeal. The Expert Adviser will not receive or consider the documentation constituting the appeal at any stage and will advise only on matters of procedure when requested by the Appeal Panel.

25 The Appeal Panel may, at any stage of the process, seek advice on the operation of this procedure from the Governance team, who may, if they consider it necessary, seek external legal advice.

Response to the appeal

26 In order to assist an Appeal Panel in its consideration, the Governance team, acting on the Appeal Panel's behalf, will ask the Review Coordinator or QAA Review Manager with responsibility for the review, to respond to the appeal. The QAA Review Manager will coordinate a response on behalf of the review team, including comments on any suggestion of procedural deficiency in the conduct of the review and on any other matters raised in the appeal.

27 QAA will make available to the provider the response received in accordance with paragraph 26 at least 10 working days before the date fixed for the Appeal Panel. The provider may comment in writing on that response, and those written comments will also be considered by the Appeal Panel. The provider's response should be received by the Governance team at least five working days before the date fixed for the Appeal Panel.

28 The Appeal Panel may, at any stage of the process, request that the Governance team obtain further information or clarification from the provider and/or the QAA Review Manager. A copy of any such information or clarification shall be provided to the other party, who will have the right to comment on it.

Documents for the Appeal Panel

29 The documents considered by the Appeal Panel will include:

- the review team's draft final report
- the QAA Consolidated Appeals Form completed by the provider
- the summary of the parts of appeal referred to the panel by the Independent Reviewer
- the review team's response, as described in paragraph 26
- any comments received from the provider on the review team's comments, as provided for in paragraph 27.

30 The Appeal Panel will not consider any document that has not been identified to and provided to the provider in advance of the Appeal Panel meeting to consider the documents.

31 The Head of Governance or their nominee will act as secretary to the Appeal Panel.

32 The Appeal Panel will normally reach a decision on an appeal at the Panel, without the need for any additional representation. The Appeal Panel may, however, at its absolute discretion, instruct the Governance team to invite senior representatives of the provider and/or QAA to a meeting in exceptional circumstances where the Appeal Panel considers that there are issues that require further clarification. The procedure at the meeting will be entirely at the Appeal Panel's discretion. There will be no right to legal representation at such a meeting. Under no other circumstances will the Appeal Panel receive oral representations.

Decisions of the Appeal Panel

33 The Appeal Panel will focus on the process and conclusions that led to the appealable judgements.

34 The Appeal Panel shall uphold the appeal if it concludes, on the balance of probabilities, that:

- there was a procedural irregularity in the conduct of the review, such that the legitimacy of the decisions reached is called into question and/or there is material that was in existence at the time the review team made its decision which, had it been made available before the review had been completed, would have influenced the judgements of the team, and in relation to which there is a good reason for it not having been provided to the review team.

35 Otherwise, the Appeal Panel shall reject the appeal and shall determine that the judgements of the review team shall be confirmed.

36 Where the Appeal Panel upholds the appeal, it may do either of the following:

- set aside the affected review (this option will be exercised only where the Appeal Panel decides that the reason for upholding the appeal is so systemic and serious as to call the validity of the entire review into question)
- set aside any or all affected judgements.

37 In the event that the Appeal Panel sets aside the affected review, a new review will be carried out by a new review team, based on a new submission of evidence by the provider.

38 In the event that the Appeal Panel sets aside one or more affected judgements, the scope of any consequent re-review will be determined by the Director responsible for the review team, who will be guided by the following principles:

- Judgements successfully appealed on procedural grounds will normally result in a new team reviewing existing evidence relating to that judgement.
- Judgements successfully appealed on the ground of new material will normally result in the existing review team reconsidering the set aside judgement, to take into account the new material presented at appeal.
- Should a judgement be successfully appealed on the grounds of both procedure and new material, the remedy for successful procedural appeals detailed above will prevail, save that the new team will also take into account the new material presented.

