

ENQUIRIES AND APPEALS POLICY

EPAO STANDARDS

**END-POINT
ASSESSMENT
ORGANISATION**



Document Version Control

Document Ref:	Appeals Policy
Version:	V2.0
Owned By:	Head of UK Business Development
Created By:	CM
Approved By:	J Horton – SRO
Confidentiality Level:	

Amendment history

Date	Version	Created by	Description of change
10/10/05	v0.1	CM	Initial Draft
10/11/21	v.02	CM	Updated draft
11/11/21	V1.0	CM	Approved by J Horton - SRO
07/03/22	V1.1	CM	Amendments to Stage 2 Appeals process
26/01/23	V1.2	CM	New logo

1. Scope

The Institution of Mechanical Engineers (IMechE) is registered as an End Point Assessment service (EPAO). The IMechE is committed to fair, reliable, and consistent assessment practice. This policy outlines the IMechE approach to dealing with:

- Enquiries about results
- Appeals against the outcome of an Enquiry of results
- Appeals against a decision, penalty or sanction made resulting from a malpractice, maladministration investigation.
- Appeals against a decision, penalty or sanction made resulting from a conflict-of-interest investigation.
- Appeals against a decision to decline an application for reasonable adjustments or special consideration
- Appeals about centre decisions or their application of their policies

It is for use by staff to ensure that they deal with all enquires and appeals in a transparent and consistent manner.

Training providers and employers must ensure that their apprentices and staff are aware of this policy should there be a need to make an enquiry or appeal.

Enquires and appeals are handled centrally through IMechE, regardless of whether the assessment has been carried out by IMechE EPAO or by a Centre.

The Centre can be interviewed as part of the Appeal process, and must provide all records, documents as required for the review to be undertaken

2. References

The following, in whole or in part, are referenced in this document and are indispensable for its application:

- Malpractice and Maladministration Policy
- Conflicts of Interest Policy

3. Terms & Definitions

Title	Definition
IMechE	Institution of Mechanical Engineers
EPAO	End Point Assessment Organisation
EPA	End Point Assessment
ESFA	Education & Skills Funding Agency
Ofqual	The Office of Qualifications & Examinations Regulation
Appellant	Appellant is the person or organisation who completes and submits the Appeal Form
IfATE	Institute for Apprenticeships & Technical Education
Results	This refers to results of the completed End Point Assessment

4. Responsibility

Responsibility for this policy is as follows:

Role Holder	Responsibility
-------------	----------------

Senior Responsible Officer	<ul style="list-style-type: none"> - Communicating and working with Ofqual in the event of a potential adverse effect on apprentices following an appeal decision
EPA Executive Board (Governing Board – operations)	<ul style="list-style-type: none"> - Communicating policy to all departments linked to IMechE EPAO - Review Appeals on a 6 monthly basis at EPA Executive Board meeting - Continuous improvement/ lessons learned from appeals - Undertake an investigation if errors found in processes, policies or assessment material following an enquiry. - Support Senior responsible Officer with regulatory authorities if involved due to a potential adverse effect on apprentices.
EPA Standards Committee	<ul style="list-style-type: none"> - In the event that an Appeal moves to Stage 2, the EPA Standards board will form a panel to review the process and outcome of Stage 1 - Will provide written feedback to the Appellant
Head of UK Business Development	<ul style="list-style-type: none"> - Review enquiry result following checks undertaken by EPA Manager - Communicating the policy to staff within the EPA Operating Team - Ensure that Centre has in place an Appeals Policy, and review on an annual basis - Inform Regulatory Bodies if apprentices are likely to be adversely affected. - Report on a 6 monthly basis to the EPA Executive all appeals received and outcome. - Annual review of the policy/identification of areas for continuous improvement - Work with EPA Standards Board to form a panel for Stage 2 Appeal
EPA Manager	<ul style="list-style-type: none"> - Respond to enquiries and check results following an enquiry. - Allocate review of results to an Assessor who has not been involved in the assessment of the apprentice to check for completeness and accuracy of the scoring. - Ensuring that all new staff, including freelance, contractors, assessors and third parties are aware of the appeals process. - Lead the resolution of the appeal with relevant assessors - Communicate Stage 1 result to appellant - Maintain log of formal appeals received and action taken.
Independent Assessor	<ul style="list-style-type: none"> - Not have been involved in the original assessment - Undertake review of the enquiry relating to the scoring of the assessment and to check the accuracy of the score. - Undertake independent review of the assessment judgement in relations to reasons of appeals - Provide written feedback to the EPA Manager for forwarding to appellant.
Federation of Awarding Bodies	<ul style="list-style-type: none"> - Provide independent Senior Responsible Officers to form part of the Stage 2 investigation panel.

