

# Access to Higher Education Diploma: Appeals Procedure

## Appeals procedure for Access Validating Agencies

May 2025



## Contents

<b>Introduction .....</b>	<b>1</b>
Definitions .....	1
<b>Making an appeal .....</b>	<b>1</b>
Appealable judgements and grounds for appeal .....	2
Conflicts of interest .....	3
Initial consideration of an appeal .....	3
The Appeal Panel .....	4
Response to the appeal .....	4
Documents for the Appeal Panel .....	5
Decisions of the Appeal Panel .....	5
<b>Appendix 1: AVA Appeal Submission Form.....</b>	<b>8</b>



## Introduction

1 The Quality Assurance Agency for Higher Education (QAA) is responsible for regulating the Access to Higher Education (HE) Diploma. The QAA Recognition Scheme for Access to HE ('the Recognition Scheme') provides the regulatory framework through which QAA exercises this responsibility. Within this framework, QAA licenses organisations to develop, validate, approve and award Access to HE Diplomas. An organisation that has been licensed by QAA for these purposes is known as an Access Validating Agency (AVA).

2 This document sets out the procedures for consideration of an appeal made by an AVA (or an organisation who has applied to become an AVA) against a recommendation to the QAA Board by the Access Regulation and Licensing Committee (ARLC):

- that an AVA licence should be refused
- that an AVA licence should be withdrawn, or
- for the time period of an AVA licence

3 These are the only circumstances in which this procedure applies.

## Definitions

**Appellant:** A licensed AVA or an organisation applying for an AVA licence who is appealing a recommendation made to the QAA Board regarding an AVA licence.

**AVA licence:** A licence granted by QAA that permits Access to HE Diploma courses to be developed, validated and approved, and Diplomas awarded, by AVAs.

**Independent Reviewer:** This is a reviewer with experience in the methodology of the activity being appealed who has had no prior involvement in the monitoring activity leading to a recommendation to the Board with regards to AVA licence and has no conflicts of interest with the Appellant.

**Chair of the Appeals Panel:** The Chair of the Appeals Panel will chair QAA appeals panels across all its methods and lead the discussion of an appeal submission.

**Expert Adviser:** This is a member of QAA staff who has had no prior involvement in the monitoring activity leading to the recommendation to the Board with regards to AVA licence, which is the subject to appeal, but who can provide expert advice on the monitoring arrangements and process.

**Appeal Panel:** The convening of the Independent Reviewers in a virtual meeting to discuss the appeal.

## Making an appeal

4 QAA distinguishes between complaints and appeals. A complaint is an expression of dissatisfaction with services QAA provides or actions QAA has taken. QAA has a separate complaints procedure. Appeals are specific challenges to a recommendation to the QAA Board as listed above (paragraph 2), and are handled through this procedure.

5 If an AVA or organisation applying for an AVA licence is not satisfied with the outcome of any action or judgement taken by QAA in relation to any activity not listed at paragraph 2, the correct course of action is to follow [QAA's complaints procedure](#). If such concerns or questions are identified, contact should be made via [ahe@qaa.ac.uk](mailto:ahe@qaa.ac.uk) in the first instance. Where an appeal is made which contains matters that properly fall within the complaints

procedure, its consideration is stayed until the completion of the appeal procedure in that the investigation of the complaint does not prejudice, and is not seen to prejudice, the handling of the appeal. In exceptional circumstances the Executive Director of Corporate Affairs may vary this if the complaint is judged to be necessary.

6 Appeals must be submitted on the AVA Appeal Submission Form (see Appendix 1) by the Responsible Officer of the AVA concerned or equivalent senior member of staff from an organisation applying for or renewing an AVA licence. Oral appeals are not accepted. Completed forms should be returned to [governance@qaa.ac.uk](mailto:governance@qaa.ac.uk). Appeals made in any format other than on the AVA Appeal Submission Form are not acceptable and will be returned.

7 An appeal must be lodged within 10 working days of the AVA being notified of a recommendation being made to the QAA Board:

- that an AVA Licence should be refused
- that an AVA Licence should be withdrawn; or
- regarding the time period of an AVA Licence.

8 When the deadline for receipt of an appeal falls on a non-working day, it will be amended to the next working day. Amendments will also be made to take account of QAA closure dates. An appeal will normally be acknowledged within three working days of receipt.

