

# Appeals Policy

<b>Document Specification:</b>			
Purpose:	To set out the policy and procedure to be followed by NALP on receipt of an appeal by a Learner or Centre in respect of Assessment Decisions, sanctions applied due to malpractice or maladministration or decisions regarding requests for Reasonable Adjustments or Special Considerations.		
Accountability:	NALP Governing Board	Responsibility:	Director of Compliance and Regulation
Last Review date:	June 2021	Next Review due:	June 2023
Version:	7	Links to Ofqual GCR:	I1 and I2

## **National Association of Licensed Paralegals (NALP)**

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### 1. Purpose and Scope of Policy

The National Association of Licensed Paralegals (NALP) is an awarding organisation recognised and regulated by Ofqual. The qualifications offered by NALP are well regarded and relied upon by users, most of whom are in the legal sector. NALP undertakes all assessment decisions in order to uphold consistent standards of marking and awarding, thus ensuring the ongoing validity of the qualifications. Due to qualifications being 100% externally assessed, plus the fact that the vast majority of students come directly to NALP via distance learning routes, all appeals on assessment decisions are dealt with by NALP.

Appeals may also be made against other decisions taken by NALP, such as the outcome of malpractice or maladministration and the application of sanctions, whether that be against learners or centres. It also covers appeals against decisions taken in respect of the Reasonable Adjustments (RA) and Special Considerations (SC) where a learner or centre may disagree with the adjustments that have been offered or the decision not to offer such adjustments, or for Recognition of Prior Learning applications where such application has been denied in whole or in part. This policy sets out how all such appeals are processed by NALP, including timescales for such appeals to be properly investigated and decided upon.

### 2. Appeals Against Assessment Decisions

All learners are entitled to the right of appeal against an assessment decision where it is made due to a reasonable disagreement with the academic decision made by our markers. Such appeals will usually be passed to NALP by the Centre through which the learner is registered. However, if the Centre is not cooperative with a request for an appeal, the learner has the right to contact NALP directly.

There are 3 stages that an appeal may go through. If the learner is dissatisfied with the outcome of the previous stage, they can request it be escalated to the next step. It should be noted that NALP requires learners to pay an administration fee for any appeals that go through to Stage 3, but this is 100% refundable if the appeal is upheld at that stage. The current fee at the time of this policy being put into place is £50.

Please note that, where the assessment decision has been made due to alleged plagiarism, it will fall under "Appeals Against Sanctions". This is because allegations of plagiarism are only made where there is evidence to support such and, as such, this is not an academic decision which may have subjective elements to it.

The 4 Stages of appeal are set out at section 5 of this policy.

### 3. Appeals Against Decisions re RA/SC or RPL

A learner may appeal if NALP has declined a request for a Reasonable Adjustment or Special Consideration. Such decisions are usually taken by the Compliance Administrator. In these cases, the NALP Director of Compliance and Regulation will review the application and make a final

decision about whether the grounds for refusal was justified in terms of the equal opportunities and fair access to assessment policy and the policy for reasonable adjustments and special considerations. If the Director of Compliance and Regulation had already been involved in the decision regarding the RA/SC, then the appeal will be passed to the Chief Executive.

The Director of Compliance and Regulation will make the decision known to the learner within 10 days of the decision being made. If there is any delay to this deadline for any reason, the Director will inform the learner, providing a revised deadline for completion and keep them updated of any progress made.

If a learner wishes to take their appeal further, they have the right to request their appeal be heard by the Chief Executive or, if the Chief Executive has previously been involved in the case, the Governing Board. If they are still not satisfied with the outcome, they are free to complain to Ofqual about the decision.

In respect of appeals against the decision not to allow an application for RPL (whether in whole or in part), the initial appeal will be considered jointly by the Chief Executive and the Director of Compliance and Regulation. Should the learner remain dissatisfied, they are free to request a review by the Governing Board, with their final recourse being to Ofqual.

## 4. Appeals Against Sanctions

Sanctions may be applied to either a Centre or a Learner if there is any indication of malpractice or maladministration. Where such a sanction has been applied, the Centre or learner has the right of appeal against that sanction.

