

Quality Procedures and Policies	LER-007	Issue Number	7
		Issue Date	October 2022
Vocational Qualification Assessment Appeals		Originator	PH
		Amended by	PH
		Approved by	MD

1. Scope

The aim of this policy is to ensure any Learner undertaking a vocational qualification at SETA is aware of the appeals procedure, how it works and how it can be instigated.

2. ECITB Qualifications

A Learner undertaking an ECITB NVQ qualification must be given a copy of SETA's Appeals procedure (**Please see Annex A**) at the beginning of their programme. This must be read and signed by the Learner, and kept in the appropriate part of their portfolio.

An unsuccessful appeal will result in the Learner being given the ECITB Appeals procedure to follow if they wish to pursue it further (**Please see Annex B**).

3. EAL Qualifications

A Learner undertaking an EAL qualification must be given a copy of SETA's Appeals procedure (**Please see Annex A**) at the beginning of their programme. This must be read and signed by the Learner, and kept in the appropriate part of their portfolio.

An unsuccessful appeal will result in the Learner being given the EAL Appeals procedure to follow if they wish to pursue it further. This procedure is entitled 'EAL Appeals Policy - v4 November 2015' (**Please see Annex C**).

4. Process

This process applies to both EAL and ECITB NVQ Qualifications:

1. *The Learner discusses their objection with the Assessor in question.*
2. *If the Learner is satisfied and agrees with the Assessors decision after talks, no further action is required.*
3. *If the Assessor agrees and changes their Assessment decision after talks, no further action is required.*
4. *If the Learner is still unhappy with the Assessors decision, they must complete an 'NVQAP1' (NVQ Assessment Decision Learner Appeal) form (**Please see Annex D**) and send it to SETA's Apprenticeship Services Standardisation Co-ordinator, including as much information as possible within 14 days of when they were notified of the assessment decision against which the appeal is being made.*
5. *The Apprenticeship Services Standardisation Co-ordinator, with the assistance of the assigned IQA will investigate the objection within 21 days of receiving it with the Assessor and Candidate, and the main points of the conversation will be logged on a 'NVQAP2' (NVQ Assessment Decision Appeal Investigation) form (**Please see Annex E**).*
6. *If the Candidate is unhappy with the decision, the Apprenticeship Services Standardisation Co-ordinator will refer the Learner to the Centre Compliance Manager, who in turn will discuss matters and issue the relevant Awarding Body's own Appeals Procedures for the Candidate to pursue (**Please see Annex B and C**).*

5. Records

The Apprenticeship Services Standardisation Co-ordinator will retain all records of the Appeal for no less than 5 years from the closure of the Appeal.

6. Review

The Lead Assessor/Internal Quality Assurer will review this process with the Centre Compliance Manager twice yearly or when any updates from the awarding bodies are received.

NVQ Assessment Appeals Procedure

Introduction

As a Learner carrying out an NVQ Qualification provided by SETA, you may appeal against any assessment decision if you believe it to be unfair or unreasonable.

Stage 1: Informal Appeal

Whenever possible, you should discuss your objections with your Assessor prior to making a formal appeal. If a solution cannot be achieved, you have the right to a formal appeal.

Stage 2: Formal Appeal

A formal appeal must be made by completing an 'NVQAP1' form and sending it to SETA's Apprenticeship Services Standardisation Co-ordinator within 14 days of when you were notified of the assessment decision against which the appeal is being made. The Apprenticeship Services Standardisation Co-ordinator will investigate the appeal with all parties and complete an 'NVQAP2' form.

Conclusion

The judgment will be communicated in writing to you as the Learner, your Assessor and the Internal Quality Assurer, by the Apprenticeship Services Standardisation Co-ordinator within 21 days of the appeal being received.

If the appeal is successful, the Apprenticeship Services Standardisation Co-ordinator will identify the specific failure in the assessment regime and implement corrective actions.

If the appeal is unsuccessful, you have the opportunity to instigate stage 3.