9 An AVA making an appeal must nominate a contact person for liaison with QAA. QAA will not discuss an appeal with any person other than the Responsible Officer and the nominated contact person. The QAA contact person will normally be the Head of Governance<sup>1</sup> or their nominee who will keep the Appellant informed of progress. All further contact with QAA in relation to the appeal must be made through the QAA Governance team.

10 Normally, the appeal procedure will be completed within 12 weeks of receipt of an appeal. In some circumstances it may be necessary to extend this period. The Governance team will inform the AVA of the likely timescale at the outset of the appeal.

## Appealable judgements and grounds for appeal

11 An appeal can only be considered after all stages of AVA licensing and monitoring activities have concluded and the applicant organisation or AVA has been notified of the recommendation that the ARLC is to be put to the QAA Board for final decision.

12 An appeal can be lodged on either or both of the following grounds:

### **Procedure**

That there was a procedural irregularity in the conduct of the monitoring activity, such that the legitimacy of the decision or decisions reached is called into question. Examples include agreed procedures (as defined in The Access to Higher Education Diploma Recognition Scheme: [The Access to HE Monitoring Arrangements](#), or as may have been agreed in writing separately between QAA and the Appellant); reaching decisions that are disproportionate; failing to take account of relevant information or

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<sup>1</sup> All references to the Head of Governance in this procedure may include any person nominated to act on their behalf.

taking account of irrelevant information.

### **New material**

There is material that was in existence during the monitoring activity which, had it been made available before, would have influenced the judgement(s) informing the recommendation by the ARLC to QAA's Board, and in relation to which there is a good reason for it not having been previously provided to QAA.

13 The 'good reason' for non-provision requirement under the ground of new material will not be considered satisfied in cases that allege solely that there was no specific request to see the new material, or that a limitation on upload of documents restricted the Appellant's ability to present the new material.

14 The Appellant should set out clearly and concisely in the AVA Appeal Submission Form the ways in which it considers the activity to be flawed based on the grounds of appeal set out in paragraph 12. In so doing, the Appellant should explicitly identify the alleged deficiencies that led to the recommendation to the Board. The Appellant may submit evidence to substantiate its claim, which should be clearly labelled and referenced. The completed AVA Appeal Submission Form and all associated evidence must be submitted by the appeal deadline. It is the Appellant's responsibility to ensure that the AVA Appeal Submission Form is completed in a clear and concise fashion and that all relevant evidence is supplied. QAA will process all appeals in the form that they are originally submitted and will not seek any clarification or amplification.

15 QAA has a compliance notice under the Welsh Language (Wales) Measure 2011. In line with our compliance notice, we will treat English and Welsh languages as equal when considering appeals. Appeals can be submitted in Welsh, English or bilingually. We shall respond to an appeal in the language of the submission unless otherwise requested. If a translation is required, the Appellant will have the opportunity to review the translation prior to it being provided to reviewers.

### **Conflicts of interest**

16 The Independent Reviewer, members of the Appeal Panel and Expert Adviser (paragraphs 18, 23 and 25 below) are experienced reviewers or QAA Officers who have had no prior involvement in the activity under appeal and are drawn from a list maintained for this purpose.

17 QAA has a robust [conflicts of interest procedure](#)<sup>2</sup> that applies to anyone engaged in work for QAA.

### **Initial consideration of an appeal**

18 Upon receipt of an appeal, QAA will refer it for preliminary consideration by an Independent Reviewer.

19 The Independent Reviewer will consider:

- reports arising from monitoring or licensing activities;
- the AVA Appeal Submission Form lodged by the Appellant; and

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<sup>2</sup> <https://www.qaa.ac.uk/about-us/how-we're-run/qaa-policies>

- any submissions made by the Appellant after receipt of reports from QAA.

20 The Independent Reviewer may seek advice on the operation of this procedure from QAA's Governance team.

21 The Independent Reviewer may reject an appeal, or any part(s) of an appeal, only where they decide there is no realistic prospect of the appeal, or any part(s) of the appeal, being upheld. The Independent Reviewer will outline their reasons for rejecting the appeal or part(s) of the appeal. In all other cases, the Independent Reviewer will refer the appeal or remaining parts of the appeal to the Appeal Panel.

22 Where the Independent Reviewer rejects an appeal or part(s) of an appeal, the Appellant will be notified in writing of this decision and the reasons for the appeal or the relevant part(s) thereof being rejected. There is no appeal from, or review of, the Independent Reviewer's decision.

