

Appeals Policy

Introduction

This policy is aimed at customers, including learners and apprentices, who are delivering/enrolled on or have taken an Occupational Awards approved qualification or unit; or have undertaken their Apprenticeship End Point Assessment through OAL. It sets out the process that should be followed when submitting appeals to Occupational Awards and the process Occupational Awards will follow when responding to appeals.

It is also for use by Occupational Awards to ensure they deal with all appeals in a consistent manner.

Scope

This policy covers:

- Appeals from apprentices and/or learners in relation to an assessment decision or any part of their End Point Assessment decision on the basis that OAL did not apply procedures consistently or that procedures were not followed properly and fairly.
- Appeals from apprentices and/or learners relating to an OAL decision to decline a request to make reasonable adjustments or give special considerations.
- Appeals from apprentices relating to a decision made by OAL following an investigation into a complaint.
- Appeals from approved Centres and/or approved EPA Centres in relation to an assessment decision, or any part of an End Point Assessment process, in their own right as well as on behalf of their learner/apprentice

Note: Should an appeal be submitted which is in fact an enquiry or a complaint, we will advise the relevant party that the issue is being considered, as such in accordance with the relevant OAL policy and/or procedure. A request to remark a Knowledge Test for an End Point Assessment is not classed as an appeal and is processed separately although the process is included here.

Centre Responsibilities

It is important that staff involved in the management, assessment and quality assurance of Occupational Awards qualifications and in delivering apprenticeship off the job learning, and learners are aware of the contents of the policy.

Centres delivering qualifications have additional responsibilities to manage appeals as a centre and must have internal appeal arrangements which learners can access if they wish to appeal

against a decision taken by the centre. If an individual wishes to appeal against a qualification decision taken by a centre, they must first go through the centre's appeals process before bringing the matter to Occupational Awards.

Fees

OAL will charge a fee directly to the individual learner/apprentice/centre raising the appeal to cover the administrative and personnel costs involved in dealing with appeals. OAL also charges for the remark of an EPA Knowledge Test. These fees can be found on the OAL fees and charges section of the website.

If the appeal is upheld, any fees paid will be reimbursed.

If the appeal is taken to independent review OAL will make an additional charge to cover the costs of this review. The appellant will be advised of these costs before the independent review is instigated and they will be refunded in full should the appeal be successful.

In the case of group appeals in the case of a qualification (not applicable to End Point Assessment), the fee per learner will be reduced, depending on the number of learners, and if the appeal is upheld, the fee waived. Where such appeals are partially upheld, the fee will be proportionately waived.

Occupational Awards Responsibilities

The Responsible Officer is accountable for ensuring the implementation of this policy. The Director of Quality and Regulation is responsible for carrying out the requirements of this policy. Where either party is implicated in the appeal the Chief Executive or Chair of the Governance Board will be responsible for appointing suitable person(s) to carry out these activities.

Grounds for Appeal Covered by the Policy

The following are grounds for an appeal against either qualifications, centres delivering qualifications, or the carrying out and result of End Point Assessments undertaken by OAL:

- Procedural or organisational irregularities in the conduct of an End Point Assessment or component of End Point Assessment, or in the conduct of any OAL member of staff in carrying out the End Point Assessment or the External Quality Assurance visit
- The assessment did not follow the assessment plan for the unit or module, or in the case of End Point Assessment, did not follow the Assessment plan for the relevant component or overall.
- Misleading information in relation to the assessment has been given for both EPA and qualifications.

- Insufficient or inappropriate instructions or guidance has been provided for both EPA and qualifications.
- Insufficient opportunity to be able to demonstrate competence has been provided.
- Appeals from centres in relation to an Occupational Awards decision concerning a centre's application to offer an Occupational Awards qualification.
- Appeals from centres concerning the contents of a centre monitoring report carried out by an OAL External Quality Assurer.
- Appeals from centres and/or learners/apprentices relating to an Occupational Awards decision to decline a centre's request to make reasonable adjustments or give special considerations for either qualifications or EPA
- Appeals from centres or learners in relation to the application by Occupational Awards of a sanction/action on a centre resulting from a verification visit or an investigation into malpractice or maladministration or a decision to amend a learner/set of learners results following a malpractice or malpractice investigation
- Appeals from centres relating to a decision made by Occupational Awards following an investigation into a complaint about a centre.
- Appeals that suggest that Occupational Awards has not applied its procedures consistently or those procedures were not followed properly, consistently and fairly.
- A request for a remark of a Knowledge test as part of an End Point Assessment can be made

Process for Raising an Appeal

Centres/learners/apprentices have 30 working days from the date of their last Assessment for End Point Assessment, or from being notified of the result of their qualification, in which to lodge an appeal against the decision. This includes assessment results, so for appeals relating to qualifications, learners/staff are advised to retain their course evidence until they receive the result.

If a centre is appealing on behalf of its learner(s)/apprentice, they must ensure that they have obtained the written permission of the learner(s)/apprentice concerned and they need to make the learner/apprentice aware that grades/results can go down as well as up as a result of an appeal investigation.

Learners who have undertaken OAL qualifications, and who wish to appeal about their assessment results or about a related decision should either be supported by their centre or should have exhausted their centre's own appeals process before appealing to Occupational Awards. In the latter case, learners must provide Occupational Awards with evidence that they have first appealed to their centre. It is expected that learners who have undertaken OAL qualifications will only appeal directly to Occupational Awards in exceptional circumstances.

