

A Quick Guide to Understanding Complaints, Whistleblowing, Appeals and Representations.

Introduction:

This document outlines the different options available to individuals who remain dissatisfied with an aspect (or aspects) of provision in relation to Access to Higher Education Diploma titles validated by Laser Learning Awards (hereafter LASER), acting in their capacity as an Access Validating Agency (AVA).

The document discusses each option and identifies relevant policy as well as outlining the key processes for informing LASER of the concerns.

Complaints:

A complaint may be made by anyone who remains 'dissatisfied' with an aspect (or aspects) of their experience in relation to a LASER validated Access to Higher Education diploma. Complainants may be students or tutors or others (such as prospective students) who have been directly affected by the conduct of LASER or one of its validated Centre / Providers. Where a concern is being raised by an individual who has not been directly involved in the issues raised, this would likely fall within the remit of the LASER: Whistleblowing Policy and Procedures.

An example of a formal complaint in relation to LASER might be that there were unreasonable delays in responding to a certification enquiry. Equally, a complaint in relation to a Centre / Provider might be that the Centre / Provider did not provide appropriate advice and guidance in relation an aspect of progression. Complaints about a Centre // Provider's conduct should only be made to LASER in the wake of the complainant exhausting the existing centre level complaints policy. LASER will require evidence that this is the case prior to any investigation.

A complaint will not deal with regulatory and assessment decisions taken by the Centre / Provider, the External Quality Assurer, or by a LASER Access to HE Diploma Award Board in relation to the QAA Regulatory Framework and / or the application of the Grading Standards as set out within the QAA Grade Scheme Handbook. QAA regulations are **not** dealt with under the auspices of the LASER AHE Complaints Policy and Procedures.

Where Students wish to raise issues relating to the QAA Regulatory Framework which suggest (see: QAA Grade Scheme Handbook Section E8 (p.7)):

- *evidence of administrative or procedural error*
- *extenuating circumstances that, for good reason, could not be notified prior to the awards board.*

These matters should be raised under the LASER: AHE Appeals Policy and Procedures.

Where a student wishes to challenge a grade indicator (or indicators) awarded or an overall unit grade, they should refer to the 'LASER: Representation process'

The LASER: AHE Complaints Policy and Procedure sets out the requirements in terms of submission of evidence and the management of complaints by LASER. The policy can be found here:

[AHE Complaints Policy and Procedures.pdf](#)

Whistleblowing:

The LASER AHE Whistleblowing Policy and Procedure applies in situations where an individual wishes to raise concerns in relation to some aspect of provision on an Access to Higher Education diploma which whilst presenting a concern (and threat to the quality of provision) does not directly impact upon them.

This policy might relate to either the conduct of a LASER employee or External Quality Assurer or the conduct of a centre or member of their staff.

An example of where this policy might apply could be that an individual witnessed an External Quality Assurer colluding with a member of centre staff to misrepresent another student's achievement. In this sense, although the whistleblower is not directly impacted by the action, they are compelled to report the malpractice / misconduct of the other parties.

The LASER AHE Whistleblowing Policy and Procedures set out the requirements in terms of submission of evidence and the management of complaints by LASER. The policy can be found here:

[AHE Whistleblowing Policy.pdf](#)

Appeals:

Appeals relate directly to the QAA Regulatory Framework and specifically the decisions taken in relation to the regulations set out within the QAA Access to HE Diploma Specification and the Grade Scheme Handbook. An appeal will usually be made with an anticipation that if upheld a specific 'action' will occur. This differentiates Appeals from Complaints or Whistleblowing, in that the concerns relate to a request for a specific action (for example, that a student be allowed a Referral or that mitigation be accepted to allow for grading where an assignment was capped to Pass for late submission). Appeals will always relate to some aspect of the QAA Regulatory Framework and particularly the Grade Scheme Handbook. However, Appeals cannot be made in relation to the grade indicators and grade awarded to student work as a challenge to the grading of work is undertaken via the process of Representation. Appeals under the QAA Regulations may relate to the following circumstances (Grade Scheme Handbook Section E8 (p.7)):

- *evidence of administrative or procedural error*
- *extenuating circumstances that, for good reason, could not be notified prior to the awards board.*

Appeals under these auspices can be made in two ways. An appeal can be made to a LASER Access to HE Award Board in relation one or both above criteria. An example might be that an assessment was 'capped to Pass' because of late submission at the end of the course, but the student is subsequently able to establish that they a close relative had been very ill, and this had impacted upon their ability to submit their work. In this instance, and upon consideration of the evidence, the Access to HE Diploma Award Board might decide that the evidence warranted extenuation and the cap be lifted such that the work may be graded.

