

## **FDQ EPAO Dealing with appeals**

### **Introduction**

1. FDQ wishes to provide the highest levels of service to its customers. It aims to answer accurately, and within published timescales, any appeals received from users of its services as a regulated End-point Assessment Organisation (EPAO).
2. FDQ is committed to providing the highest levels of service to its customers, including apprentices, training providers and employers. FDQ anticipates that issues or complaints can be resolved through the complaints or enquiries procedures and these procedures will be followed in the first instance. However, in the event that a customer remains dissatisfied having exhausted these procedures, they have recourse to the appeals process.
3. FDQ will establish, maintain and publish a robust policy and associated procedure for handling appeals from apprentices, employers and training providers. These procedures will ensure that:
  - a) All appeal decisions are taken by individuals who have no personal interest in the decision being appealed
  - b) All appeal decisions are taken by individuals who have appropriate competence
  - c) Appellants are kept informed of the progress of their appeal
  - d) Appeals are dealt with within published timescales
  - e) The specific needs and interests of apprentices are considered and protected
  - f) Customer facing versions of the appeals policy and procedure are communicated to apprentices, employers and training providers and published using appropriate media and on the FDQ website
  - g) Every endeavour is made to ensure compliance with relevant legislation and in particular the handling of sensitive data in accordance with the General Data Protection Regulations (2018)
  - h) All FDQ Appeal Panel decisions to involve at least one decision maker who is not an employer of FDQ or an assessor working for or connected to FDQ
  - i) Where an appeal results in the identification of a failure in the assessment process, FDQ takes all reasonable steps to identify any other apprentices affected, and correct or mitigate as far as is possible the effect of the failure, and ensure that the failure does not recur.

4. An appeal may be only made on the grounds that FDQ did not apply its procedures consistently, or that its procedures were not followed properly and fairly. No appeal can be heard relating to the technical judgement of examiners.
5. FDQ advises its customers (e.g. employers/training providers) to have their own appeals policies and procedures.

### **Types of Appeal**

6. The following types of appeal may be made in the context of this policy:
  - a) Action to be taken against an employer/training provider following an investigation into malpractice or maladministration
  - b) Outcomes of results
  - c) Refusal to agree to reasonable adjustments or special consideration
  - d) Apprentices may appeal decisions relating to, for example
    - i. Reasonable Adjustments and Special Consideration
    - ii. Decisions made following a proven case of malpractice or misconduct.

### **FDQ's approach to handling appeals**

7. Verbal appeals may be made in the first instance to the FDQ Quality Director. Verbal appeals will be resolved as quickly as possible and normally within 5 working days.
8. Where appeals cannot be resolved in this way, they must be made in writing to the Chief Executive/Responsible Officer (CE/RO) using the appropriate form (see appendix 2) no later than 15 working days after receipt of the decision to be appealed. FDQ will acknowledge receipt of a formal appeal with 5 working days and will record details of the appeal on its Appeals Log.
9. The CE/RO will investigate the appeal with the co-operation of the appellant and drawing on other relevant sources of information. A decision from this part of the process will be communicated to the appellant within 10 working days.
10. Where the appeal cannot be resolved in this way, a written report will be prepared and submitted to the FDQ Governance Committee, along with all appropriate evidence (within 5 working days). Based on this evidence, the FDQ Governance Committee will (within 10 working days) conclude either: a) the appeal should not be upheld; or b) the report is inconclusive and should be referred to the independent Appeals Panel.
11. Where the report is inconclusive, or the appellant remains unhappy with the outcome, the Appeals Panel will undertake a comprehensive review of the report and all associated evidence within 15 working days. During this time, the Panel may seek



additional evidence as appropriate and necessary, and will consider any wider implications for apprentices or for FDQ. The membership of the Panel and its Terms of Reference are provided in Section 2 of this Manual.

12. The Appeals Panel will prepare a written report and recommendation for the FDQ Governance Committee within 5 working days of completing the investigation. The FDQ Governance Committee will (within 10 working days) endorse the Appeal Panel's recommendation as either: a) appeal upheld; or b) appeal not upheld.
13. All FDQ Appeal Panel decisions will involve at least one decision maker who is independent of FDQ. The independent decision maker will not be an employee of FDQ, a contractor working for FDQ, or anyone with another connection to FDQ.
14. FDQ will keep appellants informed about the progress of their appeal, and the likely timescale for its resolution. The outcome at each stage of an appeal will be communicated to appellants, in writing, within 5 working days of decisions being made.
15. FDQ will charge a fee for investigating an appeal if the Appeals Panel is required to undertake an investigation - this fee will be refunded if the appeal is upheld following the investigation.
16. A visual representation of the appeals process is provided at Annex 8.1 (A).
17. Stage 4 is the final stage in the FDQ appeals process; to take the appeal further an apprentice may refer to the specific apprenticeship standard as published by the Institute for Apprenticeships.

