

Appeals/ Enquiries Procedure (for Standards)

V4 July 2020

Statement

If a learner or employer is dissatisfied with an End Point Assessment/ results outcome they have the right of appeal or to make a complaint. There are stages in the appeals/complaints procedure and each stage must be exhausted before proceeding to the next one.

Learners have the right to appeal/ enquire directly to the End Point Assessment Organisation which their assessment was completed through.

Pearson EPAO Enquiries and Appeals Process

An enquiry or appeal can be made:

- Against a decision, penalty or sanction made resulting from a malpractice investigation.
- Where Pearson have declined applications for access arrangements and special consideration.
- If you are not happy with the outcome of the enquiry.

Post-result enquiries and appeals should be made after final confirmation by Pearson, of the overall EPA result for the apprentice.

Stage 1 – Enquiry about Results

Enquiries give employers and Blue Sky Assessing & Consultancy Ltd (the provider) the opportunity to query the EPA assessment decisions, if they believe they are inaccurate. Employers and Blue Sky Assessing & Consultancy Ltd must have the consent of the apprentice before making an application and must also make sure the apprentice understands all the possible outcomes.

Any results enquiries need to be submitted to epadelivery@pearson.com **within 14 days** of the apprentice's notification of results.

While an enquiry is happening, it is important that you keep all evidence relating to the case.

The process typically includes a clerical check, to assess whether Pearson used procedures that were consistent with their EPA Specification and associated materials. The enquiry will not typically involve the re-assessment of an apprentice's work; however, a review may be needed if the outcome of the enquiry requires it.

All cases are reviewed by Pearson's assessment experts who have responsibility for the matter.

Pearson will:

- Acknowledge your enquiry application **within 3 working days**.
- Respond to your enquiry within ten working days of receiving it.

If you are not happy with the outcome of the enquiry, you have **14 days** in which to request that an Appeal Hearing is undertaken.

The Outcomes of the Enquiry

If the enquiry identifies any errors within Pearson's procedures, Pearson's EPA Delivery Team will:

- Correct any errors.
- Produce and implement an action plan to mitigate any further issues/ risks/
- Provide feedback/ further training and development to relevant members of the EPA Delivery Team.

The possible outcomes of the enquiry will be:

- Results remain unchanged.
- Results are amended, which may be a negative or positive change.

If Blue Sky Assessing & Consultancy Ltd/ the employer are still unhappy with the results of the End-Point Assessment, they can apply for an appeal.

Stage 2 – Pearson Appeal Hearing

The appeal hearing will consider all the information in the case to establish whether Pearson's policies and procedures were correctly followed. It will review whether Pearson applied them properly and fairly in arriving at their judgements. The hearing will not typically involve the re-assessment of an apprentice's work; however, a review may be needed if the outcome of the appeal requires it.

Appeals cannot be submitted unless the applicant has first been through the **Enquiries about Results** stage.

While an enquiry is happening, it is important that you keep all evidence relating to the case. The report should include:

- Provider and employer organisation name and contact details;
- The apprentice name(s) and Unique Learner Number;
- The date of the End-Point Assessment;
- The date of which the provider/ employer received notification of results;
- The name of the EPA standard/ part of the service affected;
- Details of the appeal, setting out the reasons why the applicants believes Pearson did not apply or follow their procedures consistently or fairly;
- The contents and outcome of any investigation carried out by the applicants, or the apprentice(s), relating to the issue.
- The date of the report;
- Applicant name, position and signature.

The decision whether to accept the application for an appeal is based on:

- Whether the appeal was submitted.

- Whether there is evidence that Pearson’s relevant policies and procedures have not been properly and fairly applied.

Pearson will acknowledge your application for an appeal hearing within three working days. Pearson have up to **10 working days** to hold an appeal hearing.

The appeals hearing is the final stage of Pearson’s process and its decisions are final.

For further information, please see:

<https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/End-point-assessment-enquiries-and-appeals-policy.pdf>

City & Guilds and ILM EPAO Enquiries and Appeals Process

City & Guilds/ ILM’s EPA Service aims to ensure that all of the following decisions are fair, consistent and based on valid judgements:

- Assessment results,
- Penalties resulting from a malpractice investigations, and
- Outcomes of applications for access arrangements or special consideration.

