

# End-Point Assessment Services


## Appeals Policy

August 2023 (V3.0)

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## Owner and version control

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## 1. Introduction

BPN is committed to providing a high-quality assessment 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.

## 2. 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 BPN staff to ensure that all enquiries about results and appeals are dealt with consistently.

## 3. Definitions

Definition	Detail
Enquiries	Enquiries from an apprentice / employer that is not satisfied with an assessment result that has been set and marked by BPN
Appeal	<ul style="list-style-type: none"><li>• Appeal of the final grading decision awarded by BPN</li><li>• Appeal of results on the basis that BPN 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 BPN decision to decline a request to make reasonable adjustments</li><li>• Appeal from employers that disagree with the outcome(s) from assessors</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>

## 4. 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 BPN auditor reported their decision, or when a final grade decision was reached
- Events / activities that took place before BPN received the apprentice registration details
- Anything that should be dealt with under and 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.

## 5. The Process

Where an employer believes that either they or an apprentice has grounds for an enquiry or an appeal to BPN, they should submit it in writing and addressed to Best Practice Network, Newminster House, Baldwin Street, Bristol, BS1 1LT or via [epa@bestpracticenetwork.co.uk](mailto:epa@bestpracticenetwork.co.uk)

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

If an employer enquires or 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 enquiry or 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 enquiry or appeal including any evidence that is relevant to the enquiry or 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

## 6. Enquiry Handling

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

An employer may make an enquiry about an 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 assessed by BPN.

A request can be made either for an administration check, or for a re-mark. A fixed fee is charged 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.

## 7. Appeals Handling

On receipt of an appeal, the responsible officer will convene a panel made up of two senior members of BPN 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 BPN 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 five 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

## 8. 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 BPN's Independent Appeal Panel for decision. The written request to BPN responsible officer (BPN Director of CPD and Accreditation) 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 4 working days of receipt.

BPN's Independent Appeal Panel is made up of a member of the senior leadership team, a subject specialist that has not been involved in the original appeal and an independent person that is not employed by BPN, 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 BPN has applied the procedures fairly, appropriately and consistently in line with BPN 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 Governing Board.

## 9. 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 BPN Governing Body. 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 Independent Appeals Panel Terms of Reference

BPN 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

BPN Independent Appeals Panel is made up of a member of the senior leadership team, a subject specialist that has not been involved in the original appeal and an independent person that is not employed by BPN, 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 BPN 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 BPN Director of CPD and Accreditation.

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 governing body.

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