

Appeals Policy

Introduction and Purpose

ICME is committed to providing an excellent End-point assessment service with a positive customer service experience. The purpose of this appeals policy is to define the circumstances in which an appeal can be made and how appeals will be managed. Our aim is to resolve any appeals as close to the initial point of contact as possible and to conduct thorough and fair investigations in all cases.

This policy is aimed at those who are involved in the delivery of a Standard where ICME are providing the EPA services, including Apprentices, employers and providers. It is also for the use by ICME staff to make any appeals of decisions made internally via Quality Assurance Processes and to ensure that ICME staff ensure they deal with enquiries and appeals in a clear and consistent manner.

This policy covers;

- Appeals from Apprentices and/or providers/employers relating to an assessment result or decision
- Appeals from providers/employers relating to an ICME decision to decline a request to make a reasonable adjustment or give a special consideration
- Appeals from providers/employers relating to the application by ICME of an action following an investigation activity such as malpractice or maladministration
- Appeals from providers/employers relating to an investigation into malpractice or maladministration
- Appeals from Apprentices following a decision to amend a result or a set of results following malpractice/maladministration investigation

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

Instances where an appeal is not covered through this policy;

- Events prior to the date the provider/employer selected ICME for End-point Assessment provision
- Any events that do not directly relate to End-point Assessment undertaken by ICME

Review arrangements

At ICME we shall review the policy annually as part of our self-evaluation arrangements to ensure that it is fit for purpose and that it continues to reflect the requirements of End Point Assessment.

However, a review will be commissioned earlier should any issues arise in relation to any findings through review processes or changes to legislation.

Any review of policies are signed off by Finance and General Purposes committee (F&GP) before being issued.

Document Version History

| Issue Date | Author | Summary of Changes | Date of next Review |
|------------|------------|--------------------|---------------------|
| 05/11/20 | A Worrallo | Creation of Policy | November 2021 |

Definition

Enquiry – An enquiry is where Apprentices, employers or providers to ask for clarification or exemplification on specific or general issues.

Appeal – An appeal is where a decision or judgement is questioned. An appeal is where a request from an Apprentice, employer or provider (acting on behalf of an Apprentice with consent expressed) to review an End-point Assessment outcome or the outcome of an application for a reasonable adjustment or special consideration.

How do I raise an appeal?

All of the ICME End-point Assessment team are able to provide support to our customers regarding any general enquiries to resolve any problems or concerns.

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

Where appropriate, Apprentices, employers and providers have **20 working days** from the date ICME have notified them of an assessment decision or result in which to lodge a formal appeal. Where it is applicable, all evidence should be made available if required to support the appeal application.

Should an appeal be made on behalf of an Apprentice, prior to submission of the appeal the case of the appeal must be discussed with the Apprentice with written consent given from the Apprentice before the appeal is submitted to ICME. The Apprentice must be aware that if the appeal is regarding grades or results these can go down as well as up as a result of an appeal.

Appeals must be filed in writing, you can use Appendix 1 of this policy (Appeals Form) or provide your own written document including the information contained in Appendix 1 and submitted to ICME using the contact details recorded at the bottom of this policy. The submission must include any supporting information/evidence to support the appeal.

Appeals will be acknowledged within **two working days** of receipt.

ICME will accept appeals on behalf of third parties where the third party that is affected has given their personal consent in writing under the requirements of Data Protection Act (1998) and General Data Protection Regulations - GDPR (2018).

Fees for Appeals

For any appeals made there is a cost attached for the administration of this, this cost is per Apprentice and per Appeal. The cost is £75; VAT is chargeable on this fee. An invoice will be raised upon receipt of an appeal.

Full payment of the appeal will need to be made to ICME within **7 working days of the invoice date**. If the invoice is overdue, the appeal will be paused until the full payment is received by ICME.

Should an appeal be upheld, the full fee will be refunded. If for any reason the appeal is withdrawn there is no refund.