Apprentices who wish to appeal about the conduct or outcome of their End Point Assessment, and learners who have undertaken OAL qualifications, should work with their training provider to complete the form on the OAL online platform. If that is not possible or you are unable to access the online platform, then in exceptional circumstances please contact quality@oawards.co.uk and they will provide an alternative appeal route. Any Centre who has access to the OAL online platform should only use that process. Apprentices/learners will need to confirm that they support the appeal being made, via the relevant section of the form.

Requests to remark a Knowledge Test can be made by completing the Enquiry Form on the OAL online platform, ticking the box to request a remark of the knowledge test and outlining the details, and then sending the form through the online platform to OAL.

Appeal Process

Upon receipt of any appeal or request to remark a test, OAL will acknowledge receipt within 2 working days and pass it to an appropriate individual to review the appeal, who will aim to respond fully to the appeal within 10 working days. Please note that in some cases the review processes may take longer. In such instances, OAL will contact all parties concerned to inform them of the likely revised timescale.

OAL operates a 2 stage formal Appeal process:

Stage 1

All appeal investigations and decisions will involve the following:

- An independent Senior Manager within Occupational Awards who has no personal interest in the decision being appealed, likely to be a member of the Quality Team
- An internal investigation will be carried out and all recommendations reviewed by the Appeals panel before issue
- The Appeals panel will include senior members of OAL team
- all individuals involved in the appeal decisions must have the relevant competence and accountability to make a decision in relation to the appeal.

Following the review of the appeal, Occupational Awards will write to the appellant with details of the decision to either:

- amend the original decision in light of the new rationale/evidence being put forward which has been reviewed
- to confirm Occupational Awards stands by the original decision and in doing so the rationale for this decision. Occupational Awards will also request that it is confirmed, in writing within 15 days, whether the appellant now accepts this decision or if they wish to proceed to Stage 2 of the appeals process.

Stage 2

The Appellant can then request a Stage 2 review of the original decision if they remain dissatisfied with the outcome. Stage 2 will be led by the Responsible Officer on behalf of OAL, and undertaken within 15 working days from the date of the decision being notified to the appellant.

Following the stage 2 review of the appeal, Occupational Awards will write to the appellant with details of the decision to either:

- amend the original decision in light of the new rationale/evidence being put forward which has been reviewed
- to confirm Occupational Awards stands by the original decision and in doing so the rationale for this decision. Occupational Awards will also request that it is confirmed, in writing within 15 days, whether the appellant now accepts this decision or if they wish to

proceed to independent review final stage of the appeals process.

A Knowledge test will be remarked and if a different score is awarded, feedback will be given through the issue of a revised Grading and Feedback form via the OAL online portal, with an email to alert the organisation requesting the remark that it is now available.

Independent Review Appeals Process

Following the two stage process outlined above, if the appellant is still unhappy with the outcome they can decide to proceed to the independent appeal stage. The Responsible Officer and the Chief Executive will arrange for an independent review to be carried out by someone independent. A knowledge test remark outcome cannot be referred to this stage as it is not an appeal.

The independent reviewer must meet the following criteria:

- they will not be an employee of Occupational Awards, be working as an assessor for Occupational Awards us, or be otherwise connected to Occupational Awards.
- they must have the relevant competence to make a decision in relation to the appeal
- they must not have a personal interest in the decision being appealed.

The Independent Reviewer will review all the evidence which took place during previous stages and review whether Occupational Awards have applied the procedures fairly, appropriately and consistently in line with the policy.

The independent review process may involve:

- a discussion with the appellant or the learner and Occupational Awards personnel
- a request for further information from the appellant, the learner or Occupational Awards personnel
- a centre visit by authorised Occupational Awards personnel.

The Independent Reviewer's decision is final in relation to how Occupational Awards will consider such appeals and Occupational Awards will inform the appellant of the outcome of the review within 25 working days of receipt of the request for the final independent review of the appeal.

If the centre/learner is still unhappy with the outcome at this stage they are entitled to raise the matter with the relevant qualification regulator, usually Ofqual.

Successful Appeals and/or Issues Brought to Occupational Awards Attention by The Regulators

In situations where an appeal has been successful, or where an investigation following notification from the regulators indicates a failure in the processes, Occupational Awards will give due consideration to the outcome and will, as appropriate, take actions such as:

- amending the risk profile of the centre concerned;
- identifying any other learners who have been affected and correcting or, where it cannot be corrected, mitigating as far as possible the effect of the failure (e.g. and amend the results for the learner(s) affected following an appropriate investigation);
- reviewing 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.

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

Where the regulators notify Occupational Awards of failures that have been discovered in the assessment process of another awarding organisation, Occupational Awards will review whether or not a similar failure could affect Occupational Awards own assessment processes and arrangements.

Storage and Use of Information

All information and data collected regarding any appeals made to Occupational Awards Ltd will be stored securely on the database system. Depending on the nature of the appeal this information will be stored against either a centre or learner. This information will only be made available to relevant persons.

Information may be used to review 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

Contact Us

If you have any queries about the contents of the policy, please contact the Occupational Awards Quality Team on: E: quality@oawards.co.uk T: +44(0)1904 236 483