



nebosh

Appeals policy and procedures

Version 4a (July 2023)

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1. Policy

NEBOSH supports the rights of learners and/or Learning Partners to appeal against the outcome of decisions, penalties and sanctions made by NEBOSH. This document, and those mentioned below, outline the procedures in place to ensure that appeals are dealt with in a thorough and equitable manner, and that any conditions, sanctions or penalties will be imposed fairly and consistently.

NEBOSH is an awarding body recognised by both the Scottish Qualifications Authority (SQA) Accreditation, and the Office of Qualifications and Examinations Regulation (Ofqual).

In addition to statutory duties, this policy is intended to meet the following relevant regulatory requirements:

SQA Accreditation Regulatory Principle 17:

“The awarding body and its providers must have clear, fair and equitable systems, policies and procedures to manage appeals.”

SQA Accreditation Regulatory Principles (2021)

Ofqual Condition I1 – Appeals process

“I1.1 An awarding organisation must establish, maintain and comply with an appeals process in relation to all qualifications which it makes available, which must provide for the appeal of –

- (a) the results of assessments,
- (b) decisions regarding Reasonable Adjustments and Special Consideration, and
- (c) decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration.

I1.2 For the purposes of Condition I1.1, an awarding organisation’s appeals process must provide for –

- (a) the effective appeal of results on the basis that the awarding organisation did not apply procedures consistently or that procedures were not followed properly and fairly,
- (b) all appeal decisions to be taken by individuals who have no personal interest in the decision being appealed,
- (c) appeal decisions to be only taken by persons who have appropriate competence
- (d) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it, and
- (e) timelines for the outcome of appeals.

I1.3 An awarding organisation must publish information on its appeals process to enable the results of assessments to be appealed.

I1.4 Where the application of an appeals process in the case of a Learner leads an awarding organisation to discover a failure in its assessment process, it must take all reasonable steps to –

- (a) identify any other Learner who has been affected by the failure,

- (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
- (c) ensure that the failure does not recur in the future.”

Ofqual General Conditions of Recognition (2022)

There are two stages to an appeals process:

- Stage 1 – a review of the case by NEBOSH;
- Stage 2 – consideration of the case by independent reviewer(s).

Appeals can be made under the following policies (these policies can be found on the NEBOSH website):

- *Special Considerations (Q026)*
- *Access Arrangements and Reasonable Adjustments (Q027)*
- *Enquiries about Results (EARs) Policy and Procedure (Q019)*
- *Policy and Procedures for Suspected Malpractice in Examinations and Assessments (C018)*
- *Enrolment Policy for NEBOSH Diploma Level Qualification (CX028)*
- *Unit validity extension Certificate (CX023)*
- *Complaints Procedure (CX010)*

This document gives an overview of the NEBOSH appeals process. There is a flowchart of the Appeals process in Appendix 1.

Please note: before taking your case to a Regulator, you must first go through the full NEBOSH Appeals process.

Please note: a Learning Partner may not appeal against withdrawal of accreditation under the relevant clause of the Learning Partner’s Agreement with NEBOSH. Learning Partners may appeal against sanctions, penalties, and accreditation conditions (other than those agreed between the parties at the commencement date of the Agreement).

1.1. Grounds for an appeal

If a learner or Learning Partner is dissatisfied with a decision made by NEBOSH, they may request an appeal. When making an appeal, the learner or Learning Partner should establish the grounds for the appeal. These may include:

- a reasonable belief that the case was not dealt with in accordance with the policy and procedures;
- a reasonable belief that the evidence has been misinterpreted;
- further evidence coming to light that changes the basis of the decision;
- a reasonable belief that the outcome is not in line with the guidelines or procedure.

Please note:

- an appeal may be rejected if the Appellant is unable to provide supporting evidence for their grounds for appeal. This only relates to Stage 1 – for Stage 2, see 2.2 below.

Please note: learners cannot appeal in cases where results have been affected due to breaches by Learning Partners and/or their staff (eg where invigilation of an invigilated examination has not taken place, which means there has been a breach of examination conditions which affects all learners).

1.2. Application for an appeal

A Stage 1 Appeal must be made within 10-working days of the date of issue shown on the decision notification letter. See **Section 2.1**, below.

