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**POLICY FOR CLAIMS FOR MITIGATING  
AND/OR EXTENUATING  
CIRCUMSTANCES AND APPEALS  
AGAINST ASSESSMENT BOARD  
DECISIONS**

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**POLICY FOR CLAIMS FOR MITIGATING AND/OR EXTENUATING CIRCUMSTANCES  
AND APPEALS AGAINST ASSESSMENT BOARD DECISIONS**

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## INTRODUCTION

### **1. Scope and Purpose**

This Policy sets out the procedures to be followed in cases where a candidate wishes to:

- Submit a claim for Mitigating and/or Extenuating Circumstances; and/or
- Appeal against the decision of an Assessment Board.

### **2. Fairness**

Every effort has been made in the design of this Policy to ensure it embodies the principles of fairness and is operated in a fair manner including:

- Giving reasons for actions taken and decisions made by Kaplan QLTS
- Removal of bias by independent consideration at each stage of the process
- Reasonable timescales for both submissions to and responses from Kaplan QLTS
- An opportunity for both parties to be equally heard and have equal access to documentation where matters proceed to a hearing/investigation.

### **3. Confidentiality**

Information provided by candidates under these procedures will be treated confidentially and only shared with those persons necessary to progress their case as indicated on the attached forms.

### **4. Representation and collective appeals**

Candidates cannot ordinarily be represented by a third party in any of the procedures envisaged by this Policy. However, there may from time to time be circumstances where a collective submission may be made by a group of candidates e.g. where the same circumstances are claimed to have existed and affected more than one candidate.

### **5. Timescales**

Kaplan QLTS will endeavour to comply with time limits prescribed in this Policy although there may be circumstances in which it cannot reasonably meet such time limits, in which case this must be communicated to the other party at the earliest opportunity. Similarly Kaplan QLTS considers that candidates will normally be able to meet the time limits in communicating with it, unless affected by similar circumstances; in which case the candidate must communicate this to Kaplan QLTS at the earliest opportunity.

### **6. Candidates with a Disability**

Where a candidate indicates at any stage of the procedure set out in this Policy that they have a disability, information will be made available to them in appropriate formats and reasonable adjustments will be made to proceedings to accommodate their needs.

### **7. Policy review**

Kaplan QLTS will conduct an annual review of this and all associated policies in accordance with its Quality Assurance procedures.

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**PART I**  
**CLAIMS FOR MITIGATING AND/OR**  
**EXTENUATING CIRCUMSTANCES**

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## CLAIMS FOR MITIGATING AND EXTENUATING CIRCUMSTANCES

### 1. Definition

- 1.1 For the purpose of this Policy, “Mitigating and/or Extenuating Circumstances” has the following meaning:
- a) a mistake or irregularity in the conduct of the assessment or
  - b) a material administrative error or
  - c) a candidate's illness or other personal circumstances beyond his/her reasonable control subject to Kaplan QLTS Assessment Regulation 8

which materially and adversely affects a candidate's performance in the assessment.

- 1.2 Disagreement with the academic judgement of the Assessment Board cannot amount to Mitigating and/or Extenuating Circumstances.
- 1.3 Candidates are referred to [Assessment Regulations 8 to 10](#) and should be aware that evidence produced after the event in respect of circumstances existing before the assessment will not usually be accepted or considered.

### 2. Procedure for Making a Claim

- 2.1 A candidate who believes that his/her academic performance has been materially and adversely affected by any of the circumstances outlined in 1.1 a-c above and who wants the Assessment Board to take this into account in reaching its decision, may make a claim for Mitigating and/or Extenuating Circumstances.
- 2.2 All such claims must be made in writing to the Assessments Department of Kaplan QLTS **within 10 working days** of the assessment in question using the form at **Appendix 1** and should be accompanied, wherever possible, by supporting written evidence. A medical certificate should be provided as evidence of illness including relevant dates and the nature, onset and duration of the condition.