### 4.1. Sanctions Against Learners

Due to the nature of NALP assessment methodology, the main reason a learner may be sanctioned would be due to plagiarism. Where there is sufficient evidence of plagiarism, the learner will be notified that they have failed their assignment and be given plagiarism as the reason for that failure.

A learner will have a total of 20 working days following receipt of their notification of failure due to plagiarism in which to raise their appeal. Appeals received after that time will not be accepted.

### 4.2. Sanctions Against Centres

Where a Centre has been sanctioned due to an allegation of malpractice or maladministration, they will be notified of the sanction and the reason for it in writing. Any Appeal must be made within 20 working days of receipt of the official written notification of the sanction being applied by NALP. For the avoidance of doubt, any such notification issued via E-mail will be deemed to have been received the working day following it being sent by NALP and any notification issued by post will be deemed to have been received 3 working days after posting by NALP. If a Centre has not received an official notification within 5 working days of a decision being due or their

being verbally informed that a decision has been taken, the centre must contact NALP to advise them of this. **Late appeals will not be considered on the basis that the notification had not been received.**

## 5. Stages of Appeal

There are 4 stages to any appeal brought by a Centre or learner, as follows:

### 5.1. Stage 1 – Informal Review

- **Appeals Against Assessment Decisions**

If there is an appeal against an assessment decision, the NALP Compliance Administrator will pass this back to the original marker for them to review their original decision, ensuring that it meets the requirements set down in the mark scheme for that assignment. Where necessary, they may also be asked to provide more information regarding how they came to their decision. The marker will be required to complete this review within 10 working days of the appeal being received. Once completed, the marker will send their decision, including any revisions made, back to the Compliance Administrator who will pass on the decision to the learner within 3 working days of receipt, giving a brief rationale of how the decision has been made. **If the learner has not received a response within 15 working days of requesting an appeal, they should contact NALP.**

If the learner is not satisfied with the decision, they have **10 working days** from receipt of the decision to request escalation to Stage 2 of the appeals process.

Please note: in some instances the Informal Review stage may be by-passed either on the initial request of the Learner or Centre raising the appeal, or if the Compliance Administrator considers it appropriate.

- **Appeals Against Decisions re RA/SC or RPL**

If there is an appeal against a decision regarding a request for a RA, SC or RPL, this will normally go straight to a formal review under Stage 2 of the NALP appeals process. This is because such decisions are usually made based on specific evidence provided so that the informal review process is not normally appropriate.

- **Appeals Against Sanctions**

In the first instance, the case will be sent back to the staff member who made the original decision (e.g. marker / external quality assurer, etc.) for them to review and reconsider their decision. This review must be completed within 10 working days of receipt of the Appeal. Once the review has been completed, the staff member will provide a report to the Compliance Administrator, including a rationale for either upholding or changing the original decision. The Compliance Administrator will take a view on whether the new

decision rationale is acceptable and inform the learner or Centre of the outcome within 3 working days of the decision being made. **If the learner or Centre has not received a response within 15 working days of requesting an appeal, they should contact NALP.**

If the learner or Centre is not satisfied with the decision, they have **10 working days** from receipt of the decision to request escalation to Stage 2 of the appeals process.

**Please note:** in some instances the Informal Review stage may be by-passed either on the initial request of the Learner or Centre raising the appeal, or if the Responsible Officer deems it necessary.

### 5.2. Stage 2 – Formal Review

- **Appeals Against Assessment Decisions**

Where a learner is dissatisfied with the outcome of Stage 1 (or if it has been deemed appropriate to bypass Stage 1), the appeal would then move to Stage 2 and all information, reports and documents will be passed to the Director of Compliance and Regulation for a formal review.

The Director of Compliance and Regulation will appoint a suitably qualified person to review the assignment in question. This could be:

- Another Marker who has had no involvement with the learner's case previously
- The Chief Examiner, provided they have not previously been involved with the case
- The CEO, provided they have not previously been involved with the case
- Another suitably qualified and competent person who has not previously been involved with the case (e.g. a member of the Academic or Governing Boards, etc.)