A Stage 2 Appeal must be made within 10-working days of the date of issue shown on the Stage 1 Appeal outcome letter. A Stage 1 Appeal must be applied for and completed before a Stage 2 Appeal. See **Section 2.2**, below.

1.3. Cost

The appeal fee covers the administrative costs of the investigation.

Learners

For the cost of submitting either a Stage 1 or Stage 2 Appeal, please see the current NEBOSH *Learner Fees list* on [our website](#). For details of how to make a payment please use our [contact us form](#).

Learning Partners

For the cost of submitting either a Stage 1 or Stage 2 Appeal, please see the current NEBOSH *Learning Partner Fees list* in the secure Learning Partner area of [our website](#) (login required).

2. Procedures

2.1 Stage 1 Appeal procedure

To submit a Stage 1 Appeal, please contact the relevant NEBOSH representative (see the table, below) and make arrangements to pay the relevant fee (see 1.3, above).

You will need to include the following:

- the current fee*;
- a completed Appeals form, available by following the 'Appeals Form' link on the NEBOSH website: <https://www.nebosh.org.uk/policies-and-procedures/appeals-policy/>, which includes:
 - the person making the appeal (the Appellant);
 - NEBOSH learner number (if appropriate);
 - Learning Partner name;
 - assessment name and date (found on the learner assessment registration confirmation (ARC), where applicable);
 - grounds for the appeal (see Section 1.1, above) and any supporting evidence where applicable.

* **PLEASE NOTE:** the relevant appeal fee must be paid within 10-working days of the date of issue shown on the decision notification letter, or the appeal will not be heard.

Please address and send your appeal to:

Stage 1 Appeal against a NEBOSH decision regarding	Person/NEBOSH team to address your appeal	Contact details
<p>Access arrangements, reasonable adjustments, special considerations outcomes.</p> <p><i>See: Access Arrangements and Reasonable Adjustments Policy and Procedure (Q027).</i></p>	<p>Operations and Delivery (Appeals)</p>	<p>Use our contact us form. Include in the subject 'Stage 1 Appeal'</p>
<p>Special considerations outcomes.</p> <p><i>See: Special Considerations Policy and Procedure (Q026)</i></p>	<p>Operations and Delivery (Appeals)</p>	<p>Use our contact us form. Include in the subject 'Stage 1 Appeal'</p>
<p>Enquiries About Result outcome.</p> <p><i>See: Enquiries About Results (EARs) policy and procedures (Q019).</i></p>	<p>Reliability (Appeals)</p>	<p>Email EARappeals@nebosh.org.uk. Include in the subject 'Stage 1 EAR Appeal'</p>
<p>Accreditation outcome.</p>	<p>Director of Learning Partner Quality</p>	<p>Email lpq@nebosh.org.uk. Include in the subject 'Stage 1 Accreditation Appeal'</p>
<p>Malpractice outcome.</p> <p><i>See Policy and procedures for suspected malpractice in examinations and assessments (C018).</i></p>	<p>Operations (Malpractice Appeals)</p>	<p>Email malpracticeappeals@nebosh.org.uk. Include in the subject 'Stage 1 Malpractice Appeal' and include the case reference</p>
<p>Extension request outcome.</p> <p><i>See: Enrolment Policy for NEBOSH Diploma Level Qualifications (CX028) Unit validity extension for Certificate qualifications (CX023)</i></p>	<p>Operations and Delivery (Appeals)</p>	<p>Use our contact us form. Include in the subject 'Stage 1 Appeal'</p>

* If, you are unable to send electronically, our postal address is:

NEBOSH
 Dominus Way
 Meridian Business Park
 Leicester LE19 1QW

NEBOSH will acknowledge the request within 5-working days of receipt of payment by email, and confirm within 10-working days if the appeal will go ahead.

Please note:

- the appeal will not commence until payment is received;
- the appellant should outline the grounds for the appeal and, if possible, supply supporting evidence. If they do not, the fee will not be processed, and the appeal will not be heard. The decision *not* to hear an appeal will be made by a NEBOSH representative who has not been involved in the original investigation;
- an appeal may be rejected based on the timescale of the application;
- if the appeal is against a unit validity extension, the validity period will continue and not be suspended during the appeals process (ie if the learner has 8-weeks of their enrolment period remaining, the learner will have 4-weeks of their enrolment period remaining after a Stage 1 Appeal).