The second potential for appeal is where a student contests the decision of the Award Board in relation to a regulatory matter. This might be that a 'Representation' to challenge a grade was not carried out properly by those involved in the Access to HE Diploma Award Board. In such circumstances, the Appeal will be made to the Access to HE Quality Manager with a view to them reviewing the Diploma Award Board decision based on the QAA criteria noted above. For the avoidance of doubt where a Representation is undertaken employing the correct process, there can be no change to the outcome in terms of the grade. Therefore, if a Representation found that the work was graded accurately and given that due process was applied, the decision for the grade to be upheld cannot be challenged.

The LASER AHE Appeals Policy and Procedures set out the requirements in terms of submission of evidence and the management of appeals by LASER. The policy can be found here:

[AHE Student Appeals Guide.pdf](#)

Please contact LASER for the relevant Student Appeal form accessenquiries@laser-awards.org.uk

Representations:

Representations are used where a student wishes to challenge one or more of the grade indicators (*i.e.* Grading Standards 1, 2, 3) awarded to a unit assignment and potentially the overall unit grade(s) awarded to the unit (or units) within their diploma. The QAA Grade Scheme Handbook Section C7b (p.9) sets out the processes and protocols necessary for making a 'Representation'. Further guidance is also available in Annex C5 (p.20) in Section C of the QAA Grade Scheme Handbook.

The QAA requirements state that where a student wishes to challenge a grade indicator(s) for a unit, firstly an informal discussion with the assessor should take place, where the assessor explains the reasons for their grading based on the feedback provided. If the student remains unhappy with the grades applied, then they should make a formal Representation.

The student should have a clear rationale for making their case in challenging the grade. *'I need a Distinction to get to university'* would not be sufficient reason to challenge, whereas *'the marker stated in their feedback that the work showed consistently excellent understanding and yet GS1 is marked at Merit'* would represent a valid reason to challenge the grade for Grading Standard One.

LASER provides a form which allows students to provide relevant information (name, centre, diploma, unit title), including details of the reasons for making the 'Representation'.

Please contact LASER for the relevant Student Representation form accessenquiries@laser-awards.org.uk

This should be submitted to your tutor, and the form triggers the formal process.

The Internal Quality Assurer or other nominated reviewer with subject expertise at the Centre / Provider must then review the work and consider whether (or not) a decision to change to the grade indicator(s) should be made and whether this would lead to a change in the unit grade (which may not automatically be the case). This will be done by effectively 're-marking' the work. Once the nominated reviewer has made a decision, the work, alongside the form recording their decision will be passed to the External Quality Assurer for the diploma. The External Quality Assurer will either agree the grade awarded by the Centre Reviewer or recommend a change to it. Only once the Internal Quality Assurer / Reviewer and the External Quality Assurer have agreed the grade indicators for the assessment and the grade, will the student be informed of the outcome of the 'Representation'.

Please note that a Representation should be made as soon as is possible from the receipt of your marked assignment and no longer than one month from the return of the work.

