

# Appeals Policy and Procedure

Version 4.0 (October 2018)

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Version 7.0 (October 2018)

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## Version Control

The following chart presents the version control of the policy:

Version	Date	Reason for Change
1.0	April 2016	First published
2.0	June 2016	Updated following Energy and Utilities Independent Assessment Service Governing Body (EUIAS GB) meeting
3.0	Dec 2016	Re-branded to remove old EEIP logo
4.0	June 2017	Annual review and title changed from complaints and appeals to appeals policy and procedure (the complaints handling policy is now a separate document)
5.0	July 2017	Revised following policy review working group
6.0	July 2017	Proof read
7.0	October 2018	Front page, contents page and version control added. Document History relocated.

## Introduction

EUIAS and employers are committed to providing a high quality learning experience for all their apprentices and undertake to treat each apprentice fairly and consistently.

Fairness to all employers and apprentices is central to this policy and we are committed to quality assurance processes that are based on impartial, evidence-based judgements. However, all employers and apprentices are entitled to enquire about, or appeal against, assessment or other decisions.

## Employer Responsibilities

Some apprenticeship standards have a role for the employer to play in the delivery of the end-point assessment (EPA) activities. Where employers have a role in EPA activities, the employer must have their own auditable internal appeal arrangements, which apprentices can access if they wish to make an enquiry about an EPA result or appeal against a decision taken by their employer. All appeals must be clearly documented and employers are required to inform apprentices of the procedure they should follow in the event of an appeal against an assessment decision. Appendix 1 details the apprenticeships and activities where employers may be involved in EPA delivery.

## Purpose

The purpose of this policy is to make sure that employers and apprentices know how they can enquire about EPA, or appeal against an outcome of an EPA.

The policy is also intended for use by EUIAS staff to ensure that all enquiries about results and appeals are dealt with consistently.

## Definitions

Definition	Detail
Enquiries	Enquiries from an apprentice / employer that is not satisfied with a knowledge assessment result that has been set and marked by the EUIAS
Appeal	<ul style="list-style-type: none"> <li>Appeal of the final grading decision awarded by the final decision panel (applicable to power network craftsperson, water process technician, utilities engineering technician, gas network craftsperson and gas network team leader)</li> </ul>

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|  | <ul style="list-style-type: none"> <li>• Appeal of the final grading decision awarded by the EUIAS for dual fuel smart meter installer, gas engineering, maintenance and operation engineering technician or electrical power plant protection and commissioning engineer</li> <li>• Appeal of results on the basis that the EUIAS did not apply procedures consistently or that procedures were not followed properly and fairly</li> <li>• Appeals from an apprentice that is not satisfied with the outcome of the employer's internal appeals procedure</li> <li>• Appeals from employers or apprentices relating to an EUIAS decision to decline a request to make reasonable adjustments</li> <li>• Appeal from employers that disagree with the outcome(s) from technical expert audit reports</li> <li>• Appeals from employer or apprentices in relation to the outcome of an investigation into a report of malpractice and / or maladministration including sanctions imposed</li> <li>• Appeals from employer or apprentice of bias or discrimination in the assessment and grading</li> </ul> |
|--|--|

## Out of Scope for Appeal

The following **cannot** be appealed:

- Appeals submitted more than 30 working days after the key date
  - Dependent on the nature of the appeal, the key date may be the date at which an employer's internal appeals procedure concluded, or when a EUIAS auditor reported their decision, or when a final grade decision was reached
- Events / activities that took place before EUIAS received the employer selection letter and received the apprentice registration details
- Anything that should be dealt with under an employer's own disciplinary or grievance procedure
- Anything involving an awarding organisation of regulated qualifications that have been delivered as part of the apprenticeship (either mandatory or non-mandatory)
- Anything involving the apprenticeship on-programme delivery and activities.

## The Process

Where an employer believes that either they or an apprentice has grounds for an enquiry or an appeal to EUIAS, they should submit it in writing and addressed to EUIAS, Friars Gate, 1011 Stratford Road, Shirley, Solihull, B90 4BN or via [enquiries@euias.co.uk](mailto:enquiries@euias.co.uk).

All initial review and / or appeals will be acknowledged within two working days. Employers and apprentices have 30 working days from the key date to lodge an appeal with EUIAS.

If an employer appeals on behalf of the apprentice the employer must ensure that it has obtained the written permission of the apprentice(s) concerned as results can go down as well as up as a result of an investigation i.e. a pass mark could go down to a fail mark.

When submitting an appeal, relevant supporting information must be supplied such as:

- Employer name, address and contact details
- Apprentice's name and unique learner number
- Key date(s) the employer or the apprentice received notification of a decision
- Date an assessment took place
- Whether a remark or an administrative check is required
- Title of the apprenticeship affected
- A clear statement of the grounds for the enquiry and / or appeal i.e. full details of the nature of the appeal including any evidence that is relevant to the appeal and, where an employer internal appeal has taken place, the outcome of any investigation carried out relating to the issue and the documentation relating to that appeal (in the case of an assessment appeal, this may include the apprentice's work, records of assessment, internal quality assurance and the internal appeal)
- The appellants name, position and signature

## Enquiry Handling

When an apprentice's knowledge assessment results vary considerably from the result they expect, the apprentice may make an enquiry about the assessment result to the EUIAS. An enquiry about results is a formal request, in writing, for a review of a knowledge assessment result.

An employer may make an enquiry about a knowledge assessment result on behalf of one or more apprentices. Apprentices should discuss their case with their employer before a request is made. It is only possible to request an enquiry for an assessment that is marked by EUIAS.

A request can be made either for an administration check, or for a re-mark. A fixed fee is charge when a request is made for this service. The fee is refunded if the outcome of the test or assessment is changed as a result of the enquiry.

## Appeals Handling

On receipt of the appeal, the responsible officer (EUIAS delivery manager) will convene a panel made up of two senior members of EUIAS staff not involved in the circumstances surrounding the appeal, and that have no personal interest in the outcome of the review or appeal decision.

The panel will undertake an initial assessment of the potential appeal to ensure the application is complete within the scope of the policy, and to ascertain if the issue can be resolved before it goes to a formal appeal. A EUIAS associate who is independent of the matter under review may provide specialist knowledge input to the panel.

If the request falls within the scope of the policy the appellant will be notified within two working days.

The panel will consider the evidence submitted and, if necessary, request additional information be provided before reaching its conclusion. The panel will consider whether the required procedures were followed correctly and whether they were applied fairly, consistently and properly in arriving at judgements. The panel will recommend either the appeal is:

- Upheld; or
- Not upheld

The recommendation will be confirmed to the appellant within 10 working days.

- If the review upholds the appeal, the apprentice or employer will be advised of any actions required to conclude matters and any fees will be refunded
- If the review does not uphold the appeal, the apprentice or employer will be told that they may make a formal appeal to the independent appeal panel

## Independent Appeals Procedure

If an appeal has not been upheld at the review stage, the appellant may request in writing that an appeal be passed to EUIAS' independent appeal panel for decision. The written request to the EUIAS responsible officer (EUIAS delivery manager) must be made within 10 working days of the notification of the review, re-mark, appeal or administrative check decision.

The terms of reference for the independent appeal panel can be found at the rear of this policy in Appendix 2. All requests will be acknowledged within 2 working days of receipt.

EUIAS' independent appeal panel is made up of the chair of the relevant sector assessment and assurance panel, a subject specialist that has not been involved in the original appeal and an independent person that is not employed by EUIAS, or in any other way connected to the organisation that has the appropriate knowledge and skills to make a decision on the subject matter.

The panel will convene within 10 working days of the request being received by the responsible officer. The panel will evaluate all the evidence submitted and decide if EUIAS has applied the procedures fairly, appropriately and consistently in line with the EUIAS policy and recommend either the appeal is:

- Upheld; or
- Not upheld

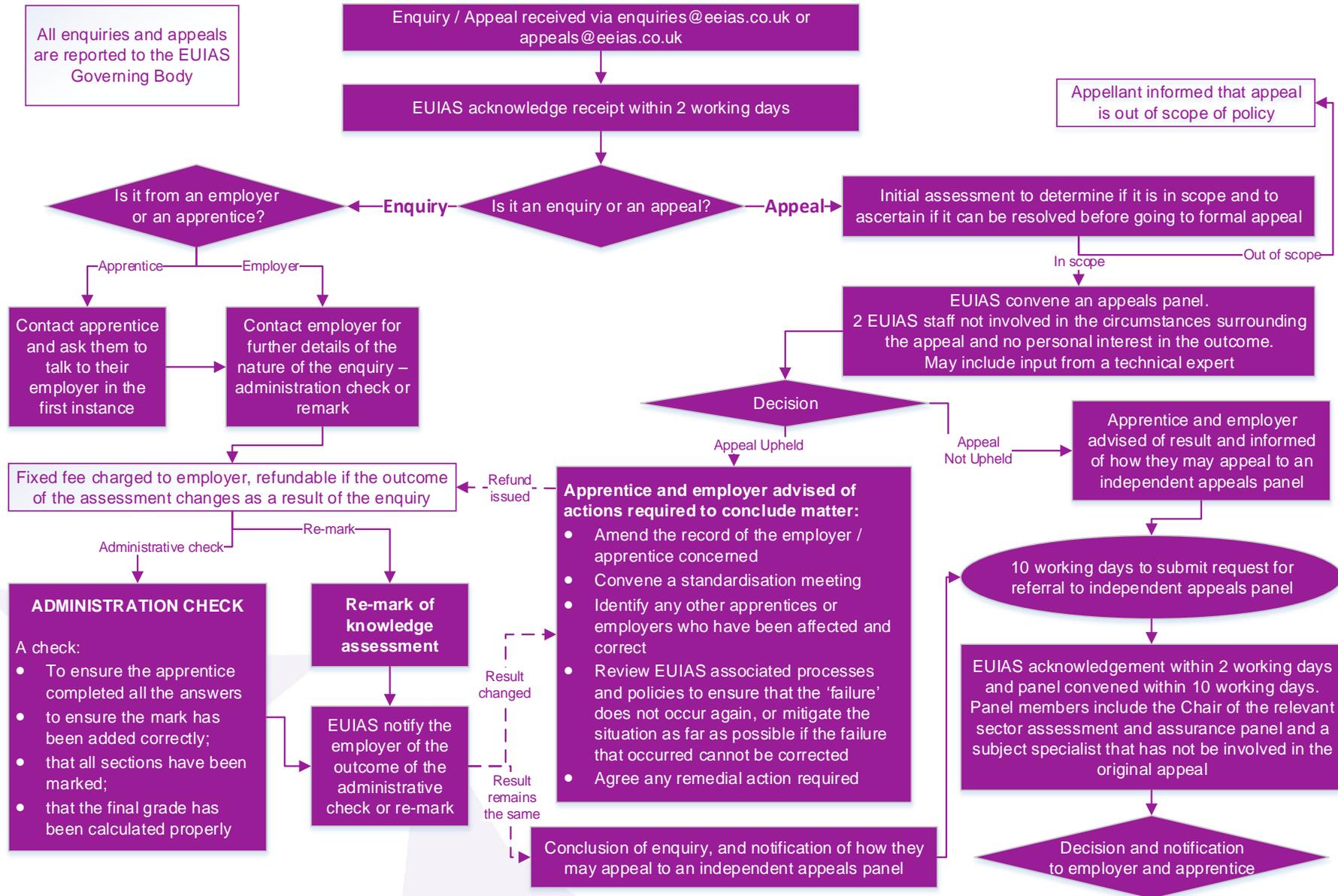
The decision of the independent appeal panel is final. All decisions will be communicated to the Chair of the GB.

## Notification of Outcome of Appeal

The apprentice or employer will receive formal notification of the outcome within 20 working days of the start of the independent appeal process:

- If the appeal is upheld, the apprentice or employer will be told of any actions required to conclude matters and fees will be refunded
- If the appeal is not upheld the apprentice or employer will be given the reasons in a report
- The employer will be notified of any subsequent actions

All initial reviews, appeals and subsequent outcomes are reported to the EUIAS GB. The appeal and its outcome will be used to inform our self-assessment and self-evaluation activities and will feedback into our EPA development and review process where necessary.



## Appendix 1

Apprenticeship	Role	Activity	Where can they come from?
Power Network Craftsperson	Technical expert	<ul style="list-style-type: none"> <li>Administer and mark trade test</li> <li>Review the behaviour and progress assessments*</li> </ul>	<ul style="list-style-type: none"> <li>The employer (can come from another employer or an assessment organisation if a specific specialism is required).</li> <li>They must be 'approved' by the assessment organisation.</li> </ul>
	Industry technical expert	<ul style="list-style-type: none"> <li>Conduct the technical interview</li> </ul>	<ul style="list-style-type: none"> <li>Not stated</li> </ul>
	Final decision panel member	<ul style="list-style-type: none"> <li>Moderation panel to discuss and award final grade</li> </ul>	<ul style="list-style-type: none"> <li>2 employers, one of whom must be independent of the apprentice</li> </ul>
Dual Fuel Smart Meter Installer	Technical expert	<ul style="list-style-type: none"> <li>Mark the portfolio</li> <li>Carry out the interview</li> </ul>	<ul style="list-style-type: none"> <li>Employer (or brought in if required from other employers or an assessment organisation)</li> </ul>
	Further technical expert	<ul style="list-style-type: none"> <li>Employer quality assurance – review grading decisions and examine evidence</li> </ul>	<ul style="list-style-type: none"> <li>Employer, or bought in if required)</li> </ul>
	Line manager / trainer / safety engineer / quality assurance engineer	<ul style="list-style-type: none"> <li>Work observation</li> </ul>	<ul style="list-style-type: none"> <li>Not specified</li> </ul>
Water Process Technician and Utilities Engineering Technician	Technical expert	<ul style="list-style-type: none"> <li>Mark the portfolio review the work log and make a summative assessment</li> <li>Administer and mark trade test</li> </ul>	<ul style="list-style-type: none"> <li>Employer (or brought in if required from other employers or an assessment organisation)</li> <li>Must be 'approved' by the assessment organisation</li> </ul>
	Employer internal standardisation	<ul style="list-style-type: none"> <li>Verify the technical expert scores</li> </ul>	<ul style="list-style-type: none"> <li>Employer</li> </ul>



	Marker	<ul style="list-style-type: none"> <li>Administer and mark the knowledge assessment</li> </ul>	Provided by the EUIAS
	Final decision panel member	<ul style="list-style-type: none"> <li>Final grade decision</li> </ul>	Employer, and 2 more that are independent of the apprentice, employer and training provider
Gas engineering	Technical expert	<ul style="list-style-type: none"> <li>Combine the scores of the portfolio assessment to award a preliminary mark*</li> <li>Administer and mark the competency test</li> <li>Work log review (summative assessment)</li> <li>Work log interview (examination conditions)</li> <li>Award overall preliminary grade</li> </ul>	Employer (or external if required, to respond to the needs of smaller employer  Technical experts will be appointed by assessment organisations.
	Independent technical expert	Competency test	No details provided other than 'independent'
	Marker	Administer and mark knowledge assessment	Provided by the EUIAS
	Invigilator	Knowledge assessment – examination conditions	Can be from the employer but must be appointed by the assessment organisation
Gas Network Craftsperson and Gas Network Team Leader	Technical expert	<ul style="list-style-type: none"> <li>Mark the portfolio</li> <li>Review work log and carry out summative assessment</li> <li>Administer and mark trade test</li> <li>Conduct the interview (GNC only)</li> <li>Final decision panel member</li> </ul>	Technical experts will be appointed by assessment organisations. They may be nominated from within the apprentice's own organisation or external if required, to respond to the needs of smaller employers.
	Marker	Administer and mark the knowledge assessment	Provided by the EUIAS

## Appendix 2

### EUIAS Independent Appeals Panel Terms of Reference

The EUIAS independent appeals panel shall consider and determine appeals submitted to it by those wishing to challenge a decision or decisions reached during the appeals process.

#### Composition

The EUIAS independent appeals panel is made up of the chair of the relevant sector assessment and assurance panel, a subject specialist that has not been involved in the original appeal and an independent person that is not employed by EUIAS, or in any other way connected to the organisation that has the appropriate knowledge and skills to make a decision on the subject matter. A member of the EUIAS administrative team shall be present at each meeting of the panel to take notes of the meeting but shall not be involved in the appeal proceedings.

#### Proceedings of Meetings

The panel may appoint advisers to provide advice at the meeting but they will not be involved in the decision making process of the appeal outcome.

The panel shall convene when necessary to ensure that appeals are heard promptly. This will usually be within 10 working days of the appeal being received by the EUIAS delivery manager.

At each meeting of the panel all members must be present for the proceedings to be valid, except in the event of exceptional circumstances outside the control of the panel or any member.

The panel will review the original appeal decision and any further evidence provided by the appellant as part of his / her request for an appeal to ensure that procedures were applied consistently, properly and fairly.

The panel may request additional information from the centre / learner, arrange discussions with centre staff and / or visit the centre if necessary.

The Chair may, at their discretion, adjourn or suspend proceedings for any such period as the Chair deems reasonable if the additional information is not readily available or arrangements need to be made to visit a centre.

The Chair of the panel will notify the appellant, in writing, of the panel's decision within 20 working days, and the chair of the GB.

All notes of the proceedings shall be evidence of the appeal and must be kept securely in the EUIAS electronic information management system for a minimum of 3 years.