If an appeal is not accepted, the reason(s) for this will be given.

Notification of the outcome of the appeal will be provided by NEBOSH within 15 working days of receipt of payment and supporting evidence, provided that all supporting evidence has also been received by the time of payment.

A Stage 1 Appeal consists of an investigation of the case by a senior NEBOSH Officer, who has not had any previous involvement with the matter and who is familiar with the appeals process. The appeal investigator will not have been involved in the original decision; for example, for malpractice appeals, the person conducting the appeal must not have been a member of the Malpractice Review Panel (if convened), or the original investigation.

The investigation will take into account the written submission of the appellant and focus on whether:

- NEBOSH used procedures that were consistent with the regulatory criteria;
- NEBOSH applied procedures properly and fairly in arriving at judgements;
- the learner has been disadvantaged by a failure to apply these procedures;
- any further work relating to the Appeal should be authorised.

Please note: the investigation is **not** concerned with making judgements about a learner's work and does **not** include further re-marking of learner scripts. However, further re-marking can be ordered if the investigation finds procedures have not been satisfactorily followed.

2.1.1 Stage 1 Appeal outcomes

The Appellant will receive written confirmation of the outcome within 15 working days of the Stage 1 Appeal payment being received (or date of receipt of supporting evidence, whichever date is later).

The appeal will either be rejected (meaning the investigator agrees with the original decision) or upheld (meaning the investigator finds in favour of the Appellant).

If the Stage 1 Appeal investigation is upheld and the investigator finds in favour of the Appellant:

- appeal fees will be refunded to the learner or Learning Partner (as appropriate). Any relevant re-registration fee already paid by the learner will also be refunded;
- if the outcome requires the issue of unit certificates or re-issue of a qualification parchment, this will be done free of charge; however, the learner may be required to return their certificate(s) and/or parchment before issuing replacements – the parchment for the original result will become invalid from the date that the revised result is issued*;
- where relevant, any necessary further work on a learner’s script or results will be undertaken;
- any accreditation conditions, sanctions or penalties imposed by NEBOSH will be removed, if applicable and related to this Appeal;
- for appeals where enrolment extension has been granted, then the unit validity period will be extended by 12 months from the date of the Stage 1 Appeal decision, or the unit declaration date expiry whichever is the later.

* **Please note:** as with enquiries about results (EARs), results may be downgraded as the result of an appeal, or remain the same. If a unit or qualification is downgraded, no refund will be issued, but a unit certificate and/or qualification parchment will be re-issued, where necessary, free of charge.

If an Appellant remains dissatisfied after a Stage 1 Appeal, they may proceed to Stage 2.

2.2 Stage 2 Appeal procedure

The Stage 2 Appeals process is designed to ensure that the Appellant has a formal opportunity to have their case heard by a Panel, which will include an Independent Reviewer and NEBOSH representatives who have not been involved in any stage of the process prior to Stage 2. The independent Panel member must not have been involved with NEBOSH for the past five years, either as an employee, partner or supplier, and does not have a vested interest in the outcome of an appeal, and is therefore impartial.

A Stage 2 Appeal must be made within 10-working days of the date of issue shown on the Stage 1 Appeal letter. The Appellant must indicate the grounds for their appeal on the application form (see Section 1.1, above).

Please note: whether the Appellant has the opportunity to provide additional or oral evidence is at the discretion of the Panel.

