



End Point Assessment Organisation
Complaints, Enquiries and Appeals policy

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Policy owner(s):	Training Team
Accountable officer:	Head of Training/Responsible Officer

Introduction

British Marine is committed to providing an excellent End-point Assessment service. British Marine supports improvement in assessment quality and decision-making, however we recognise that from time to time situations arise where an apprentice considers that they might have grounds for an enquiry about results, an appeal against a decision related to that End-point Assessment, or a complaint in relation to the end-point assessment service provided. This document sets out the procedure which should be followed by apprentices, providers, employers or members of the public

Scope

This policy only covers complaints, enquiries or appeals that apprentices, providers, members of the public or employers may wish to make in relation to the End-point Assessment services delivered by British Marine.

This policy does not cover:

- complaints, enquiries or appeals about other training, qualifications or services offered by British Marine
- complaints, enquiries or appeals in relation to on-programme activities of apprenticeship prior to undertaking end-point assessment. These are the responsibility of the employer and training provider of the apprentice
- grievance or complaints procedure for staff of British Marine, who are asked to refer to the staff handbook.

Review

British Marine will review this policy and its associated procedures as part of our internal quality assurance arrangements and revise it at least annually and when necessary, in response to adverse effects linked to the operation of the policy and/or notifications from the regulator; customer, apprentice or regulatory feedback and any trends that may emerge in the subject matter of complaints received.

Procedures

British Marine distinguishes between complaints, enquiries and appeals.

1. A *complaint* is an expression of dissatisfaction with facilities or services provided as part of an End-point Assessment.
2. An *enquiry* is an enquiry about the accuracy of an end-point assessment result.
3. An *appeal* is an appeal against:
 - the outcome of an enquiry
 - A decision made to decline an application for reasonable adjustments or special consideration
 - An investigation decision or sanction made resulting from a malpractice, maladministration, cheating or plagiarism investigation
 - The outcome of an end point assessment result

- An investigation decision or sanction made resulting from a conflict-of-interest investigation.

There are therefore three procedures contained within this document:

- PART 1 - End-point Assessment Complaints procedure
- PART 2 - End-point Assessment Enquiry About Results (EAR) procedure
- PART 3 - End-point Assessment Appeals procedure

The procedure applies to apprentices, training providers and employers.

Investigating officer competence:

As a minimum, the investigating officer of any complaint, EAR or appeal will be educated to GCSE level or higher in maths, English and ICT. They will experience in quality and compliance and will have an understanding of the context of the complaint, EAR or appeal. The competent person must have knowledge of the British Marine EPA policies and procedures and must comply with the relevant conflict of interest measures.

PART 1 – COMPLAINTS

End-point Assessment complaints procedure

A complaint may relate to:

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

The following are not considered a complaint related to the end-point assessment service:

- A query on the operation of end-point assessment
- A request under the Freedom of Information Act or Data Protection Act
- 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 enquiry or appeal about an end-point assessment grading decision, this is dealt with through the enquiries and appeals process
- An appeal about requests for reasonable adjustments or special considerations, this is dealt with through our appeals process
- An appeal about malpractice or maladministration investigation outcomes and sanctions, this is dealt with through our appeals process
- A grievance which is eligible for handling through the grievance procedure
- A complaint about the apprenticeship training, this is dealt with through the training provider complaints policy and process.

Stage 1 – informal complaint management

Most complaints can be resolved quickly and informally through discussion with a staff member in the British Marine End-point Assessment team. All British Marine staff have been trained to help our customers resolve any issues at the earliest opportunity.

Informal complaints can be submitted to any member of British Marine Staff, or via EPAO@britishmarine.co.uk and must be made within 2 days of the event in which the complaint refers to. When a staff member receives a complaint, they must notify the Training Operations Manager or the Responsible Officer (Head of Training) within 24 hours of receipt. All complaints must be logged on the British Marine Complaints Tracker.

If a complainant does not feel it appropriate to follow the informal process, they are permitted to go directly to stage 2 formal complaint.

The Training Operations Manager or Responsible Officer (Head of Training) will try to resolve the complaint informally, but where this is not possible, the complaint will be directed to an EPAO Board member for resolution.