Once the review has been completed (no more than 10 working days after receipt of the request to escalation to Stage 2) the reviewer will send their decision, together with a rationale for that decision, back to the Director of Compliance and Regulation. The Director of Compliance and Regulation will pass on the decision, together with a summary of how the decision has been reached, to the learner within 3 working days of receiving the report from the reviewer. **If the learner has not received a response within 15 working days of requesting the escalation to Stage 2 (or the original appeal if Stage 1 has been bypassed), they should contact NALP.**

If the learner is not satisfied with the decision, they have 10 working days from receipt of the decision to request escalation to Stage 2 of the appeals process.

**Please note:** The learner will be required to pay a £50 administration fee for escalation to Stage 3. Should their appeal be upheld by the independent reviewer, that administration

fee will be refunded to them, in full. There will be no refund if their appeal is rejected by the independent reviewer.

- **Appeals Against Decisions re RA/SC or RPL**

Decisions on Reasonable Adjustments, Special Considerations or Recognition of Prior Learning Applications are usually made by the Compliance Administrator; however, this is sometimes done in conjunction with the Director of Compliance and Regulation or the Chief Executive. Whichever of the latter two parties was not involved in the original decision will review that decision at Stage 2 of the Appeals process.

The reviewer will look at all of the information provided by the learner or Centre in support of their request for a RA/SC or RPL, including whether any new or additional information or evidence has been brought to light since the original decision was made.

The Reviewer will respond to the appellant directly and copy in the original decision maker in any correspondence. They will ensure that they provide their response, together with any rationale for their decision, within 13 working days of receipt of the request for appeal. **If the learner or Centre has not received a response within 15 working days of requesting an appeal, they should contact NALP.**

**Please Note:** if the appeal is time sensitive due to a deadline coming up, (whether for submission of an assignment or for completion of the qualification as a whole) all efforts will be made to expedite the appeal so as not to disadvantage the learner. If the appeal is upheld, all steps will be taken to ensure that the learner is not disadvantaged by any delay caused by the appeals process.

- **Appeals Against Sanctions**

If the Centre or learner remains dissatisfied with the outcome of Stage 1 (or if it has been deemed appropriate to bypass Stage 1), all information available, including the reports of any previous assignment decisions, quality assurance reviews, complaints or other feedback received, will be reviewed by either the Director of Compliance and Regulation or the Chief Executive. The reviewer will check all aspects of the case thoroughly and consider:

- All reports from quality assurers, assessors and other internal staff
- Any correspondence from learners or users of the qualification
- Any responses or evidence provided by the Centre
- Any other relevant information, reports, correspondence or other evidence (e.g. checking against source materials believed to have been used in any allegations of plagiarism)

The reviewer will determine whether the initial decision made was correct, given the information available to the original decision maker, and whether any further information has come to light since then that could change the decision. They will also check that the correct process for malpractice or maladministration has been followed, whether the actions taken against the centre were appropriate and proportionate, and whether the appeals process has been followed compliantly. They will determine whether the original decision will stand and inform the centre or learner of their decision within 13 working days of the request for escalation being received from the centre or learner. It will also be the Reviewer's responsibility to ensure any relevant records have been updated, such as the malpractice log. **If the learner or Centre has not received a response within 15 working days of requesting the Stage 2 Review (or the original appeal if Stage 1 has been bypassed), they should contact NALP.**

If the learner or Centre is not satisfied with the decision, they have **10 working days** from receipt of the decision to request escalation to Stage 3 of the appeals process.

**Please note:** The learner or centre will be required to pay a £50 administration fee for escalation to Stage 3. Should their appeal be upheld by the independent reviewer, that administration fee will be refunded to them, in full. There will be no refund if their appeal is rejected by the independent reviewer.

### 5.3. Stage 3 – Independent Review

All appellants are entitled to have their case reviewed by an Independent Reviewer as the third stage of our appeals process, regardless of the reason for the appeal.

Stage 3 appeals are only undertaken following the payment of an administration fee (currently £50, as at the time of this policy being published). This fee is fully refundable if the appeal is upheld in favour of the learner or Centre by the independent reviewer. When the learner or Centre (as applicable) contacts NALP to request escalation to Stage 3, they will be given the bank details to make payment to for the administration fee. Only once that has been received will Stage 3 commence. **If a request is made for escalation but payment of the administration fee is not received within 20 working days of that request, the request will be deemed as having been cancelled and it will be assumed that the learner or Centre has accepted the outcome of Stage 2.** The learner or Centre will not be allowed to re-apply for escalation to Stage 3 once that deadline has passed.

