

EDUCATION FOR INDUSTRY AWARDS

Complaints, Enquiries and Appeals Policy

Version 2.0

Date	Changes made
Apr 25	<p>Related Ofqual conditions added</p> <p>Review and update of the content, including language used and structure/ flow of the policy to ensure it is clear to follow and robust in its approach</p> <p>Change of email address for sending enquiries, complaints and appeals to (changes from policy@efiawards.co.uk to info@efiawards.co.uk)</p>

Complaints, Enquiries and Appeals Policy

This policy outlines the processes and procedures for receiving and responding to complaints about any aspect of our services and enquiries/appeals of grading decisions or decisions about reasonable adjustment or special consideration requests.

Purpose

It is our intent to offer a service of the highest quality and our belief that hearing from, and addressing concerns of dissatisfied stakeholders is essential to this.

It is also the case that we make assessment decisions that are highly important for candidates and other parties involved, for which clear, open and transparent enquiry and appeals procedures are required.

The purpose of this policy is to outline and clarify the processes in place to achieve these aims.

This policy ensures EFI Awards is compliant with the below Ofqual regulatory conditions:

- D4 – Responding to enquiries and complaints procedures
- I1 – Appeals process
- I2 – Compliance with Ofqual’s appeals and complaints process

Scope

This policy covers expressions of dissatisfaction in our service or assessment decisions from either employers, training providers (herein referred to as ‘stakeholders’) or candidates undergoing assessment. It describes three separate procedures:

- The **complaints procedure** outlines the process for addressing concerns relating to: an inadequate standard of service, the misapplication of regulatory or internal procedures, the behaviour of our staff, the accessibility of assessment, or the quality or availability of assessment resources.
- The **enquiry procedure** details initial steps that may be taken by employers, providers or candidates if they believe awarded grades are incorrect or have grounds to believe the assessment processes have been misapplied.
- The **appeals procedure** describes the process that may be followed where participants remain dissatisfied with the outcome of the enquiry procedure.



Complaints and/or enquiries should be made as soon as possible after the event which caused dissatisfaction and (in general) will only be accepted if raised within thirty days. Any delays in submitting a complaint or enquiry should be explained in the submission.

This policy does not cover:

- Complaints in relation to any activities of the employer or provider stakeholders we work with, which should be addressed through their established procedures.
- Complaints of a serious nature in relation to abuse, neglect, individual harm or the promotion of extremism/radicalisation, which are dealt with under our Safeguarding and Prevent Policies.

Complaints Procedure

The complaints procedure exists to give a fair hearing and opportunity to address real or perceived shortfalls in service quality. This is the correct route for all issues that do not relate to specific assessment decisions or incidents addressed by our Safeguarding or Prevent Policies.

Stage 1: Informal Complaint

We would anticipate that the majority of complaints can be handled informally, and we will make every reasonable effort to do so promptly. Complaints – even informal ones – should be put in writing to info@efiawards.co.uk.

In initial discussions, the context, grounds for complaint and potential solutions should be explored in full. These discussions should also clarify whether the Complaints Policy is the most appropriate route for escalation, i.e. whether the issue/s raised fall/s within scope.

In some circumstances, these conversations will not result in a satisfactory outcome in the view of the complainant. Where it is their wish to pursue matters further, they should be referred to this policy, clarifying the procedure for initially submitting a formal complaint. In summary, this stage should be focused on:

- Finding immediate resolutions that will satisfy all parties.
- Where the complainant wishes to pursue their complaint, establishing whether this is within scope.
- Clarifying the complaint procedure and what a formal complaint submission constitutes, so they can progress to the next stage.

Stage 2: Formal Complaint

A complaint is considered to have reached stage 2 when sufficient information has been received to progress it. The information a complaint must contain is specified in the complaints form, which can be found in **Annex A** of this policy and summarised as:

- Full name, contact addresses and contact number of the complainant.
- The details of the programme, centre of study or service to which their complaint pertains.
- A detailed statement of the complaint, including the reason you are bringing it to our attention and the grounds for complaint.
- Any documentary evidence that can be provided in support of the complaint.

If this information is not received in full, it may delay the start of stage 2 through requests for further information. Once the complaint is submitted, it will be acknowledged within **three working days**.

At this point internal teams will be formally notified and an investigative lead appointed, who was not directly party to the service being performed from which the complaint originated. In the majority of cases, the investigative lead will respond to the complainant within **14 days**. Where the complaint is of a complex nature and will take longer to resolve, the complainant will be notified within **14 days**.

