



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 engage 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 Enquiry about EPA Assessment

There may be occasions when our partners disagree with our assessment decisions and outcomes or are unsatisfied with the way that an assessment was delivered. If this is the case, our partners can raise an Enquiry about EPA Assessment. Enquiries about EPA Assessment can only be submitted once the method(s) 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 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, including 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 look at what concerns our partners have raised about the assessment.

We will also accept requests to review the overall EPA grade, which may include reviewing one, or all methods, depending on standard. A request to review the overall grade can only be submitted once the final 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.

All Enquiries about EPA Assessment(s) will be conducted by a Quality & 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 on all applicable processes, procedures, and policies.

As with all of our Internal Quality Reviews, an Enquiry about EPA Assessment - Review of Marking may change the results in either a positive or negative way.

Please see **Section 4** for more on the Outcomes of enquiries and appeals.

1.2 Appeals stage 1– Preliminary Stage

If a partner is unhappy with any decision of EPA NCFE 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 appeals procedure will cover:

- Enquiries about EPA Assessment;
- A decision relating to EPA reasonable adjustments or special considerations;
- The outcome of an EPA Preliminary stage appeal.

The appeals procedure will not cover:

- Outcome of a maladministration or malpractice investigation*;
- Outcome of a decision to impose a sanction resulting from a malpractice or maladministration investigation.;
- Termination of product and/or centre approval status for maladministration or malpractice, or termination for breach of the centre agreement.

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

All accepted stage 1 – Preliminary stage appeals will be conducted by a Quality & 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 appeal outcome; they will, however, be experienced on all applicable processes, procedures, and policies.

1.3 Appeals stage 2 – Appeal Hearing

If a partner remains dissatisfied with a decision following a stage 1 – preliminary stage appeal, they may submit a stage 2 – appeal hearing 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, 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 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.

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 request 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 approved by the apprentice and supported by all appropriate evidence. 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 back to an earlier stage of enquiry/appeal.

You must retain evidence of written apprentice authorisation for at least six months following the outcome of an enquiry 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.

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 enquires/appeals within the identified timeframes from release of our decision(s).

In all cases NCFE EPA will aim to notify you if we will accept or reject reviewing the request within 5 days of receiving it. Once accepted NCFE will aim to review enquiries and/or appeals within identified timeframes from receipt of a fully completed enquiries and appeals form:

Enquiry about EPA Assessment	Submitted within days of assessment grade release	NCFE EPA to review and respond within days of NCFE acceptance
Clerical Check	20 working days	5 working days
Review of Marking	20 working days	20working days

Appeal	Submitted within days of NCFE EPA decision	NCFE EPA to review and respond within days of NCFE acceptance
Stage 1 – Preliminary Stage	30 working days	20 working days
Stage 2 – Appeal Hearing	14 calendar days	20 working days

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 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 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 any other relevant/required process that conflicts with a request is currently underway;
- 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 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

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

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.