A meeting may be offered to try and resolve the issue. Should the complaint be about a member of staff it will be directed to the Responsible Officer (Head of Training) at British Marine, if not already involved. A response (verbal or written) will be provided within 5 working days, and the complaints tracker updated. If it is not possible to resolve the complaint informally, it will be escalated to the Stage Two process. If the complainant is unsatisfied with the informal complaint decision, they have the right to escalate the complaint to stage 2 process, formal complaint.

Complaints about any aspect of the End-point Assessment service should normally be submitted to British Marine by the apprentice, employer or provider, but on occasion it may be submitted by a third party, so long as the complainant has consented to the complaint being made on their behalf.

Stage 2 – formal complaint management

A formal complaint must be put in writing and submitted to the Responsible Officer either by post or email (contact details below). The complaint must be submitted within 10 working days of the event in which the complaint refers to. The written complaint should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that we can investigate it. The written complaint should be provided along with:

- Copies of any correspondence between the apprentice and the provider regarding the complaint,
- A statement of the circumstances surrounding the complaint, and
- Any other supporting documents relevant to the complaint.

When received British Marine will, acknowledge receipt within 3 working days, add details to/update the complaints tracker and will appoint an investigating officer to investigate the written complaint. The investigating officer will be a senior British Marine staff member or member of the British Marine EPAO Board who has not been involved in the informal complaint or the matter subject to the complaint.

The investigating officer may request further information to consider the complaint. We aim to investigate all complaints within 20 working days, where this is not possible, the Responsible Officer will update the complainant with a revised date for resolution.

On occasion it may be necessary for British Marine to seek the support of an external consultant to undertake the investigation into the complaint. Whoever is the investigating person will have knowledge of all British Marine Policies and Procedures, and an understanding of EPA.

Some complex complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint, such as mediation. 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 British Marine and the complainant agree to mediation, revised timescales will be agreed. This timeframe should be no longer than 30 working days.

There will be two possible outcomes from a complaint and associated investigation and/or mediation, all of which will be communicated in writing:

- Complaint dismissed – full details and reasons for the decision will be provided, alongside details of their right to appeal
- Complaint upheld or partially upheld – full details and reasons for the decision will be provided alongside an apology and details of the actions to be taken by British Marine to prevent a similar issue of problem arising in the future.

Where a complaint is upheld, or partially upheld, we will take the following actions:

- Identify if any other apprentices have been affected
- Notify Ofqual, if there has been an adverse effect on the apprentice, or there may be adverse effects on other apprentices, alongside an associated action plan and mitigation activities
- Amend, where required, our policies, systems or procedures so that the mistake/error cannot be repeated
- Update and/or provide additional staff training.

If the complainant remains dissatisfied, they may request an appeal of the complaint decision outcome, whereby the appeals process will be followed. Such requests must be made within 7 days of the stage 2 formal complaint decision to the Responsible Officer.

The outcome will be added to the complaints tracker. The complaints tracker will be reviewed by the EPAO Board and by the Management Board, to ensure ongoing oversight. For data protection purposes the tracker details will be anonymised for the purpose of review.

PART 2 – ENQUIRIES

End-point Assessment Enquiry About Results procedure

An enquiry about results is not a re-assessment, it is a re-check of the results and to check that procedures have been followed.

An apprentice, training provider or employer may make an Enquiry About Results (EAR), using the application form attached in Appendix A if:

- They have reason to suspect the results may not be accurate, or
- They are concerned that correct procedures have not been followed.

The EAR form must be submitted to the British Marine Training Operations Manager using the contact details below within 10 working days of the results being provided. It will be acknowledged within 5 working days, added to the enquires and appeals tracker, and the person making the enquiry will be informed that results may increase, decrease or remain the same following an enquiry.

The enquiry will be allocated to the Training Operations Manager who will:

- Conduct an administrative check, to assess whether we used procedures that were consistent with our end-point assessment Specification and associated materials,
- Review the assessment paperwork for completeness and the accuracy of the scoring, for example, another re-score of a knowledge test assessment result.