Feedback

If an apprentice believes the outcome of their City & Guilds/ ILM EPA is correct, but would still like more information on the reasons why a specific grade was given, their provider/employer can request feedback from City & Guilds/ ILM EPA Team on their behalf.

Requests for feedback should be submitted to EPA.quality@cityandguilds.com **within 10 working days** of receipt of the final EPA grade. The EPA Team will action the request and respond within **20 working days** from the date of the acknowledgement email.

Stage 1 – Enquiry about Results

Enquiries give an apprentice and the customer the opportunity to question the outcome of the apprentice's assessments if they believe it was inaccurate. It involves someone not involved in the original decision reviewing the assessment decisions and correcting any errors that are identified.

Each apprenticeship has its own assessment plan which determines the range of assessment methods and grading. There may be grades for individual assessment components or the apprentice may only receive one overall grade. An EPA enquiry can be made for any assessment component where the apprentice receives a specific result for that component.

The process will vary depending on the assessment method used, for example:

- For portfolios, City & Guilds will reassess all the evidence,

- For observations, presentations, interviews or professional discussions, City & Guilds will review the documents and recordings completed by the Independent End-point Assessor (IEPA).

No special consideration can be applied as part of the enquiry, even if the apprentice experienced a disruption during the assessment that was beyond their control. More information on access arrangements and special consideration is available on the City & Guilds website.

Outcomes

There are three possible outcomes to an enquiry:

- The result is upgraded (e.g. the grade is changed from 'pass' to 'fail'). City & Guilds will amend its records and, if applicable, City & Guilds will also inform the ESFA.
- The result is confirmed. City & Guilds will also provide feedback on the apprentice's performance.
- The result is downgraded (e.g. the grade is changed from 'pass' to 'fail').

The EPA Team will send a notification with details of the outcome to the customer.

If the result is confirmed or downgraded, the notification will include information on how to appeal (Stage 2).

How to apply for Stage 1

To apply for Stage 1, the apprentice should request that the customer (Blue Sky Assessing & Consultancy Ltd) makes an enquiry on their behalf to the EPA Team. The customer must:

- Obtain the consent of the apprentice before making an application on their behalf; and
- Make the apprentice aware that their grades(s) could be lowered as a result of the enquiry, as well as increased.

Regardless of the apprenticeship standard (whether a City & Guilds or ILM product) you will only need to complete one form. The EPA enquiry application [form](#) is available from the City & Guilds website.

Enquiries should be requested **20 working days** after the result date. This is the date the result is confirmed by City & Guilds, as displayed on the Walled Garden. It is **not** the date of the EPA.

An acknowledgement will be sent on receipt of the application form which will include when to expect the outcome of the enquiry.

Every effort will be made to resolve enquiries quickly and efficiently in accordance with the timelines listed below. However, these may be subject to change where the EPA enquiry may be complex, and/or an independent person is not available. When this occurs, then we will advise of the reason(s) why and the new timescale.

Acknowledgment - Within 3 working days after receipt of application

Written outcome - Within 32 working days of the date of the acknowledgement

Stage 2 – Appeals

The purpose of an appeal is to identify if the correct processes, procedures and policies were followed, for any of the types of activities below. The appeal is usually a desk-based process and completed by City & Guilds, by people who were not involved in the original decision. They are not usually subject matter experts, but will be experts on all the relevant processes, procedures and policies. The same process is followed for every type of appeal.

It is possible to appeal:

- **Outcome of an enquiry** - An appeal reviews the outcome of the enquiry. It does **not** involve re-assessing an apprentice's work.
- **Malpractice** - An appeal can be made against any decision, penalty or sanction made following the investigation. For example, the apprentice may be disqualified from an assessment. It is **not** possible to appeal the findings of a malpractice investigation.
- **Access arrangements** - If City & Guilds has declined an application, it is possible to appeal this decision. This can be done before the assessment takes place.
- **Special consideration** - If City & Guilds has declined an application, it is possible to appeal this decision.

To appeal, the application form **must** include the reasons for the appeal and details of specific instances where the appellant believes that correct procedures were not followed in reaching the original decision. Additional supporting documents can be included with the application however, must be clearly referenced.

