



# Appeals Against the Outcomes of a Gateway Quality Review: Wales

August 2018

## What is an appeal?

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

Appeals are submitted under QAA's GQRW 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 ([governance@qaa.ac.uk](mailto:governance@qaa.ac.uk)).

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 of the unpublished final report to indicate their intent to appeal. An appeal can be lodged only during the two-week submission window, which begins on receipt of the unpublished final report.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 unsatisfactory judgements, as defined in the GQRW Handbook. Providers may choose not to appeal, in which case their outcome is confirmed to the Higher Education Funding Council for Wales (HEFCW).

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 grounds 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 judgement, which, had it been made available 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.

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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.

Grounds for appeal must be clearly articulated in the appeal submission and supported by documentary evidence where possible. Appeal reviewers will not have access to the original evidence upload, nor to the evidence base collated during the course of the review, and so supporting evidence on which an appellant provider wishes to rely must be submitted with the appeal. Evidence must be relevant and pertinent to the case for appeal. It is not acceptable to include unreferenced evidence, nor to submit multiple documents that have already been considered in the course of the review.

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

## **Communication**

When a provider submits an appeal, contact with any Gateway Quality Review 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 assigned on the basis that they have no real or apparent conflict of interest that could affect their ability to consider the appeal impartially and are asked to confirm that they are not aware of any such conflict before they are appointed. QAA keeps a record of responses.

## **Timeline of activity**

The standard timeline for this part of the process is given on page 3. 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**

<b>Working weeks from on-site visit<sup>3</sup></b>	<b>Unsuccessful outcome (no appeal)</b>	<b>Unsuccessful outcome (appeal)</b>
Week +1	Moderation of findings	
Week +3	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 HEFCW are advised of any unsuccessful outcomes.  Provisional judgements are sent to HEFCW.	
Week +6	Provider and Lead Student Representative comment on factual accuracy (incorporating any comments from awarding bodies or organisations).	
Week +9	Review team considers corrections and produces unpublished final report.	
Week +11	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 +12 <b>Week 0</b>	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 HEFCW of appeal.  Appeal process begins.
Week +13 <b>Week +1</b>	No appeal received.  QAA sends final report to relevant funding body.	Provider submits appeal documentation and supporting evidence.  Appeal reviewer confirmed.
Week +15 <b>Week +3</b>		Appeal reviewer decides whether the case should be rejected or referred for consideration to appeal panel.
Week +17 <b>Week +5</b>		Provider informed of outcome of preliminary screening.  Review team submits their comments on the appeal.
Week +18 <b>Week +6</b>		Appeal panel considers all evidence, including the review team submission and reaches a collective decision.
Week +20 <b>Week +8</b>		Appeal outcome reported to the provider by QAA.  QAA notifies HEFCW of appeal outcome.  Report sent to HEFCW. HEFCW considers the appeal outcome.

<sup>3</sup> Figures not in bold are for Gateway Quality Review weeks. Figures in bold are for appeal weeks.

## **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 QAA Quality Specialist.

### **Appeal submitted - week 1**

The provider submits an appeal along with supporting documentation to QAA's Head of Governance, within two weeks of the receipt of the unpublished final report.

The appeal submission must be made on the [GQRW Appeal Submission Form](#), in English or Welsh, must observe 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 GQRW appeal reviewer to undertake the preliminary screening of the appeal. This is a trained GQRW reviewer who has not had any involvement to date in the particular provider's GQRW.

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 GQRW 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.

Appeals received in the Welsh language will be translated and considered in English. Where translation is undertaken, QAA will engage a qualified, reputable translator to ensure that the integrity of the submission is preserved. A copy of any such translation will be sent to the provider for information.

### **Preliminary screening - week 3**

The appeal reviewer will undertake a preliminary consideration of the case. They will review the draft report, the completed GQRW 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 GQRW 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 5**

Where an appeal is referred to a panel, the appeal submission is forwarded to the original review team for their comment.

The review team, led by a Quality Specialist, will compile a collective response, which must also be submitted in standard format.

### **The panel hearing - week 6**

The appeal 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 hearing will be conducted in the English language.

The panel will consider the draft report, the completed GQRW Appeal Submission Form and evidence, and the review team's response and any appended evidence (or any QAA-commissioned translation of any of the aforementioned), and will seek to reach a decision on the case in one sitting. The panel will make a collective decision.

### **Appeal outcomes - week 8**

The Governance Team will compile the outcomes of the appeal panel and will notify the provider, copied to HEFCW, explaining the outcomes and the reasons for the decision. Where an appeal submission was made in Welsh, the response will be provided in Welsh.

This document is available in both English and Welsh.

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