## The Appeal Panel

23 Where the Independent Reviewer has referred an appeal to the Appeal Panel, the Governance team will convene an Appeal Panel to consider the appeal. The Appeal Panel will consist of at least two independent reviewers, one of whom will be invited to act as Chair.

24 The administrative, secretarial and procedural support to the Appeal Panel is provided by QAA Governance Officers, who have no operational involvement in the licensing or monitoring activity or any prior involvement in the activity under appeal.

25 An Expert Adviser will be available to the Appeal Panel to provide guidance on the application of the AVA licensing and monitoring process. The Expert Adviser will be an experienced QAA Reviewer or Officer who has no prior involvement in the monitoring or licensing activity under appeal. The Expert Adviser will not receive or consider the documentation constituting the appeal at any stage and will advise only on matters of procedure when requested by the Appeal Panel.

26 The Appeal Panel may, at any stage of the process, seek advice on the operation of this procedure from the Governance team and/or QAA Officer, who may, if they consider it necessary, seek external legal advice.

## Response to the appeal

27 In order to assist an Appeal Panel in its consideration, the Governance team, acting on the Appeal Panel's behalf, will ask the QAA Officer with responsibility for the AVA licensing or monitoring activity to respond to the appeal on behalf of the ARLC. The QAA Officer will coordinate a response, including comments on any suggestion of procedural deficiency in the conduct of the activity and on any other matters raised in the appeal.

28 QAA will make available to the Appellant the response received in accordance with paragraph 27 at least 10 working days before the date fixed for the Appeal Panel. The Appellant may comment in writing on that response, and those written comments will also be considered by the Appeal Panel. The Appellant's response should be received by the Governance team at least five working days before the date fixed for the Appeal Panel.

29 The Appeal Panel may, at any stage of the process, request that the Governance team obtains further information or clarification from the Appellant and/or the QAA Officer. A copy of any such information or clarification shall be provided to the other party, who will have the right to comment on it.

## Documents for the Appeal Panel

30 The documents considered by the Appeal Panel will include:

- reports arising from monitoring or licensing activities;
- QAA's published documentation relating to the operation of licensing or AVA monitoring activities;
- the AVA Appeal Submission Form;
- the QAA Officer's response, as described in paragraph 27;
- any comments received from the Appellant, as provided for in paragraph 28.

31 The Appeal Panel will not consider any document that has not been identified to and provided to the Appellant in advance of the Appeal Panel meeting to consider the documents.

32 The Head of Governance<sup>3</sup> or their nominee will act as secretary to the Appeal Panel.

33 The Appeal Panel will normally reach a decision on an appeal at the Panel, without the need for any additional representation. The Appeal Panel may, however, at its absolute discretion, instruct the Governance team to invite senior members of the Appellant, and/or members of a monitoring team or ARLC, to a meeting in exceptional circumstances where the Appeal Panel considers that there are issues that require further clarification. The procedure at the meeting will be entirely at the Appeal Panel's discretion. There will be no right to legal representation at such a meeting. Under no other circumstances will the Appeal Panel receive oral representations.

## Decisions of the Appeal Panel

34 The Appeal Panel will focus on the process and conclusions that led to the appealable judgements.

35 The Appeal Panel shall uphold the appeal if it concludes, on the balance of probabilities, that:

- there was a procedural irregularity in the conduct of the licensing or monitoring activity, such that the legitimacy of the decisions reached is called into question; and/or
- there is material that was in existence at the time the decision was made which, had it been made available before the activity had been completed, would have influenced the judgements, and in relation to which there is a good reason for it not having been provided to QAA.

36 Otherwise, the Appeal Panel shall reject the appeal and shall determine that the initial judgements shall be confirmed.

37 Where the Appeal Panel upholds the appeal, it may do either of the following:

- Set aside the affected licensing or monitoring activity judgement (this option will be exercised only where the Appeal Panel decides that the reason for upholding the

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<sup>3</sup> All references to the Head of Governance in this procedure may include any person nominated to act on their behalf.

appeal is so systemic and serious as to call the validity of the entire activity into question).

- Set aside any or all affected judgements.

38 In the event that the Appeal Panel sets aside the affected licensing or monitoring activity, a new activity will be carried out by a new Officer, based on a new submission of evidence by the applicant organisation or AVA.