For appeals following a Stage 1 enquiry, the application form must include details of how the appellant believes that the EPA Team did not follow the correct processes, procedures and policy documents during the enquiry stage.

If the application form does not include the required information it will be returned to the appellant, with details of what information is missing. A deadline will be given for this information to be included. The appellant **must** respond fully within this deadline or the appeal will not be heard.

Deadline for applications - 20 working days after of the date of notification of the decision

Acknowledgment - 2 working days after receipt of completed application

Written outcome - 25 working days from the date of the acknowledgement

A City & Guilds manager (or a committee of managers) not involved in the original decision will review the application, supporting documents and any records relating to the original decision. All the information (including that provided by the appellant and records kept by City & Guilds) will be checked against the relevant procedures and policy documents to confirm the correct procedures have been followed.

After a review of the appeal there are two possible outcomes:

- The appeal is **upheld** because any one of the correct processes, procedures or policy documents were not followed. City & Guilds will send a letter of notification to the appellant which will include proposed remedial action (such as possible clarification of procedures or remarking an apprentice's work).
- The appeal is **rejected** because all of the correct processes, procedures and policy documents were followed. City & Guilds will send a letter of notification to the appellant which will include information about appealing to the Independent Appeals Board (Stage 3).

For further information on City & Guilds/ ILM Stage 3 Independent Appeals Board, and information on any potential fees if the enquiry or appeal is not in the customer's favour, please see the link below:

<https://www.cityandguilds.com/-/media/cityandguilds-site/documents/apprenticeships/enquiries-and-appeals-for-epa-pdf.ashx?la=en&hash=46ECB45BA835DAC4EDA1D717D05F4D6F0FCC678E>

CIPD EPAO Complaints and Appeals

The CIPD is registered to deliver end point assessments on the Education and Skills Funding Agency's register for Apprenticeship Assessment Organisations against the following apprenticeship standards:

- Level 3 Apprenticeship Standards – HR Support
- Level 5 Apprenticeship Standards – HR Consultant/Partner
- Level 3 Apprenticeship Standards – L&D Practitioner
- Level 5 Apprenticeship Standards – L&D Consultant/Partner

Appeals

Appeals are defined as formal requests from apprentices to review one or more of the following:

- the results of EPAs where the CIPD did not properly, fairly or consistently follow procedures
- the conduct of EPAs
- decisions about Reasonable Adjustments and Special Consideration relating to apprentices taking an EPA
- decisions relating to any action taken against an apprentice following an investigation into malpractice or maladministration.

How to make an appeal

An appeal can only be made to the CIPD in the following circumstances:

- the appeal is against decisions regarding Reasonable Adjustments and Special Considerations

- the appeal is against the CIPD actions taken following malpractice or maladministration investigations
- the CIPD did not apply procedures consistently or that procedures were not followed properly or fairly in the:
 - conduct of the CIPD EPAs
 - subsequent assessment marking, standardisation and quality assurance
 - issuing of results and factual accuracy of assessor feedback
 - failure to consider available substantiated information (e.g. contemporaneous independent medical or other evidence/information likely to have had a significant and direct bearing on the assessment outcome)
 - declaring and checking for conflict of interests

If an appeal does not meet these criteria it may be possible to submit a complaint under the CIPD Complaints policy for EPA.

The appeal must be received within **20 working days** of the contested decision, notification of the assessment grade or investigation outcome.

Stage 1:

Apprentices have **20 working days** from the date of their contested decision to make an appeal. Appeals must be made by completing the End Point Assessment Appeals Form. This form is available on SmartEPA's Resource Hub or upon request from MyEPA@CIPD.co.uk

The Appeal form must be sent to: Apprenticeships Manager, The CIPD, 151 The Broadway, London SW19 1JQ or emailed to MyEPA@cipd.co.uk

The Appeal form must be signed and dated and include the following information:

- appellant's name, full contact details including daytime contact number and email address
- details of the apprenticeship standard, level and the EPA method concerned
- detailed statement of the grounds for the appeal
- documentary evidence to support the appeal

Failure to provide all the above may result in a delayed response and possibly a dismissal of the appeal.

The CIPD will acknowledge appeals within **5 working days** of receipt.

Stage 2:

Within **5 working days** of acknowledging receipt of the appeal the CIPD will check that all the required documentary evidence has been supplied and that the appeal falls within the time scale, scope and definition specified earlier in this policy statement.