Appeals brought to our attention by an External Quality Assurance (EQA) Body

If there is an instance that an appeal is brought to our attention via an EQA body about our End-point Assessment service or arrangements, we will follow the same process as any other appeal. If ICME are notified of a failure that has been discovered in the assessment process of another End-point Assessment Organisation (EPAO) via an appeal, we will review our policies and procedures in accordance to the Appeals policy to ascertain if the same failure could affect our arrangements. Should that potential failure be identified within ICME we will take the same action as if it had been identified by an External Quality Assurance Body/Regulator.

ICME fully comply with the Regulators appeals process, should the regulator investigate an appeal that related to ICME we would cooperate fully with any follow up investigations required and where appropriate agree any remedial action required.

What will happen to my Appeal once I have submitted it in writing?

As stated above ICME will acknowledge receipt of your complaint within 2 working days.

We aim to investigate **within 20 working days**. If, however, your appeal is a more complex issue, or involves people who are not available within that timeframe, we may extend this period, but will inform you if this is the case.

Initially we will review the appeal to ensure it is within the scope of the appeals policy, should the appeal be outside of the scope of this policy we will inform the individual that the appeal will not progress any further.

We may contact you within this period to seek further information or clarification, which could result in a meeting.

The review of the appeal will be undertaken by an ICME representative who will be independent of the circumstances of the appeal and who has no conflict of interest in the outcome of the appeal (i.e. they will have had no involvement previously) We will consider;

- The evidence contained within the written appeal and any supporting evidence submitted
- If the relevant/required policies were applied and followed appropriately
- Additional meeting/discussion required if applicable

Following the investigation ICME will inform you of the outcome of your appeal in writing **within twenty working days**.

The EPA Quality Manager will deal with appeals, but should there be an occasion where the appeal is about the EPA Quality manager then a member of the Internal Quality Assurance Team or ICME Office Manager will complete this initial stage.

What happens if my complaint is upheld?

Following the outcome of the investigation to any appeal made, if the full or part of your appeal is upheld, we will of course review how we can improve our service and/or arrangements such as staff training or review a procedure. The individual will be advised of the steps required to redress and the timescales of these.

In situations where our investigation indicates a failure in our assessment practices we will take appropriate actions such as;

- Informing relevant EQA body/regulator where required if it affects an apprentice's assessment
- Identify any other apprentices who may have been affected by this failure
- Correct the failure, or where it cannot be corrected, mitigating the effect it as far as possible
- Ensure the failure does not occur again

You will be refunded your paid fee following the upholding of your appeal.

What happens if my appeal is not upheld?

Following the investigation if your appeal is not upheld or the individual is dissatisfied with the steps agreed with the redress, the individual can escalate the appeal to an Appeal Review Panel (ARP) with the Finance and General Purposes Committee (F&GP).

Escalation must be requested in writing **within five working days** of the notification of the appeal investigation.

The escalation request will be acknowledged **within two working days of receipt**. Upon receipt of the request to escalate the appeal, the F&GP committee members will be selected ensuring they are independent of the circumstances of the complaint and have no conflict of interest in the outcome of the appeal. Those members will then convene the Appeal Review Panel (ARP). The ARP will comprise of at least 2 members of the F&GP committee.

To decide if the appeal is upheld or not upheld the ARP will consider the following;

- Evidence submitted
- If relevant policies and procedures were applied appropriately

- The outcome of the initial investigation

As part of the ARP members of the panel could take actions such as;

- Appoint an advisor to provide information, these advisors will not be involved in the decision making process of the complaint outcome
- Request additional information
- Pause the proceedings until the required information and/or evidence is available to review

The decision made by the ARP is final.

The individual will normally be advised in writing of the outcome of the ARP **within twenty working days** of the date of the ARP.

If the appeal is upheld, the appellant will be advised of the steps required to redress and the timescales for these. All outcomes of the ARP will be communicated to the President of ICME.

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

- Notify the regulator if an adverse effect has occurred or could have occurred
- Identify if any other Apprentice 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 relevant processes and policies to ensure the failure does not occur again

Internal Appeals Process

Should an Independent End-point Assessor (IEPA) or technical expert working with ICME End-point Assessment be unhappy or disagree with a decision being made regarding;

- Grade Moderation against a completed assessment
- Outcome of a maladministration or malpractice investigation

This policy still applies to those internal staff. The difference in the policy for internal Appeals would be as follows;

The appeal must be submitted in writing to the Quality Assurance team in the first instance (IQA)
The Quality Assurance team will acknowledge receipt of your complaint **within 2 working days**.