For data protection purposes, the learner's name and any identifying details, other than their Membership / Learner number, will be redacted prior to the documentation being passed to the independent reviewer. However, the learner agrees by virtue of requesting the Stage 3 review that documents previously reviewed as part of the appeals process will be passed on to a previously unnamed third party (with all names, addresses and other identifying details redacted). The Centre's details may remain on any documentation passed to the Independent Reviewer, though not where that includes the personal information of any individual at that Centre (such as email addresses that include an individual's name).

An Independent reviewer will not be an employee of NALP, or be employed in any freelance capacity by NALP (e.g. marker, qualification content writer, member of the Governing Board or Academic Board, etc.) or otherwise have any other connection to NALP. The same Independent Reviewer may review multiple appeals across time, provided they are not connected with NALP in any other capacity.

At no point will the contact details of the Independent reviewer be released to the learner, or vice versa. All contact between learner and reviewer must go through NALP.

Due to the time required to arrange an independent review, Stage 3 may take up to **30 working days** from the date of receipt of the request for escalation to Stage 3 **OR** the date of cleared payment being received for the applicable administration fee, whichever is the latter.

Once they have come to a decision, the Independent Reviewer will provide a report to the Director of Compliance and Regulation setting out their decision and the reasons for it. The Director of Compliance and Regulation will pass on the details of that report to the learner, redacting any personal information in respect of NALP staff names or any other confidential or proprietary information that could cause an advantage or a disadvantage to any learners, and so potentially affect the security or validity of the qualification.

- **Appeals Against Assessment Decisions**

Where a learner remains dissatisfied with the outcome of their appeal following completion of Stage 2, they will have 10 working days in which to request escalation to Stage 3.

The Independent Reviewer will be fully qualified and occupationally competent in the subject matter that has been assessed and will be given full access to all mark schemes and other information required to be able to decide if the assessment decision made is correct or not.

The Independent Reviewer will also be given a copy of this Appeals Policy to ensure that the process laid down within has been followed correctly.

- **Appeals Against Decisions on RA/SC or RPL**

Where a learner or Centre remains dissatisfied with the outcome of their appeal following completion of Stage 2, they will have 10 working days in which to request escalation to Stage 3.

The Independent Reviewer will be provided with copies of NALP's Reasonable Adjustments and Special Considerations Policy, or Recognition of Prior Learning Policy, as appropriate, as well as any evidence provided by the learner or Centre to support their request. They will also be provided with any other documentation and guidance as necessary for them to understand the process and the regulations covering the application of RA/SC or RPL, including details of the Ofqual General Conditions of Recognition and how to access the handbook containing those Conditions and any relevant guidance.

The Independent Reviewer will also be given a copy of this Appeals Policy to ensure that the process laid down within has been followed correctly.

- **Appeals Against Sanctions**

Where a learner or Centre remains dissatisfied with the outcome of their appeal following completion of Stage 2, they will have 10 working days in which to request escalation to Stage 3.

The Independent Reviewer will be provided with copies of NALP's Malpractice and Maladministration Policy and Sanctions Policy, as well as any evidence provided by the learner or Centre to support their request for appeal. They will also be provided with any other documentation and guidance as necessary for them to understand the process and the regulations covering malpractice and maladministration and the application of sanctions, including details of the Ofqual General Conditions of Recognition and how to access the handbook containing those Conditions and any relevant guidance.

The Independent Reviewer will also be given a copy of this Appeals Policy to ensure that the process laid down within has been followed correctly.

### 5.4. Escalation to Ofqual

All appellants have the right to escalate their case to Ofqual. Appellants will need to provide Ofqual with full details of the case and a clear rationale why they believe the decision or sanction applied is unfair. NALP is committed to cooperating fully with Ofqual in any resulting investigation and will provide Ofqual with all records in relation to the Centre or learner, the assessment process, mark scheme and decision, or the decision to refuse or restrict the RA/SC or RPL requested, or the malpractice or maladministration incident (as applicable). NALP will also make available copies of all correspondence, testimony and other evidence, including assignments, medical certificates, emails, text messages, notes of conversations or meetings held, and any commentary on social media, etc.