If additional information or evidence is required, the CIPD will request this to be provided by a given date. If this additional information is not received by the set date, the appeal will not be progressed

and the CIPD will confirm this status in writing.

Once sufficient information has been provided, it may be possible to resolve the matter at this stage. More complex issues will be progressed to the next stage.

Stage 3:

The CIPD will give serious consideration to the grounds of the appeal and the evidence provided and in so doing, will take all necessary investigative steps promptly with the parties concerned.

In some circumstances the CIPD may decide it is necessary to convene a special panel meeting to review the appeal.

At Stage 3, it should be possible to resolve all types of appeal and in all circumstances the CIPD will base decisions on matters of factual accuracy and advise all parties of the outcome of our investigations.

Consequently the appeal will either be:

- accepted and resolved
- dismissed
- progressed to Stage 4.

The CIPD will advise the appellant of the decision and the reasons for the decision within 20 working days of receiving the original appeal.

Appeals against the dismissal of an appeal at Stage 3 must be submitted in writing within 20 working days of the date of the decision to the Director of Professional Development at the CIPD or their nominated representative, who will refer the appeal to Stage 4.

In exceptional circumstances, if the panel is unable to resolve the appeal at Stage 3, it will be referred to the Director of Professional Development, or their nominated representative who will refer the appeal to Stage 4.

Stage 4:

At Stage 4, an appeals panel will be convened at the earliest opportunity.

The Appeal Panel will be chaired by the CIPD Vice President – Membership and Professional Development, or nominee, together with two other members selected for their knowledge, expertise and impartiality one of which is not, and has not been at any time during the past seven years an employee or examiner or a member of the CIPD's quality assurance community or boards or committees.

It is essential that Appeals Panel members participate impartially, which precludes them participating in any panel where they may have a material interest or in which any conflict might arise. Each panel member, including the chair, will have a primary vote and a majority decision will be carried.

A CIPD Officer will act as Secretary to the Appeals Panel and will be responsible for:

- convening the panel and attendees
- producing an agreed agenda

- disseminating documentation to all parties
- accurate recording of the discussions
- producing a report of the outcome
- ensuring all parties are notified.

All relevant parties will be given at least **15 working days** notice of the date, time and venue where the appeal will be heard.

Within 5 days of this, all relevant documentation will be provided to all concerned. All parties will have the opportunity to present their case to the Panel, the right to be accompanied and to call and question witnesses. However, the CIPD must be notified of the names of those to be present **5 days** in advance of the hearing.

Having considered the documentary evidence and heard supporting statements, the Appeals Panel will adjourn to determine the outcome in private. The Appeals Panel will make one of the following decisions, and whatever decision is reached will be final:

- the appeal is upheld and appropriate action is recommended
- the appeal is not upheld.

All parties will be advised of the outcome and officially notified of the outcome in writing **within 5 days**.

Appellants who have followed and exhausted the appropriate procedures and are still dissatisfied with the outcome may contact the relevant regulatory body.

REC Appeals Process

The REC has a comprehensive and robust examination system to ensure that every learner receives the appropriate result for the standard of work they have produced. However, if you feel that the examination result issued to you is inappropriate, you may appeal.

Learners have the right to appeal their examination results to the REC as follows:

- Examination script clerically re-checked (£10 + VAT)
- Examination script remarked (£25 + VAT)
- Examination script remarked and to receive a full report on performance (£75 + VAT). Please note that this level of service is not available for the Level 2 Certificate in Recruitment Resourcing, due to the nature of this examination (it uses multiple choice questions)

If you wish to appeal, please download the [Post-Examination Appeal Process](#) and email or post it to the REC Awarding team, within six weeks of the results having been issued.

awarding@rec.uk.com

Awarding Department
REC 1st Floor,
Dorset House
27-45 Stamford Street
LONDON
SE1 9NT

The appeals service is chargeable but fully refundable if the outcome is in the learner's favour. Appeals take approximately **3 weeks** to process.

Please note that with any appeal, the outcome can result in grades being lowered as well as increased.

iCan Qualify Complaints, Enquiries & Appeals

The purpose of the policy is to set out the steps you follow when submitting your appeals and enquiries about results or iCQ staff judgements to us and the steps we follow when reviewing the cases. It is also to review those processes which led to the decision against which the enquiry or appeal was made.