The outcomes of the investigation should establish whether:

- **The complaint is upheld, or partially upheld.** In these circumstances, the investigative lead will determine and propose an appropriate resolution to the complaint. This may include an apology, an explanation of the service shortfall, what we are doing to rectify the issue in the future and/or recommendations to improve processes and/or procedures in the future. Some resolutions may require notifying regulators, for example in cases where there could be an adverse effect.
- **Dismiss the complaint as unfounded, giving reasons.** This will be provided in writing to the complainant and reasons given. Information on how to appeal this resolution will be provided.

All complaints and steps taken to investigate and resolve the complaint will be recorded. All reasonable steps should be taken to prevent a similar problem arising in the future.

Stage 3: Appeal of a Formal Complaint

Where the complainant is still dissatisfied, they can appeal the outcome of a stage 2 decision. They must do so within **14 days**. A senior officer will be allocated at the appeals stage to review the complaint and determine an organisational response. They may reject, uphold or partially uphold the stage 2 response or otherwise propose an amicable settlement.

The decision at this stage will be final and will be given in writing within **14 days** in most cases. Where the case is of a complex nature and will take longer to resolve, the complainant will be notified of this within **14 days**.

Final Arbitration

In the event that the complainant is not satisfied with the resolution in stage 3, and only when the complaints procedure has been exhausted, they may escalate their complaint to the relevant regulator.

A regulator who can provide final arbitration is listed on the end-point assessment (EPA) plan of the standard to which it relates (accessible from the [Institute for Apprenticeships & Technical Education](#), or can be advised on request).

Enquiries Procedure

The enquiries procedure outlines how candidates may query their final EPA result. EPA results undergo substantial and rigorous internal quality assurance and are regularly monitored to ensure they follow a process that promotes consistency and fairness. However, candidates retain the right to make enquiries if they believe their grade decision has not been arrived at in this manner. Stakeholders and candidates may raise an enquiry where they have grounds for believing the processes or procedures related to assessment, including around reasonable adjustment or special consideration requests, or sanctions applied as a result of a malpractice investigation, have been misapplied.

Making an Enquiry

An enquiry can be lodged as soon as results are received. Enquiries can be lodged on behalf of an individual only with their express written consent. Receipt of enquiries will be confirmed within **three working days** and may seek clarification on the preferred route of enquiry in some instances. Enquiries can be submitted to info@efiawards.co.uk attaching the form detailed in **Annex A**. Our stakeholders, i.e. employer or other training providers, are required to submit an enquiry on a candidate's behalf within **14 days** of the results or assessment decisions being received.

Route of Enquiry

There are three routes to progress an enquiry:

- **Administrative check.** An administrative check to ensure that the core processes on which assessments rely were in place and recorded.
- **Re-assessment and review.** A full re-mark of the candidate's work and portfolio can be requested and administered in some instances. This may, in some cases, require the candidate to resit elements of an assessment process.
- **Review of submitted evidence.** In the case of a candidate making an enquiry regarding the decision made about their reasonable adjustment or special consideration request, a full review of the evidence submitted alongside their request can be conducted.

Outcomes of an Enquiry

The outcome of the enquiry will usually be shared with the enquirer (in writing) within **14 days**. For more complex cases that will require longer, notification of this will be given within **14 days**. The resulting outcome of an enquiry could be:

- No change to the result or assessment decision.
- Changes to the result or assessment decision – which may be either positive or negative.

The outcome of the enquiry will be shared in writing with the enquirer and notifications will be sent to any parties directly involved. For all enquiries that result in a change, recommendations will be made internally as to how to improve our processes and prevent a similar issue arising in the future.

Further Escalation

If individuals making the enquiry remain dissatisfied, they may progress to an appeal.

Appeals Procedure

Where individuals or stakeholders remain dissatisfied with the outcome of an enquiry, an appeal may be raised. Appeals can only be raised where they have first been through the enquiry process.

Grounds for an Appeal

There are three areas which are considered to be legitimate grounds for an appeal:

- How an EPA was conducted or marked by the independent end-point assessor, i.e. failure to consistently, accurately or fairly follow assessment procedures or marking guidance.
- Decisions about reasonable adjustments and special considerations requests, i.e. failure to appropriately consider and apply available evidence/information submitted with the request.
- Malpractice or maladministration decisions which result in action being taken against a candidate.

Making an Appeal

An appeal must be lodged in writing with the contact appointed for the enquiry processes within **14 days** of receipt of the enquiry outcome. Appeals can be made on behalf of individuals with their express written consent only. Notification of receipt of an appeal will be sent within **three working days**. For an appeal to be correctly submitted, it must contain the following information:

- The name of the appellant or individual acting on their behalf.
- The name of the employer and/or provider who commissioned the EPA service.
- The date of assessment.
- The date notification of the assessment result or assessment decision was received.
- The nature of the service affected and/or the title of the standard being assessed.
- The full grounds for appeal, setting out why the appellant feels that our internal processes have not been fairly or correctly applied.
- Any evidence, in any form, relating to the case or supporting the grounds for appeal.
- The contents and outcome of any investigation carried out by the appellant or parties acting on their behalf – including the date completed and details of parties involved in its production.
- What outcome is sought through recourse to the appeals process.

