

ITC First

P5 Appeals Policy & Procedures [3.1]

December 2022

ITC First

Trading name for
ITC First Aid Ltd
Registered in England
Company Number 5750596
VAT Number 928 7798 51

Postal Address

ITC First
Tranquility House
Harbour Walk
Hartlepool
TS24 0UX

Telephone 0345 370 7610 (local rate from anywhere in UK)

Ask for

ITC Chief Executive Officer for all queries regarding ITC operations.

E-mail mail@itcfirst.org.uk

Website www.itcfirst.org.uk

Website Access

For all policy statements and downloadable documents,

Upload to:

Ofqual Portal	SQA Accreditation SharePoint	ITC WebOffice Support Resources	ITC Public Website	ITC Google Drive
x	✓	✓	✓	✓

Appeals Policy and Procedures

1. Introduction to the Document

This document has two sections

Section 1 relating to Learner appeals

Section 2 relating to Centre appeals

1.1 Appeals

Any individual or organisation that is affected by an assessment decision (within a qualification) made by ITC (in its role as an Awarding Organisation/Body) or their approved Centres or Assessors is eligible to take advantage of the appeals process. The qualification can be regulated or non-regulated.

Apprentices, their training providers and employers may also take advantage of the appeals process if affected by an end point assessment decision made by an End Point Assessor used by ITC in its role as an End Point Assessment Organisation for Apprenticeships.

Throughout this document, the term learner applies to learners on qualifications and apprentices. The term Assessor, applies to both ITC qualification Assessors (working for a Centre) and to End Point Assessors of apprenticeships.

1.2 Learner Appeals

All areas of concern to learners, including but not limited to administration and assessment errors, perceived discrimination and failure to take into account any special circumstances or decisions relating to malpractice or misconduct.

1.3 Centre Appeals

All areas of concern to those delivering ITC courses, including but not limited to decisions regarding approvals and sanctions, external quality assurance decisions, requests for reasonable adjustments or special consideration, or decisions relating to malpractice or misconduct.

1.4 Specific point of contact:

Ask for	Chief Executive Officer	–	Mark Moore
Or	Compliance and Quality Manager	–	Jane Varey

1.5 Summary of full Appeals Process

The full appeals process is summarised below. It is anticipated that most queries will be resolved informally with a minimum of delay. Time deadlines can be found in the ITC Customer Charter (P1).

- Clarification of the original decision
- Informal dialogue to review the context and criteria of the decision
- Administration, procedure and systems check
- Appeals Committee meets
- Appeals Committee decision
- Appellant informed of subsequent actions
- Appeals Review Committee meets upon payment of fee (refundable if appeal review is upheld)
- Appeals Review Committee decision

- Appellant informed of subsequent actions
- Report produced for ITC First to action and Annual Report

1.6 Personal interest

All appeal decisions to be taken by individuals who have no personal interest in the decisions being appealed.

Section 1

2. Learner Appeals

2.1 Introduction

This section of the document contains the procedures for use by learners should they wish to appeal against an assessment decision. The procedures are transparent, impartial and confidential.

Learners are strongly recommended to pursue any enquiry, complaint or grievance informally by making a telephone or email enquiry, before following formal systems, as many appeals can be resolved satisfactorily through these informal means.

There is a time limit for making appeals (3 weeks after the awarding decision). There is a time limit of a further 3 weeks to review this appeal decision, an appeal review fee is payable (refundable if the appeal is upheld).

2.2 An Appeal

An appeal is a request for a review of an assessment outcome if the learner is not satisfied with the result of the assessment, where it appears to the learner, that an approved Centre or Assessor has failed to meet the criteria upon which their approval, for course delivery and/or assessment was granted.

2.3 Grounds for Appeal

Disagreement with an assessment judgement is not normally grounds for an appeal. ITC Assessors follow strict criteria when making their assessment decisions whether for an ITC qualification to be awarded or an apprenticeship end point assessment decision.

Appeals generally fall into the following categories:

- a) Administration error - typically a mistake in recording results.
- b) Assessment error - perhaps using criteria other than those specified in the qualification.
- c) Discrimination - the method of assessment was not fair and reasonable under the circumstances, or the assessor was biased or prejudiced.
- d) Decisions regarding reasonable adjustments and special considerations.
- e) Decisions relating to any action taken against a learner or Centre following an investigation into malpractice of maladministration.

