

# **In2 assessments**

**Enquiries, Complaints & Appeals  
Policy**

# Enquiries, Complaints and Appeals Policy

## EPA Enquiries, Complaints and Appeals Policy

Applies to:

Employers, Training Providers, Apprentices, In2assessments staff and Associated Third Parties

### 1. Introduction and purpose

This policy applies to the Apprenticeship End Point Assessments (EPA) provided by In2assessments.

The policy offers EPA apprentices, their employer or training provider the opportunity to submit an enquiry, complaint or appeal should they believe that there was an irregularity in the provision of the EPA which had an unfavourable impact on the performance of the apprentice during the process and therefore, on the outcome of their assessment.

### 2. Enquiries from Employers & Training Providers

For all enquiries related to the operation of In2assessments, the first point of contact is the EPA Manager

Any enquiries should be sent by E-mail in the first instance to the EPA Manager using the address denoted by [firstname.surname@In2assessments.co.uk](mailto:firstname.surname@In2assessments.co.uk)

If more than 24 hours passes before receiving a response, please telephone +44 (0) 07825966702 to confirm that In2assessments has received the communication.

This is simply a precaution as we aim to respond to all messages within 24 hours or less. Occasionally messages can go astray so this is simply a failsafe.

If possible, the enquiry will be resolved by the EPA Manager through E-mail dialogue between the person making the enquiry and the EPA Manager

If the enquiry cannot be resolved by this method the matter will be referred by the EPA Manager to the Head of In2assessments, or technical support depending on whether the enquiry is related to assessment, company procedures or the website and associated technologies.

The Head of In2assessments will at this point inform the Employer of Training Provider.

If the person making the enquiry wishes the enquiry to remain confidential the EPA Manager will honour this wish providing that the implications do not affect the integrity of the programme. For example, in a case where there is evidence of malpractice and dealing with this requires communication of the enquiry to other parties, for example the Regulatory Authorities.

If the matter is still unresolved it will be referred to the In2assessments Governing Committee.

If the matter is then still unresolved it can be referred to Ofqual. The decision of the Regulatory Body will be final and binding on In2action the Employer or Training Provider.

### **3. Enquiries by candidates of assessors**

The policy of the In2assessments is to treat all parties with fairness and justice.

If a candidate feels unfairly treated in the assessment process, they should discuss this with the assessor and the assessor should provide clear reasons why the candidate has failed to meet the required standard and what they need to do in order to achieve the required standard.

Candidates that do not want to talk to the assessor or who do not believe that the assessor has provided a fair judgement can use the complaints procedures on the web site to communicate directly with In2assessments.

Such complaints will be investigated by opening up a dialogue between the EPA Manager and the Employer and Training Provider.

If necessary, the EPA Manager will visit the employer and seek evidence to resolve the matter.

In the event that the situation cannot be resolved, the evidence will be presented to an independent consultant, normally a person of professional standing in the local community acceptable to all parties. By independent we mean someone with no connection or previous affiliation with the Awarding Body. This person will give a final ruling.

### **4. Complaints Handling Policy**

Introduction

This Complaints Handling Policy (CHP) reflects In2assessments commitment to valuing complaints. Our aim is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, we can make evidence based decisions on the facts of each individual case.

Resolving complaints early saves time and resource and contributes to the overall efficiency of In2assessments. Concentrating on achieving an early resolution of a complaint as close to the point of contact as possible will free up the time of staff and ultimately contribute to the continued positive experience of apprentices and employers.

The CHP is set at the discretion of In2assessments and is in line with Education and Skills Funding Agency Rules, Ofqual Conditions, and the Institute for Apprentices External Quality Assurance Framework.

## Raising Awareness

This policy is sent to employers and training providers upon selection and appointment of In2assessments as the end-point assessment (EPA) service provider. It is also available on the In2assessments website.

