

# Skillsfirst Assess

## Appeals Policy

April 2021

v6

# Skillsfirst Assess Appeals policy

## Introduction

This policy is aimed at Skillsfirst Assess (Skillsfirst) providers, employers and apprentices who are delivering or working towards a standard where Skillsfirst is providing the End-point Assessment (EPA).

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

## Provider / Employer responsibility

It is the provider / employer's responsibility to ensure that all staff involved in the management of Skillsfirst EPA are fully aware of the contents of this policy.

It is also the responsibility of the provider / employer to ensure that the apprentice is aware that there is an Appeals Policy available, should there be a need to appeal the results of an EPA.

## Review arrangements

Skillsfirst will review the policy annually as part of its self-evaluation arrangements, and revise it as and when necessary in response to provider, employer and apprentice feedback. In addition, the External Quality Assurance Organisation / Regulator may require us to change our Appeals Policy to comply with their requirements, or issue good practice guidance which leads us to make amendments.

## Areas covered by the policy

This policy covers:

- appeals from apprentices and / or providers / employers relating to an assessment result / decision,
- appeals from providers / employers relating to a Skillsfirst decision to decline a request to make a reasonable adjustment or give special consideration,
- appeals from providers / employers relating to the application by Skillsfirst of an action following an investigation activity
- appeals from employers / providers relating to a Skillsfirst decision following an investigation into malpractice or maladministration, or
- appeals from apprentices following a decision to amend a result or a set of results following a malpractice/maladministration investigation.

Appeals against assessment results can only be made to the organisation that took the decision. Where an external assessment is used, an apprentice can appeal to Skillsfirst, but only when the provider / employer believes there is a reasonable basis for an appeal. In such cases, the provider / employer should take the appeal forward on behalf of the apprentice(s).

## Process for raising an appeal

An appeal can only be made on the basis that Skillsfirst did not apply its procedures consistently, or that procedures were not followed properly and fairly.

Providers, Employers (and apprentices where appropriate) have 20 working days from the date Skillsfirst notified them of the assessment decision / result, in which to lodge an appeal. Where applicable, all evidence should be retained and made available if required, to support the appeal.

Any appeal on behalf of an apprentice must have been discussed with the apprentice(s) before it is submitted to Skillsfirst, as grades / results can go down as well as up as a result of an appeal. You should request written permission from the apprentice, and provide this as part of your supporting information.

The Appeals form (appendix 1 of this policy) must be completed and submitted by email to [enquiries@skillsfirstassess.co.uk](mailto:enquiries@skillsfirstassess.co.uk). Please ensure any supporting information is submitted at the same time.

## Fees for appeals

There is a cost for all appeals; see fees table below, please note VAT is chargeable on all fees. An invoice will be raised upon receipt of an appeal. The full cost of the appeal will need to be made to Skillsfirst within 5 working days of the invoice date. If the invoice is overdue, the appeal will be paused until full payment has been received.

If an appeal is upheld, the full fee will be refunded.

If the appellant withdraws the appeal at any time, the fees **will not** be refunded.

Appeal type	Fee
Appeal against assessment decision ( <b>per apprentice</b> )	£300
Appeal against decision on reasonable adjustments ( <b>per apprentice</b> )	£300
Appeal against special considerations decision ( <b>per apprentice</b> )	£300
Appeal relating to any action to be taken against an apprentice following an investigation into malpractice or maladministration ( <b>per apprentice</b> )	£300
Appeal relating to any action to be taken against a provider / employer following an investigation into malpractice or maladministration	£300

## **Process for dealing with an appeal**

### **Informal review of the appeal**

Skillsfirst will acknowledge receipt of the appeal within 2 working days of the appeal being submitted.

The initial review will be conducted by the Compliance Team. If the Compliance Team has a personal interest in the decision being appealed, another member of Skillsfirst staff will be designated. If it is deemed appropriate due to Skillsfirst staff having a potential conflict of interest, an independent consultant who is not an employee of Skillsfirst will be appointed.

The initial review will consist of ensuring the appeal documentation is complete and Skillsfirst processes have been followed prior to the formal review taking place.