Stage 3: Awarding Body Appeal

You will be referred to Centre Compliance Manager, who will supply you with full details of the Awarding Body's own appeals procedure and contacts for you to initiate an appeal with them should you wish the appeal to be taken further.

The Apprenticeship Services Standardisation Co-ordinator will retain full details of the appeal for not less than 5 years.

Acceptance

I have received an introduction to the NVQ process detailing the unit requirements and the appeals procedure should I encounter a problem.

Name (print)..... Signed

Date.....

Contacts

SETA's Apprenticeship Services Standardisation Co-ordinator
(023) 8180 0416
jdobson@seta-training.co.uk

SETA's Centre Compliance Manager
(023) 8087 8307 or at
phurlstone@seta-training.co.uk



ECITB Awarding Organisation Appeals Policy and Procedure

RV2-0

Introduction

This policy is aimed at our Approved Centres and candidates registered with the ECITB Awarding Organisation in relation to the delivery of an ECITB qualification. It sets out the procedure that should be followed when submitting appeals to us and the procedure we will follow when responding to appeals. We publish this policy and procedure on our website to support the process of appeal.

This policy can be used by:

- Approved Centres to appeal against a decision made by the ECITB Awarding Organisation, appeals from Approved Centres must be submitted by the Centre Co-ordinator;
- Candidates registered with the ECITB Awarding Organisation to appeal against a decision made by the Approved Centre only once they have exhausted the Approved Centre's own appeals process and only where they believe the Approved Centre's internal appeals process was not applied fairly, consistently and/or objectively.

ECITB's Responsibility

The ECITB Awarding Organisation is responsible for ensuring that all appeal decisions:

- (a) are taken by individuals who have no personal interest in the decision being appealed;
- (b) at Stage Two, the Independent Review, are undertaken by a person who is not an employee of the ECITB Awarding Organisation, an assessor working for the ECITB Awarding Organisation, or otherwise connected to it;
- (c) are always taken by persons who have appropriate competence.

Approved Centres' Responsibility

It is important that Approved Centre staff involved in the management, assessment and quality assurance of our qualifications and all registered candidates are aware of the contents of this policy.

Approved Centres must have internal appeal arrangements that candidates can access if they wish to appeal against a decision taken by the Approved Centre and/or the ECITB Awarding Organisation. If a candidate wishes to appeal against a decision taken by an Approved Centre it must first of all go through the Approved Centre's appeals process before bringing the matter to the attention of the ECITB Awarding Organisation or exercising the right of further escalation as detailed within this policy.

Fees

We will not charge you or your candidates a fee to cover the administrative and personnel costs involved in dealing with appeals.

Basis for Making Appeals

Appeals may be made only on the basis that **procedures were not followed fairly, consistently and/or objectively** in relation to decisions taken by the ECITB Awarding Organisation:

- following quality assurance monitoring;
- to decline an Approved Centre's request for reasonable adjustments or special consideration;
- to apply a sanction or restriction to an Approved Centre;
- concerning assessment outcomes made by the ECITB Awarding Organisation;
- to amend a candidate/set of candidate results following external quality assurance and/or a malpractice or maladministration investigation;
- following the outcome of an investigation into malpractice or maladministration;
- following an investigation into a complaint about an Approved Centre and/or a pattern of complaints;
- about the outcome of an Approved Centre's application to offer an ECITB qualification.

Candidates who wish to appeal their assessment outcomes or a related decision should either:

- Be supported by their Approved Centre who will appeal to the ECITB Awarding Organisation on their behalf;

or

- should appeal to the ECITB Awarding Organisation directly, only once they have exhausted the Approved Centre's own appeals process.

Appeal against Approved Centre judgements will **NOT** be accepted as a basis for appeals for any results issued under Ofqual's conditions outlined in Extraordinary Regulatory Framework for Vocational and Technical Qualifications.

The list above is not exhaustive and other potential scenarios may be covered by this policy on the basis that procedures were not applied fairly, consistently and/or objectively. Please contact the ECITB Awarding Organisation, using the contact details at the end of this document, if you are unsure about how best to proceed.

