



Appeals Against the Outcomes of a Quality Enhancement Review

May 2020

What is an appeal?

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

Appeals are distinct from complaints. Complaints are an expression of dissatisfaction with services that QAA provides, or actions that QAA has taken. The appeal 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.

Submission of appeals

Appeals are submitted under QAA's QER Appeals Procedure. This is an internal process and does not require legal representation. Submissions are drafted by the appealing provider ('the provider') on the appeal submission form available from QAA's website, and are submitted to QAA's Head of Governance (governance@qaa.ac.uk).

Providers have one week (five working days) from the receipt¹ of the unpublished final report to indicate their intent to appeal. An appeal can only be lodged during the two-week submission window, which begins on receipt of the unpublished final report. Appeals can only be based on the unpublished final report. Appeals submitted at any other stage of the review process cannot be accepted.

All providers are eligible to appeal against unsatisfactory judgements. For the purposes of 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.

It is not possible to appeal a judgement of 'meets requirements'.

Providers may choose not to appeal, in which case QAA will proceed to publish the Outcome and Technical Report on its website.

¹ 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.

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 reason² for it not having been provided to the review team.

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

Communication

When a provider submits an appeal, contact with any QER 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. The provider should make no attempt to contact QAA staff outwith 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 in the table 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.

² 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.

Table 1: Timeline of follow-up activity and appeals

Working weeks from on-site visit³	Unsuccessful outcome (no appeal)	Unsuccessful outcome (appeal)
Week +1	QAA informs provider and Lead Student Representative (LSR) of the provisional judgements and findings in the draft outcome report Governance Team and HEFCW are advised of any unsuccessful outcomes	
Week +4	QAA sends Outcome and Technical Report to the provider and LSR for comment on matters of factual accuracy.	
Week +7	Provider and LSR identify factual errors in the report QAA finalises report	
Week +8 Week 0	QAA sends finalised report to the provider	
Week +9 Week +1	Provider indicates intention not to appeal to the QAA Officer	Provider indicates intention to appeal to the QAA Officer
Week +10 Week +2	QAA translates the report	Provider submits appeal and supporting evidence to QAA's Head of Governance QAA notifies HEFCW of appeal Appeal process begins
Week +12 Week +4	QAA publishes reports	Appeal Reviewer is selected by QAA Appeal reviewer decides whether the case should be rejected or referred for consideration to appeal panel
Week +14 Week +6		Provider informed of outcome of preliminary screening
Week +15 Week +8		Review team submits their comments on the appeal
Week +16 Week + 9		Appeal panel considers all evidence, including the review team submission and reaches a collective decision
Week +17 Week +10		Appeal outcome reported to the provider by QAA QAA notifies HEFCW of the appeal outcome
Week + 19 Week +12		If the appeal is not upheld, QAA translates and publishes the report.

³ Figures not in bold are for QER weeks. Figures in bold are for appeal weeks

The QER appeals procedure in detail

Appeal intent indication submitted – week 1 i.e. up to 5 working days

The provider indicates whether or not it intends to appeal an outcome by emailing the QAA Officer overseeing the review.

QAA will not consider an expression of intent to appeal to be binding on the provider; if the provider decides, having indicated its intent, that it does not wish to appeal, or does not submit a valid appeal by the submission deadline, QAA will proceed to prepare the Outcome and Technical Reports for publication.

Appeal submitted – week 2

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 QER Appeal Submission Form, in English or Welsh, should 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 QER appeal reviewer to undertake the preliminary screening of the appeal. This is a trained QER reviewer who has not had any involvement to date in the particular provider's QER.

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 QER 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 other than through the procedure for objections with the appeal submission.

Appeals received in the Welsh language may be translated and considered in English depending on the availability of Welsh speaking Appeal Reviewers for the preliminary screening process. 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 6

The Appeal Reviewer will undertake a preliminary consideration of the case. They will review the unpublished final report, the completed QER 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 fully 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 QER 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 8

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 QAA Officer, will compile a collective response, which must also be submitted in standard format. A copy of the review team's comments will be sent to the provider for information.

The panel hearing - week 9

The appeal panel will consist of three trained 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 English.

The panel will consider the unpublished final report, the completed QER 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 10

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

Where the appeal is not upheld the report will be published within two working weeks. The precise action and timescale for an appeal which is upheld will depend on the nature of the case and will be clear in the appeal decision.

This document is available in both English and Welsh.

QAA2544 – May 2020

© The Quality Assurance Agency for Higher Education 2020
Cambrian Building, Mount Stuart Square, Cardiff CF10 5FL
Registered charity numbers 1062746 and SC037786

Tel: 01452 557000
Web: www.qaa.ac.uk