### **Dealing with the outcomes of appeals**

18. Appellants are notified in writing within 5 working days of the decision being reached. Where an appeal is upheld, FDQ will set out the precise actions to be taken and will communicate these to the relevant parties formally and in writing. The outcomes of all appeals, including details of responses provided and actions taken are recorded in the Appeals Log.
19. Some appeals may have wider implications, for example the outcome of an appeal may indicate a failure in FDQ's end-point assessment process. In these circumstances, FDQ will identify other apprentices who may have been affected, correct or mitigate the effect of the failure and take all necessary steps to avoid a recurrence. If the matter has implications for employers, training providers and other individual apprentices, FDQ will inform these organisations and individuals about the impact it could have on them and the corrective action that is to be taken.

20. In the event that the outcome of an appeal requires a review and revision of other policies and procedures, (such as those for reasonable adjustments or special considerations, or for malpractice and maladministration), FDQ will undertake this work, making recommendations to the appropriate committees where necessary, as quickly as possible. Revisions will be communicated to apprentices, employers, training providers or centres and FDQ personnel, as appropriate, at the earliest opportunity.
21. Where an appeal is not upheld, FDQ will set out in detail the Appeal Panel's reasoning and communicates these to the relevant parties formally and in writing.

### **Compliance with Regulators appeals procedure**

22. FDQ will comply with the requirements of any appeals process established by Regulators in the form in which it may be published and revised from time to time.
23. FDQ will give due regard to the outcome of any such appeals process in relation to its products.
24. Where an appeal through Regulators process results in the identification of a failure in the FDQ end-point assessment process, FDQ will take all reasonable steps to identify any other apprentices affected, correct or mitigate as far as is possible the effect of the failure, and ensure that the failure does not recur.
25. Where a Regulator notifies FDQ of failures that have been discovered in the end-point assessment process of another end-point assessment organisation, FDQ will review whether or not a similar failure could affect its end-point assessment process. If FDQ does identify a potential failure, it will take the same action as it would if the failure had been identified within its own end-point assessment process.

### **Monitoring appeals**

26. FDQ will ensure that:
  - a) Appropriate records are maintained of the numbers and types of appeals received and their outcomes
  - b) Operation of the policy is reported to the S&QG as part of its remit for the quality assurance of FDQ products
  - c) Reports are made to the FDQ Governance Committee as part of the self-evaluation procedure

- d) Guidance from the Regulators is reviewed and the policy is updated to comply with best practice
- e) Information from monitoring activities is made available to Regulators as part of FDQ's self-evaluation procedure and on request.

Appendix 1 FDQ Appeals procedure				
All appeals must be received by FDQ within 15 working days of the decision that is being appealed.				
	Actions	Responsibility	Response within x working days	Appellant's options
<b>Stage 1</b>				
1.1	Verbal complaint received by FDQ	FDQ Quality Director (QD) must respond (verbally) to the appellant	5	<ul style="list-style-type: none"> <li>Accept QD's response <b>or</b></li> <li>Progress appeal to Stage 2 by submitting a written Appeal to FDQ Form (see Appendix 2)</li> </ul>
<b>Stage 2</b>				
2.1	Written appeal form received from appellant.	Appellant	5	
2.2	FDQ acknowledges receipt of the appeal form and records details on its Appeals Log	FDQ Quality Director	5	
2.3	CE/RO investigates appeal and sends response to appellant	FDQ CE/RO	10	<ul style="list-style-type: none"> <li>Accept CE/RO's response <b>or</b></li> <li>Progress appeal to Stage 3 by submitting a written confirmation that response not accepted</li> </ul>
<b>Stage 3</b>				
3.1	Confirmation of decision to progress to stage 3 received from appellant	Appellant	5	
3.2	FDQ compiles report and sends to FDQ Governance Committee (GC)	FDQ	5	
3.3	FDQ GC receives documented appeal report and decides is appeal is (a) not upheld or (b) should be referred to the Appeals Panel and sends	FDQ GC	10	<ul style="list-style-type: none"> <li>Accept GC's response <b>or</b></li> <li>Progress appeal to Stage 4 by submitting a written confirmation that response not accepted</li> </ul>

	response to appellant.			
<b>Stage 4</b>				
4.1	Documented report (stages 1, 2 and 3) sent to FDQ Appeals Panel (AP).	FDQ	5	
4.2	Appeals Panel reviews report and makes written recommendation to GC that the appeal is (a) upheld or (b) not upheld	AP	15	
4.3	FDQ GC endorses Appeal Panel's recommendation and informs appellant of decision	GC	5	



**Appendix 2 Appeal to FDQ by apprentices, training providers and employers**

Complete details below as appropriate (mark N/A if not applicable)

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Employer/training provider name:

Satellite site name:

Assessment type:

Apprentice name:

Registration number (if applicable):

Is additional evidence/information attached? (please circle)      YES      or      NO

If yes, list titles of attached documents

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Please provide specific details relating to the appeal

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I confirm that the details provided on this form are factually correct

Appellant name: .....

Appellant signature: .....

Main employer/training provider contact name and signature:

Date:

This completed form and attachments should be emailed to the Quality Director at FDQ.

Email [fdq@fdq.org.uk](mailto:fdq@fdq.org.uk)

Alternatively, hard copies may be posted to:

FDQ

Pure offices

4100 Park Approach

Leeds LS15 8GB