2.4 Disagreement with Appeal Decisions

All appeals are considered carefully, impartially and confidentially. If after careful consideration the learner wishes for the appeal decision to be reviewed then a fee of £82.50 + vat (£99.00) is required (returnable if the appeal decision is overturned), made payable to ITC. This fee is designed to avoid deterring appellants on financial grounds yet discouraging frivolous appeals. The Appeals Review Committee consists of two independent professionals and an ITC First representative, normally the Chair of the Governing Body. Its function is to independently resolve disagreement with appeal decisions.

2.5 Monitoring Evaluation and Reporting Appeal Decisions

Learners' appeal enquiries will be dealt with according to the ITC Customer Charter (P1). The number, nature of enquiries and appeals and their outcomes will form part of the ITC Annual Performance Report. Should the result of an appeal call into question the accuracy of other results then each of the questionable results will be investigated by a Senior Officer of ITC and the Chief Verifier. Appropriate proportionate action will then be taken which may include:

- a) An increased level of external quality assurance (for ITC qualifications) or internal quality assurance of an Assessor (for end point assessment of apprenticeships).
- b) The withdrawal of approval for an Assessor (whether for qualifications or end point assessments)
- c) The withdrawal of approval for a Centre to deliver one or more qualifications.
- d) Future registrations from the Centre will not be accepted.
- e) Centre approval status completely withdrawn.
- f) Certification for previous courses may be invalidated.

3. Learner Appeals Procedure

3.1 When an informal route has proven unsatisfactory and where a learner believes that they have grounds for an appeal they should contact the ITC Office directly, in writing, giving all relevant details.

- a) The ITC Chief Executive Officer (or in his absence, another Senior Officer of ITC) will acknowledge receipt of the appeal within 5 working days of receiving the correspondence and initiate the following.
- b) The ITC Chief Executive Officer and the Centre Manager or Assessor with whom the disagreement occurred perform an administrative check to ensure that the assessment result has been carried out according to the assessment criteria and has been recorded properly.
- c) The ITC Appeals Committee will then consider the appeal. This Committee currently consists of:
 - I. The ITC Quality & Compliance Manager (Dr Jane Varey) who has no involvement in assessment or delivery of ITC qualifications;
 - II. An Independent Person (Mr J. Stafford). Mr Stafford is a retired Senior Teacher of 35 years experience, a professional person with background knowledge of management systems. Mr Stafford has never delivered ITC training, or been involved in any way with the delivery of ITC qualifications, but has expertise in process, procedures and the education system developed during a teaching career that included senior management of a large comprehensive school;
 - III. The ITC Operations Manager (Mr Ian Moore) who has extensive experience of the delivery of qualifications at Centres;
 - IV. When required, the Committee will co-opt an ITC External Quality Assurer with no link to the learner (assigned from out of area).

3.2 In the case of appeals against assessment decisions the Committee procedure will focus on whether ITC and the Centre and/or Assessor:

- a) Used procedures that were consistent with regulatory criteria or, in the case of apprenticeships, the assessment standards;
- b) Applied the procedures properly and fairly when arriving at judgements.

3.3 This Committee will either uphold the appeal or not uphold the appeal.

- a) The learner will be informed of the decision within 15 working days. A written account of the outcome of the appeal will be posted or e-mailed to their contact address within a further 5 working days from the learner being informed of the decision. (Total of 20 working days for written response.)
- b) If the appeal is **upheld** the learner will be informed of the appropriate actions that will then be taken. The Centre/Assessor will be notified of the result of the appeal and any subsequent actions to be undertaken.

- c) If the appeal is **not upheld** the learner will be given the reasons and advised of their right to make an appeal to the Appeals Review Committee. The Centre/Assessor will be notified of the result of the appeal and any subsequent actions to be undertaken.

Note

- a) Learners cannot normally appeal the professional judgments of the Assessor.
- b) When making an appeal against qualification assessment decisions, ITC will focus on whether the ITC Centre used procedures that were consistent with the External Regulator [Ofqual or SQA Accreditation] requirements current at the time and applied the procedures properly and fairly in arriving at any judgments.
- c) When making an appeal against an end point of an apprenticeship assessment decision, ITC will focus on whether the Assessor used the assessment standards and followed the correct procedures required by the External Quality Assurer of the Apprenticeship Standard at the time.

4. Appeals Review Procedure for Learners

4.1 When the learner has been informed of the Appeals Committee decision and wishes to take matters further then they can request that ITC reviews the appeals procedure, conduct and decisions by a meeting of the Appeals Review Committee.

