

Appeals and Enquiries Policy and Procedures

Providers, Employers and Apprentices

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Overview

As a regulated end-point assessment organisation (EPAO) there is a regulatory requirement for Professional Assessment Ltd (PAL) to have an enquiries and appeals policy and process that is shared with all of our relevant stakeholders.

PAL's policy is designed to safeguard assessment results and ensure that every apprentice has the same opportunity to achieve their apprenticeship certificate. PAL recognises on occasions the results issued may not be in line with an apprentice's or employer or training provider's expectations and this policy and process allows these parties to enquire or contest an assessment outcome.

Policy Scope

This policy applies to Professional Assessment Ltd (PAL's) end-point assessment service.

It is important that the provider / employer complies with this policy as this is part of your end-point assessment (EPA) service contract with us and where you have centre approval, this policy also applies. Apprentices (learners) should also be familiar with the appeals policy and procedure.

This policy and procedure cannot be used to appeal a service level contract, where the termination clauses have been justified and met.

The purpose of this policy is to outline the steps an apprentice (learner) or provider/employer must take when submitting an enquiry or appeal.

PAL has two distinct phases regarding this policy and procedure

Enquiry phase- no charge is made for an enquiry and an enquiry includes asking for clarification or further explanation regarding an assessment decision or outcome. In respect of end-point assessment, the appellant must complete the enquiry stage before proceeding to an appeal

Appeal phase- a charge is made for this stage*¹ and the appeals panel will include at least one person independent from PAL

Who is this policy for?

This policy is for employers, providers (centres and third parties) and apprentices, who want to submit an enquiry or an appeal regarding:

- The results of assessments
- Decisions regarding Reasonable Adjustments and Special Considerations
- Decisions relating to any action to be taken against a learner/apprentice or a provider/employer following an investigation into malpractice or maladministration
- Dissatisfaction with the outcomes of an enquiry or complaint
- The results of sanctions or monitoring and PAL monitoring review risk ratings outcomes

PAL's personnel will advise relevant parties of our appeals and enquiry policies and processes at contract negotiation; provider and employer account management meetings and apprentices will be reminded of the right to enquire and appeal, as part of PAL's assessment planning process.

¹ Please review policy for when charges apply

Purpose

The purpose of this policy is to outline PAL's approach to dealing with enquiries and appeals regarding specific decisions PAL has made regarding assessment decisions, sanctions, or the application of reasonable adjustments.

PAL has a two-phased process, the initial phase is an enquiry and PAL aims to resolve most notifications at this stage, however if a resolution cannot be agreed, there is a second stage, which is an appeal.

When to use this policy

Enquires

An enquiry should be made, where the appellant wishes to seek understanding or clarification regarding a decision made by PAL. An enquiry can also be made in respect of decisions regarding sanctions, and reasonable adjustments and access arrangements, to include application and implementation of such requests.

PAL has a dedicated email for appeals and enquiries, and this is epaappeals@professionalassessment.co.uk. This email is checked daily by designated PAL personnel and all enquiries are reported at PAL's bi-monthly Quality and Compliance meeting and monitored as part of PAL's quality assurance, self-evaluation and continuous improvement activities.

In respect of enquiring or appealing a maladministration or malpractice decision, please refer to the specific policy.

If any party PAL works with wishes to enquire or question an invoice or remittance advice, then PAL's Business Operations Director should be contacted via PAL's info@ email address or PAL's dedicated invoice email address. The enquiry and appeals policy and procedures are not the mechanisms for financial queries and resolution, and if PAL is unable to resolve the situation to your satisfaction, PAL's complaints policy details what actions you can take.

An enquiry or appeal should be made, where the person making the notification has valid and reasonable information to dispute a decision made by PAL in respect of an assessment decision or the imposition of a sanction or believes a reasonable adjustment request has not been appropriately dealt with.

Appeals

If the appellant or affected parties are not satisfied with the outcome of an enquiry and this stage of PAL's procedure has been fully exhausted, then the next stage is to appeal the decision.

Grounds for Appeal

All persons involved in the assessment and internal quality assurance processes have the right to appeal against assessment or internal quality assurance decisions which are perceived as unfair, biased or in contravention of the apprenticeship standard (qualification) and assessment plan.

Valid reasons for an appeal are:

- a) One or more parties affected by the assessment and quality assurance process believes the assessment and or quality assurance process or decision has been unfair.
- b) One or more parties affected by the assessment and quality assurance process believes not all the appropriate evidence of competence or presented documentation or assessment or quality assurance decisions has been considered.
- c) One or more parties affected by the assessment and quality assurance process thinks that the assessor or assessment process has misunderstood the context of the evidence generated.
- d) One or more parties affected by the assessment and quality assurance process believes their requirements under reasonable adjustments and/or special considerations were not supported or appropriately addressed, and this adversely impacted on the assessment or quality assurance outcome.
- e) One or more parties believes PAL has not followed and applied their policies and procedures in a fair and reliable fashion. Providers and employers can use this policy to enquire or appeal a sanction imposed by PAL

or contest access arrangements. For challenging any findings of maladministration and /or malpractice findings, please see the relevant policy. Enquires and appeals regarding sanctions, and access arrangements should only be made where there is new, relevant, and additional information, not previously made available to PAL, and the new information is regarded as materially different and significant to influence or challenge the original decision.

Where other learners/apprentices and other relevant parties may be affected by PAL decisions

In cases where the result or outcome of an appeal may affect other learners/apprentices or providers and employers, then appropriate action will be taken dependent upon the nature of the appeal.

This action could include: a full review of standardisation procedures or processes; training for PAL personnel or revised guidance; briefings for provider or employer personnel involved in apprenticeship delivery; additional sampling of learner/apprentices' assessments or increased moderation of assessment decisions.

