

Procedure for Appeals against Standards Mark Decisions

1 Grounds for Appeal

Institutions with the Standards Verified quality mark for qualifications or programmes based on any of the standards held by Lifelong Learning UK may appeal against Standards Mark decisions, or against conditions imposed by a Standards Mark Panel. A written statement of appeal must be received by the Chief Officer, Standards Verification UK within 20 working days of receipt of the letter or report confirming the decision.

Normally appeals submitted outside this timescale will be ruled invalid.

An appeal may be made on one of the following grounds:

Procedural irregularity: review procedures for the qualification or the resource were not followed in accordance with Standards Verification UK guidelines

Perversity of judgement: the decision reached clearly breaches natural justice

Administrative irregularity: incorrect advice being given by a responsible staff member which materially affects the application

These are the only grounds for appeal.

2 Process on receipt of an appeal

The following procedure has been established:

- on receipt of the appeal, the Chief Officer, Standards Verification UK conducts an investigation and reports findings and any resolution within 20 working days
- if the organisation is dissatisfied with the resolution sent by the Chief Officer, they may make a direct submission to the Standards Verification UK Board within 20 days of receipt of the letter of resolution

The SVUK Board will then establish an Appeals Panel, which will normally be convened within 30 working days of the submission being made.

The appeal may be withdrawn at any stage by submission in writing to the secretary to the Appeals Panel.

3 The Appeal Panel

Standards Verification UK's Board will appoint an Appeals Panel composed of the following people, none of whom has been part of the original application and endorsement/approvals review processes:

- Chair – normally a member of the SVUK Board or a person nominated by the SVUK Board
- two stakeholder representatives of community of practice
- no more than four other people nominated by the SVUK Board considered essential to the fair conduct of the appeal

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The quorum necessary for the transaction of business shall be three. A duly convened meeting of the Panel at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Panel. All decisions of the Appeals Panel shall be by majority vote of the Panel members.

A member of the Panel who is in communication by voice or video telecommunication link for the purposes of a meeting of shall be counted as part of the quorum for such meeting, provided that the voice or video telecommunication link is so arranged that it is possible for each member of the Panel to hear and be heard by, or in the case of video telecommunication link, see and be seen by each other person participating in the meeting.

A member of SVUK staff not previously involved in the application will act as secretariat to the Appeals Panel.

The Appeals Panel is not empowered to consider an appeal on grounds other than those in the original submission.

Decisions of the Appeal Panel will be notified to the party lodging the appeal within 5 working days of the hearing of the appeal.

4 Conduct of the Appeals Panel Meeting

The Appeals Panel shall receive the representation of both parties, together or separately. **Representation will be through documentation** providing evidence for or against the appeal. The panel can request further documents for evidence if required.

The Appeals Panel may hold a private meeting of the Panel at any time and will consider its decision in private. It can agree to re-convene at a later date if further evidence is required.

The Appeals Panel may:

- confirm the Standard Mark decision
- rescind the decision and make recommendations for action towards further progress
- refer the decision back for the Standard Mark panel to re-consider
- make any other arrangements as it deems appropriate

No appeal will be allowed against the decision of the Appeals Panel.

5 Confidentiality

It is a requirement for all those involved in the appeals process that information be treated as confidential. Once an appeals submission has been referred to the Appeals Panel, there should be no discussion of any sort between interested parties and members of the Appeals Panel, or any other similar communication regarding the appeal.

Review

This procedure will be reviewed in: January 2009

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