We aim to investigate **within 20 working days**. If, however, your appeal is a more complex issue, or involves people who are not available within that timeframe, we may extend this period, but will inform you if this is the case.

Initially we will review the appeal to ensure it is within the scope of the appeals policy, should the appeal be outside of the scope of this policy we will inform the individual that the appeal will not progress any further.

You may be contacted within this period to seek further information or clarification, which could result in a meeting.

The review of the appeal will be undertaken by an ICME representative who will be independent of the circumstances of the appeal and who has no conflict of interest in the outcome of the appeal (i.e. they will have had no involvement previously) We will consider;

- The evidence contained within the written appeal and any supporting evidence submitted, including your reason for disagreeing with the decision made by the Quality Assurance Process/activity
- If the relevant/required policies were applied and followed appropriately
- Additional meeting/discussion required if applicable

Following the investigation ICME will inform you of the outcome of your appeal in writing **within twenty working days**.

What will happen if the appeal is upheld?

If your appeal is upheld, then you will be informed in writing and we will of course review how we can improve our service and/or arrangements internally. The individual will be advised of the steps required to redress and the timescales of these.

What will happen if the appeal is not upheld?

Following the investigation if your appeal is not upheld or the individual is dissatisfied with the steps agreed with the redress, the individual can escalate the appeal to an Appeal Review (AR) with the EPA Quality Manager and one other staff member of ICME who is impartial. Should the EPA Quality Manager not be suitable to carry out the AR they will pass this to the ICME Office Manager to lead with 1 other impartial ICME staff member.

Escalation must be requested in writing **within five working days** of the notification of the appeal investigation.

The escalation request will be acknowledged **within two working days of receipt**. Upon receipt of the request to escalate the appeal, the EPA Quality Manager will carry out the AR or if they deem it necessary allocate the AR to an independent ICME staff member. The AR will be completed by a staff member who is independent of the circumstances of the complaint and have no conflict of interest in the outcome of the appeal. Those members will then convene the Appeal Review (AR). The AR will comprise of at least 2 impartial ICME staff members.

To decide if the appeal is upheld or not upheld the EPA Quality Manager/Allocated ICME Staff member will consider the following;

- Evidence submitted
- If relevant policies and procedures were applied appropriately
- The outcome of the initial investigation

As part of the independent review the EPA Quality Manager/Allocated ICME Staff member may take actions such as;

- Appoint an advisor to provide information, these advisors will not be involved in the decision making process of the complaint outcome
- Appoint another impartial staff member from ICME to support the review of the initial investigation
- Request additional information and/or possibly a meeting
- Pause the proceedings until the required information and/or evidence is available to review

The decision made by the EPA Quality Manager or other appointed ICME staff member is final.

The individual will normally be advised in writing of the outcome of the appeal review (AR) **within twenty working days** of the date of the AR.

Continuous Improvement

Appeals submitted and the outcomes of investigations and Appeal Review (AR) will inform continuous improvement of the ICME End-point Assessment provision.

Record Retention

Records will be retained for six years after the date the appeal was closed.

Contact us

To submit an appeal, please email it to epainfo@icme.org.uk, call the EPA Manager on 0121 752 1810 or post it to:

ICME EPA
The National Foundry Training Centre
ECMS

Tipton Road
Tipton
West Midlands
DY4 7UW

GDPR

We may need to access confidential information, ICME will ensure that such information is kept secure and only used for the purposes of the investigation in line with relevant GDPR legislation. ICME will not normally disclose the information to third parties unless required to do so in instances such as with regulators/awarding bodies or law enforcement. For more information, please access our Privacy Statement at our website or view our GDPR Policy.

Privacy Statement

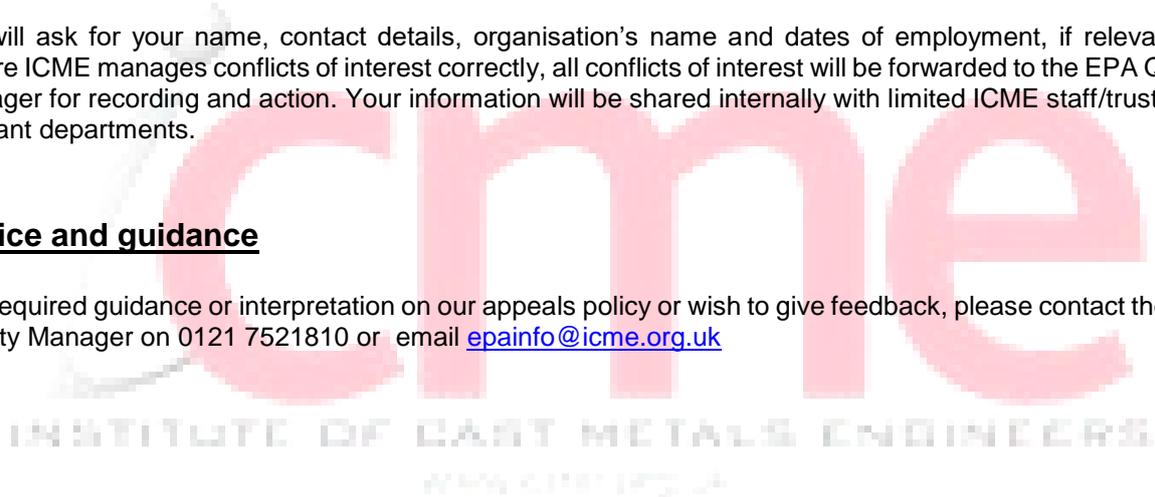
It is necessary for us to collect and hold personal information about you in order to manage complaints and/or appeals correctly. We will hold the information you provide to us securely and use it to help us handle and process any conflict of interests. For more information, please access our Privacy Statement at our website.

What personal data do we collect and who has access to it

We will ask for your name, contact details, organisation's name and dates of employment, if relevant. To ensure ICME manages conflicts of interest correctly, all conflicts of interest will be forwarded to the EPA Quality Manager for recording and action. Your information will be shared internally with limited ICME staff/trustees in relevant departments.

Advice and guidance

Any required guidance or interpretation on our appeals policy or wish to give feedback, please contact the EPA Quality Manager on 0121 7521810 or email epainfo@icme.org.uk



INSTITUTE OF CAST METALS & ENGINEERS
www.icme.org.uk

Appendix 1

End-point Assessment Appeal form

Section 1 will capture the Employer/Provider and Apprentice Details

| Employer/Provider Details | | | |
|--|--------------------------------|--------------------------|--|
| Employer/Provider Name | | | |
| Contact Name | | | |
| Contact Telephone Number | | | |
| Email | | | |
| Apprentice Details | | | |
| Apprentice Name | | | |
| Apprentice ULN Number | | | |
| Apprentice Telephone Number | | | |
| Apprentice Email | | | |
| Appeal Details | | | |
| This section will capture all details relevant to the Appeal being submitted | | | |
| Standard Title including optional route | | | |
| Name of the individual(s) who are appealing if it is on behalf of the Apprentice | | | |
| If the appeal is relating to an Apprentice, please confirm the apprentices' name | | | |
| Appeal Type (Please mark with an 'X') | Assessment Decision | <input type="checkbox"/> | |
| | Maladministration Decision | <input type="checkbox"/> | |
| | Reasonable Adjustment Decision | <input type="checkbox"/> | |
| | Special Consideration Decision | <input type="checkbox"/> | |
| | Malpractice Decision | <input type="checkbox"/> | |
| | Other | <input type="checkbox"/> | |
| If other, please specify the nature of your appeal | | | |
| Details relating to the appeal Please provide as much information as possible about the appeal | | | |
| If the appeal is being made on behalf of an Apprentice, please provide evidence of this permission being given | | | |
| By submitting this form, I agree to pay the appeals fee as stated in the ICME Appeals Policy. I accept that ICME will process and store the information provided in an electronic format. I agree that it may be used for any purpose deemed relevant to this appeal. | | | |
| Signature | | Date | |