

Public

Xact Assessment: Appeals Policy

1. Introduction

The purpose of this policy is to:

- a) Enable apprentices to appeal assessment results, Reasonable Adjustments and Special Consideration decisions and malpractice or maladministration outcomes
- b) Provide an open, fair and consistent appeal process
- c) Review and respond appropriately and confidentially to appeals in a timely manner
- d) Record appeal processes and their outcomes
- e) Review our appeal processes and improve as appropriate
- f) Protect integrity of assessment and qualification processes

2. Definitions

Appeal: Process to manage a request from an appellant to revisit a submission or assessment decision which they consider disadvantages them

Appellant: Apprentice who makes an appeal

Appeals Procedure: Time-limited, sequential, and documented process for centre and appellant to follow when an appeal is made

Independent Reviewer: Consultant who is:

- i) Competent to review and determine a Stage 3 Appeal
- ii) Independent to XA i.e. not an employee, assessor, or otherwise connected to XA

Ofqual: The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

Responsible Officer: Ofqual point of contact concerning compliance matters e.g. apprenticeship awarding, standards, conditions of recognition, public confidence, accessibility etc.

Staff: Employee, agency worker, contractor, sole trader e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal verifier, internal quality assurer, end point assessor etc.

Third party: Person appealing on behalf of the appellant

XA: Xact Assessment trading name of Xact Training Limited

3. Responsibilities

- a) **Appellant:** Submitting appeal¹:

Stage 1 (10.1) and Stage 2 (10.2) Appeals. Appellant:

- i) Submits appeal by email on appropriate form to: appeals@xact-assessment.org.uk
- ii) Provides relevant evidence² to support their appeal
- iii) Appeal fee or purchase order received. See Section 11.1

Note¹: An appeal will not be accepted unless i) and iii) above are fulfilled

Note²: An appeal is likely to be rejected if supporting evidence is not provided

Stage 3 (10.3) Appeals. Appellant:

- iv) Complies with Independent Reviewer requirements

Public

Xact Assessment: Appeals Policy

- b) **Appeal Manager:** EPA Manager³, responsible for managing appeal process within defined timeframes
Note³: Operations Manager will appoint an alternative Appeal Manager if the EPA Manager has a conflict of interest or is unavailable
- c) **Appeal Reviewer:** Nominated person within XA who is responsible for reviewing an appeal within defined timescales
- d) **Operations Manager:** Responsible for advising Appeal Manager and Appeal Reviewer as necessary
- e) **Responsible Officer:** Notify the Regulator when a notifiable appeal is identified

4. Conflicts of Interest

All members of staff involved in the Appeals process must ensure they have no actual, perceived or potential conflicts of interest. See Conflict of Interest Policy and Procedure for details about reducing, identifying and declaring conflicts of interest.

5. Third party appeals

Applications from a third party, appealing on an appellant's behalf will be considered when:

- a) Appellant has provided written permission, *and*
- b) Appellant has a valid reason for a third party to appeal on their behalf e.g.
 - i) Disability which affects appellant's ability to process information, *or*
 - ii) Appellant's incapacitating illness, *or*
 - iii) Recent bereavement following death of a member of appellant's immediate family

6. General Principles

The appeal process is based on the following principles:

- a) Appeal policy and associated forms are available on our website
- b) A simple and straightforward process for appealing
- c) Comprises of three sequential stages
- d) Managed confidentially within agreed timescale
- e) Identify any conflicts of interest
- f) Reviewed to judge whether assessment processes and decisions were appropriate
- g) Appeal progress regularly communicated to appellant
- h) Each stage of an appeal is recorded and monitored
- i) Review appeal outcomes to improve our processes as appropriate
- j) Notify the Regulator when appropriate

Public

Xact Assessment: Appeals Policy

7. Vexatious or Malicious Behaviour

XA will not tolerate vexatious or malicious behaviour against the company or our staff and will take appropriate action. This may include:

- a) Cease to engage with individual or organisation concerned
- b) Suspending course attendance, assessment, complaint, appeal or any other activity until the vexatious or malicious activity¹ has been resolved

Note¹: See our Vexatious or Malicious Behaviour Policy for more details.

8. Appeal Criteria

An individual has the right to appeal against the following decisions:

- a) Assessment results, *or*
- b) Reasonable Adjustments and Special Consideration decisions, *or*
- c) Action to be taken or taken against an individual following an investigation into malpractice or maladministration

9. Making an Appeal

To appeal, an appellant is required to submit their appeal¹:

- a) within timescales detailed in Section 10
- b) on completed form. See Section 10 for appropriate form
- c) with evidence to support criteria appellant is appealing
- d) for Stage 1 and 2 appeals. Appeal fee² has been made. See Section 11.1
- e) by email: appeals@xact-assessment.org.uk

Note¹: Appeals will only consider justification for grounds of an appeal for each criteria appealed and supporting evidence provided by appellant.

Note²: Stage 1 and 2 appeals will not be processed until Appeal fee has been received.