5. Enquiries about Results

Enquiries give apprentices, and employers and providers, with the consent of the apprentice, the opportunity to query the EPA assessment results, if they believe they are inaccurate. The apprentice must be made aware of the possible outcomes of the enquiry as results may go up or down.

Enquires can relate to both IMechE and Centre assessments

Results Enquiries must be submitted to the EPA Manager within 5 working days of the notification of results.

There are two options for an Enquiry:

- an administrative check, to assess whether we used procedures that were consistent with our EPA Specification, and IMechE / Centre policies.
- a review of the assessment paperwork for completeness and the accuracy of the scoring.

An enquiry is not a re-assessment, it is a check of the results.

The checks are carried out by a member of staff from IMechE that has not been involved in the original assessment or marking and has no personal interest in the enquiry outcome. However, they will be experienced in all applicable processes, procedures, and policies.

Once the checks have been completed, they will be passed to the Head of UK Business Development, for a final decision on the outcome. This will be within 20 working days. The possible outcomes of the enquiry will be:

- Result unchanged, score accurate, all policies and processes followed, and assessment paperwork accurate and complete
- Score inaccurate, result amended, and records revised accordingly.
 - The change may result in the mark going up or down.
- Further investigation required, such as errors found in policies or procedures or assessment tools/materials

Should the outcome be that further investigation is required, this will be carried out by an IMechE senior member of staff who has not been involved in the assessment and has no personal interest in the outcome of the investigation. Should it be identified that an adverse effect has occurred or could have occurred the regulator will be notified by the Senior Responsible Officer, which will include an action plan for implementation that will mitigate any further issues. The investigation will also identify whether the results can be amended in a fair and robust way, or whether a re-assessment is required.

Should dissatisfaction remain with a decision following an enquiry, on the grounds of IMechE failing to apply policies and procedures, an appeal request can be submitted within 20 working days of receipt of the enquiry outcome.

6. Grounds of an Appeal

An appeal can only be made on the basis that IMechE did not apply its procedures consistently, or that procedures were not followed properly and fairly. As a result, an Apprentice will need to satisfy one or both of the following criteria:

- A breach of process that resulted in a disadvantage to the apprentice's ability to present their evidence – i.e., failure to acknowledge reasonable adjustments
- The assessors carrying out the assessment acted unfairly in their assessment judgements of the evidence

Appeals can be made against:

- the outcome of an Enquiry of results
- a decision made resulting from a malpractice, maladministration investigation.
- a decision made resulting from a conflict-of-interest investigation.
- a decision relating to applications for reasonable adjustments or special consideration
- appeals about centre decisions or their application of their policies

7. Appealing a Centre Decision in Advance of a Final Result

For assessments undertaken by the Centre, the apprentice has the right to appeal the decision of this part of the assessment directly with the Centre.

Centres are required to have appeals and complaints processes in place as part of the Centre Agreement with the IMechE as the EPAO.

Should the apprentice/training provider/ or employer wish to appeal the completed result of the EPA, this would be undertaken by the IMechE following this policy.

Centres are required to make learners aware of both their own policies and that of the IMechE.

8. Who can submit an Appeal?

Appeals can be submitted by:

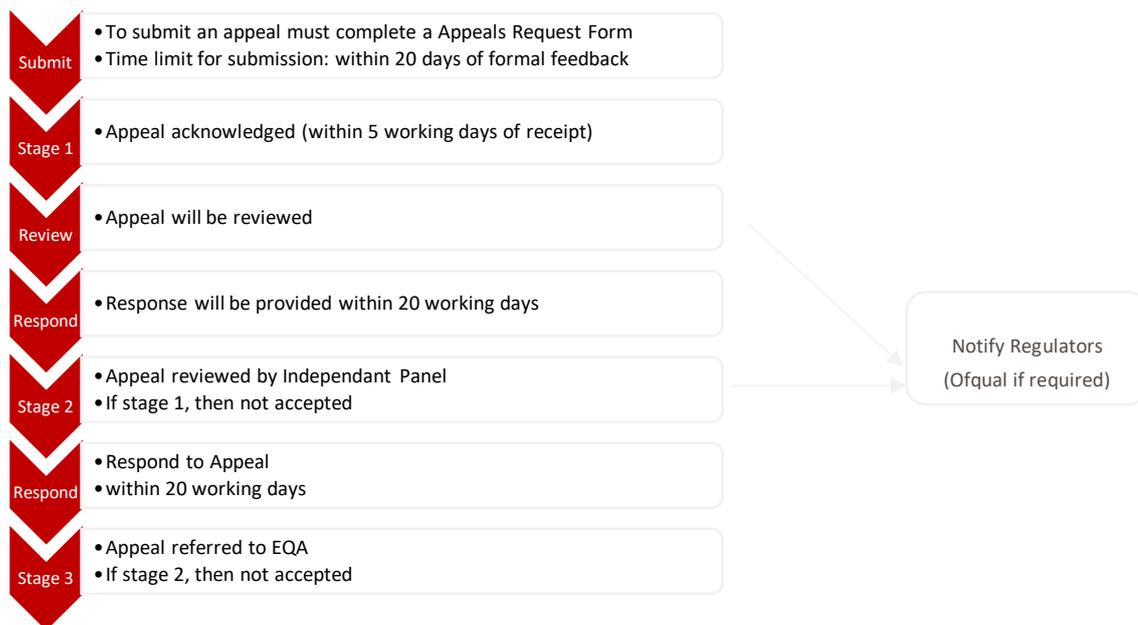
- The apprentice
- The Training Provider on behalf of the Apprentice
- The Employer on behalf of the Apprentice

It is recommended that consultation takes place between the above 3 parties, and all agree before an appeal is lodged.

An appeal request must be submitted within 10 working days of the outcome of the results enquiry or malpractice, conflict of interest, reasonable adjustment decision.

9. Appeal Process

The appeal process is as follows:



10. Stage 1: Appeal Process

Formal Appeal Writing

Appeals must be made using the Appeals Form (Appendix 1) which must be emailed to the EPA Manager at kerry.ellis@imeche.org

Appeals must be submitted within 20 calendar days from the date of the formal feedback and assessment decision.

If the appeal is in relation to the Professional Competence Assessment, it is important to note that new evidence which was not submitted in the Performance Indicators form will not be considered as relevant to the appeal.

If the appeal is in relation to the Occupational Assessment (viva) this will be forwarded to the Centre to undertake.

Appeal Acknowledged

The EPA Manager will acknowledge receipt of the Appeal within 5 working days. A record of the Appeal will be logged in the Appeals Log.

Allocating the Appeal to an Expert (Independent Assessor)

A Professionally Registered Engineer who has not been involved in the apprentice's assessment will carry out an independent review as the Independent Assessor (IA).

The IA appeal must complete a Conflict of Interest declaration in advance of the investigation.

In the event of enquiries relating to Malpractice and Maladministration a Member of the EPA Standards committee will undertake the review

Documents to Support the Appeal Review

IMechE will provide the IA carrying out the appeal with the following:

Appealing an enquiry of results

- A copy of the assessors grading and assessment guidance document
- A copy of any specifications relating to the assessment activity subject to the appeal
- A copy of our enquiries and appeals policy
- The original assessment record and the apprentice's submitted work related to the assessment
- The original enquiry and enquiry investigation and outcome
- The reasons given by the apprentice for appealing against the enquiry outcome
- The apprentice consent, if the appeal has been made by the employer or training provider

- **Appealing a malpractice or conflict of interest investigation decision**
- A copy of the malpractice or conflicts of interest investigation report
- A copy of the malpractice or conflict of interest policy

- **Appealing a reasonable adjustment decision**
- A copy of the reasonable adjustment policy
- A copy of the reasonable adjustment application and decision

All documents shared are subject to confidentiality and non-disclosure agreements and subject to data protection.

Appeal Reviewed

A The IA will carry out an independent review of the assessment judgement in relation to the reasons of appeal within 20 calendar days of receipt of the Appeal form.

The IA will reconsider the assessment decision, taking account of the following:

- The apprentice's reason for appeal, and associated evidence, against the policies, procedures and processes of IMechE
- The apprentice's evidence and associated assessment records
- The investigation and outcomes of the original enquiry

Appealing decision on malpractice, conflicts of interest and reasonable adjustments:

- The reviewer will reconsider the assessment decision, taking account of the following:
- The apprentice's reason for appeal, and associated evidence, against the policies, procedures and processes of IMechE
- The apprentice's evidence and associated assessment records
- The investigation and outcomes of the original enquiry

Respond to Appeal

Written feedback on the outcome of the Appeal will be sent via email to the Apprentice by the EPA Manager within 20 calendar days.

In some cases, the review process may take longer as further evidence or investigation are required. Updates will be provided should this situation arise.

Please note IMechE will not re-review any decisions which relate to outcomes already given unless additional evidence can be provided.

Appeal Recorded

The appeals log is updated and reviewed monthly with the EPA Executive Board.

Regular review of the appeals log will help to identify any trends, and relevant action can be taken to address these.

Actions Following an Appeal that is Upheld

Where an appeal decision is upheld, or partially upheld, we will take the following actions:

- Identify if any other apprentices have been affected
- Senior Responsible Officer will notify Ofqual, if there has been an adverse effect on the apprentice, or there may be adverse effects on other apprentices, alongside an associated action plan and mitigation activities.
- Amending, where required, policies, systems or procedures so that the mistake/error cannot be repeated
- Update and/or provide additional staff training.

11. Stage 2: Appeal Process

If the Appellant remains dissatisfied with the outcome of the Stage 1 procedure, they have a right to apply to progress to Stage 2.

Stage 2 appeals should be made in writing to the EPA Manager. Appeals will be acknowledged within 5 working days. Stage 2 appeals will review the process and outcome decision of the Stage 1 procedure and will be undertaken by an independent panel formed from the EPA Standards Committee and a Senior Responsible Officer from the Federation of Awarding Bodies to provide complete impartiality.

The Panel will consider whether IMechE has properly and fairly applied the relevant policies and processes, and will consider any advice on similar matters from the regulator.

A note taker shall be present at each meeting of the panel to take notes of the meeting but will not be involved in the appeal proceedings

There are two possible outcomes of the appeal panel:

- the appeal is rejected

- the appeal is upheld

Written feedback of the Stage 2 Appeal will be sent from the EPA Standards Committee within 20 calendar days. In some cases, particularly if the case is complex, the Appeal response may take longer. In such cases the EPA Manager will advise the reasons and a revised timescale.

The appeals log is updated and reviewed monthly with the EPA Executive Board and EPA Standards Committee.

The Panel's decision is final and is the end stage of the enquiries about results and appeals procedure and no further appeal will be accepted or considered by IMechE. Should an appeal relate to an end point assessment that is regulated by Ofqual and the appellant remains dissatisfied after fully exhausting the IMechE enquires and appeals process they may wish to contact the regulator directly to raise a formal complaint, as detailed in stage 3 of this policy.

12. Stage 3: Appeal Process

If, after Stage 2 concludes, the appellant still believes that IMechE has not followed its processes and/or procedures fairly and consistently, they are able to raise the matter with the relevant External Quality Assurance organisation

Adverse Effect

Where an appeal assessment brings the outcome of other results into serious question this would be considered a potential 'adverse effect' as other apprentices may be affected. In such cases IMechE will ensure that

- Appropriate regulatory body is informed
- Any other apprentice who has been affected is identified
- Effects are corrected or mitigated as far as possible; this may involve for example acting against independent assessors or potentially removing Approval from a Centre if necessary.

Notifying the Regulator

In cases where there could be an adverse effect (e.g., cases with alleged fraud or serious threat to the integrity of our end point assessment service) the IMechE is required to escalate the matter immediately to IfATE and our regulators Ofqual.

At this stage, the Appeal would be escalated to the EPA Executive Board and the Senior Responsible Officer would inform Ofqual.

13. Appeals & Centres

The Centre is responsible for undertaking all appeals linked to the Occupational Assessment (Viva).

The Centre can be interviewed as part of the Appeal process, and must provide all records, documents as required for the review to be undertaken.

All appeals are reviewed at the EPA Delivery and Quality Meeting which is held with between the Centre and the IMechE monthly.

14. Data Protection

In order to manage Complaints and Appeals correctly the IMechE EPAO will be required to collect and hold personal information about you. IMechE will hold the information securely. Any personal information relating to this policy is kept confidential.

The IMechE will only disclose such information if required to do so by law, government, regulators or professional bodies.

Data will be retained for a period of 6 years after the event, as required by the ESFA Conditions for end-point assessment organisations

15. Contact us

If you have any queries about the contents of this policy, please contact the EPAO Manager
Kerry.ellis@imeche.org

Appendix 1

Checklists

End Point Assessment Appeals Form

In the event of an appeal against the assessment outcome of either the Professional competence assessment or the Assessment as a whole, this form should be completed in full and submitted to the EPA Manager:
kerry.ellis@imeche.org

It is important that you complete all sections and as much detail is included as possible.

Confidential (when completed)

Details	
Apprentice and Employer details	
Apprentice Name	
Contact number and email address	
Employer Name	
Employer contact name and email address	
Date complaint submitted	

Please indicate which assessment decision you wish to appeal against

Occupational competency – Viva Interview	
Professional Competence – Review	
End Point Assessment (as a whole)	

Please indicate the reason for the appeal

A breach of process that resulted in a disadvantage to the apprentices' ability to present their evidence	
The assessors carrying out the assessment acted unfairly in the assessment judgements of the evidence	
Assessment Date	

Please provide details for the reason for appeal, you should include as much detail as possible in order for the assessors to have all evidence when considering your appeal.

Apprentice signature:

Date: