



EPA Enquiries and Appeals Policy

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1. Introduction

This policy sets out NCFE EPA's framework for dealing with assessment enquiries and appeals to ensure that we're outlining and applying our processes, procedures and policies in a fair and consistent way for our customers.

The policy also forms part of a suite of policies for NCFE's EPA products and services, all of which are designed to:

- protect apprentices who are registered with us
- minimise the risk of an Adverse Effect occurring
- help support us and all other customers involved in risk management and risk minimisation
- help ensure we and all customers comply with all relevant legislation and guidance
- help improve and refine our products and services

For our customers, this policy supports compliance with the Contract. It does not replace any of the requirements contained within that Contract. Non-adherence to our policies may constitute maladministration, malpractice and/or a breach of the Contract. Please ensure all policies are read and implemented carefully. Available at the following link: <https://www.ncfe.org.uk/apprenticeships/end-point-assessment/mandatory-policies/>

1.1 Purpose

Our policy assists us and our customers, by outlining the framework for investigating and dealing with enquiries and appeals. This is important in situations which could result in a detrimental effect to the apprentice and/or could potentially compromise the integrity of our standards, systems and/or processes.

1.2 Scope

This policy covers the delivery of NCFE EPA's which are subject to internal and external Quality and Compliance. NCFE EPA products include those which may be offered and/or delivered under an NCFE-owned brand name (for example 'CACHE').

1.3 Responsibilities/duties

Customers must make sure that apprentices and staff, who are involved in the design, delivery, management, assessment and/or quality assurance of our EPA, are familiar with the contents of this policy. Staff can include site, sub-site or contractual staff.

1.4 Definitions

Word/Acronym	Definition
EPA	End Point Assessment
EAA	Enquiries About Assessment
ITP	Independent Training Provider

1.5 Location

This policy is available for learners and centres on the NCFE website.

2. Overview of enquiries about EPA assessment and appeals processes

There may be occasions when our customers disagree with our assessment decisions and outcomes or are unsatisfied with the way that an assessment was delivered and/or feel we have not applied the correct processes, procedures and policies in a fair and consistent way.

If this is the case, our customers can raise an Enquiry about EPA Assessment and/or Appeal for further information on how to complete this see section 5.2.

- An **Enquiry about Assessment** will review and resolve individual assessment concerns.
- An **Appeal** will review and resolve concerns with outcomes of other processes within EPA

3. Enquiries about EPA assessment process

Enquiries about EPA Assessment can only be submitted once the method of assessment has taken place, and a grade has been awarded unless the grade has an impact on completion of subsequent assessments.

We will also accept requests to review the overall EPA grade, which may include reviewing one, or all methods, depending on standard.

An Enquiry about EPA Assessment has two options:

Clerical check of one or more assessments within EPA

Review of marking of one or more method(s) of assessment within the EPA

A **Clerical Check** will include a full check of all clerical procedures to ensure that the marks or grades awarded to the apprentice(s) have been correctly recorded and processed. We will ensure that all parts of the assessment have been marked, all marks have been recorded and added up correctly, and grade boundaries have been applied accurately.

A **Review of marking** will double mark the entire assessment and will include clerical checks. We will review all recorded aspects of the assessment including preparation, conduct and the final grading to ensure that our internal quality assurance standards were fair, reliable, and consistently applied during the entire assessment process and the grade achieved was accurate. A review of marking will also provide feedback with concerns our partners have raised about the assessment.

A request to review the **overall EPA** grade can only be submitted once the final EPA grade has been released and must be submitted within the Review of Marking timescales

A Review of Marking submission by our partners may not always query the result of the assessment; however, we will always consider the final result during our process. If we find that any aspect of the assessment had a detrimental effect on the apprentice performing to the best of their ability during the assessment, then we would consider if the grade had been compromised by the concern and act accordingly.

As with all our Internal Quality Reviews, a Review of Marking may change the results in either a positive or negative way.

3.1 Who will conduct an enquiry about EPA assessment

All Enquiries about EPA Assessment(s) will be conducted by a Quality and Compliance colleague and other appropriate colleague(s) within the NCFE EPA team who were not involved in the original decision(s) and who do not have a personal interest in the enquiry outcome; they will, however, be experienced in the assessment sector and on all applicable processes, procedures, and policies.

3.2 Timescales regarding enquires about EPA assessment

To ensure that any issues or queries are handled within a reasonable timeframe, our partners are required to submit Enquiries about EPA Assessment within the identified timeframes from release of our decision(s).

Clerical check - Submitted within five working days of assessment grade release

Review of marking - Submitted within ten working days of assessment grade release

In all cases NCFE EPA will aim to notify you if we will **accept** or **reject** reviewing the request within three working days of receiving it.

3.3 Timescales regarding enquires about EPA assessment outcome from NCFE

If accepted NCFE will aim to fully review enquiries and respond within the identified time frames from our acceptance of the request.

Clerical check – Respond with outcome within three working days of NCFE acceptance.

Review of marking – Respond with outcome within ten working days of NCFE acceptance.

Please note, in some cases, particularly when the case may be complex and/or an independent person is not available within these timescales, the enquiry may take longer than the specified timescale(s). In such instances, we will advise our partners of the reasons why and the revised timescale.

4. EPA appeals process

If a customer is unhappy with any decision of NCFE EPA that affects an apprentice, they may submit an appeal against that decision.

The purpose of an appeal is to ascertain if we have applied the correct processes, procedures and policies in a fair and consistent way.

The EPA appeal process will cover:

- The outcome of a completed Enquiries about EPA Assessment
- A final decision relating to EPA reasonable adjustments or special considerations
- The outcome of a completed EPA Stage 1 appeal.
- The outcome of an EPA maladministration or malpractice investigation*

**EPA Malpractice concerns that occur within EPA may be passed on to our Provider Assurance team who will investigate the concerns and act upon them. NCFE EPA will support with the investigation but are not solely responsible for all outcomes or actions that a malpractice investigation might raise. Therefore, any appeals against a NCFE EPA malpractice decision may be raised with the NCFE Provider Assurance team, by us, for them to review.*

There are two stages of an EPA appeal, which we make available; these are:

- Appeals **Stage 1 – Preliminary Stage**
- Appeals **Stage 2 – Appeal Hearing**

Both appeal stages will review whether we have properly and fairly applied our relevant policies and processes considering the evidence presented, any readily available regulators' advice on similar matters and any readily available EPA precedents.

If a partner remains dissatisfied with a decision following a **Stage 1 – Preliminary Stage** appeal, they may submit a **Stage 2 – Appeal Hearing** appeal.

4.1 Who will conduct appeals Stage 1 – Preliminary stage

Stage 1 – Preliminary Stage appeals will be conducted by a Quality and Compliance colleague and other appropriate colleague(s) within the NCFE EPA team who were not involved in any previous original decision(s) and who do not have a personal interest in the appeal outcome; they will, however, be experienced on all applicable processes, procedures, and policies.

4.2 Who will conduct appeals Stage 2 – Appeal Hearing

A **Stage 2 – Appeal Hearing** appeal can only be submitted once the **Stage 1 – Preliminary Stage** appeal has been exhausted, and when our partners believe we did not apply our policies or procedures consistently, properly, or fairly.

A **Stage 2 – Appeal Hearing** appeal will be conducted by a panel consisting of, as a minimum, an NCFE EPA Senior Manager, a Delivery Manager for the sector and an independent person who will be appointed by us. The panel members will have appropriate competence, will not have been involved in the original decisions or processes, or at Enquiry and/or Stage 1 appeal, and will not have a personal interest in the appeal outcome.

The Panel's decision is final and will complete the EPA enquiries and appeals procedure. No further appeal will be accepted. Should our partners disagree with the final decision, they should refer to the NCFE complaints procedure.

Where the appeal relates to our actions or decisions regarding a regulated standard and partners remain dissatisfied, they may contact our standards regulators. Our regulators would require evidence the appellant has fully exhausted the EPA enquiries and appeals procedure

4.3 Timescales regarding appeal submissions

To ensure that any issues or queries are handled within a reasonable timeframe, our partners are required to submit appeals within the identified timeframes from release of our decision(s).

Stage 1 – Preliminary Stage - Submitted within ten working days of release of our decision.

Stage 2 – Appeal Hearing - Submitted within ten working days of release of our decision.

In all cases NCFE EPA will aim to notify you if we will **accept** or **reject** reviewing the request within three working days of receiving it.

4.4 Timescales regarding appeal outcome from NCFE

If accepted NCFE will aim to fully review appeals and respond within the identified time frames from our acceptance of the request.

Stage 1 – Preliminary Stage – Respond with outcome within 10 working days of NCFE acceptance.

Stage 2 – Appeal Hearing - Respond with outcome within 15 working days of NCFE acceptance.

Please note, in some cases, particularly when the case may be complex and/or an independent person is not available within these timescales, the enquiry may take longer than the specified timescale(s). In such instances, we will advise our partners of the reasons why and the revised timescale.

5. Submitting an enquiry about EPA assessment and/or appeal

5.1 Who can submit an enquiry and/or appeal

The partner directly responsible for the registration of the EPA must submit the enquiry/appeal. Employers, Apprentices and/or their parents or legal guardians are not permitted to submit an appeal directly to NCFE. Enquiries/appeals should be approved by the apprentice and supported by all appropriate evidence.

You must retain evidence of written apprentice authorisation for at least six months following the outcome of an enquiry/appeal and in compliance with relevant data protection legislation. We reserve the right to inspect such evidence. Failure to retain such evidence will be considered provider malpractice and will be dealt with in accordance with NCFE's Malpractice Policies and Procedures.

If at any point partners or apprentices wish to be legally represented in relation to any aspect of an appeal, this must be discussed with us. We reserve the right to also be legally represented.

5.2 How to submit an enquiry and/or appeal

You must submit a request for an **Enquiries about EPA Assessment and/or Appeals** using the process found in the **EPA Operations Handbook** located in the 'Support Materials' section of the EPA/Apprenticeship Platform.

Partners should complete the request in full on both the form and the platform and provide clear details of why they believe that an enquiry/appeal should be considered. Please note that enquiry/appeal applications without clear details may not be accepted. If your application does not include sufficient information or evidence, we'll inform you in writing and include a final deadline for the submission of any further information and evidence to support your appeal application.

Any evidence that is presented in the latter appeal stages that would have benefited from being produced in the earlier enquiry/appeal process, may either be dismissed, or

cause NCFE EPA to re-review earlier enquiry/appeal outcomes. If a late submission of permissible evidence occurs, we reserve the right to revert to an earlier stage of enquiry/appeal.

6. NCFE acceptance of enquiry and/or appeal

NCFE reserves the right to reject an enquiry/appeal. The decision whether to accept the application for an enquiry/appeal is based on:

- whether the enquiry/appeal is submitted in accordance with stipulations outlined in this policy
- whether any other relevant/required process has first been completed
- whether any other relevant/required process that conflicts with a request is currently underway
- whether a review of marking has already been conducted during an investigation that has been conducted within another process, such as malpractice
- whether there is evidence that our relevant policies and procedures have not been properly and fairly applied
- the timescale of the application.

If an application for an enquiry/appeal is not accepted, the reason(s) for this will be provided in writing. If we agree the enquiry/appeal is properly constituted, we will notify you in writing of acceptance of the appeal and arrange for the appropriate persons to start the enquiry/appeal process.

If an Enquiry/Appeal is accepted that relates to a method of assessment, that method of assessment will be put on hold. Any re-sits of that method scheduled to take place within the relevant appeal timescales will be postponed. Due to some Assessment Plan stipulations, we may also have to postpone other booked assessments that are affected by the outcome of the assessment being appealed.

Any assessment that takes place during any appeal stage which will influence the outcome of the assessment being appealed, may cause either that assessment outcome, or the appeal process, to be declared null and void.

7. NCFE outcome of enquiry and/or appeal

The outcome of an enquiry and/or appeals could be:

- no change to results or decision
- change to results or decision which could be either positive or negative.

Where results and/or a decision change because of an enquiry/appeal, NCFE will:

- amend our partner and/or apprentice records accordingly
- investigate reasons for change through our internal Quality and Compliance processes
- action any changes to our processes or systems as appropriate.

NCFE will notify the partner of the outcome in writing. If our partners or apprentices remain dissatisfied with the outcome of the enquiry/appeal that they have submitted, they have the option to move to the next stage of appeal as outlined in this policy.

8. Enquiry and appeal fees

We may charge our partners a fee to cover administrative and/or re-assessment costs. If we uphold your enquiry/appeal at any stage, we will not invoice you for the associated fee and may refund any previous fees applied. If the enquiry/appeal is unfounded and/or the grade(s) remain unchanged, we will invoice you for the appropriate fee.

Type of enquiry	Fee
Enquiry about EPA Assessment	
Clerical check	£20 per method of assessment
Review of Marking	£100 per method of assessment
Stage 1 appeal - Preliminary Stage	
Generic decision	£150
Stage 2 appeal - Appeal Hearing	
Generic decision	£200

9. Initial Equality Impact Assessment

An Initial Equality Impact Assessment has been completed for this policy, and no concerns were raised.

10. Implementation and dissemination

This policy is available on NCFE Website.

11. Monitoring arrangements

We will review this annually, as a minimum, and where otherwise necessary, and may revise it in response to the findings of any review.

12. Data retention

12.1. Disclaimer: Submission of Original Documentation

To protect personal information, please do not send original documents to NCFE via post. We cannot accept responsibility for the loss, damage, or return of any original documentation sent to us.

Where documentation is required, we request that you provide certified copies or high-quality scanned versions instead. This approach helps protect your documents and ensures a more secure and efficient service.

12.2. Mandatory disclosure

It is imperative that the integrity of our assessments are maintained. We are aware that partner organisations often work with more than one End-Point Assessment Organisation (EPAO), and that therefore more than one EPAO may be at risk when things go wrong.

Our regulators have outlined some specific conditions that we must meet to protect the integrity across the sector. This includes the requirement that where certain things are identified (such as malpractice), or certain actions taken (such as when sanctions are applied) the regulators and other relevant EPAOs who may be affected must be informed.

Depending on the seriousness of the matter, we may be required to declare to our regulators that we are no longer compliant due to an act or omission by partners which has put us in breach. In this event, we may have regulatory action directed against us, such as monetary penalties. In accordance with the Contract, where appropriate, we reserve the right to direct such financial penalties against partners, should they be as a result of the act or omission.

12.3. Confidentiality

We may need to access confidential information. We will ensure that such information is kept secure and only used for the purposes of the investigation and in line with relevant data protection legislation. We will not normally disclose the information to third parties unless required to do so, such as to our regulators and/or the Police or other relevant and/or Statutory Bodies.

NCFE will securely store information provided as part of the Enquiries and Appeals request

NCFE will not keep personal data for longer than we need it. Once the retention period is over, and it is no longer justifiable to hold personal data any longer, data will be securely destroyed or anonymised.

12.4. Termination for convenience

Our actions under this policy and any sanctions imposed will be proportionate. Where possible, we will always try to work with partners in resolving issues. However, nothing within this policy precludes us from invoking our right under the Contract to terminate our relationship with partners.

13. Contact information

If you have any queries relating to this policy, please contact NCFE's EPA Quality and Compliance team in writing:

Email: epaqualityassurance@ncfe.org.uk

Post:

NCFE EPA Quality and Compliance Team
Q6, Quorum Park
Benton Lane
Newcastle upon Tyne
NE12 8BT