- a) This request should be made in writing, within 3 weeks of the Appeals Committee's decision and should contain:
 - I. The original appeal.
 - II. A statement detailing why the original Appeals Committee decision was inaccurate, or the process leading to the decision was faulty.
 - III. A cheque or BACS Payment for £82.50 + vat (£99.00), to be paid to 'ITC'. An appeal to the Appeals Review Committee will not be accepted without the correct fee.
- b) The Appeals Review Committee will then consider the appeal review. The Committee is currently composed of:
 - I. An independent professional, Ms E. Harris. HR specialist in higher education;
 - II. An independent professional, Mr D. Preece. He has a lifetime of experience in the education & management sectors and a particular interest in the development of NVQ/SVQ;
 - III. The Chair of The Governing Body, Ms Bernie Hartshorn. The Chair of the Governing Body is also the Chair of the Appeals Review Committee.
- c) This Committee will either uphold the appeal review or not uphold the appeal review. The learner will be informed of the decision within 15 working days. A written account of the outcome of the appeal review will be posted or e-mailed to the contact address within a further 5 working days from the learner being informed of the decision.
- d) If the appeal is **upheld** the learner will be informed of the appropriate actions that will then be taken. The Centre and/or Assessor will be notified of the result of the appeal review and any subsequent actions to be undertaken. The Appeals Review fee will be refunded.
- e) If the appeal is **not upheld** the learner will be informed of the decision and given the reasons. The Centre and/or Assessor will be notified of the result of the appeal review and any subsequent actions to be undertaken.

5. Complaint Against ITC

When ITC is operating in its role as an Awarding Body/Organisation.

5.1 A learner cannot appeal an assessment decision to the Regulator of the qualification, but can make a complaint against a Centre or Awarding Organisation/Body.

5.2 SQA Accreditation (Regulator) cannot overturn an assessment decision or academic judgements.

5.3 If a learner or Centre have a complaint regarding the operating systems of ITC (the Awarding Body) then please contact the Regulators of Qualifications in England (Ofqual) or Scotland (SQA Accreditation).

Ofqual - <http://www.ofqual.gov.uk/>

SQA Accreditation - <https://accreditation.sqa.org.uk/accreditation/home>

When ITC is operating in its role as an End Point Assessment Organisation.

5.4 A learner can appeal an assessment decision to the External Quality Assurer of the Apprenticeship Standard and can also make a complaint against an Assessor and/or ITC as the End Point Assessment Organisation.

5.5 ITC will comply with the requirements of any Appeals and Complaints processes established by the External Quality Assurance Organisation of any apprenticeship it assesses.

Section 2

6. Centre Appeals

6.1 Introduction

This section of the document contains the procedures for use by ITC Centres should they wish to appeal against a decision. A Centre is defined for this section as only being involved in the delivery of ITC qualifications and not end point assessments of apprenticeships.

The procedures are transparent, impartial and confidential.

Centres are strongly recommended to pursue any complaint or grievance informally, before following formal systems, as many appeals can be resolved satisfactorily through these informal means.

There is a time limit for making appeals (3 weeks). There is a time limit of a further 3 weeks to review this appeal, an appeal review fee is payable (refundable if the appeal is upheld).

6.2 An Appeal

Is a request for the review of decisions made by ITC or their representatives. If the Centre is not satisfied with the decision or where it appears, to the Centre, that the ITC representative has failed to meet the criteria upon which their decision was based. Appeals are heard by the Appeals Committee, described in paragraph 3.1c of this document.

6.3 Grounds for Appeal

Typical areas for appeal could be:

- a) A decision or recommendation regarding the Centre approval procedure.
- b) A decision or recommendation by an External Quality Assurer.
- c) A decision to decline a request for reasonable adjustments or special consideration.
- d) A decision regarding the investigation into a malpractice or misconduct allegation.

6.4 Disagreement with Appeal Decisions

All appeals are considered carefully, impartially and confidentially. If after careful consideration the Centre wishes for the appeal decision to be reviewed then a fee of £82.50 + vat (£99.00) is required (returnable if the appeal decision is overturned) made payable to ITC. This fee is designed to avoid deterring appellants on financial grounds yet discouraging frivolous appeals. The Appeals Review Committee consists of two independent professional people, and the Chair of the Governing Body, as described in paragraph 4.1b of this document. Its function is to independently resolve disagreement with Appeal Committee decisions.