### 3. Consideration of Claim

- 3.1 All claims will be submitted to Kaplan QLTS’s Extenuating Circumstances Panel (“the ECP”) who will determine (a) whether the claim amounts to Mitigating and/or Extenuating Circumstances; and (b) whether the evidence presented substantiates the claim. Where necessary, the ECP may call for further evidence and/or undertake an investigation.
- 3.2 The ECP will consist of at least 2 members of Kaplan academic staff and either a representative of the SRA or an external examiner. The ECP will convene to review the claim and will record its decision in writing. All paperwork relating to a claim will be treated as confidential.
- 3.3 Ahead of each Assessment Board meeting, the ECP will prepare 2 lists in the format in **Appendix 2** as follows:
- A list of candidates whose claims of Mitigating and/or Extenuating Circumstances are not covered by this Policy and/or are deemed **not** to have been substantiated by the evidence presented; and

- A list of candidates whose claims of Mitigating and/or Extenuating Circumstances are covered by this Policy and **are** deemed to have been substantiated by the evidence presented.

Both lists will be forwarded to the Assessment Board in time for their meeting. If necessary, a member of the ECP will attend the Board to report on the decision of the Panel.

- 3.4** Candidates who make a claim for Mitigating and/or Extenuating Circumstances on ground 1.1(c) above namely illness or other personal circumstances beyond his/her reasonable control should note that their paper will not be marked until the Assessment Board has decided whether to accept the claim. If the Assessment Board accepts the claim the paper will not be marked and the assessment attempt will be discounted. If the Assessment Board does not accept the claim the paper will be marked in the normal way and the attempt will count.
- 3.5** Candidates whose claims for Mitigating and/or Extenuating Circumstances are accepted by the Assessment Board will ordinarily be given the opportunity to resit the assessment which was affected by the Mitigating and/or Extenuating Circumstances, and have their original attempt discounted. The marks of a candidate whose claim for Mitigating and/or Extenuating Circumstances is successful will not be adjusted where the claim is based on illness or personal circumstances beyond his/her reasonable control.
- 3.6** Candidates will be notified of the decisions of the Assessment Board within a reasonable time of the Assessment Board meeting. Upon receipt of the Assessment Board's decision, dissatisfied candidates may, subject to satisfying the grounds for appeal, be able to appeal against the Assessment Board's decision, including in respect of the candidate's claim for Mitigating and/or Extenuating Circumstances. The procedure for such appeals is set out in the next section of this Policy.

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**PART II**  
**APPEALS AGAINST ASSESSMENT**  
**BOARD DECISIONS**

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## APPEALS AGAINST ASSESSMENT BOARD DECISIONS

### 1. Informal resolution

It is recognised that there may be an informal stage in the process, after a candidate receives his/her results, during which time they may contact Kaplan QLTS staff at the Assessments Department of Kaplan QLTS in connection with their results. This informal stage should be initiated as soon as possible by email: [qltsassessments@kaplan.co.uk](mailto:qltsassessments@kaplan.co.uk). If it is not possible to resolve the request informally and the candidate feels they have grounds for a formal request for reconsideration, Kaplan QLTS may increase the usual timescale for submission to reflect the time taken in considering the informal enquiry.

### 2. Verification of marks

A candidate who wishes to verify any mark or marks by means of a clerical check may apply to the Assessments Department of Kaplan QLTS (Email: [qltsassessments@kaplan.co.uk](mailto:qltsassessments@kaplan.co.uk)). A charge of £50 + VAT will be made for a request to verify marks. This will be refunded if an error is found. A request for a verification of marks must be made within 30 days of the release of results.

### 3. Discrimination

Candidates wishing to raise an issue of discrimination within a formal appeal against an Assessment Board decision should refer to the Kaplan QLTS Protocol where Unlawful Discrimination is Alleged (**Appendix 5**).

### 4. First Stage - Request for reconsideration

**4.1** A candidate may request that a decision of the Assessment Board be referred for reconsideration by an Adjudicator on all or any of the following grounds ("**the Permitted Grounds**"):

- There are Mitigating and/or Extenuating Circumstances, which could not previously have been put before the ECP or the Assessment Board;
- The ECP or the Assessment Board failed to evaluate properly the evidence of a claim for Mitigating and/or Extenuating Circumstances; or
- The candidate disputes the Assessment Board's finding of cheating or improper conduct.

