



## **Appeals**

### **Introduction**

This policy is aimed at our customers, including learners, who are delivering/enrolled on or have taken an ECITB approved qualification or unit. It sets out the process you should follow when submitting appeals to us and the process we will follow when responding to enquiries and appeals.

It is also for use by our staff to ensure they deal with all appeals in a consistent manner.

### **Approved Centre Responsibility**

It is important that Approved Centre staff involved in the management, assessment and quality assurance of our qualifications and learners are aware of the contents of this policy.

In addition, Approved Centres must have internal appeal arrangements which learners can access if they wish to appeal against a decision taken by the Approved Centre. If an individual wishes to appeal against a decision taken by an Approved Centre it must first of all go through the Approved Centre's appeals process before bringing the matter to the attention of the ECITB or exercising the right of further escalation as detailed within this policy.

### **Review Arrangements**

We will review this procedure as part of our continuous improvement arrangements and revise it, as and when necessary, in response to customer, learner or regulatory feedback (e.g. to align with any enquiries process established by the regulators) and to identify any trends that may emerge in the subject matter of enquiries received.

### **Fees**

We will not charge you or your learners a fee to cover the administrative and personnel costs involved in dealing with appeals.

### **Areas Covered by the Procedure**

This procedure covers:

- Appeals from learners and/or Approved Centres in relation to an assessment decision on the basis that we did not apply procedures consistently or that procedures were not followed properly and fairly
- Appeals from centres in relation to an ECITB decision concerning a centre's application to offer an ECITB qualification.
- Appeals from Approved Centres concerning the contents of an Approved Centre Post Monitoring report.
- Appeals from Approved Centres and/or learners relating to an ECITB decision to decline a centre's request to make reasonable adjustments or give special considerations

- Appeals from Approved Centres or learners in relation to the application by ECITB of a sanction/action on an Approved Centre resulting from a verification visit or an investigation into malpractice or maladministration or a decision to amend a learner/set of learners results following a malpractice or malpractice investigation
- Appeals from Approved Centres relating to a decision made by ECITB following an investigation into a complaint about an Approved Centre.

***In all cases, appeals can only be made on the basis that we have not applied our procedures consistently or those procedures were not followed properly, consistently and fairly.***

### **Process for Raising an Appeal**

Approved Centres and learners have 20 working days from the date we notify you of the decision, in which to lodge an appeal against that decision. In the event of an appeal learners/Approved Centre staff should retain their course evidence until they receive a final decision.

If an Approved Centre appeals on behalf of their learner(s) it must ensure that they obtain the written permission of the learner(s) concerned as assessment results can be affected as a result of an investigation.

Learners who wish to appeal about their assessment outcomes or about a related decision should either be supported by their Approved Centre or should have exhausted the Approved Centre's own appeals process before appealing to the ECITB. In the latter case, learners must provide us with evidence that they have first appealed to their Approved Centre. It is expected that learners will only appeal directly to us in exceptional circumstances.

When submitting an appeal please provide relevant supporting information such as the following where applicable:

- Learner name(s) and ECITB registration number
- date(s) the Approved Centre or the learner received notification of ECITB's decision
- title and number of the ECITB qualification affected or nature of service affected (if appropriate)
- full nature of the appeal
- contents and outcome of any investigation carried out by the Approved centre relating to the issue

### **Situations Brought to our Attention by the Regulatory Authorities**

Where the regulators notify us of failures that have been discovered in the assessment process of another awarding body we will review our own policies and procedures to decide whether or not a similar failure could affect our own assessment processes and arrangements.

### **Initial Review of the Appeal Details**

Upon receipt of all appeals our VQ administration will acknowledge receipt of the appeal within 2 working days and aim, where possible, to respond fully to the initial review of the potential appeal within 5 working days. Please note that in some cases the review processes may take longer, for example, if an Approved Centre visit is required. In such instances, we will contact all parties concerned to inform them of the likely revised timescale.

The first stage will be for ECITB to undertake an initial, informal assessment of the appeal to ensure the application relates to areas covered by the policy, the application is complete and to ascertain if the issue can be resolved before it goes to a formal appeal. In all instances we will ensure that the person carrying out this initial check will be competent to do so and will not have a personal interest in the decision being appealed.

Following the initial review of the potential appeal we will write to the appellant with details of our decision to either:

1. amend our original decision in light of the new rationale/evidence being put forward and which has now been reviewed; or
2. confirm we stand by our original decision and in doing so the rationale for this decision and we will proceed to our formal appeals process which will be carried out by an independent party.

### **Full Appeal Review**

If the initial review stage does not amend the decision, we will arrange for an independent review to be carried out.

This will be carried out by someone who is not an ECITB employee, an assessor working for us, or otherwise connected to our organisation. They will also be someone with the relevant competence to make a decision in relation to the appeal and will not have a personal interest in the decision being appealed.

The Independent Reviewer will review all the evidence which took place in the above stages and decide if we have applied our procedures fairly, appropriately and consistently in line with our policy.

The independent review process may involve:

- discussions with the appellant and/or the learner and/or ECITB personnel
- a request for further information from the appellant, the learner or ECITB personnel
- a centre visit by authorised ECITB personnel.

The Independent Reviewer's decision is final in relation to how ECITB will consider such appeals and we will let you know the outcome of the review within 25 working days of receipt of the appeal.

### **Right of Further Escalation**

If the centre/learner is still unhappy with the outcome at this stage they are entitled to escalate the matter to SQA Accreditation. For appeals relating to complaints to SQA accredited qualifications being delivered by a Further Education or Public Service Body operating in Scotland that are not related to academic decisions, the Scottish Public Services Ombudsman (SPSO) is the final arbiter in Scotland.

### **Successful Appeals and/or Issues Brought to our Attention**

In situations where an appeal has been successful, or where an investigation following notification from a regulatory body indicates a failure in our processes, ECITB will give due consideration to the outcome and will, as appropriate, take actions such as:

- amend the record of the centre concerned
- identify any other learners who have been affected and correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g. and amend the results for the learner(s) affected following an appropriate investigation)
- review our associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected

We will also cooperate with any follow-up investigations required by the qualifications regulators and, if appropriate, agree any remedial action with them.

### **Contact us**

If you have any queries about any aspect of this process, please contact:

VQ Administrator  
Engineering Construction Industry Training Board  
Blue Court  
Church Lane  
Kings Langley  
Hertfordshire  
WD4 8JP

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