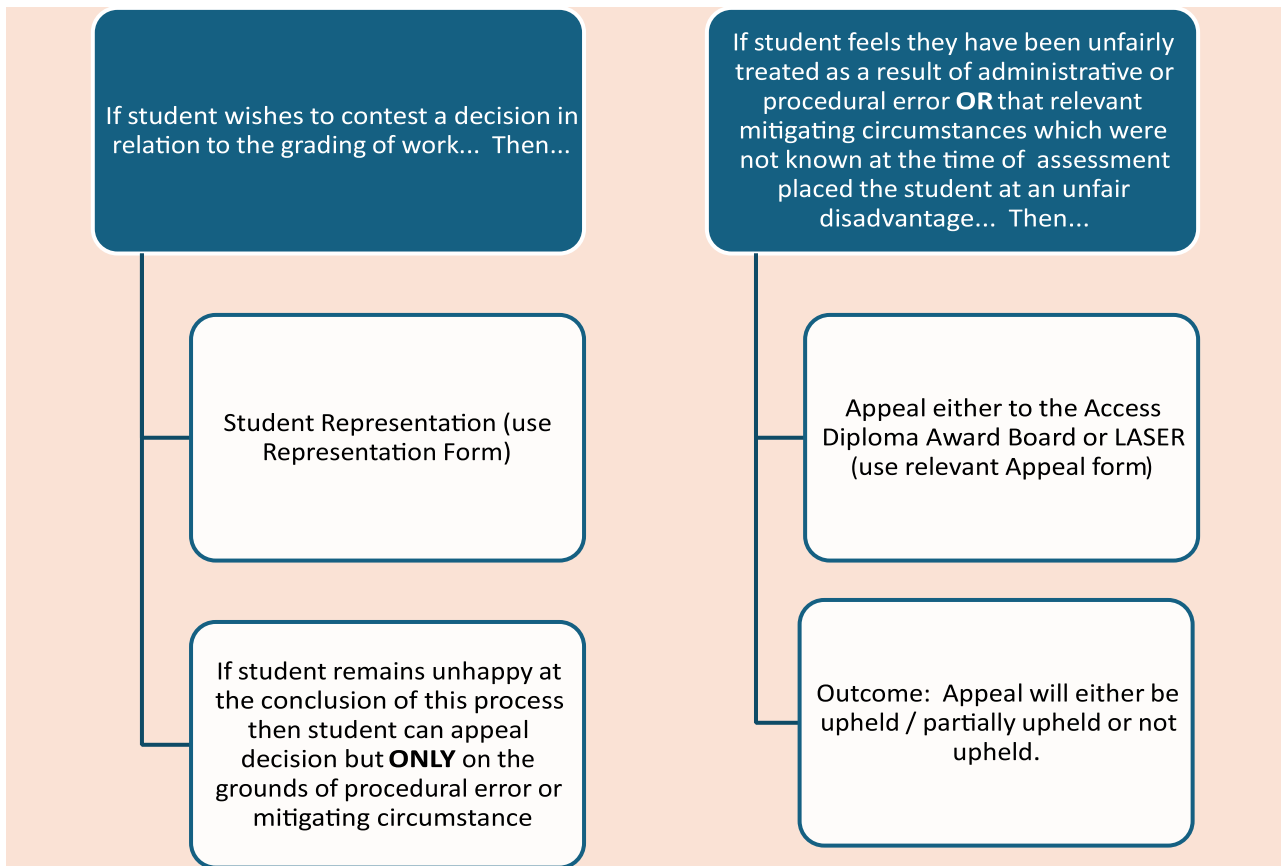
There is no further route to challenge the grade awarded as the Representation is the only mechanism to challenge a grade indicator and unit grade set out within the QAA Grade Scheme Handbook. The only route of Appeal in relation to a Representation would be if the student able to prove that due process was not undertaken (and for example, the External Quality Assurer had not been included in the process meaning it had not been formally completed). A correctly undertaken Representation cannot be challenged only the process (if it does not adhere to the QAA Regulations).

Which Route to take:

This document has set out the various avenues which a student may pursue where they may be dissatisfied with some aspect of their experience on a LASER validated Access to HE Diploma. It is recognized that issues may be quite complex and for example an Appeal may also contain issues of complaint. In such cases the student should consider the nature of the contested issue and the desired outcome in deciding whether the Complaints or Appeals policy is appropriate. If a student is dissatisfied with aspects of their experience on an Access to HE Diploma, then they should make a complaint (in the first instance) to their Centre and only then, if they remain unhappy, should they escalate the complaint to LASER (as long as it falls within the remit of the LASER Complaints Policy and Procedures). However, if a student feels that they have been unfairly treated because of the misapplication of the QAA Regulations, whether because of administrative or procedural errors, or that relevant mitigation has not been recognised, then they should pursue an appeal.

Appeals though are not relevant to challenge grading judgments. The only mechanism to challenge a grading judgment is the use of a Representation.

The chart below provides an example of the differences between Representations and Appeals and may assist students in deciding which route is appropriate:



Where student concerns relate to matters to which they are not directly involved, then such concerns should be communicated via the LASER Whistleblowing policy.

The timelines for the management of different avenues are set out within the relevant policy documentation.

We hope that this document has been useful in setting out which policies apply in the different scenarios, but should you still feel uncertain, please do not hesitate to contact LASER at accessenquiries@laser-awards.org.uk