**4.2** Disagreement with academic judgement cannot form the basis of a request for reconsideration by an Adjudicator.

**4.3** The request for reconsideration must be submitted in writing to the Assessments Department of Kaplan QLTS using the form available at **Appendix 3 not later than 10 working days** from the receipt of the official notification of the decision being appealed. Candidates are advised to retain a copy of their documentation.

**4.4** The form must specify the alleged grounds forming the basis of the request for reconsideration and include all supporting documentary evidence. It should also identify any persons who have relevant information.

**4.5** A charge of £150 + VAT will be made for a request for reconsideration. This will be



refunded if the request is deemed to be made on one of the Permitted Grounds and substantiated by the evidence presented.

**4.6** Within 5 working days of receipt of the request for reconsideration, the Head of Operations of Kaplan QLTS (or her nominee) will forward the paperwork to the Adjudicator and notify the candidate of the identity of that individual.

## **5. Role of Adjudicator and procedure for considering requests for reconsideration**

**5.1** The Adjudicator will be a Solicitor of England and Wales (practising or non-practising). The Adjudicator is not a member of the ECP, nor a member of the relevant Assessment Board.

**5.2** He/she will determine whether the request:

- i) is made on the Permitted Grounds; and
- ii) appears to be substantiated by the evidence provided.

**5.3** The Adjudicator may consult with the Chair of the Assessment Board and ECP members, and any other relevant persons for evidence and testimony.

**5.4** Where the request for reconsideration is deemed not to have been made on one of the Permitted Grounds, or where such a request is not deemed to be substantiated by the evidence presented, the Adjudicator will advise the candidate and the Head of Operations that the request has been rejected, giving reasons, within 20 working days of receipt of the request.

**5.5** Where the request for reconsideration is deemed to have been made on one of the Permitted Grounds and is deemed to have been substantiated by the evidence presented, the Adjudicator will report his/her findings to the candidate, the Chair of the Assessment Board and the Head of Operations within 20 working days of receipt of the request.

**5.6** Except in the case of manifest error, the Board will be bound to implement the Adjudicator's findings, either by decision of the Chair of the Assessment Board (acting under the authority of the Board as a whole) or by a decision at an exceptional meeting of the Board.

**5.7** Except in the case of a successful request for reconsideration of a finding of cheating or improper conduct (in which case the candidate's mark in the assessment will stand), candidates whose requests for reconsideration are successful will ordinarily be given the opportunity to retake the assessment and have their original attempt discounted. The marks of a candidate whose request is successful will not be adjusted where the request relates to illness or personal circumstances beyond his/her reasonable control.

## **6. Second stage - Appeal**

**6.1** A candidate who is dissatisfied with the original decision of the Assessment Board, and the subsequent outcome following the decision of the Adjudicator, may appeal against:

- the decision of the Adjudicator to reject the request for reconsideration
- the decision of the Assessment Board, either as Chair's action or a reconvened meeting, following referral by the Adjudicator