To submit a Stage 2 Appeal, please submit an [Appeals form](#) to the relevant person using the contact details in the table, below, and make arrangements to pay the relevant fee (see 1.3, above):

Stage 2 Appeal against a NEBOSH decision regarding	Person to whom to address your Appeal*	Contact details
Access arrangements, reasonable adjustments, special considerations. <i>See: Access arrangements Reasonable Adjustments Policy and Procedure (Q027).</i>	Head of Operations and Delivery (Appeals)	executive@nebosh.org.uk include in the subject 'Stage 2 Reasonable Adjustments Appeal'
Special considerations outcomes. <i>See: Special Considerations Policy and Procedure (Q026)</i>	Head of Operations and Delivery (Appeals)	executive@nebosh.org.uk . Include in the subject 'Stage 2 Special Considerations Appeal'
Enquiries About Results. <i>See: Enquiries About Results (EARs) policy and procedures (Q019).</i>	Company Secretary (EAR Appeals)	executive@nebosh.org.uk include in the subject 'Stage 2 EAR Appeal'
Accreditation.	Company Secretary (Accreditation Appeals)	executive@nebosh.org.uk include in the subject 'Stage 2 Accreditation Appeal'
Malpractice. <i>See Policy and procedures for suspected malpractice in examinations and assessments (C018).</i>	Company Secretary (Malpractice Appeals)	executive@nebosh.org.uk include in the subject 'Stage 2 Malpractice Appeal' and include the case reference
Extension request. <i>See Enrolment Policy for NEBOSH Diploma Level Qualifications (CX028) Unit validity extension for Certificate qualifications (CX023)</i>	Head of Operations and Delivery (Appeals)	executive@nebosh.org.uk include in the subject 'Stage 2 Extension request appeal'

* If you are unable to send electronically, our postal address is:
 NEBOSH
 Dominus Way
 Meridian Business Park
 Leicester LE19 1QW

2.2.1 Before the Stage 2 Appeal is heard

NEBOSH will acknowledge the Stage 2 request within 5-working days of receipt of payment by email, and the Appellant will be notified within 10-working days of receipt of payment whether or not the Appeal will proceed.

Please note:

- the appeal will not commence until payment is received
- the Appellant should provide sufficient grounds for the appeal, including any supporting evidence, if applicable.

The Appellant will be informed of the date that the Appeal will be heard, which will be at the earliest opportunity, subject to availability of the Panel members.

Prior to the Panel meeting, the Appellant and NEBOSH investigation representative will be invited to send in any questions.

2.2.2 Panel membership

Where a panel is held, it will consist of three members: one of the members must not have been associated with NEBOSH within the last 5-years – this person will also Chair the panel meeting; one member will not be a direct employee of NEBOSH (for example, this could be an Examiner or a consultant); the other member will be a senior employee of NEBOSH not previously associated with the matter under appeal, but with sufficient knowledge of the appeals process. In addition to this there will be one notetaker.

2.2.3 Representation

In addition to a written submission; the Panel have the right to request representation from the Appellant or the original NEBOSH investigation representative via video conferencing or teleconferencing; however, this conversation will be recorded and retained by NEBOSH.

The Appellant and the NEBOSH investigation representatives will ensure that they are available on the day of the Panel meeting should the Panel decide they wish to contact them.

The Appellant may be supported by one representative and this must be agreed with NEBOSH no later than 5-working days prior to the Stage 2 Appeal Panel Hearing.

2.2.4 Information to be provided for the Stage 2 Appeal

The documentation to be reviewed at the Stage 2 appeal includes:

- information provided by the Appellant as part of the Stage 2 Appeal submission;
- the original findings of the Stage 1 Appeal and the evidence on which this was based;
- the original investigation evidence on which the decision to impose an accreditation condition, sanction or penalty was made;

- additional information or evidence identified by NEBOSH after the Stage 1 Appeal (this must be provided to the Appellant 5-working days prior to the Stage 2 Appeal hearing).

A copy of all materials (correspondence/documents/reports, etc) relating to the appeal will be forwarded to the Panel members 5-working days before the panel meeting. The panel members will be required to read the documentation prior to the appeal hearing.

All material supplied to the Panel as part of the Stage 2 Appeal is confidential and must not be shared by any member of the Panel. NEBOSH will ensure compliance with any relevant provision of the Data Protection Act.

As well as the documentation listed above, the material will also include:

- relevant NEBOSH procedures, documents, forms, for example:
 - *Policy and procedures for suspected malpractice in examinations and assessments (C018);*
 - *NEBOSH Instructions for conducting examinations (C020);*
 - *Enquiries about Results (EARs) Policy and Procedure (Q019)*
 - *Enrolment Policy for NEBOSH Diploma Level Qualification (CX028)*
 - *Unit Validity Extension Certificate (CX023)*
 - *Complaints Procedure (CX010)*
 - *Special Considerations (Q026)*
 - *Access Arrangements and Reasonable Adjustments (Q027)*
- guidance for carrying out appeals (this document);
- any other relevant information.

2.2.5 The Hearing/Review

The Panel will examine:

- the information presented by the Appellant for the Stage 2 Appeal;
- the findings of the Stage 1 Appeal and the evidence on which the decision was based;
- the original decisions and the evidence on which that was based.

The Panel may also:

- ask for more information or clarity from either NEBOSH or the Appellant;
- receive additional verbal or written information from NEBOSH and/or the Appellant, at their discretion.

See also **2.2.3 Representation**, above.

The Panel will consider whether there was sufficient evidence to support the decisions, and how appropriate the original decision was in light of

NEBOSH precedents and any additional information provided by the Appellant and/or NEBOSH.

The Panel will have 10-working days after the Panel meeting to produce a report detailing their decision (see **2.2.8 After the Stage 2 Appeal is heard**).

2.2.6 Procedure for a Stage 2 Appeal Panel hearing

1. Introductions and proceeding

- The Chair will provide introductions.
- The Chair will provide an overview of the proceedings.

2. Oral representation from the Appellant, if applicable

- The Chair can invite the Appellant to make oral representation.
- The Chair will invite panel members to ask questions.

3. Oral representation from NEBOSH, if applicable

- The Chair can invite the NEBOSH representative to make oral representation.
- The Chair will invite panel members to ask questions.

4. Decision-making

- The Appellant and the NEBOSH representative, if in attendance, will be invited to withdraw.
- The Panel will reach a decision.

5. Notetaking

- The Panel's decisions, justifications and recommendations will be recorded by a notetaker.

2.2.7 Making the decision

In reaching a decision, the Panel will consider whether:

- NEBOSH used procedures that were consistent with regulatory requirements;
- NEBOSH applied procedures properly and fairly in arriving at judgements;
- the learner(s)/Learning Partner has been disadvantaged by a failure to apply these procedures.

The Panel will also consider whether in the event of a failure of procedures having been identified at an earlier stage, any remedial action then taken by NEBOSH was sufficient to rectify the matter.

The Panel may decide to uphold the appeal or to reject it. If the appeal is upheld (ie the Appellant's case has been successful), the Panel may:

- refer the matter back to NEBOSH for further consideration, or;
- direct NEBOSH to carry out further work.

- ask NEBOSH to review any assessment result decisions connected to the matter under appeal.

The Panel's decisions, justifications and recommendations must be provided to NEBOSH in writing.

2.2.8 After the Stage 2 Appeal is heard

Irrespective of whether or not the appeal is upheld (ie whether or not the Appellant has been successful), the Panel may make recommendations to NEBOSH on issues or concerns that emerged during the hearing.

Any further work carried out will be in full compliance with NEBOSH procedures.

The notes and findings of the Panel will be detailed in a report compiled by the Chair of the Panel with the assistance of the notetaker. The report will be circulated to Panel members within 5-working days of the Panel meeting; members will then have 5-working days to review the report. Silence from the Panel members will be deemed agreement.

NEBOSH will inform the Appellant of the outcome. This will be within 15-working days of the Panel Hearing.

A report of the hearing, subject to redaction, will be provided to the Appellant.

2.2.9 Stage 2 Appeal outcomes

An outcome letter will be sent within 15-working days of the Panel Hearing. The letter will include the decision and the justification for the decision.

The appeal will either be rejected (meaning the Panel agrees with the original decision) or upheld (meaning the Panel finds in favour of the Appellant).

If the Stage 2 appeal is upheld and it is felt that NEBOSH procedures have not been followed, NEBOSH will ensure that corrective action takes place. For example, a review of scripts or fees being refunded.

If the Stage 2 Appeal report finds in favour of the Appellant:

- appeal fees will be refunded to the Appellant (as appropriate). Any relevant re-registration fee already paid by a learner(s) will also be refunded;
- if the outcome requires the issue of unit certificates or the re-issue of qualification parchment, this will be done free of charge; however, the learner may be required to return their certificate(s) and/or parchment before issuing replacements – the parchment for the original result will become invalid from the date that the revised result is issued*;
- where relevant, any necessary further work on a learner's script or results will be undertaken;
- any accreditation conditions, sanctions or penalties imposed by NEBOSH will be removed, if applicable and related to this Appeal.

