

BPEC Enquiries and Appeals Policy

Edition Date: June 2020

1. Introduction

1.1. Policy Statement

The Enquiries and Appeals policy and associated procedures will provide for the effective challenge of decisions and/or results, on the premise that BPEC did not apply processes and procedures consistently or that processes and procedures were not followed properly and fairly.

An enquiry or appeal can be raised by:

- The Learner or Apprentice;
- Their representative; or
- the Centre.

This document explains the process that Learners, Apprentices and Centres need to go through if they wish to question a decision in relation to the above. There may be fees associated with each stage of the process and so this document should be read alongside the **BPEC Fees list**. This is available from BPEC on request.

1.2. Scope and Definitions

BPEC aims to ensure that all decisions are fair, consistent and based on valid judgements. However, we recognise that there may be occasions when you wish to enquire or appeal a decision or judgement. This is distinct from a Complaint, which is an expression of dissatisfaction with the service received from BPEC or the Centre, but which does not seek to directly overturn a decision or judgement relating to qualifications.

This policy applies to:

- Assessment or Examination results;
- Outcomes of applications for reasonable adjustments or special considerations;
- Decisions made in relation to a qualification or risk status; and
- Decisions made in relation to a sanction placed on a Centre.

This policy does not cover appeals against decisions about Centre approval applications and qualification approval applications. The decision to grant Centre or Qualification approval is entirely at BPEC's discretion and cannot be appealed.

The intended audience for this document is:

- BPEC Directors and Governing Board
- BPEC core, sub-contracted and associate staff
- All staff in BPEC recognised and partner Centres
- Learners registered on BPEC qualifications
- Apprentices registered with BPEC End-point Assessment Organisation
- Employers
- Qualification Regulators
- Industry Regulators

1.3. Extraordinary Appeals arrangements during COVID-19

The information in this section applies in relation to Ofqual's Extraordinary regulatory framework: Vocational and Technical Qualifications, COVID-19 Conditions and Guidance. This was introduced by Ofqual on 22 May 2020. This section will cease to apply at such time as the Extraordinary Regulatory Framework ceases to apply to BPEC.

As part of the Extraordinary Regulatory Framework, BPEC may award qualifications (or parts of qualifications) on the basis of estimated or calculated results rather than assessment, if it is appropriate and reasonable to do so. In these instances, BPEC will allow learners to have a right of appeal regarding the process for result or outcome estimation.

Learners will be able to appeal where they believe their registered Centre, or BPEC as the Awarding Organisation, has not followed the correct process in determining the learner's grade or outcome. Learners will not be able to appeal on the grounds of challenging the professional judgement of Centre staff in estimating or calculating their result. Learners who appeal will also not be able to gain access to, or challenge, ranked cohort lists, where these have been used in the estimation process, as this could be detrimental to other learners or Centre staff.

If a learner is unhappy with their result(s) they should Initially speak to their Centre if they might have reason to appeal, and follow the Centres own appeals process.

Centres can submit an appeal to BPEC on behalf of a learner, in this instance the Centre must gain consent from the learner before making an application.

Appeals for calculated results must be made **within 25 working days** of the Issue of result.

To submit an appeal, Centre/learners should contact assurance@bpec.org.uk stating clearly and concisely why they believe their registered Centre or BPEC has not followed due process in

estimating results. Evidence to support the grounds for appeal must be submitted with the application. BPEC may not accept appeals where the grounds or reasons are not clear.

For adapted assessments, the standard appeals process applies.

2. Overview

There are two stages of enquiry or appeal, depending on the nature of the decision. Each must be completed before progression to the next stage:

- Enquiry and Review – Stage 1
- Appeal – Stage 2

2.1 BPEC Awarding Organisation qualifications only

Please note that if a Centre made the awarding decision, rather than BPEC directly, the Centre Appeals Process must be followed to completion before a Stage 1 Enquiry can be lodged with BPEC.

If the Learner is dissatisfied with the outcome of the Centre Appeals process, they may then make an appeal to BPEC directly and this must be done within **10 working days** of the receipt of the outcome of the Centre Appeal.

3. Stage 1: Enquiry and Review

3.1. Examination or Assessment Results

An enquiry about an examination or assessment result gives the Centre, Learner or Apprentice the opportunity to question the result of an examination or assessment marked by BPEC. The Centre may make the enquiry on behalf of the Learner or Apprentice.

If you are the Centre:

- You **must** gain the consent of the Learner/Apprentice before making the application on their behalf; and
- Make the Learner aware that the result/grade may be lowered as a result of the enquiry.
- The enquiry must be submitted within **25 working days** of the results being issued
- Enquiries/appeals must be accompanied with a copy of the official notification of results, along with the original certificate where one has been provided, any other relevant and supporting documentation, and proof of identification of the individual Learner/Apprentice (either a copy of the individual learner's Birth Certificate or a copy of the photo page of their Passport).

- The enquiry/appeal must be submitted to assurance@bpec.org.uk

If you are the Learner/Apprentice:

- You must be aware that the result/grade may be lowered as the result of the enquiry.
- If you are applying directly to BPEC, you must submit the details of your enquiry/appeal to assurance@bpec.org.uk within **25 days** of the results being issued by BPEC
- You must provide proof of identification.

BPEC will **acknowledge** your enquiry/appeal application within **3 working days** of receipt.

BPEC Business Area Manager will review the enquiry/appeal and the appellant will be informed that the enquiry/appeal is in or out of scope within **5 working days** of receipt of the enquiry/appeal by BPEC.

BPEC will respond to your enquiry/appeal within **20 working days** of receiving it.

There are **three** types of enquiry available depending on the type of **examination/assessment**:

a) An **administrative check** for **multiple choice examinations/assessments**. BPEC will ensure that the Learner/Apprentice responses have been accurately recorded. BPEC will check the overall mark and grade (if grading is applicable).

b) A **review of marking** is available for **written examinations/assessments**. An administrative check will be conducted first and then an examiner/marker will re-mark the script. BPEC will check the overall mark and grade (if grading is applicable).

c) A **review of End-point Assessment scoring and grading** for individual components or full EPA.

The above activities are led by the Assurance Team.

See **BPEC Fees list** for charges.

3.2. Outcomes

There are three possible outcomes to an enquiry:

- The examination/assessment result is upgraded, for example, from a Fail to Pass. BPEC will amend its records and if applicable, send a certificate to the Centre/Learner which reflects the achievement.
- The examination/assessment result is confirmed.

- The examination/assessment result is downgraded. The issue of a certificate may depend on the outcome

If the examination/assessment result is confirmed or downgraded, then the appellant may appeal (**Stage 2**).

3.3. Reasonable Adjustments and Special Considerations

An enquiry/appeal regarding the decision made about an application for Reasonable Adjustments or Special Considerations.

If you are the Centre:

- The reasons for the appeal must be submitted to BPEC within **10 working days** of the decision being issued to the Centre.
- The appeal must be accompanied by a clear reason for the disagreement and any supporting evidence.
- The appeal must be submitted to assurance@bpec.org.uk

If you are the Learner:

- You will need to appeal through the Centre you are registered with if the reasonable adjustment is one which does not require BPEC permission and authorisation.
- If you have gone through the appeals process at the Centre and feel that the decision has disadvantaged you, then you should contact BPEC via email assurance@bpec.org.uk within **10 working days** of been told of the decision.

If you are the Apprentice:

- The reasons for the appeal must be submitted to BPEC within **10 working days** of the decision being issued.
- The appeal must be accompanied by a clear reason for the disagreement and any supporting evidence.
- The appeal must be submitted to assurance@bpec.org.uk

BPEC will respond within **10 working days**.

If the Centre wishes to appeal the decision from Stage 1, then the appellant may progress to Stage 2. This must be submitted within **10 working days** of the Stage 1 decision. Details of fees are available in the **BPEC Fees list**.

3.4. Centre Sanctions

This gives the Centre or Individual the opportunity to request a review of the status/sanction applied if they feel it has been applied incorrectly.

If the enquiry/appeal is regarding a sanction that has been applied following an external quality assurance activity, then this will involve a different External Quality Assurer repeating the original monitoring activity.

If the enquiry/appeal is regarding a sanction that has been applied following the outcome of an investigation into suspected or alleged malpractice/maladministration, then the investigation findings, report and evidence will be reviewed by a member of the BPEC Management Team.

If the sanction was placed on the Centre for financial reasons (e.g suspension of registrations due to non-payment), then the Centre cannot request an enquiry or appeal.

The Centre or Individual will need to:

- Submit the reasons for disagreeing with the decision that has been made to BPEC within **10 working days** of the notification. This must be supported by any relevant evidence.
- Appeals must be submitted by email to assurance@bpec.org.uk

BPEC will acknowledge your enquiry/appeal application within **3 working days** of receipt.

BPEC Management will review the enquiry/appeal and the appellant will be informed that the enquiry/appeal is in or out of scope within **5 working days** of receipt of the enquiry/appeal by BPEC.

BPEC will respond to your enquiry/appeal within **20 working days** of receiving it.

3.5. Withdrawal of Centre Recognition without Sanctions

On occasion, BPEC may choose to withdraw Centre recognition for reasons outside the scope of the Sanctions policy, most commonly when the costs of working with a centre make it commercially unviable to continue the relationship. The contract between BPEC and the Centre outlines notice periods for terminating the contract in this way.

Outcomes

There are two possible outcomes to the appeal against a sanction:

- The level of sanction is reduced. BPEC will amend the Centre record and risk status.
- The level of sanction is confirmed.

If the decision on the level of sanction is confirmed, then the Centre may appeal (**Stage 2**). Details of fees and charges are published in the **BPEC Fees list**.

The Stage 2 appeal must be submitted to BPEC within **10 working days** of the notification of the Stage 1 outcome.

4. Stage 2: Appeal

Stage 2 is only available if a Centre wishes to appeal against the outcome of Stage 1.

Learners and Apprentices may only appeal the outcome of the enquiry about an examination/assessment result (detailed in 3.1).

See BPEC Fees list for fees.

4.1. Appeals (excluding the withdrawal of Centre Approval or qualification approval)

The appellant must submit the appeal to BPEC **within 10 working days** of being notified out the Stage 1 outcome.

The appeal must be sent to assurance@bpec.org.uk and detail the specific reason why the appellant believes that BPEC did not make a fair or valid judgement or follow the correct processes and procedures during Stage 1. Additional supporting documentation and evidence must be provided and referenced.

If the application does not include the required information, it will be returned to the appellant. A deadline for re-submission will be given. This must be met in order for the appeal to be heard.

An Appeals Panel is then convened consisting of:

- At least one BPEC Manager who had no involvement in the case prior to this stage; and
- at least one independent member who is not employed by BPEC, nor has a personal interest in the decision being Appealed.

The case will be considered by the Appeals Panel. The Appeals Panel's review will only concern BPEC's procedures and their application. An Appeal is intended to confirm that all processes were followed correctly during decision making, and during the initial Enquiry review.

BPEC will acknowledge receipt of the Information **within 3 working days** and send you details of the panel hearing.

The Appeal Panel will meet **within 30 days** of receipt of the appeal.

BPEC will write to you **within 10 working days** of the meeting with the Appeal Panel's decision and their reasons for the decision.

The Appeal Panel's decision is final.

4.2. Outcomes

There are two possible outcomes to an Appeal:

- The outcome of the Enquiry is upheld
- The outcome of the Enquiry is overturned

The Appeals Panel may also offer recommendations to BPEC and/or the Centre where it has identified scope for Improvement.

4.3. Appeals against Withdrawal of Centre Approval or qualification approval due to Sanctions

Where Centres have received a notice of the withdrawal of Centre Approval or approval to deliver a qualification(s), they may appeal to the BPEC Responsible Officer. The appellant must, **within 5 working days** of the receipt of notice of Withdrawal of Centre Approval or approval to deliver qualification(s), email or write to the Business Area Manager at BPEC stating they wish to appeal the decision.

BPEC will acknowledge receipt of this **within 3 working days**.

Within a further **10 working days** from BPEC acknowledgement, the Centre is to formally submit to the Responsible Officer (via email to assurance@bpec.org.uk) an appeal application documenting clearly:

- The basis of the appeal.
- The documented evidence the Centre relies upon for the notice of Withdrawal of Centre Approval or delivery of a qualification(s) being overturned; and
- Proposals for dealing with any potential Adverse Effect created by the incident(s) or reasons which resulted in the Withdrawal of Centre Approval or delivery of qualification(s) being issued.

This document must only deal with the reasons for BPEC issuing the notice of Withdrawal of Centre Approval or delivery of a qualification(s). Appeal applications which raise matters that are not relevant or in addition to matters integral to Centre Approval will not be considered. Appeal applications which include such matters will not be processed and will be returned to the Centre.

Within 5 working days of receipt of the appeal application, BPEC will raise with the Centre any further information it may require in order to process the appeal. This may include further evidence or clarification of the evidence provided.

The Responsible Officer will only consider the appeal when full and final documentation has been submitted by the Centre.

The Responsible Officer will carry out the appeal review and inform the Centre of the decision **within 15 working days** of the receipt of the appeal application with full and final documentation.

The decision of the Responsible Officer will be final and there will be no further right to appeal.

4.4. Outcomes

There are two possible outcomes to the appeal against withdrawal of Centre approval or delivery of a qualification due to sanctions:

- The level of sanction is reduced. BPEC will amend the Centre record and risk status.
- The level of sanction is confirmed.

Note: If your appeal is upheld at any stage, appeals fees paid will be refunded, records will be adjusted and if applicable, replacement documentation will be issued without further charge. BPEC aim to meet all stated timescales, but there may be circumstances that prevent them from being met. In such cases, BPEC will advise you and keep you informed of progress.

4.5. Please note that withdrawal of Centre Approval without Sanctions (e.g. for commercial reasons) is not covered by this full Appeal process. Please refer to Section 3.5, above.

5. Further Information

5.1. Contact Us

If you have any queries about the contents of the policy, please contact BPEC at:

1-2 Mallard Way
Derby
United Kingdom
DE24 8GX

Email: aoadmin@bpec.org.uk

Telephone: 01332 376000