- the original decision of the Assessment Board
- 6.2** A candidate may not therefore appeal until after receipt of the decision of the Assessment Board and the decision of the Adjudicator where appropriate. A candidate may not appeal against the original decision of the Assessment Board without first making a request for reconsideration.
- 6.3** The appeal must be submitted to the Assessments Department of Kaplan QLTS **within 20 working days** from the date of the last communication from Kaplan, in respect of either the decision of the Assessment Board or the decision of the Adjudicator, whichever is the most recent, to the last address on the candidate's file. The appeal must be submitted on the appropriate form (see **Appendix 4**) accompanied by copies of all relevant documentation supporting the grounds for appeal. This must include copies of all documentation submitted for consideration by the ECP where appropriate, and in support of a request for reconsideration, together with a copy of the resulting decision(s).
- 6.4** A charge of £250 + VAT will be made for an appeal. This will be refunded if the appeal is upheld.
- 6.5 An appeal may be made on all or any of the following grounds:**
- That Kaplan failed materially to follow its procedures at an earlier stage within the application of these academic appeals procedures
  - That there are Mitigating and/or Extenuating Circumstances which could not have previously been put before the ECP, Assessment Board or Adjudicator.
- 6.6** The following are **matters which cannot constitute grounds for appeal** and will be rejected at the earliest possible opportunity:
- disagreement with academic judgement
  - claims that academic performance was materially and adversely affected where there is no contemporaneous, independent, medical or other evidence to support the claim
  - frivolous, vexatious or mischievous claims.
- 6.7** Following receipt of an appeal the Head of Kaplan QLTS will decide, taking advice as appropriate, within 20 working days of its receipt, whether the appeal falls within the grounds laid out in paragraph 6.5 or is rejected under paragraph 6.6 and whether there is considered to be a prima facie case presented by the candidate. The Head of Kaplan QLTS will inform the appellant of this decision, giving reasons.
- 6.8** If the Head of Kaplan QLTS considers that the appeal is within the Permitted Grounds, he/she will convene a hearing normally within 30 working days of his/her decision. Any decision that the appeal is not within the Permitted Grounds is final and there is no further right of appeal within the Kaplan QLTS procedures.
- 6.9** If the application proceeds to a second stage appeal hearing the appellant will be provided with guidance on the hearing procedure by the Head of Kaplan QLTS.
- 6.10** The Head of Kaplan QLTS will ensure that the parties and the Appeal Panel are provided with all appropriate information at least 10 working days prior to the hearing. Final evidence will be circulated 5 working days before the hearing. Late evidence may be circulated only with the consent of both parties and the Chair of the Appeal Panel.

**6.11** Should the appellant not attend the hearing it will proceed with the appellant "in absentia" and on the information already supplied. If a documented acceptable reason for absence is received the hearing date may be re-arranged.

## **7. Role of Appeal Panel in considering appeals**

**7.1** The second stage appeal will be heard by an Appeal Panel convened by the Head of Kaplan QLTS comprising 2 Solicitors of England and Wales (practising or non-practising). No member of the Appeal Panel will have previously sat on the ECP, Assessment Board or acted as Adjudicator in the matter under review.

**7.2** A member of the Appeal Panel may require the presence of a further person for the sole purpose of providing appropriate advice. This person may not participate in the discussions of the Panel nor are they entitled to vote in any decision.

**7.3** If the two members of the Appeal Panel are unable to agree then the benefit of the doubt should be given to the candidate.

**7.4** The Appeal Panel may reach one of the following decisions:

- (a) the appeal is rejected;
- (b) the appeal is upheld and the Assessment Board should be reconvened to reconsider its decision together with any alternative recommendation made by the Appeal Panel.

**7.5** The outcome of the Appeal Panel proceedings will be confidential and the parties will be notified within 5 working days of the outcome of the meeting.

**7.6** The decision of the Appeal Panel shall be final. There is no further right of appeal against the subsequent decision of an Assessment Board.

**7.7** A candidate whose appeal is upheld will ordinarily be given the opportunity to retake the assessment and have his/her original attempt discounted. The marks of a candidate whose appeal is successful will not be adjusted where the appeal relates to illness or personal circumstances beyond his/her reasonable control.

Appendix 1

**KAPLAN QLTS MITIGATING AND/OR EXTENUATING CIRCUMSTANCES REPORT FORM**

Candidates are required to use this form to explain how their academic performance in a QLTS assessment has been materially and adversely affected by mitigating and/or extenuating circumstances.

This form should be completed in typescript or handwritten legibly in black ink and, **within 10 working days** of the assessment in question, **must be submitted** to:

Assessments Department  
 Kaplan QLTS  
 Spring House, Main Building  
 40 – 44 Holloway Road  
 London  
 N7 8JL

**Email:** [qltsassessments@kaplan.co.uk](mailto:qltsassessments@kaplan.co.uk)

If you need to provide further information or continue your statement on additional pages these should be typed or handwritten legibly in black ink on plain A4 paper, clearly numbered and attached to this form. Copies of the original supporting evidence should normally accompany this form.