Requesting an Appeal

Approved Centres and candidates have **20 working days** from the date of notification of the decision, in which to request an appeal against that decision to the ECITB Awarding Organisation in writing, contact details can be found at the end of this document.

In the event of an appeal, Approved Centre staff and/or candidates should retain any evidence until they receive a final decision. ECITB Awarding Organisation will retain evidence in line with its associated Record Keeping and Data Protection policies.

If an Approved Centre appeals on behalf of their candidate(s) it must ensure that they obtain, and submit with the request for appeal, the written permission of the candidate(s) concerned, as assessment results can be affected as a result of the review and could go up or down.

Candidates appealing directly to the ECITB Awarding Organisation must provide us with evidence that they have first completed the Approved Centre appeals process. **It is expected that candidates will only appeal directly to us in exceptional circumstances.**

When submitting a request for appeal please provide relevant supporting information, which must include the following where applicable:

- Centre name, address and Centre Co-Ordinator contact details.
- Candidate name(s), ECITB registration number and contact details.
- Date(s) of the receipt of notification of the ECITB Awarding Organisation's decision (if applicable).
- Title and number of the ECITB qualification affected or nature of service affected (if appropriate).
- Date of assessment (if appropriate).
- Full outline and reasons for the appeal as defined in this policy, i.e. fairness, consistency and/or objectivity
- Contents and outcome of any investigation carried out by the Approved centre relating to the issue.
- Date of appeal submission

Evidential documentation may be enclosed with the appeal if necessary.

We will acknowledge receipt of all requests for appeals within **2 working days**. We will then undertake an initial assessment of the request for appeal to ensure the application relates to areas covered by this policy and we will respond if the appeal has been accepted **within a further 10 working days**.

The Appeals Process

Stage One - Internal Review

Once the appeal has been accepted, we will undertake our review and, where possible, we will aim to fully respond with the outcome of the appeal within **30 working days**. Please note that in some cases the review processes may take longer, for example, if an Approved Centre visit is required. In such instances, we will contact all parties concerned to inform them of the likely revised timescale.

In all instances we will ensure that the person leading this review will be competent to do so and will not have a personal interest in the decision being appealed.

The person reviewing the appeal will consider:

- all information submitted with the request;
- any other supporting documentation that the appellant wishes to submit in support of their appeal provided this is received by the ECITB Awarding Organisation within **15 working days** of the date they were notified that the appeal has been accepted.

and will ensure that all relevant policies and procedures were fairly, consistently and objectively followed.

On completion of the internal review, we will write to the appellant setting out the rationale of our decision to either:

1. Uphold the appeal

Or

2. Not uphold the appeal

The appellant may only instigate Stage Two of this appeal process if they believe that Stage One of the appeal was not conducted fairly, consistently, objectively and in line with the ECITB Awarding Organisation policies.

The appellant must write to the ECITB Awarding Organisation **within 15 working days** of the date they were notified of the outcome of Stage One, confirming they wish to proceed to a Stage Two of the appeal process.

Stage Two - Independent Review

The ECITB Awarding Organisation will arrange for an Independent Reviewer to carry out Stage Two of the appeals process.

The role of the independent reviewer is to determine if the decision made during Stage One was in accordance with ECITB Awarding Organisation policies and procedures and conducted in a fair, consistent and objective manner.

No additional evidence can be submitted by any party during Stage Two, unless requested by the Independent Reviewer.

The Independent Reviewer will be someone who is not an employee of the ECITB Awarding Organisation, an assessor working for the ECITB Awarding Organisation, or otherwise connected to it. They will also be someone with the relevant competence to make a decision in relation to the appeal and will not have any personal interest in the decision being appealed.

The Independent Reviewer will evaluate the evidence submitted during Stage One and the procedures applied to assess if we have applied our procedures fairly, consistently and objectively in line with this policy.