PAL will always keep learners/apprentices and providers/employers informed of our actions.

PAL's Responsible Officer will be advised of any event that has the potential to cause an adverse effect, or has caused an adverse effect, either at an individual level or involving more than one person or party. The Responsible Officer will inform the PAL Board, PAL's Quality and Compliance meeting group and the relevant regulatory body of such events, along with proposed recommendations and actions for addressing a reportable event, such notifications will be recorded in PAL's governance platform.

The Responsible Officer will also liaise with the regulatory body and take due regard of any requests for information and recommendations the regulatory body propose. In the absence of the Responsible Officer, the Deputy Responsible Officer or a member of PAL's event reporting team will undertake any reporting requirements.

Fees

The fee of £150 is payable for an appeal (a-e) at the second stage. In matters relating to assessment decisions PAL will invoice the employer for this amount and will not conduct a panel review until payment is received. The fee is charged to cover the costs of the investigation and panel review. We will reimburse this fee if the appeals panel hearing upholds the appeal.

- **We do not make any charges for an enquiry (first stage).**
- **We do not make any charges for appeals against access arrangements; appeals against malpractice decisions, or sanctions.**

Learners/Apprentices who wish to enquire or appeal any learning outcome, achievement, or qualification result, which has not been assessed by PAL, i.e., it has been assessed by a centre or another awarding organisation, and the learner/apprentice should refer to the respective centre's enquiry and appeals process

Enquiries against an End-Point Assessment Decision

Raising an Enquiry

Learners/apprentices who wish to enquire about or appeal their assessment results, should either be supported by their provider or employer.

In the event an apprentice/provider and or employer wishes to enquire about the outcome or grade of the end-point assessment, the apprentice and/or employer, or the provider on behalf of the apprentice and employer can enquire about a grade. **Employers and/or providers must have the consent of the apprentice** before making an application on their behalf and it is their responsibility to also make sure the apprentice understands all the possible outcomes.

The enquiry request should be made in writing (email will suffice) to PAL **within 15 working days of receiving the EPA grade.**

If the apprentice has other assessments to complete, as part of the overall end-point assessment, dependent on the grade and the relationship between assessments, PAL will agree if the assessment window should be paused² to review the enquiry or continue with the other assessment components.

The enquiry needs to be made within the 15 working days' timescale, as the EPA team will allow this time before informing the ESFA of your results and organising an apprenticeship certificate request, where appropriate.

For PAL to follow up on an assessment decision enquiry we will require the following information:

- Name of the apprentice
- Location/employer establishment
- Apprentice Line Manager name and preferred method of contact
- Apprenticeship standard
- Date, time, and location of the assessment
- Assessment component the enquiry is concerned with

For PAL to follow up on all enquiries that fall under this policy PAL will require the following information:

- Name of person requesting the enquiry
- Name of organisation
- Written rationale for making the enquiry
- Any new or additional information, that was not previously available or presented to PAL, and reasons for such information not being available at the time of the original review or investigation

For issues that are linked to dissatisfaction with PAL's services, please refer to PAL's complaints policy.

While an enquiry is happening, it is important that the appellant keeps all evidence relating to the case, PAL will securely store all evidence submitted as part of any enquiry.

An enquiry should be made via PAL's dedicated email address **epaappeals@professionalassessment.co.uk**

In the event a centre or third-party employer or provider wishes to enquire about the imposition of a sanction; the level of, the named contact as provided for PAL's records, will be required to put their enquiry request in writing (email will suffice) **to PAL within 10 working days of receiving the sanction or risk rating review**. The epaappeals@professionalassessment.co.uk email address should be used.

If an enquiry involves the application of reasonable adjustments, or access arrangements deployed during assessment, the above email address should be used, and the enquiry should be made **within 10 working days** of the assessment activity. Please refer to PAL's Special Considerations and Reasonable Adjustments policy for further information regarding PAL's approach to creating equitable assessment opportunities.

In the event an individual or organisation wishes to make an appeal against a maladministration or malpractice decision, please also refer to PAL's Maladministration and Malpractice policy. In this situation the appeal e-mail address should be used to lodge the enquiry, noting that it is an appeal against a maladministration/malpractice decision. An enquiry should be made within **10 working days** of receiving the maladministration/malpractice decision.

PAL will:

- Acknowledge all enquires via email within **three working days**.
- Respond to your enquiry via email within **ten working days of receiving it**.

The dedicated email addresses are checked by PAL on a frequent basis, by designated PAL personnel.

² Pausing the assessment process, results in a temporary withdrawal of the apprentice from the end-point assessment process

Enquiry Activities- assessment /grading outcomes

PAL will assign an experienced member of the PAL team to act as the investigating officer, to review the evidence and information submitted by the appellant and associated evidence with the enquiry case. **This person will not have been involved in the assessment or quality assurance activities of the initial assessment.** The assigned investigating officer can be a member of the quality team, including the Quality Manager, or in some cases an EPA Manager.

The findings and results of this review will take no longer than 10 working days, unless the nature of the enquiry involves a more complex investigation and review, in which case PAL will advise the relevant parties of a revised timescale for issuing an enquiry outcome.

The process typically includes a clerical check, to assess whether we used procedures that were consistent with the relevant assessment plan and PAL's Apprenticeship Standard Specification and PAL's assessment protocols and pertinent policies and procedures. **The enquiry will not typically involve the re-assessment of an apprentice's work;** however, a review may be needed if the outcome of the enquiry requires it, and in this instance, PAL will bear the costs.

If the appellant is not satisfied with the outcome of stage one, they can submit the appeal for stage two.

The outcomes of the enquiry

The PAL representative reviewing the enquiry will rule on the enquiry outcome and advise the relevant parties of their decision. The outcome will be recorded by PAL and all records will be secured and stored, in line with our data policy and retention of data and information. PAL's Responsible Officer will review enquiries held in PAL's governance reporting system. At the fortnightly Quality and Compliance meeting The Quality Manager will update PAL Directors and Managers of all current enquiries and appeals and any outcomes since the previous meeting. If the enquiry identifies any errors within PAL's procedures, PAL will:

- Correct any errors in respect of the individual case
- Produce and implement an action plan to mitigate any further issues/ risks for PAL use.

If the outcome of the enquiry indicates the requirement for PAL to inform the relevant regulator of a potential or actual adverse effect, PAL's Responsible Officer will make the notification, through the appropriate channels. In the absence of the Responsible Officer, one of PAL's event notification team, or the Deputy Responsible Officer can make the report.

If the appellant is not happy with the outcome of the enquiry, **they have 14 working days** in which to request that an Appeal Hearing is undertaken.

The appellant or person acting on their behalf will need to complete an appeal form and submit this to PAL, this can be done before the payment of £150 is required.

Where we do make a charge for the work of the appeal, appeal panel review and hearing, the cost is **£150**, and this is payable prior to any appeal hearing. Payment is required within **seven working days from PAL issuing the invoice for the appeal activities.**

Where the appeals panel, finds in favour of the appellant and the appeal is upheld, PAL will reimburse the £150.

Enquiry Activities- sanctions/ reasonable adjustments and access arrangements

Sanctions

A decision to impose a sanction on an employer or provider or apprentice will be discussed and agreed by PAL's Business Operations Director and Qualifications Director and ratified by the PAL Board, prior to making such an enquiry, please refer to PAL's sanctions policy.

PAL's Business Operations Director will assign an experienced member of the PAL team to review the information submitted by the appellant and associated evidence with the case. PAL will only consider undertaking a review of this kind if the appellant has new evidence or information that could be considered sufficiently substantial to alter the imposition of a sanction. PAL will not undertake an enquiry or review of a decision where the request has exceeded ten working days, from the date of the sanction imposition.

The person assigned to the enquiry review will not have been involved in any review or investigation that resulted in the imposition of the sanction. The assigned person will have the necessary experience to undertake such a review. The findings and results of this review will take no longer than 10 working days, unless the nature of the enquiry involves a more complex investigation and review, in which case PAL will advise the relevant parties of a revised timescale for issuing an enquiry outcome.

The process typically includes a clerical check, to assess whether we used procedures that were consistent with PAL's sanctions policy and procedures. **The enquiry will review evidence pertaining to the sanction and any new information presented and provided by concerned parties.**

The outcomes of the enquiry

The PAL representative reviewing the enquiry will rule on the enquiry outcome and advise the relevant parties of their decision. The outcome will be recorded by PAL and all records will be secured and stored, in line with our data policy and retention of data and information. PAL's Responsible Officer will be kept informed of all such enquiries by PAL's governance reporting system and updates will be provided at PAL's fortnightly Quality and Compliance meeting.

If the enquiry identifies any errors within PAL's procedures, PAL will:

- Correct any errors in respect of the individual case
- Produce and implement an action plan to mitigate any further issues/ risks for PAL use

If the outcome of the enquiry indicates the requirement for PAL to inform the relevant regulator of a potential or actual adverse effect, PAL's Responsible Officer will make the notification, through the appropriate channels. In the absence of the Responsible Officer, a member of PAL's event notification team, or Deputy Responsible Officer can report to the regulatory body.

If the appellant is not happy with the outcome of the enquiry, **they have 14 working days** in which to request that an Appeal Hearing is undertaken.

No appeals fee is required for an appeal against the imposition of a sanction.

Reasonable Adjustments and Access arrangements

Prior to making an enquiry, please refer to PAL's Special Considerations and Reasonable Adjustment Policy and guidance and access arrangements. PAL will not uphold any arrangements made that require adjustments, where they have not been advised of the request and agreed to the actions.

PAL's Business Operations Director will assign an experienced member of the PAL team to review the information submitted by the appellant and associated evidence with the case. PAL will only consider undertaking an enquiry, if the appellant has new evidence or information that could be considered sufficiently substantial to alter any original

assessment arrangements. PAL will not undertake an enquiry where the request has exceeded the ten working days, from the date of the assessment decision issue.³

The person assigned to the enquiry review will not have been involved in any original assessment activity or discussions and planning of reasonable adjustments or access arrangements. The assigned person will have the necessary experience to undertake such a review. The findings and results of this review will take no longer than 10 working days, unless the nature of the enquiry involves a more complex investigation and review, in which case PAL will advise the relevant parties of a revised timescale for issuing an enquiry outcome.

The process typically includes a clerical check, to assess whether we used procedures that were consistent with PAL's special considerations and reasonable adjustment and access policies and procedures. **The enquiry will review evidence pertaining to the relevant assessment activities and any new information presented and provided by concerned parties.**

The outcomes of the enquiry

The PAL representative reviewing the enquiry will rule on the enquiry outcome and advise the relevant parties of their decision. The outcome will be recorded by PAL and all records will be secured and stored, in line with our data policy and retention of data and information. PAL's Responsible Officer will be kept updated of all such enquiries, via PAL's governance reporting system and the fortnightly Quality and Compliance meeting will provide a summary on all current enquiries and appeals.

If the enquiry identifies any errors within PAL's procedures, PAL will:

- Correct any errors in respect of the individual case
- Produce and implement an action plan to mitigate any further issues/ risks for PAL use.

If the outcome of the enquiry indicates the requirement for PAL to inform the relevant regulator of a potential or actual adverse effect, PAL's Responsible Officer will make the notification, through the appropriate channels. In the absence of the Responsible Officer, a member of PAL's event notification team can report to the relevant regulatory bodies or agencies.

If the appellant is not happy with the outcome of the enquiry, **they have 14 working days** in which to request that an Appeal Hearing is undertaken.

No appeals fee is required for an appeal against the implementation of reasonable adjustment or access arrangements.

Maladministration and Malpractice

Prior to making such an enquiry, please refer to PAL's maladministration and malpractice policy, this policy details PAL's approach to the investigation and review of such events, to include where appropriate independent investigations and committee review.

PAL's Business Operations Director will assign an experienced member of the PAL team to review the information submitted by the appellant and associated evidence with the case. PAL will only consider undertaking an enquiry, if the appellant has new evidence or information that could be considered sufficiently substantial to alter the issued sanction, of the original decision of maladministration or malpractice. **PAL will not undertake an enquiry where the request has exceeded the ten working days, from the date of PAL issuing the decision in respect of a maladministration or malpractice event.**

The person assigned to the enquiry review will not have been involved in the original maladministration or malpractice. The assigned person will have the necessary experience to undertake such a review. The findings and

³ PAL notes ten days, as opposed to 15 days as with assessment decisions, as such enquiries may be complex and require additional time to review.

results of this review will take no longer than 10 working days, unless the nature of the enquiry involves a more complex investigation and review, in which case PAL will advise the relevant parties of a revised timescale for issuing an enquiry outcome.

The process typically includes a clerical check, to assess whether we used procedures that were consistent with PAL's maladministration and malpractice policy. **The enquiry will review evidence pertaining to the original case and investigation and any new information presented and provided by concerned parties.**

The outcomes of the enquiry

The PAL representative reviewing the enquiry will rule on the enquiry outcome and advise the relevant parties of their decision. The outcome will be recorded by PAL and all records will be secured and stored, in line with our data policy and retention of data and information. PAL's Responsible Officer will be kept updated via PAL's governance reporting system of all such enquiries and the Director of Audit and Compliance as part of PAL's self-evaluation process may elect to select such events as part of the internal audit schedule.

If the enquiry identifies any errors within PAL's procedures, PAL will:

- Correct any errors in respect of the individual case
- Produce and implement an action plan to mitigate any further issues/ risks for PAL use.

If the outcome of the enquiry indicates the requirement for PAL to inform the relevant regulator of a potential or actual adverse effect, PAL's Responsible Officer will make the notification, through the appropriate channels. In the absence of the Responsible Officer, a member of PAL's event notification team can make such a report to the relevant agency.

If the appellant is not happy with the outcome of the enquiry, **they have 14 working days** in which to request that an Appeal Hearing is undertaken.

No appeals fee is made for appeals regarding maladministration and malpractice

Notification to external agencies

PAL will immediately inform the relevant and appropriate regulator of any serious breaches relating to apprenticeship standards as outlined in Ofqual's General Condition B3, and EPA3 e.g., those which it deems may have an adverse effect on the integrity of the qualification, programme of learning, PAL as an EPAO and other EPAOs and AOs and associated regulatory and funding bodies.

PAL Appeals Hearing- Second Stage-all appeals

The decision whether to accept the application for an appeal is based on:

- whether the appeal was submitted as outlined in grounds for appeal
- whether there is evidence that our relevant policies and procedures have not been properly and fairly applied
- Appeals cannot be submitted unless the applicant has first been through the enquiries stage

Employers and/or providers must have the consent of the apprentice before proceeding to a second stage appeal and it is their responsibility to make sure the apprentice understands all the possible outcomes which could be:

- A positive or negative change to the grade
- no change to the grade

The appeals hearing is the final stage of our process, and the decision of the panel is final.

The appeals panel

The constitution of the appeals panel applies to all appeal hearings.

Note either the Qualifications Director or Business Operations Director, will typically act as the chair of the panel. If neither of these people can act as Chair, PAL's Managing Director will assign another senior and suitably qualified member of PAL.

If it is not possible to constitute a panel, **to include an independent panel member**, in the timescales prescribed, all relevant parties and the appellant will be advised of any revised timescales. In such circumstances PAL will internally record such events and inform the relevant regulatory body.

PAL records enquires and appeals, and these records are monitored by the Responsible Officer and sampled by PAL's Directors which includes the Deputy Responsible Officer, and the Quality Manager provides updates of all appeals and enquiries at the fortnightly Quality and Compliance meeting.

The constituted panel will agree the terms of reference and activities, in accordance with this policy and where relevant PAL's sanctions policy and maladministration and malpractice policy.

The appeal hearing will consider all the information in the case to establish whether our policies and procedures were correctly followed, and that PAL applied them properly and fairly in arriving at our judgements.

The appeal evidence and submission will be reviewed by PAL's appeals panel.

This panel comprises of a minimum of three people, maximum of five people, drawn from the following audience:

- Independent person with knowledge of the end-point assessment process (**this person's participation on the panel is compulsory**)- this will typically be from another EPAO who is judged as not being a competitor of PAL, or sourced from an organisation, that provides such independent panel members for the purpose of appeals panels, or PAL will commission a suitable independent expert.
- Resource Development Lead (RDL)
- Resource Development Support Officer ((RDSO)
- Business Operations Director (BOD)
- Qualifications Director (QD)
- End-Point Assessment Manager (EPA Manager)
- Quality Assurer providing they have not been involved in the case to date
- Member of the audit and compliance team, where the person holds an IQA qualification and is familiar with EPA
- Member of the PAL Advisory Group

PAL's Responsible Officer will be kept informed of any such appeals via PAL's governance reporting system and regular communications with the Quality Manager and they will ensure the relevant regulatory body are informed as appropriate. In the absence of the Responsible Officer, one of PAL's event notification team members can report to the regulatory body. Where it is also necessary to report to the ESFA, the Business Operations Director will direct a relevant senior member of the EPA team to make such notifications.

PAL Appeal Hearing -Second Stage- assessment /grading outcomes

If the appellant is not happy with the outcome of the enquiry, they have **14 working days in which to request that an Appeal Hearing is undertaken**. If the request is not made within this timeframe, PAL's Business Operations Director will cease the appeals process and the original decision will remain unless the appellant can provide evidence of extenuating circumstances.

PAL will issue an invoice in respect of the £150, payable in seven days. If payment is not received within this time, with no notification as to why the payment has not been made, PAL's Business Operations Director will cease the appeals process and the original decision will remain.

PAL will acknowledge your application for an appeal hearing, via email within five working days. We have up to fifteen working days to hold an appeal hearing, on receipt of the £150 fee.

Please request an Appeal Form from PAL to submit your appeal information, alternatively you can copy the form, found in **appendix one** of this policy. **If you require further information regarding how to complete the form, please direct your request via the epaappeals email address.**

PAL's Quality Manager will ensure the appeals panel has access to all the appropriate information and evidence pertaining to the appeal. Where the panel requests further re-assessment or additional moderation of an apprentice's/learner work, the Quality Manager will organise this, ensuring those selected for this task have had no previous involvement with the original decisions. In complex cases that require re-assessment or further moderation, the panel can request assessment or moderation be undertaken by two independent persons, with the necessary expertise to undertake such activities.

In the absence of PAL's Quality Manager, a senior PAL Quality Assurer, who was not involved with the assessment or quality assurance of the assessment decision will support the panel.

PAL will bear any costs above the £150 for these activities and PAL's quality manager will support the process on an administrative basis.

While an appeal is happening, it is important that you keep all evidence relating to the case. As a minimum we require the following information:

- employer organisation name and contact details, and confirmation the employer is supporting the appeal.
- provider organisation- name and contact details- only required if provider is supporting the appeal
- apprentice name(s) and unique learner number
- the date of the end-point assessment
- the date on which the employer/provider/apprentice received notification of results
- the name of the EPA standard / part of the service affected
- details of the appeal, setting out the reasons why the applicant believes we did not apply or follow our procedures consistently or fairly

PAL Appeal Hearing -Second Stage- sanctions

If the appellant is not happy with the outcome of the enquiry, they have 14 working days in which to request that an Appeal Hearing is undertaken. If the request is not made within this timeframe PAL's Business Operations Director will cease the appeals process and the original decision will remain unless the appellant can provide evidence of extenuating circumstances.

PAL will acknowledge your application for an appeal hearing, via email within five working days. We have up to **fifteen working days** to hold an appeal hearing. If the appeal is of a complex nature, PAL will advise of any time extensions, and reasons for such extensions, to all relevant parties.

Please request an Appeal Form from PAL to submit your appeal information, alternatively you can copy the form, found in **appendix two** of this policy. **If you require further information regarding how to complete the form, please direct your request via the epaappeals email address.**

PAL's Quality Manager will ensure the appeals panel has access to all the appropriate information and evidence pertaining to the appeal.

In the absence of PAL's Quality Manager, a senior PAL Quality Assurer, who was not involved with the sanction imposition to date, will ensure the panel has access to the information, pertaining to the sanction and any evidence presented by the appellant(s).

While an appeal is happening, it is important that you keep all evidence relating to the case. As a minimum we require the following information:

- Name of person making the appeal
- Name of Organisation
- Address of Organisation
- Title and name of person making the appeal
- Contact number
- Email address
- Preferred method of contact
- Details of the appeal (why do you think you have grounds to appeal)
- Date of action/decision which you are appealing against

PAL Appeal Hearing -Second Stage- reasonable adjustments and access requirements

If the appellant is not happy with the outcome of the enquiry, they have 14 working days in which to request that an Appeal Hearing is undertaken. If the request is not made within this timeframe PAL's Business Operations Director will cease the appeals process and the original decision will remain unless the appellant can provide evidence of extenuating circumstances.

PAL will acknowledge your application for an appeal hearing, via email within five working days. We have up to **fifteen working days** to hold an appeal hearing. If the appeal is of a complex nature, PAL will advise of any time extensions, and reasons for such extensions, to all relevant parties.

PAL's Quality Manager will ensure the appeals panel has access to all the appropriate information and evidence pertaining to the appeal.

In the absence of PAL's Quality Manager, a senior PAL Quality Assurer, who was not involved with the events to date, will ensure the panel has access to the information, pertaining to the access arrangements and any evidence presented by the appellant(s).

An appeal application should be made in writing and forwarded to PAL, via the epaappeals email. If the appeal evidence contains sensitive information, PAL's Quality Manager should be informed to ensure secure sharing of such information. The written submission should include as a minimum:

- Name of person making the appeal
- Name of Organisation
- Address of Organisation
- Title and name of person making the appeal

- Contact number
- Email address
- Preferred method of contact
- Details of the appeal (why do you think you have grounds to appeal)
- Date of action/decision which you are appealing against
- Supporting information or evidence where applicable

PAL Appeal Hearing -Second Stage- maladministration and malpractice

Appealing a maladministration or malpractice ruling, will be conducted in line with this policy and PAL's Maladministration and Malpractice Policy and grounds for appeal.

If the appellant is not happy with the outcome of the enquiry, they have 14 working days in which to request that an Appeal Hearing is undertaken. If the request is not made within this timeframe PAL's Business Operations Director will cease the appeals process and the original decision will remain unless the appellant can provide evidence of extenuating circumstances. In respect of contesting maladministration or malpractice decisions, PAL requires a written submission as to why the findings of any maladministration or malpractice investigation are considered unfair.

PAL will acknowledge your application for an appeal hearing, via email within five working days. We have up to **fifteen working days** to hold an appeal hearing. If the appeal is of a complex nature, PAL will advise of any time extensions, and reasons for such extensions, to all relevant parties.

PAL's Quality Manager will ensure the appeals panel has access to all the appropriate information and evidence pertaining to the appeal.

In the absence of PAL's Quality Manager, a senior PAL Quality Assurer, who was not involved with the case to date, will ensure the panel has access to the information to the original investigation, appellant's submission and any new evidence presented by the relevant parties

While an appeal is happening, it is important that you keep all evidence relating to the case. As a minimum we require the following information:

- Name of person making the appeal
- Name of Organisation
- Address of Organisation
- Title and name of person making the appeal
- Contact number
- Email address
- Preferred method of contact
- Details of the appeal (why do you think you have grounds to appeal)
- Date of action/decision which you are appealing against
-

The Appeals Panel Hearing

The PAL Appeal Hearing panel will be a minimum of three panellists, up to five panelists. Panelist's will be asked to confirm at the start of the appeal hearing that they have not had a previous connection with, or any personal interest in the case.

In the case of an appeal against assessment decision grades or outcomes, specifically, that he/she has not been involved in any marking, moderation, countersigning or quality assurance checks of the assessment in question and has no vested interest in the assessment outcome.

In respect of sanctions of third parties and centres, access arrangements individual panel members must confirm they have had no previous involvement or influence of the original decisions. Where an appeal is associated with maladministration or malpractice investigations and decisions, panel members must confirm no involvement in any such investigation.

The key personnel named within your end-point assessment service contract, apprentice or delegated representative may be asked to attend the hearing- the hearing in most cases will be held via a webinar unless otherwise stated.

The panel may ask for additional information, or even request a visit to the provider or employer site.

The chair of the Appeals Panel will consider an appeal if:

- An appeal, meets the grounds of an appeal, as described earlier in this policy. If the panel determines the appeal, falls outside of the appeals remit, the panel chair, representing the panel members' views will communicate the rationale for their decision to the relevant parties. The original decision will remain in place.

Outcomes of the Appeal Panel

There are two possible outcomes of the hearing:

- the appeal is rejected (overturned)
- the appeal is upheld

If the appeal process identifies any errors within PAL's procedures, the panel will undertake the following actions:

- Make recommendations to the PAL Board to correct the errors (if an appeal is post a certificated result, such corrections may include a revocation of a certificate, or a replacement certificate). If results have to be changed because of the appeal, the Business Operations Director will oversee this process to include any information required by the ESFA, where there is a requirement to rescind an original grade/outcome.
- Recommend the PAL Directors design and implement an action plan to mitigate any further issues/ risks. It may also be necessary for PAL to report the incident to external agencies, including the relevant regulators.
- Provide feedback and where applicable recommend further training and development to relevant members of the EPA delivery team, this can include assessors, EPA managers, Internal Quality Assurers, and the Quality manager.

The panel's decision will be made available within five working days of the panel hearing summation, and all parties will be advised in writing. The findings of the review will be communicated in a formal email, or email with a formal report attached, subject to the panel chair's sign off.

All enquiries and appeals will be logged in PAL's appeals and enquiries governance reporting system and where an appeal or enquiry has given rise to an adverse effect or possible adverse effect the report will indicate this, and regulatory bodies will be advised accordingly, by the Responsible Officer, or in their absence one of PAL's event notification team.

If the apprentice, provider, or employer refutes the decision of the above panel, PAL will communicate with the relevant regulatory body, advising of the relevant regulatory body of the situation, the steps and measures we have taken as an EPAO, in line with our policy and procedure.

The appellant can also invoke PAL's complaints policy.

The Responsible Officer will review enquiry and appeals logs, and the Director of Audit and Compliance as part of PAL's self-evaluation process can sample such reports. The Responsible Officer or a member of PAL's event notification team has the responsibility for the reporting of potential or actual adverse effects to the relevant regulatory bodies.

Help and Guidance

If you would like to talk to a Professional Assessment Limited member of staff about any aspect of this policy or process, please email us at epaappeals@professionalassessment.co.uk or call our Freephone number 0800 160 1899.

Regulatory Requirements

An EPAO/ awarding organisation must comply with the requirements of any appeals and complaints process established by the relevant regulator.

Where the application of any appeals or complaints process in the case of an apprentice leads PAL to discover a failure in its assessment process, it must take all reasonable steps to:

- identify any other apprentice who has been affected by that failure
- correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
- ensure that the failure does not recur in the future.

Where the relevant regulator notifies PAL of failures that have been discovered in the assessment process of another EPAO/ awarding organisation, PAL will review whether a similar failure could affect its own assessment process.

Where, following a review, PAL identifies such a potential failure, it must take the same action as if a failure has been discovered in relation to it by virtue of the application of the relevant regulator's appeals and complaints process.

Regulatory References

PAL is required to establish and maintain compliance with regulatory conditions and criteria. This policy relates to Ofqual General Conditions of Recognition: Respond to Enquiries from users of qualifications D4; Appeals Process I1; Appeals and Complaints Process I2. EPA3 Notification to Ofqual of certain events in relation to EPAs.

Date Created: 06/07/2017

Last Review: 03/05/2023

Next Review: 03/05/2024

Person Responsible for review: Business Operations Director

This Policy has been agreed by Linda Martin, Managing Director

Appendix One Appeal Form

Before you complete this form, we recommend you read through our appeals and enquiry policy and procedure as this contains important information on the grounds for an appeal and the appeal process. This document can be found on our website and on our PAL Padlets. Alternatively, if you email epaappeals@professionalassessment.co.uk and ask for a copy of the policy and procedure we will forward this to you.

Completing the Form

This form should be completed and submitted within 14 working days of a decision of an enquiry. You must have completed the enquiry process, before making an appeal. Before we consider an appeal, we require payment of £150, this invoice will be sent to the employer contact as detailed on EPAPro, unless we are notified otherwise.

- Please answer all the questions
- Don't forget to attach any supporting documentation

Once completed please email the information and completed form to the above email address.

Questions

If you are not sure as to how to complete this form, please contact us at the above email address

Apprentice Name	Click here to enter text.
Title of Apprenticeship Standard	Click here to enter text.
Employer details and address (please advise if you have left this employer or are currently furloughed)	Click here to enter text.
Provider name	Click here to enter text.
Title and name of person making the appeal	Click here to enter text.
Contact number	Click here to enter text.
Email address	Click here to enter text.
Preferred method of contact	Click here to enter text.
Details of the appeal (why do you think you have grounds to appeal)	Click here to enter text.
Date of action/decision which you are appealing against	Click here to enter a date.

Confirmation

I confirm to the best of my knowledge, the information within this appeal is true and correct and I understand payment of £150 is required prior to the appeal review.

Signed*	
Date	

*Submission by email from a provider's or employer's email address will be accepted in place of a signature.

Please note PAL reserves the right to change the format of this form, but the information required will remain the same.

Appendix Two Appeal Form against sanctions

Before you complete this form, we recommend you read through our appeals and enquiry policy and procedure as this contains important information on the grounds for an appeal and the appeal process. This document can be found on our website and on our PAL Padlets. Alternatively, if you email epaappeals@professionalassessment.co.uk and ask for a copy of the policy and procedure we will forward this to you.

Completing the Form

This form should be completed and submitted within ten working days of a decision of an enquiry. You must have completed the enquiry process, before making an appeal.

- Please answer all the questions
- Don't forget to attach any supporting documentation

Once completed please email the information and completed form to the above email address.

Questions

If you are not sure as to how to complete this form, please contact us at the above email address

Name of person making the appeal	Click here to enter text.
Name of Organisation	Click here to enter text.
Address of Organisation	Click here to enter text.
Title and name of person making the appeal	Click here to enter text.
Contact number	Click here to enter text.
Email address	Click here to enter text.
Preferred method of contact	Click here to enter text.
Details of the appeal (why do you think you have grounds to appeal) and description of any additional evidence information, not made available to PAL previously	Click here to enter text.
Date of action/decision which you are appealing against	Click here to enter a date.

Confirmation

I confirm to the best of my knowledge, the information within this appeal is true and correct

Signed*	
Date	

*Submission by email from a provider's or employer's email address will be accepted in place of a signature

Appendix Three Appeals and Enquiry Privacy Notice

Why we need your information and how we use it and how we use it

PAL's Appeals and Enquiry Policy and procedures are compiled in accordance with the qualification regulator's general conditions of recognition which place a duty on any approved and regulated EPAO to have a policy and process that clearly describes when and how others can enquire about or appeal an assessment decision. It should be noted that no third party (employer or provider) has an automatic right to overturn an assessment decision and any enquiry or appeal should have a firm basis for any challenge. PAL will implement the policy as stated, following a two-stage process.

The ICO and GDPR regulations, require us to have a data protection and privacy policy and to provide clarity regarding situations where processing of data is likely to include processing sensitive data and potentially appeals investigations may require us to collect and process sensitive data

Where PAL is notified of an enquiry regarding an assessment outcome or decision, and this can be as simple as requesting clarification of a grade or asking how an assessment grade was arrived at, PAL's quality team will review the enquiry as stated in the policy. If the enquiry stage cannot provide a resolution, the second stage of the policy is for an investigation and review of the evidence by an appeals committee. Note in accordance with Ofqual and ICO regulations, PAL cannot share test questions and an apprentice's answers, nor can we share assessment recordings such as professional discussion recordings

PAL will process personal data to carry out any valid investigations and to comply with legal and regulatory obligations. In relation to enquiries and appeals, this will specifically enable PAL to:

- consider and investigate enquiries and appeals incidents relating to the development, delivery, or award of regulated apprenticeships
- carry out investigations of parties involved in the original assessment and quality assurance decisions, for the purposes of considering their compliance with Ofqual's regulatory requirements and where appropriate the ESFA EPAO conditions and associated funding matters
- take action against individuals or organisations, where it is deemed their behaviour or conduct has undermined the probity of the apprenticeship standard and some form of sanction is required to prevent further incidents

The lawful basis we rely on to process your personal data is⁴

6 (1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes

6 (1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering a contract

6 (1) (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Article 9(2)(g) – processing is necessary for reasons of substantial public interest which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interest of the data subject. In respect of this condition, PAL would process data for statutory and government purposes; to ensure equality of opportunity or treatment; regulatory

4 DPA 2018 Schedule 1 Paragraph 2 (6)

requirements and support for individuals with a particular disability or medical condition and safeguarding of children and individuals at risk.

PAL is a regulated end-point assessment organisation, delivering end-point assessment for a range of apprenticeship standards, working with many apprentices, employers, and providers. PAL also offers a commercial and independent audit and compliance function.

As an EPA we are subject to regulation by the qualifications regulator Ofqual, we are also bound by the terms and conditions of the register of end-point assessment organisations, overseen by the ESFA and must comply with the apprentice standards and accompanying assessment plans as published by IfATE.

Examples of data we may process under this condition, include the application and approval of reasonable adjustments in assessments and in specific cases, depending on the circumstances this may extend to the processing of special considerations applications. Additionally in addressing any disclosures regarding an individual's well-being and safety, from either PAL personnel or others, this condition would be applied in any processing of data and sharing of information with relevant authorities and bodies. Our processing of data in this context is for the purpose of substantial public interest and necessary for the carrying out of our role.