[www.in2assessments.co.uk/policies](http://www.in2assessments.co.uk/policies)

This policy must be made available to apprentices, by their employer, as part of their induction to their apprenticeship, and at the end gateway to EPA.

## Definition

A complaint may be defined as an expression of dissatisfaction, the standard of service, action or lack of action by or on behalf of the In2assessments.

A complaint may relate to:

- The quality and standard of the EPA service
- The quality of facilities or EPA resources
- Treatment by, attitude or behaviour of In2assessment staff member or assessor
- The failure of In2assessments to follow an appropriate administrative process.

The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with In2assessments is a complaint.

For example, the following are not:

- A query on the operation of EPA
- A request under the Freedom of Information Act or General Data Protection Regulation
- A request for information or an explanation of policy or practice
- A response to an invitation to provide feedback through a formal mechanism such as a survey
- An issue which is being, or has been, considered by a court or tribunal
- An appeal about an EPA grading decision
- A grievance which is eligible for handling through the grievance procedure

The CHP covers complaints from anyone who receives, requests or is affected by our services. This includes, although is not limited to:

- An apprentice's experience during the EPA
- An employer's experience during an EPA
- A training provider's experience during EPA
  - Please note that training providers are not involved in the delivery of EPA activities but will be involved in the overall journey as the lead provider.
- A In2assessments assessor experience delivering EPA services on behalf of In2assessments
- Members of the public where they have a complaint about matters which are the responsibility of In2assessments

Sometimes complainants may be unable or reluctant to make a complaint on their own. In2assessments will accept complaints brought by third parties, as long as the complainant affected has given their own personal consent under the requirements of General Data Protection Regulation. This usually means that the apprentice must give clear written authority for the third party to act on their behalf. Complaints made by a third party with the explicit permission of the complainant will be dealt with according to the same time scales.

Complaints can be sent through via email ([contact@in2assessments.co.uk](mailto:contact@in2assessments.co.uk)) or by post to In2assessments, Appledore, Bideford Devon EX39 1NG. They do not have to be on a formal template, but a formal template has been provided in Appendix 13.

### Maintaining Confidentiality

Confidentiality is an important factor in conducting complaints investigations. In2assessments will always have regard to any legislative requirements, for example, data protection legislation and also internal policies on confidentiality and the use of complainant information.

Complaints will be handled with an appropriate level of confidentiality and information release only to those who need it for the purpose of investigating or responding to the complaint. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required for them.

An anonymised summary of complaints and resolutions will be shared with the relevant EQA upon request.

### Anonymous Complaints

Complaints submitted anonymously will be considered if there is enough information in the complaint to enable In2assessments to make further enquires. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further.

If the complaint relates to 'Whistle blowing', this will be dealt with in line with the In2assessments whistle blowing policy.

### Complaints involving other organisations involved in EPA

This relates to complaints that involve services provided by a separate organisation (such as certification bodies). If enquiries to an outside organisation in relation to the complaint are required, care will be taken to comply with data protection legislation and the guidance on handling personal information. Such complaints may include, for example:

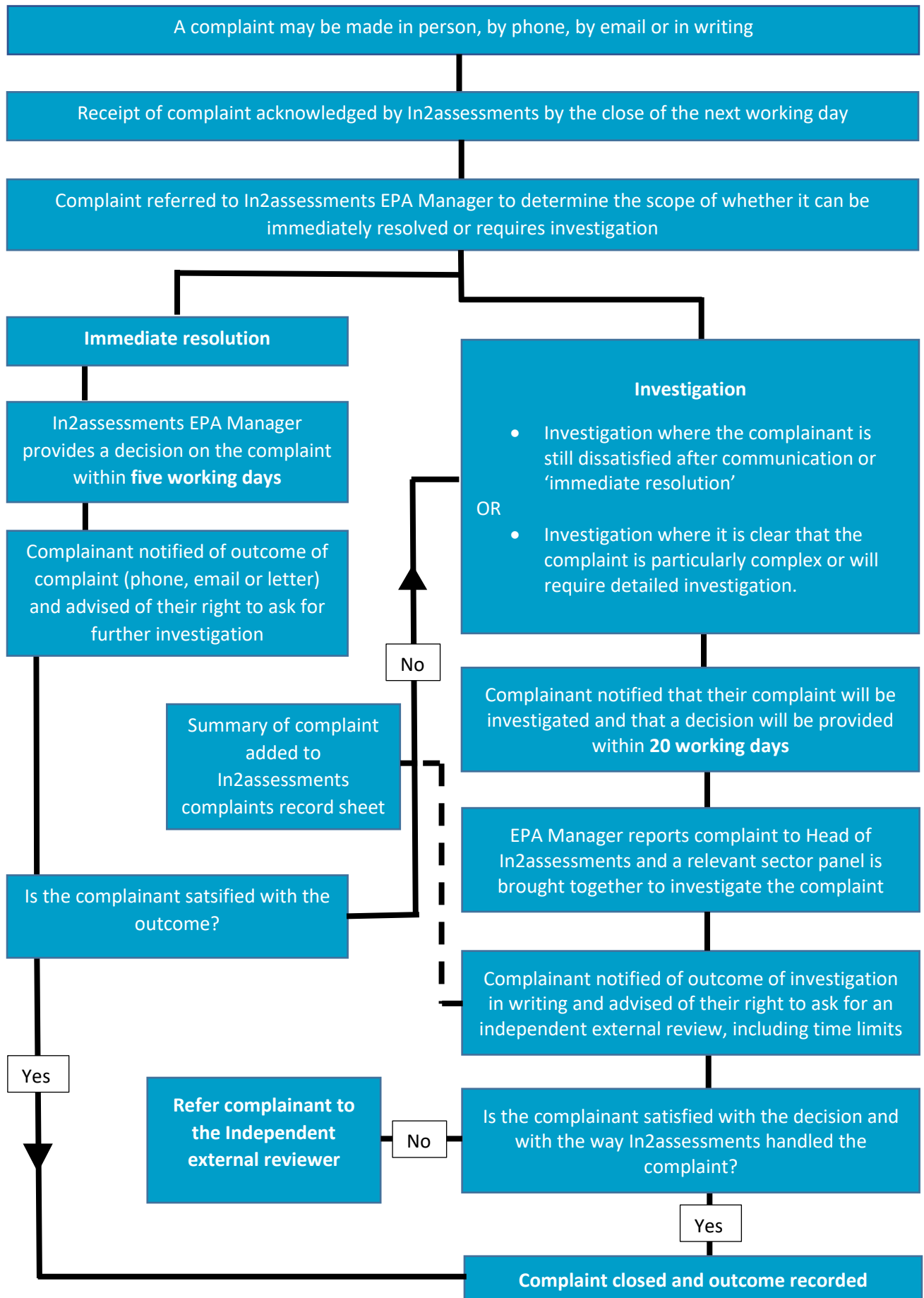
- A complaint made in relation to provision of third-party services, for example IT systems
- A complaint made to In2assessments about apprenticeships certification where the dissatisfaction relates to the service the certification body has provided

If a complaint is received about the service of another organisation, but In2assessments is not involved in the issue, the complainant should be advised to contact the appropriate organisation directly.

### The Complaints Handling Process

The CHP is intended to provide a quick, simple, and streamlined process with a strong focus on early resolution:

## Complaints Process



## Time limit for making complaints

Complaints should be raised with In2assessments as soon as problems arise to enable prompt investigation and swift resolution. This CHP sets a time limit of three months to raise a complaint with In2assessments, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time. Beyond the three-month time limit, In2assessments will exercise discretion in the way that the time limit is applied.

## Extensions to the Investigation Timeline

Not all investigations will be able to meet the 20-day deadline; for example, some complaints may require investigation involving others. Where there is a clear and justifiable reason for extending the timescale, the EPA manager will exercise judgement and will set time limits on any extended investigation, with the agreement of the complainant. In such circumstances, the complainant must be given a revised timescale for bringing the investigation to a conclusion. It is expected, however, that this will be the exception and that the In2assessment Complaints Panel will strive to deliver a definitive response to the complainant within 20 working days.

## Mediation

Some complex complaints (where, for example, the complainant and / or others involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Using mediation can help both parties to understand what is driving the complaint and may be more likely to result in a mutually satisfactory conclusion being reached. Where In2assessments and the complainant agree to mediation, revised timescales will be agreed.

## Independent External Review

If a complainant is not satisfied with the result of the investigation, they are entitled to request an independent external review. The request must be in writing within 10 working days of the notification of the investigation outcome.

The independent external reviewer will be a subject specialist that has not been involved in the original complaint appeal or connected to the organisation or individual that is subject to the complaint.

The independent external reviewer may call a panel to review the complaint and has 15 working days from notification to make a decision. The decision of the independent external reviewer is final.

## Recording and responding to complaints

All complaints will be recorded by In2assessments and kept for 7 years. Anonymised summaries of complaints will be shared with the relevant bodies. Information reported internally will include:

- Response and resolution timescales
- Complaint categories
- Resolution levels (Immediate, investigation or independent panel)



Outcomes of complaints and the actions taken in response including examples to demonstrate how complaints have helped improve services.

## 5. Appeals Policy

### Introduction

In2assessments are committed to providing a high-quality learning experience for all their apprentices and undertake to treat each apprentice fairly and consistently.

Fairness to all employers and apprentices is central to this policy and we are committed to quality assurance processes that are based on impartial, evidence-based judgements. However, all employers and apprentices are entitled to enquire about, or appeal against, assessment or other decisions.

### Purpose

The purpose of this policy is to make sure that employers and apprentices know how they can enquire about EPA, or appeal against an outcome of an EPA. The policy is also intended for use by In2assessment staff to ensure that all enquiries about results and appeals are dealt with consistently.

### Definitions

Definition	Detail
Enquiries	Enquiries from an apprentice / employer that is not satisfied with an assessment result that has been set and marked by In2assessments
Appeal	<ul style="list-style-type: none"><li>• Appeal of the final grading decision awarded by In2assessment</li><li>• Appeal of results on the basis that In2assessment did not apply procedures consistently or that procedures were not followed properly and fairly</li><li>• Appeals from an apprentice that is not satisfied with the outcome of the employer's internal appeals procedure</li><li>• Appeals from employers or apprentices relating to an In2assessment decision to decline a request to make reasonable adjustments</li><li>• Appeal from employers that disagree with the outcome(s) from assessors</li><li>• Appeals from employer or apprentices in relation to the outcome of an investigation into a report of malpractice and / or maladministration including sanctions imposed</li><li>• Appeals from employer or apprentice of bias or discrimination in the assessment and grading</li></ul>

### Out of Scope for Appeal

The following cannot be appealed:

- Appeals submitted more than 30 working days after the key date

- Dependent on the nature of the appeal, the key date may be the date at which an employer's internal appeals procedure concluded, or when a In2assessments auditor reported their decision, or when a final grade decision was reached
- Events / activities that took place before In2assessments received the employer selection letter and received the apprentice registration details
- Anything that should be dealt with under an employer's own disciplinary or grievance procedure
- Anything involving an awarding organisation of regulated qualifications that have been delivered as part of the apprenticeship (either mandatory or non-mandatory)
- Anything involving the apprenticeship on-programme delivery and activities.

## The Process

Where an employer believes that either they or an apprentice has grounds for an enquiry or an appeal to In2assessments, they should submit it in writing and addressed to In2assessments, Skern Lodge Appledore, Bideford Devon EX39 1NG or via [contact@in2assessments.co.uk](mailto:contact@in2assessments.co.uk)

All initial review and / or appeals will be acknowledged within three working days. Employers and apprentices have 30 working days from the key date to lodge an appeal with In2assessments.

If an employer appeals on behalf of the apprentice the employer must ensure that it has obtained the written permission of the apprentice(s) concerned as results can go down as well as up as a result of an investigation i.e. a pass mark could go down to a fail mark.

When submitting an appeal, relevant supporting information must be supplied such as:

- Employer name, address and contact details
- Apprentice's name and unique learner number
- Key date(s) the employer or the apprentice received notification of a decision
- Date an assessment took place
- Whether a remark or an administrative check is required
- Title of the apprenticeship affected
- A clear statement of the grounds for the enquiry and / or appeal i.e., full details of the nature of the appeal including any evidence that is relevant to

the appeal and, where an employer internal appeal has taken place, the outcome of any investigation carried out relating to the issue and the documentation relating to that appeal (in the case of an assessment appeal, this may include the apprentice's work, records of assessment, internal quality assurance and the internal appeal)

- The appellants name, position, and signature

### Enquiry Handling

When an apprentice's knowledge assessment results vary considerably from the result they expect, the apprentice may make an enquiry about the assessment result to In2assessments. An enquiry about results is a formal request, in writing, for a review of a knowledge assessment result. An employer may make an enquiry about a knowledge assessment result on behalf of one or more apprentices. Apprentices should discuss their case with their employer before a request is made. It is only possible to request an enquiry for an assessment that is marked by In2assessments.

A request can be made either for an administration check, or for a re-mark. A fixed fee is charged when a request is made for this service. The fee is refunded if the outcome of the test or assessment is changed as a result of the enquiry.

### Appeals Handling

On receipt of the appeal, the responsible officer (or EPA Manager) will convene a panel made up of two senior members of In2assessment staff not involved in the circumstances surrounding the appeal, and that have no personal interest in the outcome of the review or appeal decision.

The panel will undertake an initial assessment of the potential appeal to ensure the application is complete within the scope of the policy, and to ascertain if the issue can be resolved before it goes to a formal appeal. A In2assessment associate who is independent of the matter under review may provide specialist knowledge input to the panel.

If the request falls within the scope of the policy the appellant will be notified within five working days.

The panel will consider the evidence submitted and, if necessary, request additional information be provided before reaching its conclusion. The panel will consider whether the required procedures were followed correctly and whether they were applied fairly, consistently, and properly in arriving at judgements. The panel will recommend either the appeal is:

- Upheld; or
- Not upheld

The recommendation will be confirmed to the appellant within 10 working days.

- If the review upholds the appeal, the apprentice or employer will be advised of any actions required to conclude matters and any fees will be refunded
- If the review does not uphold the appeal, the apprentice or employer will be told that they may make a formal appeal to the Independent Appeal Panel

### **Independent Appeals Procedure**

If an appeal has not been upheld at the review stage, the appellant may request in writing that an appeal be passed to In2assessments' Independent Appeal Panel for decision. The written request to In2assessments responsible officer (or EPA Manager) must be made within 10 working days of the notification of the review, re-mark, appeal or administrative check decision.

All requests will be acknowledged within 4 working days of receipt.

In2assessments Independent Appeal Panel is made up of a member of the senior leadership team, a subject specialist that has not been involved in the original appeal and an independent person that is not employed by In2assessments, or in any other way connected to the organisation that has the appropriate knowledge and skills to decide on the subject matter.

The panel will convene within 10 working days of the request being received by the responsible officer. The panel will evaluate all the evidence submitted and decide if In2assessments has applied the procedures fairly, appropriately, and consistently in line with In2assessments policy and recommend either the appeal is:

- Upheld; or
- Not upheld

The decision of the Independent Appeal Panel is final. All decisions will be communicated to the Chair of the Governing Board.

### **Notification of Outcome of Appeal**

The apprentice or employer will receive formal notification of the outcome within 21 working days of the start of the independent appeal process:

- If the appeal is upheld, the apprentice or employer will be told of any actions required to conclude matters and fees will be refunded
- If the appeal is not upheld the apprentice or employer will be given the reasons in a report
- The employer will be notified of any subsequent actions

All initial reviews, appeals and subsequent outcomes are reported to In2assessment Governing Committee. The appeal and its outcome will be

used to inform our self-assessment and self-evaluation activities and will feedback into our EPA development and review process where necessary.

## **Independent Appeals Panel Terms of Reference**

In2assessments Independent Appeals Panel shall consider and determine appeals submitted to it by those wishing to challenge a decision or decisions reached during the appeals process.

### **Composition**

In2assessments Independent Appeals Panel is made up of a member of the senior leadership team, a subject specialist that has not been involved in the original appeal and an independent person that is not employed by In2assessments, or in any other way connected to the organisation that has the appropriate knowledge and skills to decide on the subject matter. A member of In2assessments administrative team shall be present at each meeting of the panel to take notes of the meeting but shall not be involved in the appeal proceedings.

### **Proceedings of Meetings**

The panel may appoint advisers to provide advice at the meeting, but they will not be involved in the decision-making process of the appeal outcome.

The panel shall convene when necessary to ensure that appeals are heard promptly. This will usually be within 10 working days of the appeal being received by the Head of In2assessments.

At each meeting of the panel all members must be present for the proceedings to be valid, except in the event of exceptional circumstances outside the control of the panel or any member.

The panel will review the original appeal decision and any further evidence provided by the appellant as part of his / her request for an appeal to ensure that procedures were applied consistently, properly, and fairly.

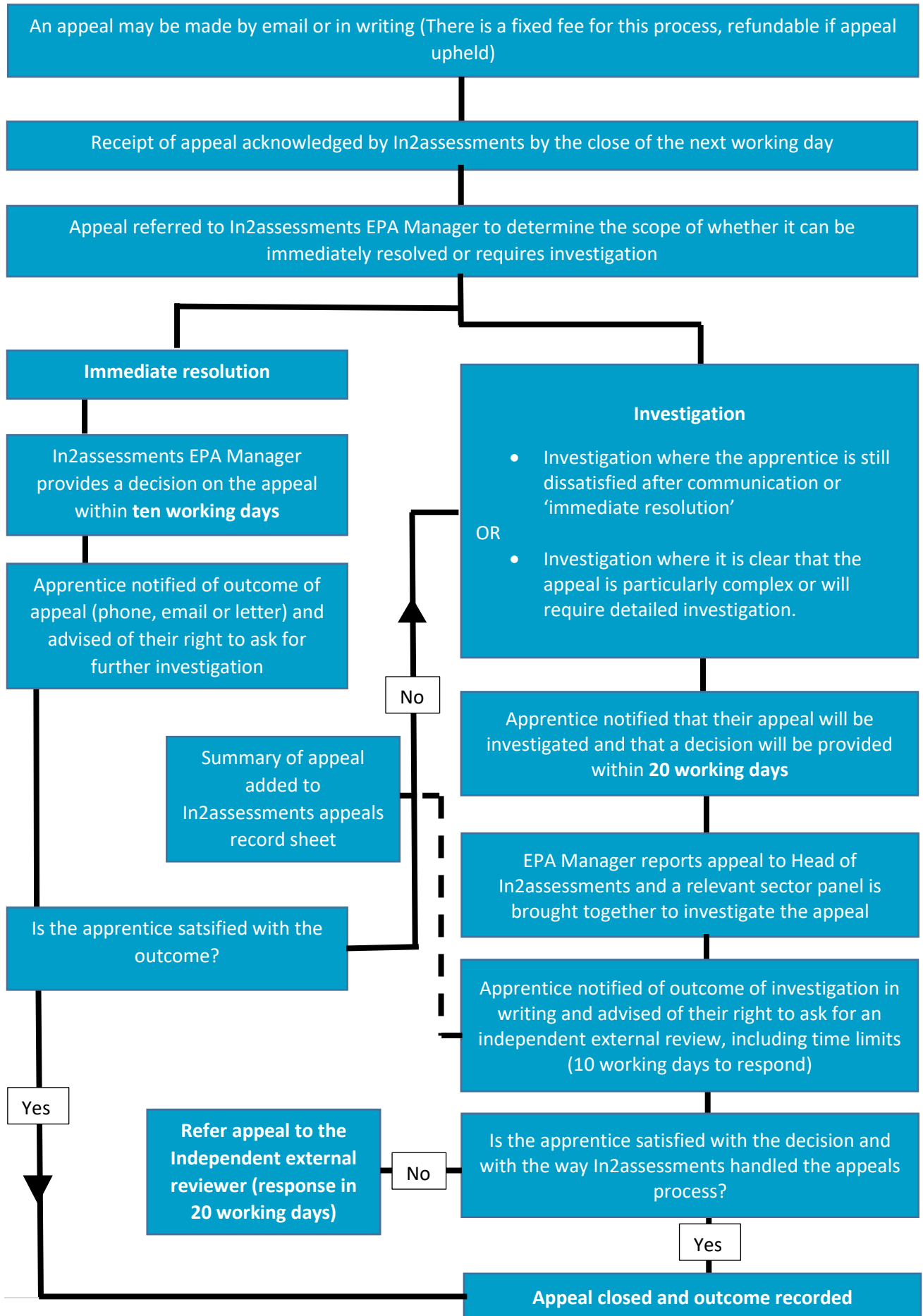
The panel may request additional information from the centre / learner, arrange discussions with centre staff and / or visit the centre if necessary.

The Chair may, at their discretion, adjourn or suspend proceedings for any such period as the Chair deems reasonable if the additional information is not readily available or arrangements need to be made to visit a centre.

The Chair of the panel will notify the appellant, in writing, of the panel's decision within 20 working days, and the Chair of the governing body.

All notes of the proceedings shall be evidence of the appeal and must be kept securely in In2assessments electronic information management system for a minimum of 3 years

## Appeal Process



## 6. Management of personal data

The apprentice's submission, and all accompanying statements and records, will be kept confidential as far as is possible in facilitating a fair and thorough review. Whilst the apprentice's privacy and confidentiality will be respected, this needs to be balanced with:

- The need for an open and fair investigation
- Appropriate remedial action to be taken
- The outcome of the investigation to be reported appropriately
- Action to be taken to improve our processes and quality of service.

The details of the apprentice's submission may, therefore, need to be shared with others who have been involved with the assessment process and are responsible for their design and delivery.

## 7. Responsibility

The ultimate responsibility for the EPA Complaints and Appeals policy, dissemination of the policy and management of the complaints and appeals rests with the In2assessments senior management.

Resolution will be on the basis of ensuring a fair and safe outcome for patients, the apprentice and their employer.

In some cases, it may be necessary for In2assessments senior management to seek advice from the EPA's external quality assurer.

## 8. Quality improvement process

In2assessments undertakes to treat all complaints and appeals that fall within the scope of the policy respectfully. Regardless of the outcomes of complaints and appeals, all such submissions shall be reviewed to elicit any learning to inform improvements in In2assessments policies and procedures.

Outcomes of complaints and appeals shall be recorded and reviewed by In2assessments senior management team for reflection and inform the quality improvement process.

If the apprentice is not happy with the outcome of the complaint/appeal then they should be advised to escalate it to the Education & Skills Funding Agency through the apprenticeship helpdesk on 0800 150400 or by email [nationalhelpdesk@apprenticeships.gov.uk](mailto:nationalhelpdesk@apprenticeships.gov.uk)