The independent review process may involve (at the Independent Reviewer's sole discretion):

- discussions with the appellant and/or the candidate and/or ECITB Awarding Organisation personnel;
- a request for further information from the appellant, the candidate or ECITB Awarding Organisation personnel;
- an Approved Centre visit by the Independent Reviewer accompanied by a member ECITB Awarding Organisation personnel.

To allow reasonable time for the availability of an Independent Reviewer and for the process of the Stage Two appeal, we will aim to inform you of the outcome of Stage Two within **60 working days** from the date that the ECITB Awarding Organisation receives confirmation from the appellant that they wish to progress to Stage Two. However, in some cases this may take longer and, in such instances, we will contact the appellant to inform them of the likely revised timescale.

We will write to the appellant following the outcome of Stage Two setting out the Independent Reviewers rationale of their decision to either:

1. Uphold the appeal

Or

2. Not uphold the appeal

The Independent Reviewer's decision is the final stage of the ECITB Awarding Organisation's appeals process.

Right of Further Escalation

If the appellant believes that the appeal was not conducted fairly, consistently and objectively in line with this policy then they are entitled to escalate the matter with the relevant qualifications regulator:

- **RQF and QCF denoted Qualifications**

Ofqual (England)

Qualifications Wales (Wales)

- **SCQF Qualifications** to SQA Accreditation. For appeals relating to complaints to SQA accredited qualifications being delivered by a Further Education or Public Service Body operating in Scotland that are not related to academic decisions, the Scottish Public Services Ombudsman (SPSO) is the final arbiter in Scotland.

Successful Appeals and/or Issues Brought to our Attention

In situations where an appeal has been upheld, or where an investigation following notification from a regulatory body indicates a failure in our processes, the ECITB Awarding Organisation will give due consideration to the outcome and will, as appropriate, take actions such as (but not limited to):

- amend the risk profile of the Approved Centre concerned
- issue any new results and certification
- identify any other candidates who have been affected and correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure
- review our associated processes and policies to ensure that the issue does not occur again, or mitigate a recurrence of the situation giving rise to the appeal as far as possible if the failure that occurred cannot be corrected

We will also cooperate with any follow-up investigations required by the qualifications regulators and, if appropriate, agree any remedial action with them.

Where regulators or others notify us of failures that have been discovered in the assessment process of another awarding organisation we will review our own policies and procedures to decide whether or not a similar failure could affect our own assessment processes and arrangements, consider whether any remedial action is necessary in relation to assessments that have been undertaken, as well as considering appropriate amendments to those processes for the future.

Confidentiality and Data Protection

All communication related to appeals will be treated on a need to know basis.

The records of any communication will be kept on file and destroyed at a time appropriate and in line with the ECITB Awarding Organisation's policies.

In accordance with the requirements of the regulator, information and records related to appeals may be made available to them upon request.

Complaints

The ECITB Awarding Organisation has a separate complaints policy and procedure, which should be followed by Approved Centres/candidates who are dissatisfied with any other aspect of our services not covered by this policy. A copy of the ECITB Awarding Organisation's complaints policy is published on our website.

Review Arrangements

We will review this policy and its associated procedures as part of our continuous improvement arrangements and revise it, as and when necessary, in response to customer, candidate or regulatory feedback (e.g. to align with any enquiries and appeals process established or revised by the regulators) and to identify any trends that may emerge in the subject matter of enquiries received.

Contact us

If you have any queries about any aspect of this process, please contact:

ECITB Awarding Organisation
Engineering Construction Industry Training Board
Blue Court
Church Lane
Kings Langley
Hertfordshire
WD4 8JP

☎: 01923 260 000

@: Qualifications@ecitb.org.uk

💻: www.ecitb.org.uk

Appeals Policy

Excellence, Achievement and
Learning (EAL) Ltd

Telephone: +44 (0) 1923 652 400
Fax: +44 (0) 1923 652 401

Email: customer.care@eal.org.uk

Website: www.eal.org.uk

EAL (Excellence, Achievement & Learning Ltd) is registered in England and Wales (02700780). Registered office: Unit 2, The Orient Centre, Greycaine Road, Watford, Herts, WD24 7GP

