

# Appeals against the outcomes of a Quality Review Visit

Revised August 2017

## What is an appeal?

An appeal is a challenge by a provider against the findings of a Quality Review Visit (QRV).

Appeals are submitted under QAA's QRV Appeals Procedure. This is an internal process, and does not require legal representation. Submissions are drafted by the appealing provider ('the provider') and submitted to QAA's [Head of Governance](#).

Providers have one week from the receipt<sup>1</sup> of the unpublished final report to indicate their intent to appeal.

An appeal can be lodged only during the two-week submission window, which begins on receipt of the unpublished final report.

All providers are eligible to appeal against an unsatisfactory outcome, as defined in the QRV handbook. Providers may choose not to appeal, in which case their outcome is confirmed to the funding body.

Appeals are distinct from complaints. Complaints are an expression of dissatisfaction with services that QAA provides, or actions that QAA has taken. The procedure is not designed to accommodate or consider complaints. Where a complaint is submitted with an appeal, it 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.

## Grounds for appeal

Appeals can be lodged on the basis of Procedural Irregularity, or New Material.

'Procedural Irregularity' refers to an irregularity in the conduct of the review such that the legitimacy of the decision(s) reached is/are called into question.

'New Material' refers to 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 the provider must provide a good reason<sup>2</sup> for it not having been provided to the review team.

Grounds for appeal must be clearly articulated in the appeal submission.

The QRV Appeals Procedure does not permit appeals on the grounds of academic judgement.

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<sup>1</sup> Reports are normally dispatched by email, 'receipt' will be deemed to be effective at the date and time of dispatch of the email containing the draft report from QAA to the provider's nominated contact, as long as such message is not returned as undeliverable. The provider bears all responsibility for ensuring that QAA has accurate contact details for the provider's nominated contact.

<sup>2</sup> 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.

## Communication

When a provider submits an appeal, contact with any QRV reviewers, officers, Quality Specialists or managers ceases immediately, and the provider's main contacts become the QAA Governance Team. Other QAA staff and reviewers should not enter into any direct communication with the provider after the receipt of an appeal, and should forward any communication that they do receive to the [Governance Team](#).

### Appeal reviewers

All appeal reviewers are asked to confirm that they are not aware of any actual or potential conflicts of interest that could affect their ability to hear the appeal impartially before their position on the panel is confirmed. QAA keeps a record of responses.

### Timeline of activity

The standard timeline for this part of the process is given below. Please note that the deadlines in this timeline may be amended to accommodate QAA office closure, including during the Christmas or Easter periods. The precise deadline for resolution of an appeal case will be confirmed in writing by QAA.

Table 1: Timeline of follow up activity and appeals

Working weeks from on-site visit <sup>3</sup>	Unsatisfactory outcome (no appeal)	Unsatisfactory outcome (appeal)
Week +1	Moderation of findings	
Week +2	Draft report is sent to provider and Lead Student Representative for comments on factual accuracy. Relevant partner degree-awarding bodies or awarding organisations are copied in.  Governance Team and relevant funding body advised of any unsatisfactory outcomes.  Provisional rounded judgements are sent to the relevant funding body.	
Week +4	Provider and Lead Student Representative comment on factual accuracy (incorporating any comments from awarding bodies or organisations).	
Week +5	Review team consider corrections and produces unpublished final report.	
Week +6	Unpublished final report forwarded to provider.  Depending on the nature and extent of comments received, QAA may choose to send additional correspondence detailing reason(s) behind accepting/rejecting provider comments.	
Week +7 Week 0	Provider indicates its intention not to appeal.	Provider indicates its intention to appeal. Anything not raised in draft 1 will be inadmissible in an appeal against the unpublished final report  QAA notifies relevant funding body of appeal.  Appeal process begins.
Week +8 Week +1	No appeal received.  QAA sends final report to relevant funding body.	Provider submits appeal documentation and supporting evidence.  Appeal reviewer confirmed.

<sup>3</sup> Figures in black are for Quality Review Visit weeks. Figures in blue are for appeal weeks.

Week +9 Week +2		Appeal reviewer decides whether the case should be rejected or referred for consideration to appeal panel.
Week +10 Week +3		Provider informed of outcome of preliminary screening. Review team submits their comments on the appeal.
Week +11 Week +4		Appeal panel considers all evidence, including the review team submission and reaches a collective decision.
Week +12 Week +5		Appeal outcome reported to the provider by QAA. QAA notifies relevant funding body of appeal outcome. Report sent to relevant funding body. HEFCE will then make broader regulatory decision and deal with any consequences of this.

Details of this process can be found on the [QAA website](#).

## The Quality Review Visit appeals procedure in detail

### Appeal intent indication submitted - week 0

The provider indicates whether or not it intends to appeal an outcome by emailing their Quality Specialist.

### Appeal submitted - week 1

The provider submits an appeal to QAA's Head of Governance, along with supporting documentation within two weeks of the receipt of the unpublished final report. The appeal submission must be made on the [QRV Appeal Submission Form](#) (DOC, 47KB), must respect the applicable word limits, and must be focused on the specific reason for appeal, including only directly relevant supporting documentation.

The Head of Governance will identify a suitable QRV appeal reviewer to undertake the preliminary screening of the appeal. This is a trained QRV reviewer who has not had any involvement to date in the particular provider's QRV.

The provider has the opportunity to notify QAA of any conflicts of interest that they reasonably consider any individual appeal reviewer to have at the time of submission (see the QRV Appeal Submission Form). Appeal reviewers remain anonymous. Providers may not request that particular appeal reviewers hear their case, nor attempt to influence the allocation of the appeal otherwise than through the procedure for objections with the appeal submission.

### Preliminary screening - week 2

The appeal reviewer will undertake a preliminary consideration of the case. They will review the draft report, the completed QRV Appeal Submission Form and associated evidence, and decide whether the case should be rejected or referred for consideration by an appeals panel.

The appeal reviewer will only reject an appeal where there is no realistic prospect of it being upheld. The purpose of this stage is to ensure that spurious and unsubstantiated appeals are rejected without the need for them to be extensively considered. The threshold for referral is set low.

There is no appeal from, or review of, the appeal reviewer's decision. Where the appeal reviewer rejects an appeal, the Governance Team will inform the provider in writing. The QRV Appeals Procedure will then end at this point.

Where the appeal reviewer refers the appeal to a panel, the Governance Team will inform the provider in writing.

### **Review team response to the appeal - week 3**

The appeal submission is forwarded to the original review team for their comment. The review team, led by the Quality Specialist, will compile a collective response, which must also be submitted in standard format, and will be subject to a word count.

### **The panel hearing - week 4**

The panel will consist of three trained appeal reviewers, one of whom will act as chair.

The hearing is normally conducted as a formal meeting, in person, attended by the panel members and a member of the Governance Team, who will act as a clerk. The location and date of the hearing is never disclosed to the provider, nor to the review team.

The panel will consider the draft report, the completed QRV Appeal Submission Form and evidence, and the review team's response and any appended evidence, and will seek to reach a decision on the case in one sitting. The panel will make a collective decision.

### **Appeal outcomes - week 5**

The Governance Team will compile the outcomes of the appeal panel and will notify the provider, copied to the funding body, explaining the outcomes and the reasons for the decision.