



# ECITB Awarding Organisation Appeals Policy and Procedure RV3-4

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## Introduction

This policy is aimed at ECITB Approved Centres and candidates registered with the ECITB Awarding Organisation in relation to the delivery of ECITB qualifications. It sets out the procedure that should be followed when submitting appeals to us and the procedure the ECITB Awarding Organisation will follow when responding to appeals. This policy and procedure is published on the ECITB website to support the process of appeal.

This policy can be used by:

- Approved Centres to appeal against a decision made by the ECITB Awarding Organisation, appeals from Approved Centres must be submitted by the Centre Co-ordinator;
- Candidates registered with the ECITB Awarding Organisation to appeal against a decision made by the Approved Centre. Candidates can only appeal to ECITB once they have exhausted the Approved Centre's own appeals process and only where they believe the Approved Centre's internal appeals process was not applied fairly, consistently and/or objectively.

## The ECITB Awarding Organisation's responsibility

The ECITB Awarding Organisation is responsible for ensuring that all appeal decisions:

- are taken by individuals who have no personal interest in the decision being appealed;
- at Stage Two, the Independent Review is undertaken by a person who is not an employee of the ECITB Awarding Organisation, an assessor working for the ECITB Awarding Organisation, or otherwise connected to it;
- are always taken by persons who have appropriate competence.

## Approved centres' responsibility

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

Approved Centres must have internal appeal arrangements that candidates can access if they wish to appeal against a decision taken by the Approved Centre and/or the ECITB Awarding Organisation.

If a candidate wishes to appeal against a decision taken by an Approved Centre they must first go through the Approved Centre's appeals process in full before bringing the matter to the attention of the ECITB Awarding Organisation or exercising the right of further escalation as detailed within this policy.

## Fees

Approved Centres or candidates are not charged any fee related to dealing with appeals.

## Basis for making appeals

Appeals may be made only on the basis that **procedures were not followed fairly, consistently and/or objectively** in relation to decisions taken by the ECITB Awarding Organisation:

- following quality assurance monitoring;
- to decline an Approved Centre's request for reasonable adjustments or special consideration;
- to apply a sanction or restriction to an Approved Centre;
- concerning assessment outcomes;
- to amend a candidate/set of candidate results following external quality assurance and/or a malpractice or maladministration investigation;
- following the outcome of an investigation into malpractice or maladministration;
- following an investigation into a complaint about an Approved Centre and/or a pattern of complaints;
- about the outcome of an Approved Centre's application to offer an ECITB qualification.

Candidates who wish to appeal their assessment outcomes or a related decision should either:

- Be supported by their Approved Centre who will appeal to the ECITB Awarding Organisation on their behalf;
- or
- should appeal to the ECITB Awarding Organisation directly, only once they have exhausted the Approved Centre's own appeals process.

The list above is not exhaustive and other potential scenarios may be covered by this policy on the basis that procedures were not applied fairly, consistently and/or objectively. Please contact the ECITB Awarding Organisation, using the contact details at the end of this document, if you are unsure about how best to proceed.

## Requesting an appeal

Approved Centres and candidates have **20 working days** from the date of notification of the decision, in which to request an appeal against that decision to the ECITB Awarding Organisation in writing, contact details can be found at the end of this document.

In the event of an appeal, Approved Centre staff and/or candidates should retain any evidence until they receive a final decision. ECITB Awarding Organisation will retain evidence in line with its associated Record Keeping and Data Protection policies.

Approved Centres appealing on behalf of their candidate(s) must ensure that they obtain, and submit with the request for appeal, the written permission of the candidate(s) concerned, **as assessment results can be affected as a result of the appeal and could go up or down.**

Candidates appealing directly to the ECITB Awarding Organisation must provide us with evidence that they have first completed the Approved Centre appeals process. **It is expected that candidates will only appeal directly to us in exceptional circumstances.**

When submitting a request for appeal please provide relevant supporting information, which must include the following where applicable:

- Centre name, address and Centre Co-Ordinator contact details.
- Candidate name(s), ECITB registration number and contact details.
- Date(s) of the receipt of notification of the ECITB Awarding Organisation's decision (if applicable).
- Title and number of the ECITB qualification affected or nature of service affected (if appropriate).
- Date of assessment (if appropriate).
- Full outline and reasons for the appeal as defined in this policy, i.e. fairness, consistency and/or objectivity.
- Contents and outcome of any investigation carried out by the Approved centre relating to the issue.
- Date of appeal submission

Evidential documentation may be enclosed with the appeal if necessary.