Controlled by:	Governance & Regulation	Updated:	July 2018	Version:	5.1
Policy Title :	Appeals	Review Date:	July 2019	Regulatory ref:	I1; SQAP 13

APPEALS POLICY

PURPOSE OF THIS POLICY

This policy is aimed at any party who wishes to appeal against a product or service delivered by EAL, which includes our centres who are delivering EAL qualifications and learners who are registered on or have taken an EAL approved qualification or unit. It sets out the process you should follow when submitting appeals to us and the process we will follow in response. The policy is also for use by our staff to ensure they deal with appeals in a consistent and timely manner.

It is our aim to always treat each appeal case fairly and consistently, in line with our policies and processes and to ensure our approach is in line with the General Conditions of Recognition and Principles set by the Regulators.

Each of our separate policies and the centre recognition requirements contain wording in regards to the appeals process and EAL will direct appellants to the main appeals policy at all times.

CENTRE'S RESPONSIBILITY

It is important that both learners and centre staff involved in the management, delivery, assessment and quality assurance of our qualifications are fully aware of the contents of this policy. In addition, centres must have their own internal arrangements which learners can easily access if they wish to appeal against a decision.

GROUNDINGS FOR APPEAL

- The results of internally (Centre) marked and externally (EAL) marked assessments and examinations results.
- Our decision to accept or decline requests for reasonable adjustments or special consideration arrangements.
- Our decisions relating to malpractice or maladministration investigation outcomes.
- Decisions relating to EAL imposing sanctions on a centre or individual (refer to EAL's Sanctions Policy for rationale of sanctions and levels).
- Decisions regarding qualification approval risk status.
- Decisions concerning the withdrawal or suspension of centre/qualification approval.
- Procedural irregularity: Procedures were not followed in accordance with EAL guidelines.
- Perversity of judgement: the decision reached clearly breaches natural justice.
- Administrative irregularity: incorrect advice being given by a responsible staff member, which materially affects the outcome or decision.

EXTERNALLY MARKED ASSESSMENTS BY EAL

For externally marked assessments by EAL, the centre can ask for a learner's examination result to be reviewed, alternatively a learner can request this directly but it is always suggested that individuals go through their centre initially; these requests are treated as an enquiry about results. EAL will arrange for the learner's answers to be re-marked. There are a number of possible outcomes from the review of the examination results by EAL:

- The examination result is upgraded. (E.g. the grade is changed from Pass to Merit). EAL will amend its learner records and send the new certificate to the centre
- The examination result is downgraded (E.g. the grade is changed from Merit to Pass). EAL will amend its learner records, request the previous certificate is returned and send the new certificate to the centre.
- The examination result is confirmed. EAL will provide a report on the learner's performance.

In all cases the results of the examination re-mark are communicated to the centre / learner, if the centre or learner disagrees with this decision then the centre/learner has the right to appeal following EAL's appeals procedure outlined in this policy.

PROCESS FOR RAISING AN APPEAL

Following the initial decision made by EAL concerning any of the areas stated in the grounds for appeal paragraph, you have 20 working days from the date EAL notified you of the decision of the outcomes to raise an appeal with EAL.

In the case of assessment decisions made by centres, they are managed firstly internally through the centre's own appeals policy and procedures. If a learner is not satisfied with the outcome of the appeal, they are entitled to submit their appeal to EAL.

An appeal request should be submitted using the relevant **Appeals Request Form** and emailed to EAL via: customer.care@eal.org.uk. EAL's appeals policy and appeals submission forms are available to centres and appellants through our website and also within the EAL centre management system (SmarterTouch) for all recognised centres.

If an appeal is submitted, you may choose to withdraw the appeal at any time, informing EAL of the reason.

STAGE 1 APPEAL PROCESS

Stage 1 - All appeals to EAL will be acknowledged within 2 working days and we aim to respond with an outcome decision within 20 working days. EAL will undertake an internal review of the appeal to reach an outcome. In some cases the review process may take longer as further evidence or an investigation may be required. In such instances we will contact the appellant to inform them of the likely revised timescale.