6.5 Monitoring Evaluation and Reporting Appeal Decisions

Learners' and Centres' appeal enquiries will be dealt with according to the ITC Customer Charter. The number, nature of enquiries and appeals and their outcomes will form part of the ITC annual self-assessment review. Should the result of an appeal call into question the accuracy of other results then each of the questionable results will be investigated by a Senior Officer of ITC and Chief Verifier. Appropriate proportionate action will then be taken which may include:

- a) An increased level of external verification;
- b) The withdrawal of approval for Centre to deliver one or more qualifications;
- c) Future registrations will not be accepted;
- d) Centre approval status completely withdrawn;
- e) Certification for previous courses may be invalidated.

7. Centre Appeals Procedure

7.1 When an informal route has proven unsatisfactory and where a Centre believes that they have grounds for an appeal, they should contact the ITC Office directly, in writing, giving all relevant details.

- a) The ITC Chief Executive Officer will acknowledge receipt of the appeal within 5 working days of receiving the correspondence and initiate the following.
- b) The ITC Chief Executive Officer and the Centre Manager or Provider with whom the disagreement occurred will investigate the appeal, scrutinising all documentation carefully for error or ambiguity.
- c) The ITC Appeals Committee will then consider the appeal.

7.2 In the case of appeals against decisions relevant to a Centre the Committee procedure will focus on whether ITC:

- a) Used procedures that were consistent with regulatory criteria;
- b) Applied the procedures properly and fairly when arriving at judgements.

7.3 This Committee will either uphold the appeal or not uphold the appeal.

- a) The Centre will be informed of the decision within 15 working days. A written account of the outcome of the appeal will be posted or e-mailed to their contact address within a further 5 working days from the Centre being informed of the decision.
- b) If the appeal is **upheld** the Centre will be informed of the appropriate actions that then will be taken. They will be notified of the result of the appeal and any subsequent actions to be undertaken.
- c) If the appeal is **not upheld** the Centre will be given the reasons and advised of their right to make an appeal to the Appeals Review Committee. The Centre will be notified of the result of the appeal and any subsequent actions to be undertaken.

8. Centres' Appeals Review Procedure

- 8.1 When the Centre has been informed of the Appeals Committee decision and wishes to take matters further then they can request that ITC reviews the appeals procedure, conduct and decisions of the Appeals Committee by a meeting of the Appeals Review Committee.
- a) This request should be made in writing, within 3 weeks of the Appeals Committee decision and should contain:
 - I. The original appeal.
 - II. A statement detailing why the original Appeals Committee decision was inaccurate, or the process leading to the decision was faulty.
 - III. A cheque for £82.50 + vat (£99.00), made payable to ITC. An appeal to the Appeals Review Committee will not be accepted without the correct fee.
 - b) The Appeals Review Committee will then consider the appeal review.
 - c) This Committee will either uphold the appeal review or not uphold the appeal review. The Centre will be informed of the decision within 15 working days, with the written report following in a further five working days.
 - d) If the appeal is **upheld** the Centre will be informed of the appropriate actions that then will be taken. The Appeals Review Fee will be refunded.
 - e) If the appeal is **not upheld** the Centre will be informed of the decision and rationale along with any subsequent actions to be undertaken.

9. Complaint Against the Awarding Organisation/Body

9.1 A Centre cannot appeal against an ITC decision to a Regulator but can raise a complaint. The Regulators, including SQA Accreditation, cannot overturn assessment decisions or academic judgements.

9.2 If a Centre has a complaint regarding the operating systems of ITC (the Awarding Organisation/Body) then it is entitled to contact the Regulators of Qualifications in England (Ofqual) or Scotland (SQA Accreditation):

<http://www.ofqual.gov.uk/>

<https://accreditation.sqa.org.uk/accreditation/home>

9.3 ITC will comply with the requirements of any Appeals and Complaints processes established by the external regulators (Ofqual & SQA Accreditation).

10. Appeals [& Complaints] Results

- 10.1 If ITC discovers any failures in its processes due to the appeals process ITC will:
- a) Identify any other learner or Centre who has been affected by the failure;
 - b) Correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure;
 - c) Ensure that the failure does not recur in the future;
 - d) Give due regard to the outcome of appeals [or complaints] in relation to all ITC qualifications.
- 10.2 If notified of failures in other Awarding Organisations/Bodies or End Point Assessment Organisations, ITC will review whether a similar failure could affect any ITC processes, including the assessment process, and will act as though the failure had been discovered within ITC processes.

