

NATIONAL EXAMINING BOARD FOR DENTAL NURSES

Appeals Policy

Policy	Appeals Policy
Effective Date	28 November 2014
Date Last Reviewed	<i>New policy yet to be reviewed</i>
Scheduled Review Date	September 2015
Supersedes	Requests for a Review 2009 (post-registration) Appeals Policy 2009 (Quality Assurance) Appeals Policy 2011 (Diploma) Any information or instruction relating to appeals
Original Author	Sue Barker, Operations Manager
Owned by	Education Committee / Quality Assurance Committee
Monitored by	Governance Committee
Approved by	Board of Trustees on 28 November 2014

Purpose

The purpose of this policy is to ensure that:

- NEBDN has a clear policy and procedure in place for applicants to follow, should they wish to submit an appeal against (a) their examination result or (b) a decision made under and/or a sanction imposed through NEBDN quality assurance processes;
- all submitted appeals are received, processed and considered in a consistent, fair and timely manner;
- in considering appeals, a fair and standardised approach is taken to decision-making.

Scope

Who can appeal?

1. Candidates against their examination result – any candidate registered with NEBDN who has received a 'fail' result in their examination and who can meet one or more grounds for appeal.
2. Course Providers against NEBDN quality assurance processes – any course provider who can meet one or more grounds for appeal.

Limitations

Candidates and course providers - refer to *'Invalid Grounds for an Appeal'*.

Specifically:

1. Candidates – where a candidate is merely disappointed and/or surprised with their examination result because they had expected to pass, this does not constitute grounds for an appeal. In these circumstances, the candidate may apply for a Candidate Performance Report and is referred to NEBDN's Candidate Performance Report Policy.
2. Course Providers – where a course provider disagrees with the general conduct of the NEBDN auditor during an accreditation or audit visit, this does not constitute grounds for an appeal. In these circumstances, the course provider is referred to NEBDN's Complaints Policy.
3. Course Providers – following receipt of an audit visit report, course providers have 10 working days in which to respond and comment on any apparent inaccuracies in the report. This is a normal part of the quality assurance process; this is not an appeal.

Policy statement

NEBDN registered candidates and course providers have the right to appeal against ratified examination results and/or decisions made and/or sanctions imposed under NEBDN quality assurance processes where it is alleged that an injustice or instance of maladministration has occurred. This Appeals Policy sets out the rules and procedures that are in place to facilitate this.

Definitions

What is an appeal?

An appeal is a formal request from:

- a) a registered NEBDN candidate for a review to be undertaken in respect of their examination result because it is alleged that an injustice or instance of maladministration has occurred.

or

- b) a course provider for a review to be undertaken in respect of a decision made or sanction imposed under NEBDN quality assurance processes because it is alleged that an injustice or instance of maladministration has occurred.

Refer to *'Grounds for an Appeal'*.

Appellant

The appellant is the person(s) making the appeal.

Responsibilities

The Education Committee (in respect of examination candidates) and the Quality Assurance Committee (in respect of course providers) are responsible for reviewing this policy on a regular basis to ensure that it is fit for purpose. The Committees will be guided by feedback from NEBDN staff members who operate the policy, in particular the Operations Manager (in respect of examination candidates) and the Quality Assurance Coordinator (in respect of course providers).

Confidentiality

Appeals will be dealt with in a confidential manner. Everyone involved in the process has a duty to maintain confidentiality. However, for an appeal to be fully investigated, it may be necessary to disclose the identity of the appellant to examiners (where the appellant is a candidate appealing against their examination result) and/or to anyone who may be directly involved in the appeal and/or its investigation. We may need to provide relevant parties with a copy of the appeal and any evidence relating to it.

Where the appellant is a candidate, NEBDN will communicate directly with the candidate but it is usual practice for the candidate's course provider to be informed that an appeal has been received. The candidate and the course provider will be notified of the subsequent outcome.

Where the appellant is a course provider, the course provider will be notified of the subsequent outcome directly.