39 The Director will take into consideration any comments made by the Appeal Panel, but will define the precise extent and scope of the re-review of one or more judgements, in order to ensure that it is necessary and proportionate. The Director will be guided by the list of options above but retains the right, if they consider in their opinion that it would be fairer for the provider, to direct that an entirely new review be carried out by a new review team. The Director's decision is final.

40 The Appeal Panel will give reasons for its decision.

41 The decision of the Appeal Panel is final. There is no appeal from, or review of, the Appeal Panel's decision.

42 The Governance team will communicate the outcome of the Appeal Panel's consideration of an appeal to the head of the provider or nominated contact person, normally within seven working days of the date of the Appeal Panel.

43 QAA is committed to providing the best possible service, and to working in an open and accountable way. This includes responding positively to feedback opportunities presented by the appeals process. Lessons learnt will be communicated to the review team and reported to the QAA Board.

44 Once the provider has been advised of the Appeal Panel's decision, the appeal procedure is completed.

Annex 1 - The version of the report upon which an appeal can be based

Review method	Version of report
Educational Oversight Review	Unpublished final report.
Tertiary Quality Enhancement Review	Unpublished final report with partially effective or not effective judgements
Gateway Quality Review Wales	Unpublished final report. Anything not raised in draft 1 will be inadmissible in an appeal against the unpublished final report.
Quality Enhancement Review	Unpublished final report. Anything not raised in draft 1 will be inadmissible in an appeal against the unpublished final report.
International Quality Accreditation (IQA) / International Quality Review (IQR) / International Programme Accreditation (IPA)	Unpublished final report

Annex 2 - Judgements that can be appealed

Review method	Appealable judgements
Educational Oversight Review (EOR)	The provider requires action to meet the Home Office's quality assurance requirements for educational oversight (for providers assessed against the Core component). **OR** The provider requires action to be fully aligned with the Sector-Agreed Principles of the UK Quality Code for Higher Education (for providers assessed against the Full component). **OR** The provider does not meet the Home Office's quality assurance requirements for educational oversight (for providers assessed against the Core component). **OR** The provider is not aligned with the Sector-Agreed Principles of the UK Quality Code for Higher Education (for providers assessed against the Full component).
Educational Oversight Review - Partial Review	**For providers assessed against the Core component:** The provider does not meet the Home Office's quality assurance requirements for educational oversight. **For providers assessed against the Full component:** The provider is not aligned with the Sector-Agreed Principles of the UK Quality Code for Higher Education.
Tertiary Quality Enhancement Review (TQER)	Partially effective judgements. Not effective judgements.

Gateway Quality Review Wales (GQRW)	Limited confidence that academic standards are reliable, meet UK requirements, and are reasonably comparable with standards set and achieved in other providers in the UK. No confidence that academic standards are reliable, meet UK requirements, and are reasonably comparable with standards set and achieved in other providers in the UK. Limited confidence that the quality of the student academic experience meets relevant baseline regulatory requirements. No confidence that the quality of the student academic experience meets relevant baseline regulatory requirements.
Quality Enhancement Review (QER)	Unsatisfactory judgements are those which require follow-up action to complete the review, namely: meets requirements with conditions **OR** does not meet requirements. Differentiated judgements, as defined by the QER Handbook, may only be appealed to the extent that they are negative.

International Quality Accreditation (IQA) / International Quality Review (IQR)	Your institution does not meet the standards.
International Programme Accreditation (IPA) (November 2023)	Your institution does not meet the standards.
International Programme Accreditation (IPA) (August 2026)	Your institution does not meet the criteria.

Annex 3 - QAA Consolidated Appeals Form

Appeals must be made using the Consolidated Appeals Form[3], respecting applicable word limits.

- Gateway Quality Review Wales (GQRW) and Quality Enhancement Review (QER) appeals should be made in English or Welsh.

[3] The Consolidated Appeals Form can be downloaded at: www.qaa.ac.uk/docs/qaa/about-us/consolidated-appeals-form.docx

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