10. Appeal Stages

There are three stages of the sequential appeals process:

10.1 Stage 1 Appeal: Internal Re-assessment

A Stage 1 appeal is a re-assessment of our processes and decisions and consider if they were valid, reasonable, unbiased, proportionate and appropriate.

Following criteria applies to appellants who wish to submit a Stage 1 appeal:

- a) Appellant¹ submits appeal²:

- i) Within 15 working days of XA notifying matter to which they are appealing. See Section 9. Making an Appeal
- ii) By email on form 6.10P to: appeals@xact-assessment.org.uk
- iii) Appeal fee or purchase order received. See Section 11.1

Note¹: An appeal is unlikely to succeed if supporting evidence is not provided

Note²: A Stage 1 appeal will not be accepted unless i) - iii) above are fulfilled

b) XA will notify appellant:

- i) That their appeal has been received within three working days of receipt.
- ii) Appeal outcome within 15 working days of appeal receipt
- iii) If our response to their appeal is delayed, with grounds for doing so

10.2 Stage 2 Appeal: Internal review

A Stage 2 appeal is a review of Stage 1 Appeal processes and decisions and considers if they were valid, reasonable, unbiased, proportionate and appropriate.

Following criteria applies to appellants who wish to submit a Stage 2 appeal:

a) Appellant submits appeal:

- i) Within 15 working days of XA notifying appellant of a Stage 1 appeal outcome. See Section 9. Making an Appeal
- ii) By email on form 6.11P to: appeals@xact-assessment.org.uk
- iii) Appeal fee or purchase order received. See Section 11.1

Note¹: A Stage 2 appeal will not be accepted unless i) - iii) above are fulfilled

b) XA will notify appellant:

- i) That their appeal has been received within three working days of receipt.
- ii) Appeal outcome within 15 working days of appeal receipt
- iii) If our response to their appeal is delayed, with grounds for doing so

10.3 Stage 3 Appeal: Independent review

An appeal at Stage 3 is conducted by an Independent Reviewer, is a re-assessment of appeal procedures and processes at Stages 1 and 2 and considers if they were valid, reasonable, unbiased, proportionate and appropriate.

For appellants who wish to appeal against their Stage 2 appeal outcome, the following applies:

- a) Appellant submits appeal within 15 working days of being notified of a Stage 2 appeal outcome against which they wish to appeal. See Section 9. Making an Appeal

b) Stage 3 appeal is submitted by email to: appeals@xact-assessment.org.uk

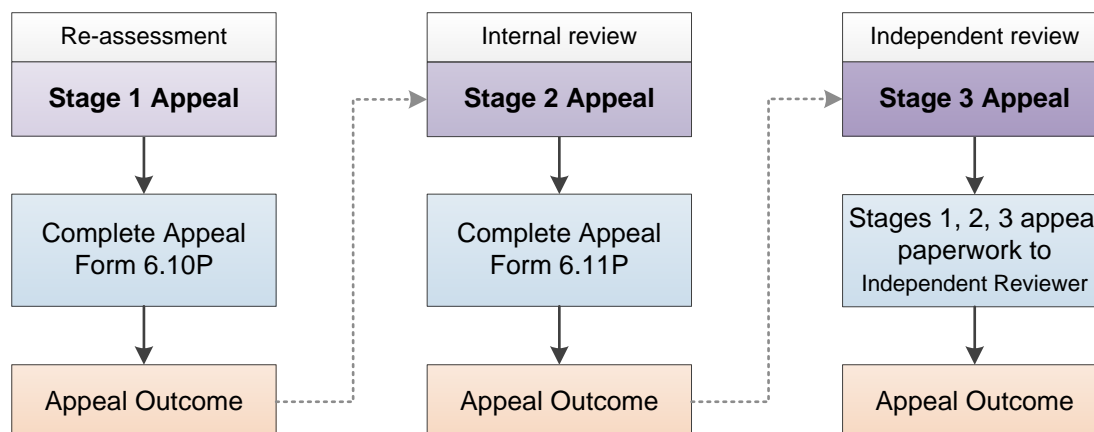
Note: There is no submission form for a Stage 3 appeal. It is for appellant to provide an explanation to the Independent Reviewer as to why they are appealing against the Stage 1 and 2 Appeal outcomes.

c) XA will notify appellant:

- i) That their appeal has been received within three working days of receipt.
- ii) Appeal outcome within one month of appeal receipt
- iii) If our response to their appeal is delayed, with reasons

Note: Stage 3 appeals are passed to an Independent Reviewer

10.4 Appeal Flowchart



11. Other matters

11.1 Time frames

Where time frames cannot be achieved e.g. annual leave, appellant will be notified of amendments to timescales.

11.2 Records

All stages of an appeal will be recorded and filed within XA's information management system and where appropriate the Regulator will be informed in accordance with regulatory requirements.

11.3 Reporting

Appeal Manager will provide an anonymised summary of appeal outcomes including any conflicts of interest to Performance Management Group meetings with recommendations to improve our processes as appropriate.