



**UK AWARDING AND  
ASSESSMENT BOARD**

# **Appeals and Dispute Policy**

Updated: June 2020. Next Review date: May 2021

## **APPEALS AND DISPUTE POLICY**

### **Aim**

The purpose of an appeals and disputes procedure is to allow all relevant parties to question or challenge an assessment and or internal quality assurance decision, or an external quality assurance decision.

### **Rationale**

An appeals and disputes procedure is an essential component of any approved assessment (to include End-point assessment) centres quality systems.

### **Principles**

The existence of an appeals and disputes procedure needs to be communicated to all relevant parties ideally for company personnel and this should be undertaken at the induction stage of employment. For Apprentices and employers, the company website and End-assessment point guides and briefs will make sure that the Apprentice and employer are aware of the company's appeals and disputes policy. Information about this policy is available on the UKAAB website and is available on request via e-mail through our office.

Any appeal or dispute should be made, where the person making the appeal or dispute has valid and reasonable information to dispute the assessment outcome.

UKAAB has a dedicated email for appeals and disputes and this is [epaappeals@ukaab.org](mailto:epaappeals@ukaab.org)

If an apprentice or employer wish to discuss the assessment process or decision, but wish to do this on an informal basis, there is no charge and our EPA team will respond to such inquiries. The above email address can be used to request an informal review, please state in the e-mail that at this juncture the appeal or dispute is being raised on an informal basis.

### **Procedure**

Various circumstances may occur that will influence the use of this system. This process may be utilised by many different parties in the quality assurance of the new apprenticeship standards, Diploma or any other approved, endorsed or accredited programme.

In respect of UKAAB, UKAAB can only oversee appeals and disputes in relation to end-point assessment. Decisions involving Diplomas or the outcomes of accredited or endorsed programmes, recognised by other awarding organisations, should be referred to the relevant awarding organisation.

The resources required to conduct a formal appeal, means UKAAB makes a charge of £150 for each appeal investigation. In respect of an assessment decision outcome appeal, made by or on behalf of the apprentice, the fee is payable in advance of any review or decision. UKAAB will invoice the employer for this amount and will not conduct an appeal, until payment is received.

It should be noted that as the choice of the end-point assessment organisation, is that of the employer, it is expected that, firstly the employer is responsible for any payments associated with appeals and disputes and secondly if the apprentice or employer, wishes to dispute a decision, the onus is on them to make the appeal to UKAAB directly.

Training Providers cannot make an appeal directly; they may make initial contact with UKAAB to seek clarification, however it remains that the employer or apprentice has to make the appeal.

For appeals and disputes made during the assessment period, the assessment window will be paused to allow for the investigation and ensure that the apprentice is not disadvantaged. UKAAB Quality Manager (QM) will advise the

relevant EQA of this action.

For knowledge test appeals, UKAAB will liaise with relevant parties and establish if there is a case to answer, if there is a case to answer, the options are voiding the original test; receiving a revised mark or an opportunity to take a different test. UKAAB would advise all parties to refer to the respective standard assessment plan and or guidance regarding test structure, weightings and content. A test appeal should be made via the epa appeals email address and a member of the UKAAB team will respond to the appeal within seven working days. Apprentices and/or employers should make an appeal against a test within five working days of the test being taken.

If the appeal is made at the point all assessments have been completed, where possible UKAAB will delay making a completion claim until the matter or matters have been resolved.

## **GROUNDS FOR APPEAL**

All persons involved in the assessment and internal quality assurance processes have the right to appeal against assessment or internal or external quality assurance decisions which are unclear or seem unfair.

The reasons for appeal are:

- ❖ 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.
- ❖ 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.
- ❖ 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.
- ❖ One or more parties affected by the assessment and quality assurance process believes their requirements under special considerations were not supported or appropriately addressed and this adversely impacted on the assessment or quality assurance outcome.
- ❖ Disagreement of MCQ test results

If the appeal or dispute does not meet the above criteria, feedback will be provided within 10 working days of receipt of the associated correspondence, with reasons for this decision.

## **Apprentice/Employer appeals and disputes**

In the event an apprentice and or employer wishes to dispute the outcome or grade of the end point assessment, the apprentice and/or employer will be requested to put their appeal in writing to UKAAB (ideally to QM), within 10 working days of receiving the EPA grade. If the apprentice is within the end point assessment window, that will be paused until the appeal has been conducted.

UKAAB can provide an appeal/dispute document, but we will also accept an email communication to the dedicated e-mail address. If the apprentice/employer wishes to provide additional evidence to support their claim, this should be submitted with the original appeal.

UKAAB will acknowledge in three working days an appeal or dispute, at this stage it is acknowledgment only- the QM or representative of either of these two personnel will acknowledge the receipt of the appeal/dispute, at this stage any acknowledgement, is merely an acknowledgement of receipt and no judgement or outcome is made, indicated or inferred.

The Quality manager (QM) or Lead Care Person (LCP) will appoint the Investigating Officer (IO) who will review the assessment documentation and decisions and where required interview all relevant parties. The IO will provide their decision in writing to the apprentice and employer, subject to QM/LCP sign-off within 20 working days of receiving the written correspondence, requesting a review of the grade.

The selection of the IO must meet the following criteria:

- ❖ The IO was not involved in the original assessment decision, either as an assessor/moderator or IQA
- ❖ The IO (reference to UKAAB 's conflict of interest policy) has no connection with the employer site and apprentice's line manager or apprentice.

In complex cases, the QM may invite additional IOs to comment on the assessment judgements. The IO acting on behalf of the QM has the right to question all concerned parties and review or pertinent documentation and reports.

The apprentice and employer on receipt of the report can request a verbal communication with the QM/LCP, and this will be arranged within five working days from the request. The decision will be communicated to all relevant parties.

If the apprentice or employer wishes to contest the findings of the appeals/dispute investigation, they have five working days to request a further review. The Quality Manager will convene a panel of one other independent assessor and one IQA who have had no involvement with the original decision or initial investigation. The panel will have up to 20 working days to review all the evidence from the original assessments and investigation and they can request people for interview at a formal panel meeting. This investigation will incur a further charge of £150.

The panel will be chaired by either a member of the Advisory Group or an independent consultant appointed by UKAAB.

All parties will need to make themselves available to the panel for review of the evidence and will be able to make their case. No additional evidence will be looked at; that was not presented in the first appeal. The panel will make a decision 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 e-mail, or e-mail with a formal report attached, subject to QM sign-off.

If the apprentice or employer refutes the decision of the above panel, the company will present the appeal and all associated information and evidence to the External Quality assurance organisation, and their decision will be final. The apprentice or employer must formalise their request for an EQA review, with a detailed rationale, within five working days of receiving the panel summation, as dated on the e-mail. UKAAB will communicate with the relevant EQA. UKAAB cannot mandate the EQA to review the evidence, nor can they provide any specific timescales, for the EQA to respond.

All appeals and disputes and their outcomes are logged on the Appeals and Disputes log. If the apprentice or employer wish to make a complaint about the service received by UKAAB , then our complaints policy will support the procedure. Requests or clarification or concerns regarding special circumstances or reasonable adjustments, please refer to our policy covering these areas and for cases involving alleged plagiarism and cheating, please refer to the relevant policy or contact [epasupportservices@ukaab.org](mailto:epasupportservices@ukaab.org)

## **EPA Appeals and Disputes**

In circumstances where an EPA (independent assessor) does not agree with the quality assurance decision then the EPA should raise their concern within three working days of the assessment decision being recorded by the IQA. The need to fast response times, are to ensure that the assessment outcome is not unduly delayed for all relevant

parties. The concern should be raised with the relevant IQA and QM or LCP.

The IQA must review their IQA the decision and provide clear feedback to the independent assessor. If the IQA is upholding the original quality assurance decision, then the EPA must be provided with full information describing what is required to remove the deferment and why the decision remains-this should be provided in ten working days, from receiving the appeal and /or dispute from the assessor.

The IQA review must be provided in writing a record of their appeal review (email will suffice). The IQA additionally must notify the QM/LCP of the appeal review outcome.

Should the IQA fail to agree a satisfactory outcome with the EPA, the EPA can complete an Appeals Form' which will be forwarded to the Quality Manager. A formal appeal needs to be made to the QM in five working days of the feedback.

To ensure the apprentice is not disadvantaged the QM will request assessment moderation to determine assessment and IQA decisions to facilitate assessment progression. Moderation will be enacted at the point of the above persons being advised of the appeal and the moderators will have five working days to provide their judgement to the QM.

The Quality Manager will review all evidence and records in order to consider the appeal. A decision should be made within five working days, and the parties involved must be informed orally and in writing by the Quality Director using the appropriate section of the Apprentice Appeals Form, or via e-mail and the judgement will be recorded on the Appeals & Dispute log.

If the EPA is dissatisfied with the Quality Manager's decision, they have the right to appeal to the UKAAB Senior Management team (SMT). The escalation must be made in writing in three working days of the QM's response.

A member of the SMT will decide if the appeal should be taken to the relevant EQA agency. If the nominated SMT makes a decision, the decision will be final and there will be no further recourse for the EPA or IQA. If the SMT representative believes the appeal should be forwarded to the respective EQA, they will exclusively undertake that task. The SMT will make their response within five working days of receiving the written appeal. If the decision is to refer to the EQA, this will be done within 10 working days of receipt of the appeal.

If the appeal is forwarded to the EQA, the EQA decision will be final, and all parties will have to adhere to that decision. UKAAB cannot confirm timelines for EQAs.

An internal dispute cannot adversely impact on the apprentice, so UKAAB will discuss with relevant parties, whether to pause the assessment window, or re-assign the assessment if required. The QM/LCP can also utilise moderation, to establish an assessment position and utilise the outcome of moderation, to facilitate the continuance of the assessment process.

### **Appeals and Disputes Against External Quality Assurance Bodies and Awarding Organisations**

In the event that the company wishes to challenge a decision made by a representative of an EQA organisation a nominated IQA will collect and collate the necessary evidence to sort the appeal and forward this to the Quality Director (note in the case of where Professional Assessment uses another partner's assessment instruments, such as tests, parties must follow the AO/EPAO appeals and disputes policy and procedure).

The Quality Manager will judge if there is a case for the EQA or awarding organisation to answer and if so will contact them directly. If it is judged there is no case to answer the Quality Manager will advise the respective IQA and this decision will be final.

## **Annex 1: Apprentice/Employer Appeals and Disputes- Formal Procedure**

### **APPEAL MADE**

- Apprentice or Employer makes an appeal in writing to UKAAB.
- UKAAB will reject an appeal from a Training Provider, made on behalf of their clients, advising that our policy is the apprentice or employer must make the appeal or dispute
- UKAAB will acknowledge receipt of appeal or dispute in three working days from reading /accessing the relevant communication.
- QM LCP- will advise employer/apprentice if appeal/dispute does not meet the justifiable criteria.
- QM/LCP- will advise if the appeal/dispute request does meet justifiable criteria.
- The employer will be invoiced for a fee of £150, this is payable before any investigation is undertaken- the fee applies to each investigation

### **INTERVIEWS & RESOLUTION**

- The QM/LCP will select an IO to review all decisions.
- The IO must be independent from any aspect of the original assessment/IQA decision.
- The IO (subject to QM/LCP sign-off) will advise all parties of the assessment decision is upheld or overturned within 20 working days of receiving the appeals/disputes procedure from the employer or apprentice.
- Whilst the appeal is being reviewed, the assessment window ( if applicable) will be paused.

### **CONTEST**

- If the employer or apprentice wishes to contest the investigation findings, they have five working days, from the issue of the report to request a further review.
- QM will constitute a panel, of one assessor and IQA neither involved in the original decision or appeal/dispute review and this panel will be chaired by one of the following: a member of the Advisory Group; or the UKAAB appointed consultant.

### **FINAL DECISION**

- Subject to the panel meeting, the panel will issue a final summation, five working days after the panel meeting.
- The report will be communicated in e-mail or e-mail with report attached.
- Employer/apprentice if they wish to dispute the outcome, need to notify UKAAB , within five working days from the date of the e-mail and report was sent.
- If the panel decision is refuted, UKAAB will involve the EQA, and their decision will be binding.

Note apprentices and employers can request the opportunity to discuss with UKAAB , informally the assessment process, or assessment decisions. An informal review means there is no additional or independent investigation and a member of the IQA/Quality team will explain the assessment outcome and justification of the decision.

## Annex 2: External Disputes

### Stage One - receipt of appeal/ dispute- Apprentices and Employers

1. QM (or IQA if nominated by the QM) to acknowledge the appeal and clarify this is a formal appeal from the employer and or apprentice-this can be done by sending an e-mail, outlining what constitutes a formal appeal - see grounds for appeal- alternatively if the QM judges phone contact is advisable and could avoid escalation and be treated as an informal appeal- response in three working days from receiving the appeal- this is particularly relevant where test questions are challenged.
2. E-mail must advise of the fee £150 in advance and not refundable and timelines for the investigation.
3. If the original appeal or dispute is unclear about the nature of the appeal, UKAAB to ask for further information in the original response; or if more detail is required, UKAAB to request- recommended appeals and dispute form issued, for the employer/apprentice to complete.
4. If the appeal/dispute has been made by the Training Provider- UKAAB will advise the Employer/Apprentice must make the appeal.
5. If the appeal/dispute does not conform with the grounds for appeal, QM to advise and where applicable refer the employer/apprentice to other relevant UKAAB policies, e.g. complaints policy
6. Employer/Apprentice must confirm they will pay the fee and understand no investigation will proceed until the fee is received
7. Appeals and Dispute to be recorded on the appeals and disputes log

### Stage Two - Investigation and nomination of investigating officer

1. The QM appoints the investigating officer (IO). The IO cannot have been involved in any aspect of the assessment or IQA for the named apprentice and standard.
2. The IO will request all evidence pertaining to the appeal or dispute.
3. The QM/LCP will create a secure folder, for all evidence IOs notes, reports
4. The IO will review all relevant and presented evidence and can seek technical advice if required and seek further information from any relevant party, where they judge some information to be unclear or incomplete
5. The IO to compile a report of their findings, detailing their decision and the rationale for such a decision, the report must be ratified by the QM or LCP before sharing with the apprentice and employer
6. The report should be e-mailed to the relevant parties, within 20 working days of receiving the original report. The response should also include next steps, if the apprentice/employer does not agree with the IO decision- note a further investigation will incur a further charge of £150
7. IO to capture development and learning for the assessor and/or IQA and provide this information to the EPA Manager and Quality Manager
8. IO to discuss with QM/LCP any essential themes, evidence that may require a review of processes and procedures and make recommendations for continuous improvement
9. All records to be located in folder, and linked to the A&D log, along with investigation outcome.

### Stage Three - Contestation of investigating decision and final outcomes

1. If the apprentice/employer contests the decision, they must provide reasons for this and be subject to a further charge of £150, to constitute a panel review.
2. The QM/LCP needs to advise the apprentice/employer that no additional evidence will be considered and they must clearly state their reasons for the contest.
3. The apprentice/employer, if they wish to contest the decision must do so, within five working days of receiving the IO decision and they must e-mail the appeals e-mail or the QM directly.
4. The QM will convene the panel and provide a remit for the chair. The panel will review all documentation and where required, will question all appropriate stakeholders.
5. The panel has 20 days to make a recommendation, which includes notification of a decision within five

working days of the panel review summation.

6. Results will be communicated formally, by the chair of the panel, with the sign-off of the QM.
7. If the apprentice or Employer refutes the decision of the panel the QM will ensure all necessary information is presented to the relevant EQA. UKAAB will not bear any costs for the appeal/dispute experienced by the employer/apprentice I making the dispute and UKAAB will advocate its decision and reasons why to the EQA in an impartial and unbiased fashion. It is the choice of the EQA as to whether they choose to investigate and how they investigate and UKAAB cannot mandate any timelines.
8. UKAAB will advise concerned parties, via e-mail that certification is likely to be delayed- note if the EQA upholds UKAAB 's decision, the employer/apprentice will be responsible for any additional costs (i.e. changing a grade on a certificate). If the UKAAB decision is overturned, UKAAB will pay for any certification amendment costs.
9. The EQA decision will be final

### **Annex Three - Internal Disputes**

1. Appeal or dispute should be raised within three working days of the decision, by the assessor to the relevant IQA, cc'ing in the Quality Manager or Lead Care Person
2. The e-mail should detail why the assessor refutes the decision, and as per the policy the appeal must make clear, on what grounds the appeal is being made.
3. The IQA must make available to the QM/LCP all supporting IQA reports, in respect of their IQA decision and investigation outcomes.
4. In the first instance, it is required the IQA reviews their decision and provides feedback to the assessor to clarify the reasons for their decision. The IQA review must be provided to the EPA with full information describing what is required to remove the deferment and why the decision remains-this should be provided in ten working days, from receiving the appeal and /or dispute from the assessor.
5. If the EPA contests the IQA review they must complete the appeals form, within five working days of IQA decision being made and forward to the Quality Manager.
6. The QM/LCP to ensure the apprentice is not disadvantaged will request assessment moderation to determine assessment and IQA decisions to facilitate assessment progression. Moderation will be enacted at the point of the above persons being advised of the appeal and the moderators will have five working days to provide their judgement to the QM. The Quality Manager will then review all the materials.
7. The Quality Manager will review all evidence and records in order to consider the appeal. A decision should be made within five working days, and the parties involved must be informed orally and in writing by the Quality Manager using the appropriate section of the Apprentice Appeals Form, or via e-mail and the judgement will be recorded on the A&D log.
8. If the EPA is dissatisfied with the Quality Manager's decision, they have the right to appeal to the UKAAB Senior Management team (SMT). The escalation must be made in writing in three working days of the QM's response.
9. A member of the SMT will decide if the appeal should be taken to the relevant EQA agency. If the nominated SMT makes a decision, the decision will be final and there will be no further recourse for the EPA or IQA. If the SMT representative believes the appeal should be forwarded to the respective EQA, they will exclusively undertake that task.
10. The SMT will make their response within five working days of receiving the written appeal. If the decision is to refer to the EQA, this will be done within 10 working days of receipt of the appeal.
11. If the appeal is forwarded to the EQA, the EQA decision will be final, and all parties will have to adhere to that decision.