Checks are conducted by a member of staff that has not been involved in the original marking or grading decision and who does not have a personal interest in the enquiry outcome. However, they will be experienced in all processes, policies, and procedures. A report with outcome will be produced within 10 working days. The possible outcomes of the enquiry will be:

- Result unchanged, all processes followed, assessment paperwork complete and scoring accurate
- Moderation of the End-Point Assessment is necessary,
- A further End-point Assessment with another End-point assessor is required, or

Should the outcome of an enquiry identify errors within our policies or procedures we will:

- Identify if any other apprentices have been affected
- Notify Ofqual, if there has been an adverse effect on the apprentice, or there may be adverse effects on other apprentices, alongside an associated action plan and mitigation activities.
- Amend, where required, our policies, systems or procedures so that the mistake/error cannot be repeated
- Update and/or provide additional staff training.

Decisions will be added to the enquires and appeals tracker.

Should the person; making the enquiry remain dissatisfied with the decision, they have the right to process to appeal.

PART 3 – APPEALS

End-point Assessment Enquiry Appeals procedure

If following the EAR process, the person that made the original enquiry remains dissatisfied with the decision, they have the right to submit an appeal in writing using this procedure.

The Appellant should write to the British Marine Responsible Officer using the End-point Assessment Appeal Form in Appendix B, within 15 working days of receipt of the outcome of the EAR. Any appeal submitted on behalf of an apprentice must have been discussed with the apprentice(s) and written permission evidenced with the appeal submission. We will update the enquires and appeals tracker, and acknowledge receipt within 5 working days of receipt, ensuring that appellant is clear that results and grades can do down as well as up, or stay the same as the result of an appeal. If the appeal has been filed correctly, the British Marine Responsible Officer will convene the British Marine End-point Assessment Panel to review the evidence relevant to the appeal.

The Panel:

In addition to the British Marine Responsible Officer, Internal Quality Assurer and Training Operations Manager, the panel will include an independent and external member of British Marine, who will be appropriately occupationally experienced and working with or for another EPAO independent of British Marine with assessment experience. We have chosen to collaborate with our critical friends at City and Guilds and Innovate Awarding to source an independent external appeal panel member, with appropriate end-point assessment competence, knowledge and skills.

The panel will ask all members to confirm they have no personal interest or connection with the case they are reviewing prior to the hearing, specifically in any of the assessment processes. Please refer to the British Marine Conflict of Interest Policy for further information on how we manage conflicts.

The evidence gathered to inform the panel investigation will include:

- The original enquiry and enquiry investigation and outcome
- Details of the assessors, invigilator (if applicable), enquiry investigatory, any other staff directly involved in the original assessment process or enquiry
- Detail of whether any sampling or observation work took place on the assessment/assessment paperwork subject to the enquiry
- A copy of the assessor's guidance document and any specifications relevant to the assessment being appealed
- The original assessment record and the apprentice's submitted work related to the assessment
- The reasons given by the apprentice for appealing against the enquiry outcome
- The apprentice consent if the appeal has been made by the employer or training provider.

A note taker shall be present at each meeting of the panel to take notes of the meeting but will not be involved in the appeal proceedings. The Panel will consider whether British Marine has properly and fairly applied the relevant policies and processes in light of the evidence presented. The Panel will also consider any readily available advice on similar matters from our regulators and also any readily available EPA precedents.

The British Marine End-point Assessment panel may at its discretion:

- Reject the appeal and uphold the End-point Assessment result
- Uphold the appeal and direct the apprentice to undertake another End-point Assessment with a different End-point Assessor either at his/her place of work, or an alternative location as agreed by British Marine.

British Marine will communicate the findings of all appeals within 20 working days of receipt. The decision of the British Marine End-point Assessment Panel is final, and no further appeal will be accepted or considered. Decisions will be added to the enquires and appeals tracker.

Should the outcome of an appeal identify errors within our policies or procedures we will:

- Identify if any other apprentices have been affected
- Notify Ofqual, if there has been an adverse effect on the apprentice, or there may be adverse effects on other apprentices, alongside an associated action plan and mitigation activities.
- Amend, where required, our policies, systems or procedures so that the mistake/error cannot be repeated.

Should an appeal relate to an end point assessment that is regulated by Ofqual and the appellant remains dissatisfied after fully exhausting the British Marine enquires about results and appeals process, they may wish to contact the regulator directly to raise a formal complaint.

This procedure may be amended at any time and we may depart from it depending on the circumstances of any case.

