

# Appeals and Enquiries Policy and Procedures -EPA

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## Policy Review

Version	Date	Change History	Reviewed By	Implementation Date:	Next Review Date
10	8/11/2025	Combination of two policies	BOD	10/11/2025	10/11/2026

### 1. Overview

Professional Assessment Ltd (PAL) is a regulated assessment organisation (AO) and End-Point Assessment Organisation (EPAO). As such, PAL is required to maintain clear and transparent arrangements for handling enquiries and appeals, and this policy relates to PAL’s EPA activities. It should be noted that PAL undertakes all assessments and quality assurance activities across all the apprenticeship standards we are approved to offer.

This policy describes how apprentices, employers, and third-party providers may enquire about, or appeal against, decisions that PAL has made in relation to EPA results, reasonable adjustments and special considerations, sanctions, and findings of maladministration or malpractice. It is designed to safeguard the integrity of assessment decisions, protect the interests of apprentices and maintain public confidence in the apprenticeship system.

An internal procedure for PAL assessors and Internal Quality Assurers (IQAs) is set out in Appendix A – Internal Enquiries and Appeals for PAL Assessors and IQAs.

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

### 2. Policy Scope

This policy applies to all PAL-delivered EPA services for apprenticeship standards where PAL is the EPAO and makes all assessment decisions to include the final assessment decision and grade. Our service level contracts with third Party Providers<sup>1</sup> make clear the importance of adhering to PAL’s policies, based on regulatory requirements.

Where an assessment plan permits centre-assessment and another awarding organisation or centre determines the result, this policy does not apply, and PAL has a separate Appeals and Enquiry Policy. It is important that all parties ensure they are following the appropriate policy.

This policy **can be used** to enquire about or appeal:

- EPA **results/grades** issued by PAL
- PAL decisions regarding **reasonable adjustments** and **special considerations**

<sup>1</sup> Third Party Providers (Colleges and Independent Training Providers, Employer Providers)

- PAL-imposed **sanctions** on employers, providers or centres in relation to EPA
- **Maladministration or malpractice findings** arising from PAL's EPA activities

This policy **cannot be used** to:

- Dispute the terms or termination of a **service level agreement or contract**
- Raise concerns that relate solely to **service quality, communication or delays** – these must follow the PAL Complaints Policy
- Report safeguarding concerns, whistleblowing issues or general fraud concerns – these must follow the PAL **Safeguarding, Whistleblowing** and **Fraud/Anti-Bribery** policies
- Raise general concerns about risk or adverse effects – these are managed under PAL's **Risk and Incident Management Policy**

### 3. Who is this policy for?

This policy is for:

- **Apprentices** assessed by PAL
- **Employers** of such apprentices
- **Training Providers, Colleges and Employer-Providers** commissioning PAL to provide EPA services

Internal PAL personnel (assessors, IQAs, associates and staff) must refer to **Appendix One** for their own enquiries and appeals.

### 4. Purpose

The purpose of this policy is to:

- Provide a clear and accessible process for submitting EPA-related enquiries and appeals
- Ensure that enquiries and appeals are considered **fairly, consistently and promptly**, without discrimination, or bias
- Protect the interests of apprentices while maintaining the integrity of assessment decisions and standards
- Ensure compliance with Ofqual's General Conditions of Recognition, especially Conditions **D3, D4, I1 and I2**, and any EPA-specific technical conditions (e.g. EPA3 – Notifications of Events)
- Support PAL's approach to **risk management** and identification of potential or actual **Adverse Effects**, including appropriate event notifications to regulators

### 5. Regulatory Framework

PAL's appeals and enquiries arrangements reflect the following Ofqual General Conditions of Recognition:

- D3 – Reviewing approach
- D4 – Responding to enquiries from users of qualifications
- I1 – Appeals process (results, reasonable adjustments, certificating decisions)
- I2 – Complaints and appeals process

In addition, this policy takes account of:

- Relevant EPA technical conditions, including EPA3 – Notification to Ofqual of certain events
- PAL's own policies on Risk and Incident Management, Maladministration and Malpractice, Sanctions, Special Considerations and Reasonable Adjustments, Complaints, Data Protection and Privacy, Safeguarding and Whistleblowing

Where an appeal or enquiry reveals a failure in PAL's assessment process, PAL will:

- Identify any other apprentices or organisations affected
- Correct or, where that is not possible, mitigate the impact as far as reasonably practicable
- Take steps to ensure the failure does not recur

## 6. Definitions and Routing to Other Policies

### 6.1 Enquiry

A request for clarification, explanation or review of how a decision has been made, without yet formally challenging the outcome. Enquiries are the **first stage** and must be completed before a formal appeal can be made.

### 6.2 Appeal

A formal request to review a decision where the appellant believes the result, grade, sanction, RA/SC decision or maladministration/malpractice finding is **incorrect, unfair or inconsistent**, or that relevant procedures were not correctly followed

### 6.3 Complaint

An expression of dissatisfaction about PAL's standard of service, behaviour, communication or administrative processes **not directly related to a specific assessment decision**. Complaints follow PAL's Complaints Policy, not this policy.

### 6.4 Maladministration / Malpractice

Any act or omission which compromises, or could compromise, the integrity, validity, reliability or fairness of assessment or certification, or PAL's regulatory compliance. Such matters are handled under PAL's Maladministration and Malpractice Policy, with this Appeals Policy applying to subsequent appeals against findings or sanctions.

### 6.5 Adverse Effect

As defined by Ofqual, an act, omission, event, incident or circumstance that causes prejudice to learners or undermines PAL's ability to comply with its Conditions of Recognition, the standard of qualifications, or public confidence.

## 7. Principles of independence, impartiality and conflicts of interest

PAL will manage all enquiries and appeals in a way that ensures **objectivity, independence and the proper management of conflicts of interest**. This includes:

- Any person appointed to review an enquiry **must not** have been:
  - The original assessor or IQA
  - The person who approved or rejected RA/SC
  - The person who led any maladministration/malpractice investigation; or
  - Directly involved in imposing the sanction being reviewed
- Appeals Panels will include at least **one independent panellist** who is not employed by PAL and has relevant EPA knowledge
- All panellists and investigating officers must:
  - Must declare any **conflict of interest declaration** before commencing their role
  - Recuse themselves if any actual or perceived conflict<sup>2</sup> arises
  - Have no vested interest in the outcome of the case

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<sup>2</sup> PAL adheres to this policy for the parent organisation, and our mitigations are described in the conflict of interest policy and as we operate as an independent and separate entity with no direct connections to apprentices or trainers enquires and appeals are processed in the same fashion as enquires or appeals emanating from any other organisation. Data evaluation and oversight from the Quality and Standards Committee is used to detect any anomalies or potential for bias.

## 8. When to use this policy

Use this policy where you wish to enquire about or appeal:

- An **EPA assessment decision or overall grade** issued by PAL
- A decision on granting or not granting **reasonable adjustments or special considerations**, or the application of such arrangements
- A **sanction** imposed by PAL related to EPA
- A **maladministration or malpractice** decision made by PAL about an apprentice, employer or Third Party Provider/College/Employer Provider

Do **not** use this policy where:

- The matter is a general **service complaint** (Complaints Policy).
- The decision relates to a **qualification or assessment not delivered by PAL** (refer to the relevant awarding organisation or centre).
- The matter concerns **safeguarding, whistleblowing, fraud or bribery** (use the relevant PAL policy and route).

PAL has a dedicated email for appeals and enquiries, and this is [epaappeals@professionalassessment.co.uk](mailto:epaappeals@professionalassessment.co.uk).

## 9. Appeals and Enquiry for PAL's Independent Assessors and Internal Quality Assurers

PAL makes provision for our Independent Assessors (IAs) and Internal Quality Assurers (IQAs) to access to enquiry and appeals as in EPA they undertake assessment and quality assurance. Their work is subject to scrutiny, and they are subject to PAL's policies, to include this policy, maladministration and malpractice, conflict of interest and PAL's Suspension and Sanctions Policy for PAL personnel Please refer to section 2 in appendix one for PAL personnel appeals and enquiries.

### Notification to external agencies

**PAL will immediately inform the relevant and appropriate regulator of any identified potential or actual adverse effects that are discovered during an enquiry or appeals process. Notification will not wait for the outcome of the enquiry or appeals process, which may run concurrently with an event notification.**

## 10. Enquiry Process (Stage 1)

### 10.1 Timeframes for raising an enquiry

Unless otherwise stated below, an enquiry should normally be raised:

- **Assessment results/grades** – within **15 working days** of receipt of the final EPA result.
- **Sanctions, RA/SC decisions, maladministration/malpractice findings** – within **10 working days** of the decision notification.

Further clarification of PAL's Appeals and Enquiries Policy and Procedure is available from PAL's Support Services, who can be contacted at [info@professionalassessment.co.uk](mailto:info@professionalassessment.co.uk)

Enquiries submitted outside these timescales may be considered where there is credible evidence of **extenuating circumstances**.

### 10.2 Submitting an enquiry

All enquiries must be submitted in writing by email to: [epaappeals@professionalassessment.co.uk](mailto:epaappeals@professionalassessment.co.uk), clearly marked "**Enquiry**" and stating the category (Result, Reasonable Adjustments /Special Considerations (RA)/(SC), Sanction, Maladministration/Malpractice).<sup>3</sup>

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<sup>3</sup> Note as PAL undertakes all EPA assessments and quality assurance activities, the likelihood of sanctions or claims of malpractice against a third party Provider/College should be minimal, the M&M policy recognises however where such malpractice could occur.

#### **For assessment result enquiries, provide:**

- Apprentice name and ULN<sup>4</sup>
- Apprenticeship standard (and assessment plan version, if known)
- Employer and Provider details
- Date(s) and type(s) of assessment(s)
- The decision/grade being questioned
- A clear rationale for the enquiry and any evidence to support not previously made available to PAL

**Employers and/or providers must have the consent of the apprentice** before making an enquiry or appeals request on their behalf and it is their responsibility to also make sure the apprentice understands all the possible outcomes of an enquiry or appeal.

#### **For sanctions, RA/SC or maladministration/malpractice enquiries:**

Provide:

- Name, role and organisation of the person submitting the enquiry
- The PAL decision being questioned (sanction/RA/SC/maladministration/malpractice)
- Date of decision letter/email
- Reasons why the decision is considered incorrect or unfair
- Any **additional evidence or information** that was not previously available and is material to the decision

In the event wishes to enquire about the imposition of a sanction or malpractice decision; the position /role of, the named contact must be given and PAL, as PAL would expect this person to have the authority to make such an enquiry or appeal and PAL will check this name against the records we hold.

### **10.3 Acknowledgement and allocation**

PAL will:

- Acknowledge receipt of the enquiry normally within **3–10 working days** (for RA/SC and malpractice enquiries PAL will aim to respond as quickly as possible)
- Where an enquiry indicates a potential or adverse effect PAL's Business Operations Director and Responsible Officer will be notified. If the RO rules the enquiry requires an event notification, the RO will have oversight of the enquiry and the BOD will ensure the enquiry review is conducted in a professional and efficient manner
- Allocate the enquiry for review to an **individual who** who has not been involved in the original decision or associated activities, and who has appropriate EPA and quality assurance experience

### **10.4 Enquiry review**

The investigative reviewer will:

- Conduct an **administrative and procedural review**, checking that PAL applied its own policies, the EPA assessment plan and any relevant regulatory requirements correctly and consistently
- Review relevant assessment records, evidence, sampling and decision logs
- Where necessary, seek clarification from relevant parties (e.g. assessors, IQAs, Provider or Employer or Apprentice)

Enquiries will normally be concluded within **10 working days** of allocation. More complex cases may require a longer period; in such cases, PAL will advise the appellant of revised timescales.

### **10.5 Enquiry outcomes**

The enquiry outcome may be:

- **No change** – original decision confirmed.

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<sup>4</sup> If ULN is not used full name will suffice (if apprentices, or employers are orchestrating an enquiry they may not have access to the ULN) and PAL will cross reference to the ULN

- **Change to decision** – amended result/grade, RA/SC arrangement, sanction or malpractice/maladministration finding- any such change will be subject to formal sign off by PAL
- **Recommendation for further action** – e.g. change to procedures, further training of PAL personnel, clearer communication regarding assessment approach, changing the RAG rating of individual PAL assessor

PAL will:

- Communicate the outcome in writing, typically in email stating reasons for the decision
- Record the enquiry and outcome in the appeals/enquiries governance log- which is managed by PAL's Quality Manager and overseen by the BOD, with full access to PAL's RO and Board of Directors
- Review its risk register and Quality and Standards Committee will review any proposals for change or make recommendations for any service enhancements
- Communicate findings and recommendations to PAL personnel as required via appropriate meetings
- If recommendations indicate a change that will involve persons or organisations outside of the original enquiry the PAL Board will agree how to communicate such changes
- Keep the regulator informed as required via the RO

## 11. Appeals Process Stage 2

If the appellant or affected parties are not satisfied with the outcome of an enquiry and the enquiry stage of PAL's procedure has been fully exhausted, then the next stage is to formally appeal the decision. PAL will not consider a formal appeal until the enquiry process has been completed.

### 11.1 Grounds for Appeal

All persons subject to PAL's assessment and internal quality assurance processes have the right to appeal against assessment and quality assurance decisions which are perceived as unfair, biased or in contravention of the apprenticeship standard (qualification) and assessment plan. Where the enquiry process has been exhausted but the outcome is still disputed by the appellant an appeal can be made, which is stage two of PAL's enquires and appeals process.

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, in accordance with the assessment methodology permitted by the relevant assessment plan
- 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 and therefore not recognised its value and fully referenced to all relevant knowledge, skills and behaviour within the parameters as set by the assessment plan
- 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.

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.

### 11.2 Eligibility to appeal

An appeal will be accepted where:

- The **enquiry stage has been fully completed**, and
- There are reasonable grounds to believe that:
  - PAL did not apply its procedures consistently or correctly; or

- PAL misinterpreted or failed to consider relevant evidence; or
  - There is new, relevant and material evidence not available at the time of the original decision.
- Appeals may be submitted in relation to:
  - EPA assessment results/grades
  - RA/SC decisions
  - Sanctions
  - Maladministration/malpractice findings

### 11.3 Appeal fees

- For appeals against **assessment decisions/grades**, a fee of **£150** is payable prior to the appeal being heard. PAL will invoice for this as a separate invoice and will not start the appeals process until receipt of the £150 which should be paid within **seven working days from PAL issuing the invoice**
- The fee will be refunded if the appeal is **upheld**
- No fee is payable for appeals relating solely to **sanctions, RA/SC decisions or maladministration/malpractice findings**

### 11.4 Submitting an appeal

Appeals must:

- Be submitted **within 14 working days** of the enquiry outcome
- Be emailed to **epaappeals@professionalassessment.co.uk**, clearly marked **“Appeal”**.
- Include the relevant **Appeal Form** (assessment or sanctions) or a written submission that contains all information listed in this policy see appendix two and three

### 11.5 The Appeals Panel

An Appeals Panel will be convened for all accepted appeals and will:

- Include a minimum of **three** and a maximum of **five** members.
- Include at least **one independent panellist** who is not employed by PAL and has appropriate EPA expertise.
- Exclude any person involved in the original decision or enquiry stage.
- Require all members to confirm no conflicts of interest with the case and they have no vested interest in a specific outcome being arrived at by the committee. Members of the committee in addition to independent representation can include PAL’s Business Operations Director, Qualifications Director, Resource Development Lead, Quality Manager, Assessment/Account Managers, Support Services Lead, members of the audit and compliance team (where appropriately qualified), provided they are free of conflicts of interest

### 11.6 Appeal hearing

The Appeals Panel will:

- Agree its **terms of reference** for each case
- Review all relevant documentation and evidence, including any new evidence submitted, evidence will be collated by the Quality team, abiding by conflict of interest protocols and made available to the committee
- Where necessary, invite relevant parties to participate in a hearing (usually via webinar)
- Reach a decision based on the balance of evidence and the correct application of PAL policies, EPA assessment plans and regulatory requirements

Appeal hearings will normally be convened within **15 working days** of either receipt of the appeal fee (for assessment decisions) or on PAL’s confirmation that the appeal will proceed (for other appeals)<sup>5</sup>.

### 11.7 Appeal outcomes

There are two possible outcomes:

- **Appeal upheld** – decision is changed

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<sup>5</sup> PAL will aim for 15 working days for all appeals

- **Appeal not upheld** – original decision stands

Where the appeal identifies errors in PAL's procedures or practices, the Appeals Panel will recommend corrective and preventive actions, which may include:

- Change to assessment result/grade and, where necessary, the issue of a revised certificate (including notification to relevant government agencies).
- Amendment or withdrawal of sanctions.
- Changes to RA/SC arrangements.
- Revision of procedures, additional training, targeted sampling, or process improvements.
  
- PAL will:
  - Communicate the panel's decision in writing within **5 working days** of the decision being made.
  - Record the appeal and outcome in the governance system, with appropriate risk and incident references.
  - Ensure PAL's RO updates the regulator with the panel's decision and confirm actions PAL has taken to date and any future actions required to minimise any negative impacts and avoid further reoccurrences of such events
  - Notify any other concerned parties to include other EPAOs, AOs where the findings of the enquiries and appeals process has found practices that could affect others or be replicated elsewhere

The Appeals Panel's decision is **final** within PAL's processes. Where appropriate, appellants may then approach relevant external bodies (e.g. Ofqual or the relevant funding agency) within those bodies' remits and criteria.

## 12. Analysis and Review

PAL will:

- Monitor enquiries and appeals data through governance structures, including Board meetings, Risk Register reviews the Quality and Standards Committee, and Quality & Compliance group meetings
- Analyse trends, recurring issues and emerging risks, and use these to inform risk management and continuous improvement

## 13. 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](mailto:epaappeals@professionalassessment.co.uk) or call our Freephone number 0800 160 1899.

## 14. Monitoring and Review

This policy will be reviewed as a minimum on an annual basis.

## 15. 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. EPA technical conditions, including EPA3 – Notification to Ofqual of certain events.

Date Created: 06/07/2017

Last Review: 10<sup>th</sup> November 2025

Next Review: 10<sup>th</sup> November 2026

Person Responsible for review: Business Operations Director

This Policy has been agreed by Linda Martin, Managing Director

## Appendix One Internal Enquiries and Appeals (PAL Assessors and IQAs)

This is a structured, formalised version of PAL's internal policy for PAL personnel, aligned with the main policy.

### A1. Overview

This Appendix sets out how PAL assessors and Internal Quality Assurers (IQAs), whether employed or engaged as associates, may raise enquiries and appeals about decisions that affect their assessment or quality assurance work, including risk-banding (RAG) outcomes and sanctions applied to them.

It operates in parallel with, and is consistent with, the main EPA Appeals and Enquiries Policy for external stakeholders.

### A2. Scope

This internal procedure applies to:

- PAL assessors (employed and associates).
- PAL IQAs and quality team members.
- It covers internal enquiries and appeals concerning:
  - Decisions that overturn their assessment or IQA judgements.
  - Decisions relating to **special considerations** or **reasonable adjustments** as applied to assessments they have conducted.
  - Outcomes of **RAG reviews** (risk-banding).
  - **Sanctions or suspensions** applied to them following internal investigations.

Issues such as employment grievances, pay or general working conditions are not covered by this appendix and must follow PAL's HR and grievance procedures.

Issues regarding the terms and conditions of an associates service level agreement not covered by this appendix must follow PAL's appropriate policies and should be discussed with the relevant Assessment/Account Manager or the Business Operations Director.

### A3. Purpose

To provide PAL personnel with a clear, fair and transparent route to:

- Seek clarification where they believe their professional judgement has been misunderstood.
- Challenge decisions they reasonably believe are incorrect or unfair.
- Support PAL's open, learning-oriented culture and continuous improvement.

### A4. Enquiries (Stage 1 – internal)

- Where an assessor or IQA disagrees with a quality assurance decision, they should first seek clarification directly from the IQA or relevant manager, normally **within 2 working days** of receiving the feedback.
- If the matter cannot be resolved informally, an **internal enquiry** may be raised in writing to the **Quality Manager**, setting out:
  - The decision being questioned

- Reasons for concern
- Any supporting evidence
- The Quality Manager will ensure that an appropriately independent person (not involved in the original decision) reviews the matter and responds, normally within **10 working days**.

For enquiries about **RAG ratings**, assessors must contact the Quality Manager within **2 working days** of receiving their risk-banding outcome, providing a written rationale and evidence for the challenge.

#### **A5. Appeals (Stage 2 – internal)**

If the assessor or IQA remains dissatisfied with the enquiry outcome, they may request a **formal appeal hearing** within **14 working days** of the enquiry decision.

- Appeals are submitted via the internal appeal form (or Microsoft Form where in place) to the Quality Manager.
- The internal Appeals Panel is constituted in line with the main policy, including at least one independent panellist and excluding anyone involved in the original decision.
- The panel's decision is final within PAL's internal processes.

#### **A6. RAG (Risk-Banding) reviews**

Challenges to RAG outcomes follow a streamlined route:

- Written enquiry to the Quality Manager within **2 working days** of the RAG outcome, with supporting evidence.
- Quality Manager reviews and responds within **10 working days**.
- No formal appeal panel is convened solely for RAG outcomes.
- If the assessor still has concerns after the Quality Manager's response, employed staff may use PAL's **grievance procedure**, and associates may raise the matter with the Business Operations Director.

Where RAG evidence suggests behaviour or conduct that could lead to, or has caused, an **Adverse Effect**, PAL will also follow the **Maladministration and Malpractice, Sanctions** and **Risk and Incident Management** policies and notify regulators as appropriate.

#### **A7. Sanctions and suspensions (internal personnel)**

Appeals against sanctions or suspensions applied to PAL personnel will be managed consistently with:

- PAL's **Maladministration and Malpractice Policy**,
- **Suspension and Sanctions Policy**, and
- PAL's internal HR and disciplinary procedures (for employed staff).


Appeals may be made where the individual believes PAL:

- Did not follow its procedures, or
- Misinterpreted or failed to consider relevant evidence.

The same independence and conflict-of-interest requirements apply as for external appeals.

#### **A8. Follow-up, monitoring and regulatory reporting**

Outcomes of internal enquiries and appeals will be:

- 
- Logged in PAL's governance reporting system.
  - Reviewed by the Responsible Officer, Quality and Standards Committee, and Board of Directors particularly where adverse effects or regulatory implications arise
  - Risk register will be updated as appropriate
  - RAG rating, sampling and quality assurance practices reviewed by the QM and BOD supported by the Quality and Standards Committee
  - Implementation of any recommended recommendations and future actions agreed at the Quality and Compliance group

## Appendix Two 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](mailto: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.

- 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

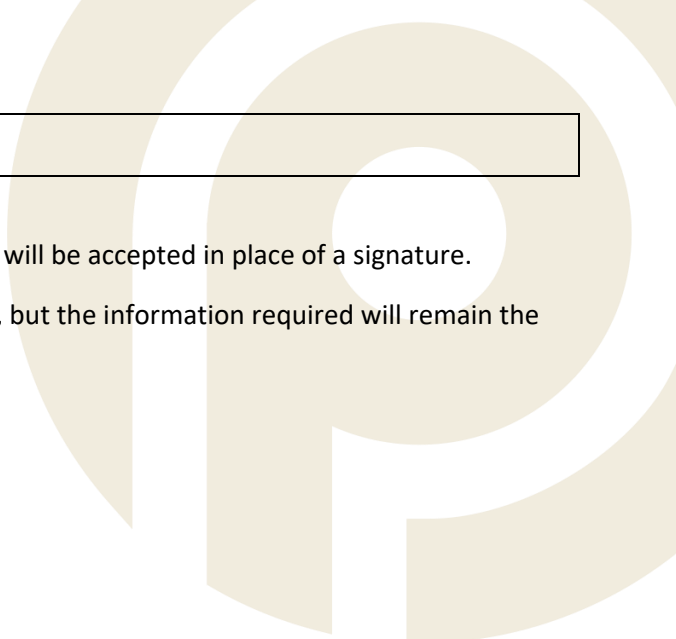
I confirm to the best of my knowledge, the information within this appeal is true and correct and I understand payment of £150 is required prior to the appeal review.

Signed*	
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Date	
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\*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 Three 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](mailto: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 Four 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 AO 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 or centre) 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 IC 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 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 a review of the evidence by an appeals committee. Note in accordance with Ofqual and IC 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 review enquiries and appeals incidents relating to the development, delivery, or award of regulated apprenticeships
- Carry out investigative reviews 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 DfE/DWP Apprenticeship Assessment Organisation 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 is<sup>6</sup>

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

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6 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 assessment organisation, delivering assessments 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 AO we are subject to regulation by the qualifications regulator Ofqual, and we must comply with the apprentice standards and accompanying assessment plans as published by Skills England.

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 investigative review, 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 website<sup>7</sup>). 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 in the first instance. 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 appeal hearings, 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 that is essential to establish the facts and provide a rationale for any subsequent action we take, or to

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<sup>7</sup> These policies are available via PAL's website

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 relevant government agency and we will inform the regulator, as well as providing information to the appellants, 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 assessment 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](mailto: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 DfE please visit their privacy notice