**A candidate who makes a claim for Mitigating and/or Extenuating Circumstances on grounds of illness or other personal circumstances beyond his/her reasonable control should note that their paper will not be marked until the Assessment Board has decided whether to accept the claim. If the Assessment Board accepts the claim the paper will not be marked and the assessment attempt will be discounted. If the Assessment Board does not accept the claim the paper will be marked and the attempt will count. See para 3.4 of Part 1 of the Policy on Mitigating and Extenuating Circumstances and Appeals.**

1. Please provide the following details:

<b>NAME:</b>	<b>CANDIDATE NO:</b>
<b>DATE OF ASSESSMENT:</b>	<b>PLACE OF ASSESSMENT:</b>

2. Indicate on what basis you are claiming mitigating and/or extenuating circumstances:

- |  |                          |
|--|--------------------------|
| a) A mistake or irregularity in the conduct of the assessment            | <input type="checkbox"/> |
| b) A material administrative error                                       | <input type="checkbox"/> |
| c) Illness or other personal circumstances beyond my reasonable control. | <input type="checkbox"/> |

*The invigilator was/was not notified of the above circumstances before I left the assessment venue.*

**NOTE: If the invigilator was not notified of these circumstances before you left the assessment venue you should explain in the space below why this was the case.**

**3. Statement of Circumstances**

This must include details of the assessment you claim was affected and the dates of all relevant events. You may also indicate briefly what outcome you are seeking in response to your submission. The marks of a candidate whose claim for Mitigating and/or Extenuating Circumstances is successful will not be adjusted where the claim is based on illness or personal circumstances beyond his/her reasonable control.

**In all cases you should explain in the space provided how you consider the circumstances outlined have materially and adversely affected your performance in the assessment in question.**

**Confidentiality and Declaration**

I agree to this information being made available to the Extenuating Circumstances Panel, the Assessment Board, the Adjudicator and any such others as are necessary for the proper consideration of my claim.

I confirm that the facts set out in this form and in any supporting documents are true and accurate to the best of my knowledge.

Signature

Date / / 20\_\_

**Office use only**

Considered by ECP on (Date) \_\_\_\_\_ / \_\_\_\_\_ / 20\_\_  
Referred to Assessment Board in list A/B (delete as appropriate)

**Appendix 2**

**REPORT FROM THE EXTENUATING CIRCUMSTANCES PANEL**

**ASSESSMENT DETAILS:**

**DATE OF ASSESSMENT BOARD MEETING:**

A: Candidates whose claims do not count as mitigating and/or extenuating circumstances and/or are deemed **not** substantiated by the evidence presented:

NAME	TYPE OF EVIDENCE	DATE OF CIRCUMSTANCES	ASSESSMENT CONCERNED
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B: Candidates whose claims do count as mitigating and/or extenuating circumstances and **are** deemed to be substantiated by the evidence provided:

NAME	TYPE OF EVIDENCE	DATE OF CIRCUMSTANCES	ASSESSMENT CONCERNED
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Signature, Chair of ECP:

DATE:

**Appendix 3**

**REQUEST FOR RECONSIDERATION OF ASSESSMENT BOARD DECISION**

This form should be completed in typescript or handwritten legibly in black ink and, **within 10 working days** of the receipt of your results, **must be submitted** to:

Assessments Department  
 Kaplan QLTS  
 Spring House, Main Building  
 40 – 44 Holloway Road  
 London  
 N7 8JL

**Email:** [qltsassessments@kaplan.co.uk](mailto:qltsassessments@kaplan.co.uk)

If you need to provide further information or continue your statement on additional pages these should be typed or handwritten legibly in black ink on plain A4 paper, clearly numbered and attached to this form. Copies of the original supporting evidence should normally accompany this form.

A charge of £150 + VAT will be made for a request for reconsideration. This will be refunded if the request is deemed to be made on one of the permitted grounds and substantiated by the evidence presented.

