

Appeals Procedure



August 2021
Version 2

Further Training Limited TA
Further EPAO
European Business Park, Taylors Lane, Oldbury, West Midlands, B69 2BN
0845 600 6690
assessments@furtherepao.co.uk

Introduction

This procedure should be used for the following purposes:

- The results of Assessment: for employers and apprentices that have received End-point Assessment results from Further EPAO and wish to seek additional feedback regarding a decision.
- To appeal against an End-point assessment decision made by Further EPAO.
- Decisions regarding Reasonable Adjustments and Special considerations
- Decisions relating to any action to be taken against a learner or the EPAO and its staff following an investigation into malpractice or maladministration.
- For staff to ensure they deal with all enquiries and appeals in a consistent and professional manner.

The procedure will be reviewed annually unless the need arises for it to be completed sooner.

If an apprentice wishes to make an appeal regarding results/grades issued by the training organisation/centre, they should go through the training organisation/centre's own internal appeals procedure.

Further EPAO aims to ensure that decisions made regarding End-point assessments, Reasonable Adjustments, special considerations and investigations of malpractice and or maladministration are consistent, fair and based on valid judgements. However, there may be occasions whereby service users may not feel that this is the case. Therefore, we have laid out the full procedure below.

An appeal can only be made on the basis that Further EPAO did not apply its procedures consistently or they were not followed properly and fairly. All instances of appeals will be formally recorded on the Risk and Incident Log and used for continuous monitoring.

The procedure features three stages.

- Stage 1 – Enquiries Informal
- Stage 2 – Formal Appeal
- Stage 3 – Independent Panel

Stage 1 – Enquiries – Informal

The enquiry stage allows employers, apprentices, training organisations and any persons relating to Further EPAO wishing to seek clarification in the following areas:

- Feedback received as the result of an EPA
- Question any grading awarded for EPA
- Decisions made regarding Reasonable Adjustments or Special Considerations
- Investigations or decisions regarding Malpractice and Maladministration

Enquiries must be made within 30 working days after the release of results or decisions.

Persons wishing to seek clarification will need to email their enquiry to assessments@furtherepao.co.uk

Please note – if a training organisation/centre is making an enquiry on behalf of the apprentice or employer, they must get consent from the apprentice before making the enquiry and ensure that they have discussed the implications of it beforehand. Grades/results can go down as well as up as the result of an appeal.

Further EPAO will acknowledge receipt of the enquiry within 3 working days of receiving it.

All enquiries will be investigated by either the Director of EPA Operations, or the Director of Business Services who will respond to the person(s) who initiated the enquiry with more information or clarification of decisions made, within 27 days of receipt acknowledgement. Following this the appellant can then choose to make a formal appeal if they feel that Further EPAO did not follow the correct processes and procedures, or believe the decision was not based on valid judgements.

Stage 2 – Formal Appeal

This stage allows training organisations/centres and any persons relating to Further EPAO to make a formal application of appeal if they feel that Further EPAO have not followed the correct processes and procedures, or a decision was not based on valid judgements. The ‘applicant’ will need to request an Appeals Application (see appendix 4) from the Director of EPA Operations or the Director of Business Services and return it within 20 working days of the enquiry’s response (the close of stage 1). This will be passed to the non-executive board members who have not been involved in any original decisions, to review the appeal and investigate, and to identify if Further EPAO have followed the correct processes and procedures, and the decision was based on valid judgements. In the event of an identified conflict of interest relating to a Non-Executive Director, they would not be included in the appeal/investigation.

The appeals application must include the reason(s) for the appeal and any specific instances where the ‘applicant’ believes Further EPAO did not follow the correct processes and procedures, or believe the decision was not based on valid judgements.

For appeals following a Stage 1 enquiry, the appeals application must include details of how the ‘applicant’ believes Further EPAO did not follow the correct processes and procedures during the enquiry stage.

If the appeals application does not include the required information outlined above, it will be returned, and a deadline will be given for the information to be included. If the ‘applicant’ has not responded fully within the deadline the appeal will not be heard.

A representative Non-Executive Board member will confirm receipt of an appeal application within 3 working days of receiving it and issue a written outcome of the appeal within 22 working days of confirming a receipt of the application.

Outcomes

After the Non-Executive Board has reviewed the appeal, there will be two possible outcomes:

- The appeal will be upheld because the correct processes or procedures were **not** followed. In which case, Further EPAO will send formal notification to apologise which will include proposed corrective actions which would usually be to review the apprentices work or results.

- The appeal will be rejected because all of the correct processes and procedures were followed. In which case, Further EPAO will send formal notification about the decision, which will include information about appealing to the Independent Panel.

Stage 3 – Independent Panel

- The purpose of the Independent Panel stage is for a hearing to be held in order to evaluate evidence and identify if the correct processes and procedures have been followed. The panel exists to ensure there is an independent avenue of appeal if the appellant is not satisfied with the outcome of stage 2. The panel consists of external persons from Quest HR. This company is external to Further EPAO and provides independent services relating to HR matters. The Independent Panel is the final avenue for appeals for Further EPAO and its decisions are final.

In order to make an appeal to the Independent Panel, the appellant should request and return a 'Final Appeal Application' (see appendix 5) from the Director of EPA Operations or Director of Business Services within 15 working days of the Appeals Application response (the close of Stage 2). The Director of EPA Operations or Director of Business Services will escalate the appeal to the Independent Panel who will consider all information presented by the 'applicant' and Further EPAO representatives. The Independent Panel may require personal representation in order to hear the appeal.

The panel will consider whether Further EPAO has followed the relevant processes and procedures correctly and whether they were applied appropriately and fairly in arriving at judgements.

The Independent Panel will confirm receipt of the Final Appeal within 5 working days and will conduct a hearing within 20 working days of receipt. They will then issue a written outcome within 5 working days after the hearing.

Outcomes

After the Independent Panel has heard the appeal in full, there will be two possible outcomes:

- The Independent Panel finds that the appropriate processes and procedures have been followed and confirms the decision of the appeal therefore rejecting the appeal. The panel will notify the 'applicant' about the decision.
- The Independent Panel finds that processes and procedures have **not** been followed therefore, the appeal is upheld. The panel will notify the 'applicant' and recommend appropriate actions for Further EPAO to ratify.

Fees for Appeals:

Enquiry Type	Fee £	Employer	Apprentice	Refundable on success of appeal
Informal appeal against assessment decision	85.00 (Per apprentice)	✓	✓	✓
Formal appeal against assessment decision	170.00 (Per apprentice)	✓	✓	✓
Appeal against reasonable adjustment	170.00 (per apprentice)	✓	✓	✓
Appeal against special consideration decision	170.00(per Apprentice)	✓	✓	✓
Appeal to take action against apprentice or employer following an investigation into malpractice or maladministration	255.00	✓	✓	✓
If any appeal is upheld, the full fee will be refunded.				