References

Assessment Policy
Candidate Performance Report Policy
Complaints Policy
Examiner Code of Conduct
Exceptional Mitigating Circumstances Policy
Fees and Invoicing Policy
Quality Assurance Standards

Questions

If you have any questions about this policy, please email NEBDN at info@nebdn.org and your enquiry will be directed to the appropriate member of staff.

Appeals Procedure

There is a fee for this service. The current fee is specified on the relevant Appeal Form available on the NEBDN website at www.nebdn.org

Grounds for an Appeal

Examination Results

A candidate wishing to submit an appeal against their examination result must ensure that it is supported by evidence and is lodged on at least one of the following grounds:

- There is evidence to indicate that there was an irregularity in the conduct of an examination or that NEBDN Examiners did not act in accordance with published examination regulations;
- There was an apparent computational or administrative error in the recording, processing or reporting of examination results;
- Details of Exceptional Mitigating Circumstances which were, **for justified reasons**, not available prior to the issue of examination results in accordance with the NEBDN Exceptional Mitigating Circumstances Policy.

Quality Assurance

A Course Provider wishing to submit an appeal against NEBDN's quality assurance processes must ensure that it is supported by evidence and is lodged on at least one of the following grounds:

- There is evidence to indicate that there was an irregularity in the audit process or that NEBDN did not act in accordance with published regulations, processes or NEBDN Quality Standards;
- There was an apparent administrative error in the recording, processing or reporting of an audit or investigation;
- There is evidence to indicate that a decision was made and/or sanctions were imposed as a result of factually incorrect information.

Invalid Grounds for an Appeal

Examination Results

Examples of grounds on which an appeal will not be considered include:

- A candidate is disappointed with their examination result but there are no valid grounds for an appeal;

- A candidate's employer and/or their course provider is disappointed and/or surprised at an examination result because the candidate performs well at work or has done well during their course but there are no valid grounds for an appeal;
- A candidate and/or their employer and/or their course provider disagrees with the academic and/or professional judgment of NEBDN Examiners;
- A candidate did not understand, or was not aware of, the published NEBDN examination regulations, guidance or procedures;
- A candidate has a complaint or grievance against their course provider and/or the delivery of teaching methods;
- Claims that a candidate's performance was adversely affected by factors such as ill-health where there is no independent, medical or other evidence to substantiate this;
- Details of Exceptional Mitigating Circumstances where there is no justification for failing to present the circumstances prior to the issue of examination results, in accordance with the Exceptional Mitigating Circumstances Policy.

Quality Assurance

Examples of grounds on which an appeal will not be considered include:

- A course provider is disappointed with their audit report but there are no valid grounds for an appeal;
- A course provider is unhappy with the general conduct of an NEBDN auditor during an accreditation or audit visit (this would be treated as a complaint).

Submitting an Appeal

Any candidate registered with NEBDN who can meet the criteria for appeal outlined in this policy may submit an appeal against the result of their examination.

Any course provider who can meet the criteria for appeal outlined in this policy may submit an appeal against NEBDN quality assurance processes.

An appeal must be submitted on the correct form with the required supporting evidence and within the published timescale. The current appeal fee must be paid before the appeal can be considered.

For more information on supporting evidence, refer to '*Grounds for Appeal*'.

Appeals will automatically be rejected (not accepted for consideration) where:

- a) the appeal is not submitted on the correct form;
- b) the appeal does not have any supporting evidence;
- c) the appeal fee has not been paid;

d) the appeal is not submitted within the published timescale.

Appeals which are accepted for consideration may be:

- a) upheld
- b) not upheld

NEBDN Appeals Panel

If a case for an appeal is established, the details are forwarded to an Appeals Panel for consideration.

Examination Results

Where the appellant is a candidate appealing against the result of an examination, the constitution of the NEBDN Appeals Panel will be:

- the Chair of the Education Committee
- the Chair of one of NEBDN's Qualifications Committees*
- the Operations Manager

If panel members are unavailable they may be substituted so as to avoid a delay in the appeals procedure. A substitute may be, for example, NEBDN's Chief Executive or a senior staff member, a Chair of a Committee* or a member of the Board of Trustees.

**This will not be the same Committee as that which is responsible for the qualification that the appeal relates to.*

Quality Assurance

Where the appellant is a course provider appealing against quality assurance processes, the constitution of the NEBDN Appeals Panel will be:

- the Chief Executive
- a Quality Assurance Auditor*
- the Quality Assurance Coordinator

If panel members are unavailable they may be substituted so as to avoid a delay in the appeals procedure. A substitute may be, for example, NEBDN's Operations Manager or a Quality Assurance Auditor*, the Chair of the Education Committee or a member of the Board of Trustees.

**This will not be the same Quality Assurance Auditor as the one assigned to the course provider making the appeal.*

Timescale

Examination Result

For an appeal against an examination result to be considered it must be lodged with NEBDN within 10 working days from the issue of examination results.

Upon receipt at NEBDN, the Assessment and Awards team will carry out a basic check against policy criteria and the appeal will either be rejected (if it does not meet the basic criteria) or forwarded to the Appeals Panel within 10 working days from the date of receipt.

The Appeals Panel will consider the appeal and reach a decision within 20 working days from the panel receiving it. In cases where additional information has to be obtained and considered, it may take longer than 20 working days but the appellant will be informed.

The appellant will be notified in writing of the Appeals Panel's decision within 10 working days thereafter.

Quality Assurance

For an appeal against quality assurance processes to be considered it must be lodged with NEBDN within 10 working days from the Course Provider receiving the audit visit report.

Upon receipt at NEBDN, the Quality Assurance Coordinator will carry out a basic check against policy criteria and the appeal will either be rejected (if it does not meet the basic criteria) or forwarded to the Appeals Panel within 10 working days from the date of receipt.

The Appeals Panel will consider the appeal and reach a decision within 20 working days from receipt. In cases where additional information has to be obtained and considered, it may take longer than 20 working days but the appellant will be informed.

The appellant will be notified in writing of the Appeals Panel's decision within 10 working days thereafter

Appeal Outcomes

Each appeal is considered on a case-by-case basis. Outcomes of appeals will be confirmed by NEBDN in writing within the published timescale. In rare circumstances where the timescale cannot be met, the appellant will be notified in writing.

Where an appeal is upheld and NEBDN is found to be at fault, NEBDN will refund the appeal fee to the appellant.

Examination Results

If an appeal is upheld, the outcome of the appeal may include, but is not limited to, one or more of the following:

- additional marks awarded;
- an extension granted;
- financial recompense (for example, fee reduction);

The outcomes may vary dependent on the content of the appeal, its nature and the examination to which it refers. In particular, it is important to note that additional marks and/or a change to the examination result cannot be applied to an upheld appeal submitted on the grounds of an Exceptional Mitigating Circumstance.

Re-sit Candidates

Candidates should not assume that the outcome of their appeal will negate the need to re-sit their examination.

Where a candidate is entered for a re-sit examination and the outcome of their appeal means that they no longer need to re-sit, NEBDN will withdraw the candidate from the re-sit examination and make arrangements with their course provider for the re-sit exam fee to be refunded.

Quality Assurance

If an appeal is upheld, the outcome of the appeal may include, but is not limited to, one or more of the following:

- a review of the accreditation application;
- an extension granted;
- accreditation approval granted;
- a review of the sanctions imposed;
- removal of imposed sanctions;
- removal of suspension.

The outcomes may vary dependent on the content and nature of the appeal.

CHECKLIST – Submitting an appeal

If you are submitting an appeal, check that you have:

1. Completed the correct Appeal Form.
Current form available on our website at www.nebdn.org
2. Attached supporting evidence which meets NEBDN criteria.
Refer to information under "Grounds for Appeal" in this policy

3. Enclosed the correct payment (or indicated method of payment on form)
The current fee is listed on the relevant Appeal Form
4. Applied within 10 working days from the date of issue of examination results
Where the appellant is appealing against an examination result
5. Applied within 10 working days from the date of receiving the audit visit report
Where the appellant is a course provider appealing against a quality assurance decision