The initial review will be completed within 10 working days following receipt of the appeal. If any supporting evidence / documentation is missing, the appeal will be paused until the information is received.

Skillsfirst will inform the appellant once the initial review is complete. The appellant can choose to withdraw the appeal at this stage and must notify Skillsfirst within 5 working days. In order to meet Skillsfirst timescales, the formal review will start immediately.

### **Formal review of appeal**

Skillsfirst will confirm the appeal decision within 25 working days of the completion of the initial review. This time frame may need to be extended if for example a provider / employer visit is required. In such cases, Skillsfirst will inform the appellant of the expected timescale for the decision to be made.

The formal review will be conducted by an independent reviewer who is not an employee of Skillsfirst, an assessor working for it, or otherwise connected to the organisation. They will also have the relevant competence and will not have a personal interest in the decision being appealed. If necessary, the independent reviewer will call on others to provide specific expertise. We will ensure that these individuals do not have a personal interest in the decision being appealed.

The independent reviewer will review all evidence provided and decide if Skillsfirst has applied its procedures fairly, appropriately and consistently and in line with its policy. This will include the independent reviewer documenting all expert discussions, reviews of evidence and their recommendations.

The independent review process may involve:

- a discussion with the appellant, apprentice, centre staff and / or Skillsfirst personnel,
- a request for further information from the appellant, apprentice, centre staff and / or Skillsfirst personnel and / or
- a visit to the employer or provider.

The independent reviewer's decision is final and will be communicated in full to the appellant.

If the provider, employer or apprentice still believes that Skillsfirst has not followed its procedures consistently, or that the procedures were not followed properly and fairly, they are entitled to raise the matter with the relevant External Quality Assurance Organisation (EQAO).

## **Successful appeals and/or issues brought to our attention by an EQAO**

Where an appeal has been successful, or where a review following notification from a regulator indicates a failure in our processes, Skillsfirst will give due consideration to the outcome and will as appropriate take actions such as:

- notify the appropriate regulator / EQAO if an adverse effect has occurred, or could have occurred,
- identify any other apprentices who have been affected and amend their results,
- correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure,
- review and amend its relevant processes and policies to ensure that the failure does not occur again.

## **Compliance with the Regulator's appeals process**

Skillsfirst will comply with the requirements set out by the Regulator. We will give due regard to the outcome of any appeals in relation to an EPA we make available.

In the event the Regulator notifies Skillsfirst of failures that have been discovered in the assessment process of another End-point Assessment Organisation (EPAO), we will review whether or not a similar failure could affect our assessment process. If a potential failure is identified, Skillsfirst will take the same action as if a failure has been discovered in relation to it by virtue of the application of the Regulators appeals process.

We will fully comply with the Regulators' appeals process if the Regulator is investigating an appeal relating to Skillsfirst.

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

## **Contact us**

If you have any queries about the contents of the policy or wish to give feedback, please contact our Skillsfirst Assess Team on 0121 270 5100 or email them at: [enquiries@skillsfirstassess.co.uk](mailto:enquiries@skillsfirstassess.co.uk)

# Appendix 1 - Skillsfirst Assess Appeal form

Complete this form if you wish to log an appeal with Skillsfirst Assess.

## Section 1 This section captures the Employer / Provider details

<b>Name of organisation:</b>	
<b>Contact name:</b>	
<b>Tel:</b>	
<b>Email:</b>	

## Section 2 This section captures key details relating to the appeal being submitted

<b>Standard title:</b>		
<b>If appeal is not relating to a standard, please provide details</b>		
<b>Appellant / Apprentice details inc; full name and ULN</b>		
<b>Appeal type</b> (please tick) ✓	Assessment decision	
	A decision taken against an apprentice, employer or provider following an investigation	
	Reasonable adjustment decision	
	Special consideration decision	
	Other	
<b>If other, please specify</b>		
<b>Details of the appeal (please provide as much information as possible)</b>		
By submitting this form, I agree to pay the appeals fee as stated in the Skillsfirst Assess Appeals Policy, published on the Skillsfirst website.		
<b>Signed:</b>		<b>Date:</b>