Notification of an appeal will normally be acknowledged:

- no later than **5 working days** from receipt for correspondence sent via email to: [qualifications@ecitb.org.uk](mailto:qualifications@ecitb.org.uk),
- no later than **15 working days** from receipt for any other correspondence and correspondence sent via post.

The ECITB Awarding Organisation will then undertake an initial assessment of the request for appeal to ensure the application relates to areas covered by this policy and will respond if the appeal has been accepted **within a further 15 working days**.

## Process for sending correspondence with personal or sensitive data

Before sending any information or data to ECITB that contains staff (including contractors) and/or candidate personal details that could be attributed to an individual and/or information that includes sensitive data about an individual, you are required to request a ShareFile link from [qualifications@ecitb.org.uk](mailto:qualifications@ecitb.org.uk).

The ECITB Awarding Organisation will respond by sending an email from [qualifications@ecitb.org.uk](mailto:qualifications@ecitb.org.uk) containing the wording '[Click here](#) to upload files'. This enables you to upload your files to ECITB secure ShareFile system.

No personal or sensitive data should be sent via email as this method of transferring data is less secure than ShareFile.

Should you be sending such data by post, please mark the correspondence 'Confidential – For the Attention of the Awarding Organisation'.

## The appeals process

### *Stage One - Internal Review*

Once the appeal has been accepted, it will be reviewed with the aim to fully respond with the outcome of the appeal **within 30 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, all parties will be contacted to inform them of the likely revised timescale.

In all instances the person leading this review will be competent to do so and will not have a personal interest in the decision being appealed.

The person reviewing the appeal will consider:

- all information submitted with the request;
- any other supporting documentation that the appellant wishes to submit in support of their appeal provided this is received by the ECITB Awarding Organisation within **15 working days** of the date they were notified that the appeal has been accepted.

and will ensure that all relevant policies and procedures were fairly, consistently, and objectively followed.

On completion of the internal review, the appellant will be written to setting out the rationale of the decision to either:

- Uphold the appeal
- Or
- Not uphold the appeal

The appellant may only instigate Stage Two of this appeal process if they believe that Stage One of the appeal was not conducted fairly, consistently, objectively and in line with the ECITB Awarding Organisation policies.

The appellant must write to the ECITB Awarding Organisation **within 15 working days** of the date they were notified of the outcome of Stage One, confirming they wish to proceed to a Stage Two of the appeal process.

### ***Stage Two - Independent Review***

The ECITB Awarding Organisation will arrange for an Independent Reviewer to carry out Stage Two of the appeals process.

The role of the Independent Reviewer is to determine if the decision made during Stage One was in accordance with ECITB Awarding Organisation policies and procedures and conducted in a fair, consistent and objective manner.

No additional evidence can be submitted by any party during Stage Two, unless requested by the Independent Reviewer.

The Independent Reviewer will be someone who is not an employee of the ECITB Awarding Organisation, an assessor working for the ECITB Awarding Organisation, or otherwise connected to it. They will also be someone with the relevant competence to make a decision in relation to the appeal and will not have any personal interest in the decision being appealed.

The Independent Reviewer will evaluate the evidence submitted during Stage One and the procedures applied to assess if the ECITB Awarding Organisation applied its procedures fairly, consistently and objectively in line with this policy.

The independent review process may involve (at the Independent Reviewer's sole discretion):

- discussions with the appellant and/or the candidate and/or ECITB Awarding Organisation personnel;
- a request for further information from the appellant, the candidate or ECITB Awarding Organisation personnel;
- an Approved Centre visit by the Independent Reviewer accompanied by a member ECITB Awarding Organisation personnel.

To allow reasonable time for the availability of an Independent Reviewer and for the process of the Stage Two appeal, the aim is to inform you of the outcome of Stage Two within **60 working days** from the date that the ECITB Awarding Organisation receives confirmation from the appellant that they wish to progress to Stage Two. However, in some cases this may take longer, in such instances the appellant will be contacted to inform them of the likely revised timescale.

The appellant will be written to, following the outcome of Stage Two setting out the Independent Reviewers rationale of their decision to either:

- Uphold the appeal
- or
- Not uphold the appeal

The Independent Reviewer's decision is the final stage of the ECITB Awarding Organisation's appeals process.

### ***Appeal Decisions***

Approved Centres and candidates must be aware that decisions and assessment results can be affected as a result of the review during any stage of the appeal process. Assessment results, restrictions, sanctions could go up or down and/or decisions could be made that may not be in the appellants favour, such as, but not limited to, a change in the outcome of a malpractice investigation, additional actions set against a centre.

## **Right of further escalation**

If the appellant believes that the appeal was not conducted fairly, consistently and objectively in line with this policy then they are entitled to escalate the matter with the relevant qualifications regulator:

- RQF denoted qualifications to Ofqual (England) or Qualifications Wales (Wales).
- SCQF denoted qualifications to SQA Accreditation.

For appeals relating to complaints to SQA Accreditation 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.

Where a referral is made to SQA Accreditation, they may undertake activities to assess the effectiveness of awarding body's and or the Approved Centres appeals process, to ensure they are in line with regulatory requirements. It should be noted that SQA Accreditation is unable to overturn assessment decisions or academic judgements.

## **Successful appeals and/or issues bought to the attention of ECITB Awarding Organisation**

In situations where an appeal has been upheld, or where an investigation following notification from a regulatory body indicates a failure in ECITB processes, the ECITB Awarding Organisation will give due consideration to the outcome and will, as appropriate, take actions such as (but not limited to):

- amend the risk profile of the Approved Centre concerned;
- issue any new results and certification;
- identify any other candidates who have been affected and correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure;
- review ECITB Awarding Organisation associated processes and policies to ensure that the issue does not occur again or mitigate a recurrence of the situation giving rise to the appeal as far as possible, if the failure that occurred cannot be corrected.

The ECITB Awarding Organisation will also cooperate with any follow-up investigations required by the qualification's regulators and, if appropriate, agree any remedial action with them.

Where regulators or others notify us of failures that have been discovered in the assessment process of another awarding organisation the ECITB Awarding Organisation will review their policies and procedures to decide whether or not a similar failure could affect their assessment processes and arrangements, consider whether any remedial action is necessary in relation to assessments that have been undertaken, as well as considering appropriate amendments to those processes for the future.

## **Confidentiality and data protection**

All communication related to appeals will be treated on a need to know basis. The records of any communication will be kept on file and destroyed at a time appropriate and in line with the ECITB Awarding Organisation's policies.

In accordance with the requirements of the regulator, information and records related to appeals may be made available to them upon request.

## Complaints

The ECITB Awarding Organisation has a separate complaints policy and procedure, which should be followed by Approved Centres/candidates who are dissatisfied with any other aspect of ECITB services not covered by this policy. A copy of the ECITB Awarding Organisation's complaints policy is published on the ECITB website [www.ecitb.org.uk](http://www.ecitb.org.uk).

## Review arrangements

This policy and its associated procedures will be reviewed and revised, as and when necessary, as part of continuous improvement arrangements and/or in response to customer, candidate or regulatory feedback (e.g. to align with any enquiries, processes established or revised by the regulators) and/or in response to any trends that may emerge in the subject matter of enquiries received.

## Contact details

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

The Awarding Organisation  
Engineering Construction Industry Training Board  
Kings House Business Centre, Home Park Estate  
Station Road, Kings Langley, Herts, WD4 8LZ

Telephone: 01923 260 000  
Email: [Qualifications@ecitb.org.uk](mailto:Qualifications@ecitb.org.uk)  
Website: [www.ecitb.org.uk](http://www.ecitb.org.uk)