**1. Assessment Details**

<b>NAME:</b>	<b>CANDIDATE NO:</b>
<b>DATE OF ASSESSMENT:</b>	<b>PLACE OF ASSESSMENT:</b>

**2. Grounds of request for reconsideration**

Please indicate the grounds for your request for reconsideration:

- a) There are Mitigating and/or Extenuating Circumstances, which could not have previously been put before the Extenuating Circumstances Panel (ECP) or the Assessment Board
- b) The ECP or the Assessment Board failed to evaluate properly the evidence of a claim for Mitigating and/or Extenuating Circumstances
- c) The candidate disputes the Assessment Board’s finding of cheating or improper conduct


**3. Reasons for request for reconsideration**

Please provide a statement in the space provided setting out the reasons for your request for reconsideration. You may also indicate briefly what outcome you are seeking if your request is upheld. The marks of a candidate whose request is successful will not be adjusted where the request relates to illness or personal circumstances beyond his/her reasonable control.



**4. Further information**

Please attach any further information which you would like the Adjudicator to be aware of during his/her consideration.

**5. Confidentiality and Declaration**

I agree to this information being made available to the Extenuating Circumstances Panel, the Chair of the Assessment Board, the Adjudicator and any such others as are necessary for the proper consideration of my claim.

I also confirm that the facts set out in this form and in any supporting documents are true and accurate to the best of my knowledge.

Signature

Date

**Office use only**

**Summary of action taken by Adjudicator**  
**Request for reconsideration accepted/rejected**

Signature of Adjudicator \_\_\_\_\_

Date / /20\_\_

**Appendix 4**

**APPLICATION FOR APPEAL**

This form should be completed in typescript or handwritten legibly in black ink and **must be submitted within 20 working days** of the last communication from Kaplan, in respect of either the decision of the Assessment Board or the decision of the Adjudicator being appealed, whichever is the most recent to:

Assessments Department  
 Kaplan QLTS  
 Spring House, Main Building  
 40 – 44 Holloway Road  
 London  
 N7 8JL

**Email:** [qltsassessments@kaplan.co.uk](mailto:qltsassessments@kaplan.co.uk)

If you need to provide further information or continue your statement on additional pages these should be typed or handwritten legibly in black ink on plain A4 paper, clearly numbered and attached to this form. Copies of the original supporting evidence should normally accompany this form.

A charge of £250 + VAT will be made for an appeal. This will be refunded if the appeal is upheld.

**N.B. A candidate may not appeal against the original decision of the Assessment Board without first making a request for reconsideration.**

**1. Assessment Details**

<b>NAME:</b>	<b>CANDIDATE NO:</b>
<b>DATE OF ASSESSMENT:</b>	<b>PLACE OF ASSESSMENT:</b>

**2. Grounds of appeal**

Please indicate the grounds for your appeal:

- a) That Kaplan failed materially to follow its procedures at an earlier stage within the application of these academic appeals procedures
- b) That there are Mitigating and/or Extenuating Circumstances which could not have previously been put before the ECP, Assessment Board or Adjudicator


**3. Reasons for appeal**

Please provide a summary of your appeal in the space provided. You may also indicate briefly what outcome you are seeking if your appeal is upheld. The marks of a candidate whose appeal is successful will not be adjusted where the appeal relates to illness or personal circumstances beyond his/her reasonable control.

**4. Further information**

Please attach any further information the Appeal Panel should be aware of during its consideration. This must include copies of all documentation submitted for consideration by the Extenuating Circumstances Panel, where appropriate, and in support of a request for reconsideration, together with a copy of the resulting decision(s).

**5. Confidentiality and Declaration**

I agree to this information being made available to those involved in the Kaplan QLTS appeal process.

I also confirm that the facts set out in this form and in any supporting documents are true and accurate to the best of my knowledge.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Office use only**

**Summary of action taken by Appeal Panel**

**Appeal rejected/upheld**

Signature of Chair of Appeal Panel \_\_\_\_\_

Date / /20\_\_

**Appendix 5**

**Protocol where Unlawful Discrimination is Alleged**

1. This Protocol will apply where a candidate makes an allegation of unlawful discrimination or other act deemed to be unlawful under the Equality Act 2010 ("an act of discrimination").
2. Any allegation of unlawful discrimination must be made within **10 working days** of the conduct complained of.
3. In a case where a candidate has made a representation based on more than one ground, of which an act of discrimination is one, the procedure for investigating such act of discrimination will be carried out in full before the other grounds for appeal are investigated. Any time limits under the normal procedure will be suspended pending consideration of the allegations of an act of discrimination.
4. Where such an allegation against Kaplan QLTS is made, the matter shall be immediately identified and reported to the Head of Kaplan QLTS.
  - 4.1 The Head of Kaplan QLTS will, in cases where the act of discrimination is alleged to be the result of the action of (a) named individual(s), inform them in writing of the allegation and the requirement that they must not contact the candidate in relation to it.
  - 4.2 If the Head of Kaplan QLTS considers that the allegation is not sufficiently detailed to allow further action to take place, he/she will ask the candidate to provide the complete case in writing within 20 working days.
5. Kaplan QLTS shall notify the SRA immediately on receipt of any complaint of an act of discrimination from a candidate. Kaplan QLTS is responsible for addressing and resolving all such complaints but in so doing shall give due consideration to any input received from the SRA. The procedure set out below is subject to this requirement.
6. Within 20 working days of receipt of the candidate's case, a panel, consisting of two staff, each nominated by the Head of Kaplan QLTS ("the Panel"), will consider the case based on the information available and may decide:
  - a) That a *prima facie* case of an act of discrimination exists and that the matter be referred back to the Head of Kaplan QLTS for further action
  - b) That the matter requires further investigation by an independent investigator or
  - c) That, based on the evidence available, no case of an act of discrimination can be proved.
7. Where an investigation subsequently takes place under 6b) above, the report of the investigator together with any further comments made by the candidate/named individuals will be given to the Head of Kaplan QLTS.
8. The report will then be passed back to the Panel who may make the following decisions:
  - a) Dispose of the case by holding that no act of discrimination can be proved to have occurred. In these circumstances, where the candidate has

appealed on multiple grounds, of which an act of discrimination by Kaplan QLTS is one, these other grounds will then be considered, according to the main appeals procedure.

- b) Find that there has been an act of discrimination. The Panel will then notify the Head of Kaplan QLTS, who is responsible for ensuring that appropriate action is taken to remedy the effects of the act of discrimination. This may include recommendations to the Assessment Board.
9. As part of its findings, the Panel may recommend, in respect of a named member of staff, that the formal disciplinary procedure of Kaplan QLTS be followed in determining an appropriate outcome. In cases of allegations made against contractors engaged by Kaplan QLTS, the Panel may recommend other action, including terminating the contract with the contractor(s).
10. Where the act of discrimination is the consequence of institutional practices within Kaplan QLTS and not the unsanctioned behaviour of (an) individual(s), the Panel will advise the Senior Management of Kaplan QLTS, when appropriate, on the steps recommended to prevent a re-occurrence.
11. The decisions made under paragraphs 6 and/or 8 are final and there is no further opportunity to make representation on grounds of an act of discrimination.
12. Where practicable, individuals who are involved in reviewing a candidate's allegations of discrimination will not be involved in reviewing any other representations they make in respect of an assessment, including claims for mitigating and/or extenuating circumstances and appeals against decisions of an Assessment Board.
13. Kaplan QLTS shall maintain a register of complaints that it receives of acts of discrimination (the Discrimination Complaints Register). The Discrimination Complaints Register shall contain, as a minimum, in respect of each complaint of an act of discrimination details of:
  - the complaint made
  - the date of the complaint
  - the date of notification of the complaint to the SRA
  - any action taken or to be taken.
14. Kaplan QLTS shall keep the Discrimination Complaints Register up to date no less frequently than weekly.
15. The SRA shall be entitled on 5 working days' notice to Kaplan QLTS to inspect the original Discrimination Complaints Register at Kaplan's premises.