For a stage 1 appeal there are two possible outcomes:

- The appeal is **upheld** because the correct processes, procedures and/or policy documents were not followed. EAL will inform all parties in writing of this decision.
- The appeal is **rejected** because the correct processes, procedures and/or policy documents were followed. If this is the case, EAL will inform all parties in writing of this decision and also inform the appellant details of how to move to a stage 2 appeal with EAL.

STAGE 2 APPEAL PROCESS

Stage 2 - Whilst all appeals are normally resolved at Stage 1, if you do not feel the appeal has been satisfactorily resolved, you have the right to take the appeal to Stage 2, whereby the EAL Appeals Panel will consider all evidence and assess whether procedures were

followed consistently and applied properly and fairly in line with our policy to arrive at a judgement.

For all stage 2 appeals, a Head of Department/Manager/Leader not involved in the original appeals decision and one independent person (this will not be or will not have been a member of EAL’s Board or committees, an EAL employee or an EAL External Contractor at any time) and the Chair of the panel, will review the application, supporting documents and any records relating to the original decision.

The Appeals Panel review process may involve:

- A discussion with the appellant, centre and/or the learner and/or EAL personnel
- A request for further information from the appellant, the centre and/or the learner and/or EAL personnel
- A centre visit by authorised EAL personnel

The Appeals Panel’s decision is **final** and EAL will inform you of the outcome within 20 working days of the completion. If circumstances require additional time, EAL will keep you informed about the progress and the likely timescale for resolution.

If you still believe that EAL have not followed its appeals procedure correctly you are entitled to raise the matter with the relevant Regulator(s).

Where an investigation following notification from the Regulator(s) indicates a failure in our processes, EAL will give due consideration to the outcome and will, as appropriate, take actions such as:

- Amend the profile record of the centre concerned;
- Identify any other learners who have been affected and amend the results for the learner(s) affected following an appropriate investigation;
- Correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure;
- Review our associated processes and policies to ensure that the ‘failure’ does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected.

We will also cooperate with any follow-up investigations required by the Regulator(s) and agree any appropriate remedial action with them.

SQA Accreditation is unable to overturn assessment decisions or academic judgements.

FEES

A fee will be charged to cover administration costs and all fees are required to be paid in advance.

Appeals	Fee (ex. VAT)
Stage 1	£150.00
Stage 2	£300.00

REVIEW ARRANGEMENTS

EAL will review the policy annually as part of our self-evaluation arrangements; Amendment and review may also be in response to feedback requests or good practice guidance issued by Regulators, to align with their appeals and complaints process.

CONTACT US

If you have any queries about the contents of this policy please contact the Governance & Regulation Team at: customer.care@eal.org.uk

If you would like to make an appeal please complete the relevant **Appeals Request Form Stage 1 or Appeals Request Form Stage 2** and send to customer.care@eal.org.uk.

NVQ Assessment Decision Learner Appeal

I hereby give notice that I wish to appeal against an assessment decision towards my National Vocational Qualification.

Learner Name		Date	
Assessor Name			
NVQ Title			

Details of Appeal
<i>Please provide a statement of why you wish to appeal against an Assessment decision Including as much information as possible.</i>

<u>Learner Signature</u>
<u>Date</u>

Please return this form to SETA's Apprenticeship Services Standardisation Co-ordinator at either jdobson@seta-training.co.uk or send it to; Apprenticeship Services Standardisation Co-ordinator, Southampton Engineering Training Association Ltd. First Avenue, Millbrook, Southampton, Hampshire. SO15 0LJ.

NVQ Assessment Decision Appeal Investigation

Learner Name		Date	
Assessor Name			
Internal Quality Assurer			
Qualification Title			

Outcome of Appeal

Recommendations	
Learner Signature:	Apprenticeship Services Standardisation Co-ordinator Signature:
Date:	Date: