



# EPA enquiries & appeals policy

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## Scope of the Policy

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

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 partners involved in risk management and risk minimisation;
- help ensure we and all partners comply with all relevant legislation and guidance;
- help improve and refine our products and services.

For our partners, 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.

## Purpose of the policy

Our policy assists us and our partners, 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.

## Who needs to know about the policy?

Partners 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.

## Obtaining copies of the policy

Partners can download copies of the policy from our platform or request copies from NCFE, using the contact details provided in the contact section.

## Reviewing the policy

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

## Complaint

Partners have the right to express their dissatisfaction regarding our actions, products or services. Please refer to the NCFE Complaints Procedure on our website for more information.

## Section 1

# Enquiries and appeals

### 1.1 Clerical check: Enquiries about EPA results

Where partners believe that there may have been an administrative error in recording of results, our partners may request an enquiry about results. Enquiries about results may only be submitted in relation to results released by NCFE once all methods of assessment have taken place and an overall grade has been awarded, or when the grade has an impact on completion of subsequent assessments.

An enquiry about results is an administrative check to ensure that all marks and grades have been recorded and released correctly. It does **not** involve review or re-assessment of assessment decisions.

### 1.2 Stage 1 appeal

#### 1.2.1 *Appeals about EPA assessment decisions*

There may be occasions when we make assessment decisions that our partners do not agree with. Appeals about assessment decisions (appeal stage 1) can only be submitted once all methods of assessment have taken place and an overall grade has been awarded, unless the grade has an impact on completion of subsequent assessments.

An enquiry about an assessment decision has two options:

- Review/re-mark of one method of assessment within the EPA
- Review/re-mark of full EPA

#### 1.2.2 *Generic appeal about any other decision formed by NCFE*

There may be occasions when partners are unhappy with other decisions formed by us, such as a decision relating to reasonable adjustments or special considerations; or the outcome of a maladministration or malpractice investigation; or the outcome of a decision to impose a sanction resulting from a maladministration or malpractice investigation. If a partner is unhappy with any decision that affects an apprentice, they may submit an appeal against that decision.

### 1.3 Who investigates enquiries and appeals?

Enquiries and stage 1 appeals will be conducted by a Quality & Compliance colleague and other appropriate colleague within the EPA team who were not involved in the 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.

#### **1.4 Stage 2 appeal**

If a partner remains dissatisfied with a decision following a stage 1 appeal, they may submit a stage 2 appeal. A stage 2 appeal can only be submitted once the stage 1 appeal has been exhausted, or when our partners believe we did not apply our policies or procedures consistently, properly, or fairly.

A stage 2 appeal will be conducted by a panel consisting of, as a minimum, an NCFE EPA Senior Manager, the Delivery Manager for the sector and an independent person who will be appointed by us.<sup>1</sup> 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 will consider whether we have properly and fairly applied our relevant policies and processes in light of the evidence presented, any readily available regulators' advice on similar matters and any readily available EPA precedents.

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.

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<sup>1</sup> The 'independent person' will not be a member of NCFE's Board or committees, an NCFE employee or an NCFE External Contractor or connected to NCFE

## Section 2

### Submitting an enquiry/appeal

#### 2.1 Who can submit an enquiry/appeal?

The partner directly responsible for the registration of the EPA must submit the enquiry/appeal.

#### 2.2 How to submit an enquiry/appeal

To request an enquiry/appeal, our partner should complete the **EPA enquiries and appeals form**, which can be found on our platform.

Partners should complete the form in full 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.

Enquiries/appeals should be supported by appropriate evidence, where appropriate.

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.

## Section 3

### Timescales regarding enquiries/appeals

To ensure that any issues or queries are handled within a reasonable timeframe, our partners are required to submit enquiries/appeals within the identified timeframes from release of our decision(s). NCFE will aim to review enquiries and/or appeals within identified timeframes from receipt of a fully completed enquiries and appeals form:

Stage	Submitted within (working days)	NCFE EPA to review and respond within (working days)
Clerical check	5	5
Stage 1 appeal	10	10
Stage 2 appeal	10	15

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/appeal may take longer than the specified timescale(s). In such instances, we will advise our partners of the reasons why and the revised timescale.

## **Section 4**

### **Outcome of enquiries/appeals**

The outcome of an enquiry about results and/or decisions 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 as a result of an enquiry/appeal, NCFE will:

- amend our partner and/or apprentice records accordingly;
- investigate reasons for change through our robust internal Quality & 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 also have the option to submit a complaint in line with the NCFE Complaints Policy.

## **Section 5**

### **Acceptance of enquiries/appeals**

NCFE reserves the right to reject an enquiry/appeal. The decision whether or not to accept the application for an enquiry/appeal is based on:

- whether the enquiry/appeal as submitted is properly constituted as outlined in Section 1;
- whether any other relevant/required process has first been completed;
- whether a review of results 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 arrange for the appropriate persons to review the enquiry/appeal.

## Section 6

### Fees

We may charge our partners a fee to cover administrative and/or re-assessment costs. If we uphold your enquiry/appeal, we will not invoice you for the associated fee. 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
Clerical check	£20
<b>Stage 1 appeal</b>	
Generic decision	£100
Assessment decision	As assessment plans vary in type and complexity of assessment, 75% of *digital resit cost per method of assessment – refer to the EPA price list
<b>Stage 2 appeal</b> (the final amount invoiced, if decision of stage 1 appeal remains valid)	
Generic decision	£150
Assessment decision	As assessment plans vary in type and complexity of assessment, 100% of *digital resit cost per method of assessment – refer to the EPA price list

\*Where there is no fee listed for a digital resit, the % will apply to the face-to-face resit



## Section 7

### Contact

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

Email: [epaqualityassurance@ncfe.org.uk](mailto:epaqualityassurance@ncfe.org.uk)

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

### *Mandatory disclosure and confidentiality*

#### **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.

#### **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, e.g. to our regulators and/or the Police or other relevant and/or Statutory Bodies.

### *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.