In undertaking an appeals investigation, it may be necessary to collect and process sensitive data

What personal data we collect and who has access to it

We will ask for your name and an email address (as we will email you a copy of our Appeals and Enquiry policy and direct you to Data Protection and Privacy Policy available on our website⁵). Our appeals and enquiry policy details what other information we require to effectively deal with an enquiry and respond comprehensively to an appeal of an assessment decision

We rely on Article 6 (1)(a) and (f) of the GDPR as our lawful basis to process this personal data and Article 9 (2) (g) of the GDPR and Schedule 1 paragraph 2 (6) of the Data Protection Act 2018 to process special category data.

For more information about how PAL processes personal data, please refer to our personal data protection and privacy policy.

To ensure PAL deals with any enquiry or appeal equally and fairly, all enquiries, including those sent to any named person, or department within PAL including the Managing Director or board members, will be addressed in accordance with the Appeals and Enquiry Policy and directed to the Quality Manager. We ask that you make such requests via the dedicated appeals email address provided in the policy.

Your information will be shared internally with PAL staff in relevant departments in order that we can handle, review, and investigate your enquiry or appeal in an objective and comprehensive manner. Internal access to information processed as part of any review or investigation is granted to limited individuals who need to have access to the information. Our aim always is to ensure as far as possible the confidentiality of the information received and to protect individual or individuals identities and all other persons involved.

Investigations and the constitution of any committee will ensure persons involved in such activities have not been involved or associated with the original assessment or quality assurance decisions. Those involved in any investigation, or the committee will treat with care and respect, personal data provided, collected, or shared with them and they will abide by the relevant PAL policies and GDPR and data protection requirements

In cases involving appeals, because of the potential of such an event to have a potential or actual adverse effect, we will need to share, in most of the cases information pertaining to the incident and our response, to include the nature and scale of the incident, the scope of the investigation and the constitution and terms of reference to any committee constituted. Where we share such information, we will ensure we only provide the data and information

⁵ These policies are available via PAL's website

that is essential to establish the facts and provide a rationale for any subsequent action we take, or to request guidance or recommendations from other parties such as the regulator or funding body. In some cases, we will also be expected to share information pertaining to the appeals and enquiry to other parties, for example if we need to change an assessment grade on a certificate, we will need to notify the ESFA and will inform the regulator, as well as providing information to the appellants and the main provider will be able to see any changes to grades, by accessing EPAPro and using their dedicated log-in, which allows them to view their registered apprentices.

Ofqual also routinely request data from regulated organisations, the data sets and requirements are dictated by Ofqual, and PAL is obliged to complete and share the data returns in the format prescribed by Ofqual, shared to the data section of their portal. Such data is used by Ofqual for research and analysis and is a critical aspect of their function. Ofqual's data protection policy outlines their legal basis for processing data.

Where your personal data is stored and how long we keep it

Your personal data will be stored securely in PAL's appeals and enquiry case management files and email systems. Access to this information is strictly controlled and reviewed and it is the preserve of the Business Operations Director and Quality Manager to approve and authorise any access to your information in these matters.

Appeals and Enquiries are logged in PAL's relevant governance report, the details in the report can only be accessed by senior PAL personnel and we aim to keep information limited to the essential facts, to include dates and timelines.

PAL will be obliged to retain records for a period of six years, in accordance with our retention of data for EPA activities.

How PAL protects your personal data

PAL takes the security of your personal data seriously. PAL has internal policies and controls in place to protect your data from loss, accidental destruction, misuse, or disclosure. Some of the ways in which PAL protects your personal data include:

- implementing appropriate technical and organisational measures to protect the confidentiality, integrity and availability of personal data and information
- regular review of PAL's information assurance and security policies and procedures
- on-going training and awareness for staff on information assurance and security
- regular review of security and cyber risks

Your rights

PAL is committed to being transparent about how it collects and uses your personal data and to meeting its data protection obligations. PAL is a Data Controller under data protection legislation, and we comply with the data protection principles when processing your personal information.

Under data protection legislation, you have a number of rights. You can:

- access and obtain a copy of your personal data
- require PAL to rectify / change incorrect or incomplete personal data
- require PAL to delete / erase your personal data (in certain circumstances)
- request PAL restrict the processing of your personal data (in certain circumstances)
- request your personal data in a portable format
- object to the processing of your personal data (in certain circumstances)

In terms of restricting how PAL processes your personal data, please be aware that we cannot guarantee your confidentiality and in cases of appeals which have caused an adverse effect we are obligated to make available such information to the regulator, who will follow their data privacy notices and data protection policy in handling such data. We are also required to provide the regulator with data of outcomes and assessment results, the format of these data sets, use your ULIN as an identifier and transfer of such data is undertaken via API to Ofqual's data collection site on their portal.

We do, take the issue of maintaining the confidentiality of individuals involved in appeals and enquiries seriously and we will protect your identity as far as possible, balancing your privacy rights against our legitimate interests and the public interest in respect of safeguarding the integrity of the apprenticeship standards.

You should also recognise that you might be identifiable by others due to the nature or circumstances of the appeals or enquiry notification, the act itself, and the location and timing of the assessment and the apprenticeship standard itself

If you wish to discuss your data subject rights you can contact PAL's DPO by emailing info@professionalassessment.co.uk, noting in the subject header you are enquiring or asking about your rights to access personal data. Alternatively, you can write to the Director of Audit and Compliance at Professional Assessment Ltd Connect House, Kingston Road, Leatherhead, Surrey. KT22 7LT

In respect of any enquiries regarding appeals and enquiries, you should refer to the appeals and enquiry policy and use the contact mechanisms detailed in this policy.

To access privacy notices for Ofqual the qualifications regulator please visit their privacy notice charter

To access privacy notices for the ESFA please visit their privacy notice