39 In the event that the Appeal Panel sets aside affected judgements, the scope of any consequent activity will be determined by the Access to HE Manager, or the Director of Regulatory Services, who will be guided by the following principles.

- Recommendations successfully appealed on procedural grounds will normally result in a new Officer reviewing existing evidence relating to that recommendation.
- Recommendations successfully appealed on the grounds of new material will normally result in the existing Officer reconsidering the set aside recommendation, to take into account the new material presented at appeal.
- Should a recommendation be successfully appealed on the grounds of both procedure and new material, the remedy for successful procedural appeals detailed above will prevail, save that the new Officer will also take into account the new material presented.

40 The Access to Higher Education Diploma Manager, or the Director of Regulatory Services, will take into consideration any comments made by the Appeal Panel but will define the precise extent and scope of the re-review of the recommendations, in order to ensure that it is necessary and proportionate. The Access to Higher Education Diploma Manager, or the Director of Regulatory Services, will be guided by the list of options above but retain the right, if they consider in their opinion that it would be fairer for the applicant organisation or AVA, to direct that an entirely new activity be carried out. The decision of the Access to HE Manager or the Director of Regulatory Services is final.

41 The Appeal Panel will give reasons for its decision.

42 The decision of the Appeal Panel is final. There is no appeal from, or review of, the Appeal Panel's decision.

43 The Governance team will communicate the outcome of the Appeal Panel's consideration of an appeal to the Chief Officer of the applicant organisation/AVA and nominated contact person, normally within seven working days of the date of the Appeal Panel.

44 If an appeal is rejected, the ARLC's recommendation:

- that an AVA Licence should be refused
  - that an AVA licence should be withdrawn, or
  - for the time period of an AVA licence
- will be forwarded to the QAA Board.

Where the recommendation is that an AVA licence should be withdrawn, procedures for the withdrawal of the licence as detailed in [The Access to HE Licensing Arrangements](#) will be initiated.

45 Once the AVA has been advised of the Appeal Panel's decision, the appeal procedure is completed.

46 QAA is committed to providing the best possible service, and to working in an open and accountable way. This includes responding positively to feedback opportunities presented by the appeals process. Lessons learnt will be communicated to the Access to HE team and reported to the QAA Board.



## Appendix 1: AVA Appeal Submission Form

This document is also available in Welsh on the [QAA website](#).

<b>Name of organisation submitting appeal</b>	
<b>Address of organisation submitting appeal</b>	

Judgement(s) being appealed (see note (i) below)	Tick if appealing on grounds of 'Procedure' (see note (ii) below)	Tick if appealing on grounds of 'New Material' (see note (iii) below)

**Note (i)** Only recommendations made to the QAA Board: **that an AVA Licence should be refused; that an AVA licence should be withdrawn; or, for the time period of an AVA licence** can be appealed, and one or two grounds in support of the appeal must be indicated (see notes (ii) and (iii) below).

**Note (ii)** 'Procedure' refers to an irregularity in the conduct of the licensing activity such that the legitimacy of the decision(s) reached is/are called into question.

**Note (iii)** 'New Material' refers to material that was in existence at the time the decision was made which, had it been made available before the licensing activity had been completed, would have influenced the recommendations, and in relation to which you must provide a good reason for it not having been provided to QAA.

Please detail below (or on a separate sheet) the way in which you consider the licensing activity to be flawed, based on the grounds of appeal you have selected on the previous page, making sure to explicitly identify the alleged deficiencies that led to each of the appealed judgements (please number your submission accordingly).

**Appeal explanation**

**Reference  
number of  
supporting  
document**

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Appealing organisation's nominated contact person	
<b>Name</b>	
<b>Title</b>	
<b>Contact number</b>	
<b>Email address</b>	

On behalf of the organisation named on page 1 of this form, I confirm that this submission constitutes the entirety of the appeal, and that the information contained herein is accurate and complete.

Appealing organisation's authorised signatory	
<b>Signature</b>	
<b>Name</b>	
<b>Title</b>	
<b>Date</b>	

This form, duly completed, any supporting documentation and all subsequent correspondence relating to the appeal should be sent directly to [governance@qaa.ac.uk](mailto:governance@qaa.ac.uk).

**Note: Please do not send appeal correspondence to any member of the Access to HE team.**

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