

A photograph of two women in a professional setting. One woman with curly hair is looking at a laptop, while the other woman is pointing at the screen. The image has a pinkish-purple tint.

ICA
END POINT
ASSESSMENT

End-Point Assessment Appeals Policy

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Policy Ref	ICA-EPA1
Date of Issue	22/09/2022
Next Scheduled Review	01/12/2022
Policy Owner	ICA Head of EPA
Approved By	ICA Responsible Officer
Policy Relates to:	End-Point Assessment Provision
Policy is for the use of:	Apprentices, Training Providers, Employers, ICA Staff
Should be read in conjunction with:	Ofqual General Conditions of Recognition ICA Policy of Reasonable Adjustments and Special Consideration ICA Complaints Policy

Introduction

The International Compliance Association (ICA) is committed to ensuring any decisions it makes remain fair, reliable and provide accurate and comparable results. We recognise, however, that there may be situations where an individual wishes to appeal a decision or judgement ICA has made.

As such, ICA offers the below Appeals Policy in order to provide external parties with a means to contest decisions made by ICA, where an individual or organisation reasonably believes ICA has not followed its procedures and processes correctly and therefore has not made its decisions and judgements fairly.

Internal responsibility

The Head of EPA is responsible for the maintenance and compliance of this policy. If the Head of EPA is absent, the Responsible Officer will appoint another member of the SMT to ensure all of ICA's actions and activities are in line with the content of this policy.

Review arrangements

We will review the policy annually as part of our self-evaluation process and revise it as and when necessary, in response to feedback, trends from our internal monitoring arrangements, changes in our practices, actions from the regulatory authorities or external agencies, or developments in legislation.

The annual review of this policy will be undertaken by the Head of EPA approximately four weeks prior to the submission of ICA's Statement of Compliance to our regulators. Any amendments or updates to this policy will be approved by ICA's SMT.

Where the regulators notify ICA of failures that have been discovered in the appeals processes of another awarding organisation, ICA will review whether or not a similar failure could affect our appeal processes and arrangements and take action to amend this policy where necessary.

Policy statement

The aim of this policy is to ensure high quality, fair and consistent assessment practice and grading of Apprentice work through a framework of internal quality assurance practice across all EPA activities where ICA acts as End-Point Assessment Organisation (EPAO).

Scope

This policy covers:

- appeals from Apprentices in relation to an assessment decision on the basis that we did not apply procedures consistently or that procedures were not followed properly and fairly
- appeals from Apprentices relating to an ICA decision to decline a request to make reasonable adjustments or give special considerations
- appeals from Apprentices, training providers or employers in relation to the application by ICA of a sanction resulting from an investigation into malpractice or maladministration or a decision to amend an Apprentice's or set of Apprentices' results following a malpractice or malpractice investigation
- appeals from training providers and employers relating to a decision made by ICA following an investigation into a complaint about them, and
- appeals from training providers and employers if they believe we have not applied our procedures consistently or that procedures were not followed correctly, consistently and fairly.

ICA appeals

For appeals against end-point assessment decisions there are two stages to the appeal process.

Stage 1 Appeal

A Stage 1 Appeal is a review of the assessment decision. This is conducted by an ICA employee, who was not part of the original decision but who is qualified to verify assessments.

The appeal will be reviewed by the Head of EPA, an Internal Quality Assurer (who was not involved in the original assessment decision) or a member of the ICA SMT.

This individual will review all the assessment materials and decide regarding the Stage 1 appeal.

If the Appellant is not satisfied with the Stage 1 appeal outcome, they can request it is progressed to Stage 2. This must be done in writing within 5 working days of receiving the results of Stage 1.

Stage 2 Appeals

A Stage 2 Appeal will be completed by an independent panel formed of individuals who were not involved in the original assessment or reviewing Stage 1 of the Appeal Process.

Appeals will be reviewed based only on the evidence that was provided at the time of the original assessment. No new evidence can be submitted for consideration during an appeal.

The appeal will be reviewed by an ICA appeals panel comprised of a minimum of three of the following people.

- ICA Responsible Officer
- Member of ICA SMT who was not involved in the Stage 1 Appeal
- Experienced EPA Assessor from a relevant subject area who was not involved in the Stage 1 Appeal
- Experienced EPA IQA from a relevant subject area who was not involved in the Stage 1 Appeal
- Independent person(s) with knowledge of the awarding sector and/or with relevant subject matter expertise

The panel will meet to review all the evidence submitted as well as reviewing the procedures followed to ensure we have applied them consistently and fairly and in line with our policy. The Appellant will also be invited to attend the meeting in person.

Process for raising an appeal

Appellants have 20 working days from the date of notification of the decision being appealed against in which to lodge an appeal against it.

When acting on behalf of an Apprentice, a training provider must obtain explicit written consent from the Apprentice in writing before lodging the Formal Appeal, and confirm that the Apprentice has been informed that results can go up, down or remain the same as the result of a Formal Appeal. ICA may request to see proof of this consent in writing.

To submit a Formal Appeal, you should fully complete the Appeals Form. Any appeals that do not use or fully complete the Appeals Form will be automatically rejected.

The Appellant should clearly set out the grounds for appeal in their submission, considering the 'Grounds for Appeal' section of this policy.

The Appellant must provide any relevant supporting evidence they believe may inform their case to ICA at the point of submission. Evidence submitted at a later date will not be considered.

Grounds for appeals

Appeals can be submitted in respect of the decisions only on the following grounds.

- That there exists or existed circumstances affecting the Apprentice's performance of which, for good reason, the ICA may not have been made aware when the decision was taken, and which might have had a material effect on the decision. *[Note: if an Appellant wishes to appeal on such grounds, they must give adequate reasons, with supporting documentation, why this information was not made available before the decision was made.]*
- That there had been a material administrative error or procedural irregularity in the assessment process or in putting into effect the regulations for the programme of study of such a nature as to cause significant doubt as to whether the decision might have been different if the error or irregularity had not occurred.
- That there is evidence of prejudice or bias on the part of one or more of the examiners.

ICA will **not** accept appeals in the following circumstances:

- where appeals are submitted more than 20 working days after the decision has been communicated
- where the relevant events/activities took place prior to the Apprentice completing the Gateway process
- where anything has occurred that should be dealt with under employer's own disciplinary or grievance procedure
- where the matter involves anything concerning qualifications that have been delivered as part of the apprenticeship (either mandatory or non-mandatory)
- where the relevant matters relate to the apprenticeship OPL activities, and
- where an appeal questions the academic or professional judgement of those charged with the responsibility for assessing an apprentice's academic performance or professional competence.

Appeals relating to access arrangements, reasonable adjustments or special consideration

The process by which a decision is made on whether to apply reasonable adjustments or special considerations is outlined in the Reasonable Adjustments and Special Considerations policy.

A training provider who wishes to appeal such a decision should first consult the Reasonable Adjustments and Special Consideration Policy first in order to understand the process ICA applies when deciding whether or not to apply a reasonable adjustment or special consideration.

If, after consulting the relevant policy, the training provider disagrees with the decision made and has reasonable grounds to believe that ICA has not followed its processes and procedures correctly, then an appeal should be made following the process below.

Timeframes

ICA will confirm receipt of the Formal Appeal within 2 working days.

Stage 1 Appeals – a decision will be made and communicated to the Appellant within a maximum of 10 working days from receipt of a completed Apprenticeship Appeals Form.

Stage 2 Appeals – a decision will be made and communicated to the Appellant within 20 working days from receipt of a completed Apprenticeship Appeals Form for Stage 2.

Please note that in some cases the review processes may take longer, for example if we need to contact any third parties. Where this is the case, we will contact all parties concerned to inform them of the revised timescale.

Fees

Stage 1 – Internal

ICA will not charge the Appellant (Apprentice, training provider or employer) any fee to cover the administrative and personnel costs involved in dealing with Stage 1 appeals.

Stage 2 – Panel Appeal

ICA apply a fee of £400 is charged to conduct a Panel appeal. This appeal fee is waived if the appeal is upheld.

At all times we will ensure that ICA personnel assigned to manage the appeal has the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

Results of the appeal

Following the conclusion of the Formal Appeal, ICA will notify the Appellant of its decision to either:

- uphold the appeal and amend the original decision in light of the new rationale/evidence being put forward and which has now been reviewed
- recommend that the appeal be referred to an independent panel (Stage 2 Appeal); where a Stage 2 Appeal is instigated by ICA, no fee will be applied
- not-uphold the appeal, confirming that ICA stands by the original decision, and in doing so the rationale for making this decision, or
- not-uphold the appeal, confirming that, though ICA stands by the original decision, it does recognise that shortcomings have been identified in the processes and procedures which led to the decision being made.

ICA will always attempt where possible to describe to the Appellant any next steps which can be taken by any Apprentices or Learners involved to achieve a satisfactory outcome.

ICA requests that within 10 working days of receiving notification of the result of a Formal Appeal, an Appellant confirms to ICA whether they accept this decision or if they wish to proceed to ICA's Independent Review process. If no response has been received from the Appellant within this time ICA will consider the decision to have been accepted and the matter closed.

Any decisions made at Stage 1 will be reviewed and signed off by the ICA Head of EPA. Decisions made at Stage 2 will be reviewed and signed off by the ICA Responsible Officer.

Successful appeals and issues brought to our attention by Ofqual

In situations where an appeal has been successful, or where an investigation following notification from Ofqual indicates a failure in our processes, ICA will give due consideration to the outcome and will as appropriate take actions such as:

- identify any other Apprentices who have been affected and undertake corrective action for example amend the results for the apprentices affected following an appropriate investigation, or
- review our associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected.

We will also cooperate with any follow-up investigations required by Ofqual and if appropriate agree any remedial action with them.

Further Avenues

An Appellant who remains dissatisfied with the procedures and processes followed by ICA in relation to an End-Point Assessment can complain to Ofqual using the below contact details:

By Email to: public.enquiries@ofqual.gov.uk

By Letter to:

Complaints - Ofqual

Earlsdon Park

53-55 Butts Road

Coventry

CV1 3BH

The regulator will seek to confirm that procedures have been followed correctly and not reassess work. In all but exceptional circumstances, it will also be necessary for the Appellant to have completed the appeal and independent review stages of this appeals process before a complaint will be accepted by the regulators.