Complaints Handling Process

In making a complaint to iCQ, the complainant must provide the following information (where applicable) within 3 calendar months of the incident occurring that gives rise to the complaint. The following information must be provided to iCQ in hard copy (in written communication or via email, contact details provided at the foot of this policy):

- a. Complainant Name
- b. Relationship to iCQ (Recognised centre, Learner – including First Name, Surname and iCQ Learner Number registration number, third party stakeholder, other
- c. Nature of the complaint
- d. If in relation to iCQ's service:
 - i. Nature of service
 - ii. Person/people engaged with
 - iii. Any supporting documentation in relation to the complaint
- e. If in relation to an iCQ Qualification:
 - i. Unit(s)/Qualification title(s)

Once a complaint has been received, iCQ will acknowledge receipt of the complaint within **5 working days**. Depending upon the nature of the complaint, iCQ will appoint an appropriate member of staff (with reference to iCQ's Conflict of Interest policy).

Where the complaint is in relation to iCQ's service, the complaint will be in the first instance referred to the Director of Finance and Operations. Where the complaint is in relation to an iCQ product, the complaint will be in the first instance referred to the Director of Sales and Qualification Development. The director responsible for overseeing the investigation of a complaint may appoint an additional member of iCQ staff to assist them. During the investigation into a complaint, iCQ will endeavour to ensure that the complainant is kept abreast of the progress of the investigation and may request additional information with the complainant. iCQ will aim to conclude any

investigations into complaints **within 30 days** of acknowledging receipt of the complaint.

On conclusion of the investigation, iCQ will provide a full response to the complainant which will include:

- a. iCQ's findings (whether the complaint is upheld or otherwise)
- b. A proposed resolution (where applicable) to the complaint
- c. Details of remedial action that iCQ have taken/will undertake to ensure that any future incidences can be avoided
- d. Any notification iCQ has deemed necessary to make to the regulators
- e. Any additional procedures available to the complainant should they not be satisfied with the outcome of the complaint

Where iCQ will be unable to conclude any investigation within 30 days, the complainant will be notified of the reasons why the timescale cannot be met and details of a revised expected timescale.

Enquiries and Appeals Process

In making an enquiry or appeal to iCQ, the centre (Blue Sky Assessing & Consultancy Ltd) must provide the following information (where applicable). The following information must be provided to iCQ in hard copy (in written communication or via email):

- a. Centre Name
- b. Learner First Name, Surname and iCQ Learner Number (registration number)
- c. Unit(s)/Qualification title(s)
- d. An outline of the nature of a complaint, enquiry or appeal, including details of the outcome of the centre's own enquiry or appeal process

Enquiries and Appeals Fees

iCQ will charge the centre or the learner a fee to cover the administrative costs for each stage of any enquiry or appeal, in the following instances (these could vary dependent on the complexity of the investigations and staff required to investigate the enquiry or appeals. iCQ will itemise any fees charged):

- a. If the enquiry or appeal about a result is not upheld
- b. If we need to carry out a centre visit

iCQ operates a three stage enquiries and appeals process and the fee for each stage is outlined below:

Clerical check: £15

Stage 1: Enquiry against an assessment decision, examination result, EQA decision and/or other iCQ decision - £250

Stage 2: iCQ Appeals Board - £750

Stage 3: Independent review - £1250

In all categories, the centre or learner will incur an additional fee of £300 if a visit is required at any stage. All fees for appeals are refunded if the appeal is upheld.

Stage 1 - Enquiry against an assessment decision, examination result, EQA decision and/or other iCQ decision

Should a centre or learner wish to make an enquiry in respect of a result or external assessment or EQA decision, they should in the first instance email iCQ Head of Quality (HoQ) quality@icanqualify.co.uk within 30 days of receiving the result/decision. The iCQ HoQ will supervise the enquiry. The Head of Quality will acknowledge receipt of the enquiry **within 5 working days** and may request additional information from the appellant to proceed with the enquiry.

Where the enquiry relates to an examination result, iCQ will check the result/outcome recorded on its systems and those issued to the learner. If necessary, iCQ will review the examination answer script and the marks attained by the learner.

Where the enquiry relates to internal quality assurance or external quality assurance, iCQ will instigate reviewing IQA or EQA judgement. Where an enquiry is made against an assessment decision, iCQ will investigate whether iCQ procedures used are consistent and compliant with the regulators' Conditions, SSCs Assessment Guidance and Strategy, met the qualification's criteria, and have been applied properly and fairly in arriving at an assessment judgement.

On completion of this process, iCQ will provide feedback on the outcome and aim to action and resolve all stages of enquiries about results **within 30 working days** of finalising our decision of your enquiry. iCQ will keep you informed of ongoing investigations.

Stage 2 - iCQ Appeals Board

If a centre or learner is not satisfied with the outcome of the enquiry conducted at Stage 1, they have the right to appeal to the iCQ Appeals Board. The appeal should be made **within 30 days** of being informed of the outcome of the Stage 1 decision. The appeal should be made in writing and addressed to the Head of Quality. iCQ will acknowledge receipt of the Stage 2 appeal within 5 working days. Appeals could include (but not restricted to):

- a. Decisions regarding Reasonable Adjustments and Special Considerations
- b. Decisions relating to any action to be taken against a learner or centre following an investigation into malpractice and maladministration
- c. Refusal by iCQ to approve a centre
- d. iCQ suspension of qualification approval, or centre recognition

Depending on the complexity of the appeal iCQ will endeavour to convene an iCQ Appeals Board **within 30 days** of formal acknowledgement of receipt of the Appeal being made. A copy of the iCQ Appeals Board Terms of Reference is in Appendix 1. The iCQ Appeals Board will comprise of:

- a. An iCQ Director
- b. An iCQ EQA who is not connected with the centre or been involved in investigating a preceding Stage 1 enquiry
- c. An independent adviser (this will be a member of another recognised awarding organisation, who is independent of iCQ).

Where a person who would normally comprise part of the appeals board has a personal interest in the subject of the appeal, they will be replaced by an additional member of iCQ staff or an additional independent advisor and will have no input or influence over the appeal board's decision.

The primary role of the iCQ Appeals Board is not to repeat Stage 1, or re-evaluate evidence used in arriving at a Stage 1 decision, but examine the evidence, comments and reports provided to and by iCQ, and observations presented by the appellant as part of the Stage 2 Appeal by:

- a. reviewing the judgement of an enquiry or appeal
- b. reviewing the process to which a decision was derived
- c. reviewing that the correct procedures were followed and applied consistently and without bias throughout the enquiry or decision-making process and in arriving at the judgements made

The Head of Quality will notify the centre or learner of the outcome of the Appeals Board review and decision within 5 working days. Should the Appeals Board uphold the appeal it will instruct a further internal enquiry and make recommendations to any iCQs policies and/or procedures that need to be reviewed considering any appeals being upheld.

Stage 3 - Independent Review

If a centre or learner is not satisfied with the outcome of Stage 2, they have the option to appeal further. A Stage 3 appeal must be made in writing to iCQ **within 5 days** of notification of the outcome of the Stage 2 appeal. iCQ will acknowledge receipt of the Stage 3 appeal **within 5 working days**.

In such cases, iCQ will request that the Federation of Awarding Bodies (FAB) appoint 2 independent persons (from the FAB membership) to conduct an independent review; both persons will have expertise in the subject matter of the appeal. The independent review will check that the correct procedures were followed at Stages 1 and 2 and review all evidence relating to the appeal or enquiry.

The independent review will notify iCQ and the centre or learner of the outcome of the independent review **within 30 working days** of the independent decision.

Stage 3 is the final stage of the appeal or enquiry process and the decision is final. Further appeals or enquiries cannot be made.

Should the independent review uphold the appeal, iCQ will instruct a further internal enquiry and will outline how it intends to correct, or if not mitigate the effect of the failure in iCQ systems or procedures. Where a failure of systems or procedures is discovered, iCQ will apply its adverse effects and management of incidents procedure to ensure that the failure does not re-occur.

iCQ Contact Details

Should you require further clarification regarding this policy please contact:

iCQ Customer Support
4th Floor,



Salt Quay House,
Sutton Harbour,
Plymouth,
PL4 0HP

Email: support@icanqualify.co.uk