- for appeals where enrolment extension has been granted, then the unit validity period will be extended by 12 months from the date of the Stage 2 Appeal decision, or the unit declaration date expiry whichever is the later.

* **Please note:** as with enquiries about results (EARs), results may be downgraded as the result of an appeal, or remain the same. If a unit or qualification is downgraded, no refund will be issued, but a unit certificate and/or qualification parchment will be re-issued, where necessary, free of charge.

The Stage 2 Appeal completes NEBOSH's internal appeals procedures. No further appeal within NEBOSH will be accepted. For unresolved appeals, see **section 2.3**, below.

2.3 Unresolved Appeals

If, following the outcome of a Stage 2 Appeal, the Appellant remains dissatisfied, and where the relevant NEBOSH qualification is accredited by a regulator you may continue as follows:

SQA Accreditation-accredited qualifications

This section applies to SQA Accreditation-accredited qualifications only. A list of NEBOSH qualifications accredited by SQA Accreditation can be found on the [SQA Accreditation website](#).

SQA Accreditation will only accept complaints where the assessment took place **within the UK**. You will find the [SQA Accreditation complaints procedure](#) in their website.

It should be noted that SQA Accreditation will check that NEBOSH followed its own procedure. SQA Accreditation will not overturn the original assessment decision.

NB: complaints relating to qualifications not accredited by SQA Accreditation, or cases where the NEBOSH qualification has been assessed outside the UK, may not be submitted for SQA Accreditation review, and therefore the outcome of a Stage 2 appeal (including any Appeal Panel report) will be deemed as final.

Ofqual-accredited qualifications

This section relates only to Ofqual-regulated qualifications – if your complaint relates to one of the following qualifications, you may seek regulatory advice from Ofqual:

- NEBOSH Level 6 International Diploma for Occupational Health and Safety Management Professionals (Ofqual qualification number: 610/2230/5)
- NEBOSH Level 6 National Diploma for Occupational Health and Safety Management Professionals (Ofqual qualification number: 610/2228/7)

Please note: Complaints relating to any other NEBOSH qualification may not be submitted for Ofqual's regulatory review. Ofqual can only investigate complaints about awarding organisations and qualifications that they regulate.

You have 12 months from the date of the issue arising to make an application for regulatory review with Ofqual. You can find out about [Ofqual's complaints procedure](#) on their website.

All communication will be through Ofqual's secure complaints portal.

2.4 Continuous improvement

As part of NEBOSH's ongoing continuous improvements, we will review issues relating to appeals and apply lessons learnt to improve processes and policies, where necessary. Should changes be made to Policies and Procedures relating to Learning Partners, we will communicate this through the weekly Learning Partner updates.

3. Related processes

- *Enquiries about Results (EARs) Policy and Procedure (Q019)*
- *Access Arrangements and Reasonable Adjustments Policy and Procedure (Q027)*
- *Special Consideration Policy and Procedure (Q026)*
- *Policy and Procedures for Suspected Malpractice in Examinations and Assessments (C018)*
- *Enrolment Policy for NEBOSH Diploma Level Qualification (CX028)*
- *Unit validity extension Certificate (CX023)*
- *Complaints Procedure (CX010)*

4. Data Protection

NEBOSH is registered under and complies with the Data Protection Act 2018 and UK General Data Protection Regulation 2016/679 (GDPR) (the "**Data Protection Law**"), as such it is required to collect data and process for the purposes covered in this policy. Consent must be given to process data of this type so a signed request form must be in place before processing.

Please click [here](#) to review more information on how we process your data, or visit www.nebosh.org.uk to read our privacy statement.

5. Document control

Document reference	Q020
Business Unit	Delivery and Improvement
Areas	Learning Partner Quality, Operations, Reliability, Regulatory Compliance
Version	4a
Effective from	July 2023
Contact	Head (Regulatory Compliance)
Owner	Chief Operating Officer

Appendix 1: Appeals flowchart