The Appeals Process

Where accepted, an appeal will be considered by an appeals panel. It is not the case that all appeals will be considered as having sufficient grounds to be progressed. Appeals will usually be investigated by Education for Industry Awards (EFIA) staff, but an independent investigator may be appointed if deemed suitable on application of our Conflicts of Interest Policy. The panel will explore the findings and processes followed during the enquiry stage, using this as a basis to arrive at a fair, unbiased decision. The appeals panel will be comprised of:

- At least two individuals, none of whom will have a personal interest in the appeal.
- Persons who have the appropriate competence.
- An independent member who will not be an EFIA employee or otherwise connected to it.

Outcomes of an Appeal

The panel may arrive at one of the following conclusions:

- The appeal is upheld, or partially upheld. If this is the case, it will be for the panel to propose a suitable rectification. This may include: re-running the processes leading to the assessment decision, an apology, recommendations for internal improvements to avoid a similar issue arising in the future, immediate action to mitigate a wider adverse effect, or similar.
- The appeal is unfounded. Justification will be given as to why this conclusion was reached.

Appeal outcome should usually be provided in writing within **14 days** of notification of satisfactory receipt. Where the case is of a more complex nature and will require longer to be investigated, notification of this will be provided within the same timescale.

Final Arbitration

The decision arising from an appeal is final and no further appeals can be made. Beyond this, as the internal procedures will have been exhausted, appellants will have recourse to escalate to our regulators. The details of the relevant regulator will be found on the EPA plan accessible from the [Institute for Apprenticeships & Technical Education](#), or can be advised on request.



Mandatory Disclosures & Confidentiality

Wherever possible, the confidentiality of parties to a complaint, enquiry or appeal will be protected. There are some circumstances in which this confidentiality cannot be guaranteed, for example where we are required to disclose information to regulators, in accordance with another policy (e.g. our Safeguarding Policy) or otherwise by law.

In the event that a genuine issue is uncovered, we will direct urgent efforts to correct our internal processes and procedures.

Fees and Charges

There may be standard charges for submitting an appeal. Where the appellant is found to be correct, the full value of charges will be reimbursed, including reasonable travel costs and expenses in the event that these were requested as part of the review process.

Monitoring Complaints, Enquiries and Appeals

All complaints will be centrally monitored and recorded. The receipt of complaints, enquiries and appeals will be recorded as will all documentation and steps taken for their resolution.

Policy Review

This policy will be reviewed as required or annually, to ensure ongoing suitability.

Annex A: Complaints & Enquiries Form

Before completing this form, please ensure:

- You have read the Education for Industry Awards (EFIA) Complaints, Enquiries and Appeals Policy.
- If you require any advice or support in completing the form, please contact EFIA.
- Please submit the completed form to info@efiawards.co.uk along with any supporting evidence and ensure you retain a copy for your records.

Part A: Complainant details		
1	First name	
	Surname	
	Email address	
	Contact telephone no.	
	Postal address	
	Employer name/provider name (if different)	
	Apprenticeship details	
2	Do you have a disability? (Y/N)	
	Do you think you will need any disability related support or adjustments at any stage during the complaints process? (Y/N)	
	If yes, please provide further details for this requirement:	
3	Do you wish to submit a complaint (in relation to a service), make an enquiry about an assessment result, reasonable adjustment/special considerations or sanctions decision?	
	Have you spoken to anyone about your complaint or enquiry? (e.g. an assigned assessor or member of EFIA staff?) (Y/N)	

	<p>If yes, please provide details of the member of staff you spoke with and provide a summary of the meeting/discussion:</p>
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Part B: Supporting statement

4	<p>Please outline the reasons and grounds for your stage 2 formal complaint:</p>	
	<p>Please indicate the resolution you are seeking:</p>	
	<p>Please list all evidence in support of your complaint, which should be attached to this form as appropriate:</p> <ol style="list-style-type: none"> 1. 2. 3. 4. 5. 6. <p><i>[Delete/expand as appropriate]</i></p>	
5	<p>I confirm that I have access to a copy of the EFIA Complaints, Enquiries & Appeals Policy and know I can ask for clarification on the procedures at any time.</p>	
	<p>Complainant signature:</p>	<p>Date:</p>