Appeals against malpractice, maladministration, reasonable adjustment and special considerations decisions

To ensure consistency and fairness, the appeals process for appeals on British Marine decisions on malpractice, maladministration, reasonable adjustments and special considerations is the same as for appeals against the results of an enquiry. The panel will be convened based on skills, experience and independence, and the evidence gathered for the panel investigation will reflect the nature of the appeal. For example, an appeal against a malpractice decision will include details of the malpractice, the evidence, details of those subject to/involved in the malpractice, copies of British Marine malpractice policy and procedures for the matter being appealed. The outcome of the panel investigation will be:

- the appeal is rejected, British Marine decision upheld
- the appeal is upheld

Fees

British Marine charges a fee of £25.00 per apprentice for an Enquiry About Results (EAR). The fee will be refunded if the EAR is successful in changing the apprentice's grade.

British Marine charges a fee of £50.00 for an appeal against the outcome of an Enquiry About Results (EAR). The fee will be refunded if the EAR appeal is successful in changing the original decision.

Please note if you are submitting an appeal regards a result issued for end point assessment and believe this has been unfairly or incorrectly awarded, we will not book a resit until the investigation has been resolved. If there is concern regarding falling outside of the end point assessment window, British Marine will address this on a case by case basis.

Contact details

British Marine Responsible Officer

- **Telephone:** 07584 563343
- **Email:** EPAO@britishmarine.co.uk

British Marine Training Operations Manager

- **Telephone:** 07584 563285
- **Email:** EPAO@britishmarine.co.uk

Address: Tagus House, 9 Ocean Way, Ocean Village, Southampton, Hampshire. SO14 3TJ

Appendix A

Enquiry about results application form

Part 1 – Apprentice consent form

Information for apprentices:

If you make an Enquiry About Result from your End-point assessment after your End-point assessment grade has been issued, there are three possible outcomes:

Your original grade

- is confirmed as correct, and there is no change to your grade.
- is changed, so your final grade may be higher or lower than the original grade you received.
- a resit of an assessment component is required.
- is nullified and a retake is required.

In order to proceed with the Enquiry About Results, you must sign the form below. By doing so you confirm that you have understood what the outcome might be, and that you give your consent to the Enquiry About Results being made.

Apprentice ULN:		Apprentice name:	
Apprenticeship standard name:		Date of End-point assessment:	

Consent statement:

I give my consent to make an enquiry about the result of the End-point assessment listed above. In giving consent, I understand that the final subject grade awarded to me following an Enquiry About Results may be lower than, higher than, or the same as the grade which was originally awarded for this subject.

Apprentice signature: _____

Provider name: _____

Date: _____

Part 2: Provider consent form

Information for Training Providers:

British Marine charges a fee of £10.00 per learner for an Enquiry About Result (EAR). The fee will be refunded if the EAR is successful in changing the apprentice's grade.

Details of enquiry

Please state the reason for your enquiry below.

Provider number:

Provider name:

Reason for enquiry:

Signature on behalf of Provider: _____

Name: _____

Date: _____

This form should be retained on the Provider's files for at least 6 months following the outcome of the Enquiry About Results.

Once completed, please email this form to: EPAO@britishmarine.co.uk

Provider Contact Information

Email address: _____

Phone number: _____

Appendix B

End-point assessment appeal application form	
Provider and apprentice details	
<u>Provider name:</u>	<u>Email address:</u>
<u>Provider number:</u>	<u>Telephone number:</u>
<u>Apprentice name:</u>	<u>Date appeal submitted to Provider:</u>
<u>Apprentice ULN:</u>	
<p>Please submit evidence of the following:</p> <ol style="list-style-type: none"> 1. Evidence to support your appeal. <ul style="list-style-type: none"> • Statements from colleagues or peers where appropriate • Statements from clients where appropriate 2. A statement outlining why you are unhappy with the outcome of the end point assessment Enquiry About Results, reasonable adjustments, special considerations or malpractice decision. 3. Please attach this form to the front of your documents when submitting by mail or complete electronically and attach it to the email with all supporting evidence. <p>Once completed, please email this form to: EPAO@britishmarine.co.uk</p> <p>Or post to: FAO: Responsible Officer British Marine, Tagus House, 9 Ocean Way, Ocean Village, Southampton, Hampshire. SO14 3TJ</p>	<p>Outline of appeal:</p>
Please provide the information requested below	
<u>Appellant name:</u>	
<u>Appellant signature:</u>	
<u>Apprentice signature (if not the appellant):</u>	
<u>Date:</u>	