

8.2 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 Awarding Organisation (AO) or End Point Assessment Organisation (EPAO). Appeals relate to its products including qualifications, end point assessments or other products.
2. FDQ is committed to providing the highest levels of service to its customers, including employers, training providers, apprentices, centres and learners. It 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 learners, apprentices, employers, training providers and centres. 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 FDQ Appeal Panel decisions to involve at least one decision maker who is not an employee of FDQ or an Assessor working for or connected to FDQ
 - c) all appeal decisions are taken by individuals who have appropriate competence
 - d) 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 learners and apprentices are considered and protected
 - f) customer facing versions of the appeals policy and procedure are communicated to learners, apprentices, employers, training providers and centres and published using appropriate media
 - 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) where an appeal results in the identification of a failure in the assessment process, FDQ takes all reasonable steps to identify any other learners or apprentices

affected, 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 the examiners or assessors.
5. FDQ also requires its centres to have their own appeals policies and procedures (alongside other procedures for enquiries and complaints), which must be communicated to learners. Where enquiries, complaints or appeals relate to dissatisfaction of learners about the standard of service they receive from the centre, actions/lack of action taken by the centre, or assessment carried out by the centre, the centre procedures should be used in the first instance. If, having exhausted the centre procedures relating to enquiries, complaints and appeals the issue remains unresolved, learners will have recourse to the FDQ appeals procedure.

Types of Appeal

6. The following types of appeal may be made in the context of this policy:
 - a) centres may appeal decisions relating to approval, for example
 - i. refusal of approval as a centre or of an application to offer additional FDQ qualifications
 - b) action to be taken against a centre following an investigation into malpractice or maladministration
 - c) outcomes of the external quality assurance process, especially where these have affected Centre Quality Ratings
 - d) refusal to agree to reasonable adjustments or special consideration
 - e) learners or apprentices may appeal decisions relating to, for example
 - i. the results of assessments, but only on the grounds set out in paragraph 3 above
 - ii. decisions regarding Reasonable Adjustments and Special Consideration
 - iii. sanctions imposed or 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 Manager. 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 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 the 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 learners, 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. 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.
14. 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.
15. A visual representation of the appeals process is provided at Annex 8.1 (A).

Dealing with the outcomes of appeals

16. 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.

17. Some appeals may have wider implications, for example the outcome of an appeal may indicate a failure in FDQ's assessment process. In these circumstances, FDQ will identify other learners or 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 centres and other individual learners or 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.
18. 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 learners, apprentices, employers, training providers or centres and FDQ personnel, as appropriate, at the earliest opportunity.
19. 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.

Monitoring appeals

20. 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.



Compliance with Regulators appeals procedure

21. 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.
22. FDQ will give due regard to the outcome of any such appeals process in relation to its products.
23. Where an appeal through Regulators process results in the identification of a failure in the FDQ assessment process, FDQ will take all reasonable steps to identify any other learners or apprentices affected, correct or mitigate as far as is possible the effect of the failure, and ensure that the failure does not recur.
24. Where Regulators notifies an awarding organisation of failures that have been discovered in the assessment process of another awarding organisation, FDQ will review whether or not a similar failure could affect its 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 assessment process.

Appendix 1 FDQ Appeals procedure			
Pt.	Actions	Responsibility	Response within x working days
All appeals must be received within 15 working days of the decision			
1	Stage 1 Verbal complaint received	Response from FDQ Quality Manager to appellant	5
2	If QM verbal response not accepted by appellant, the appeal must be confirmed in writing.		
3	Stage 2 Written response received, FDQ acknowledges receipt of the appeal	FDQ	5
4	Response from CE/RO sent to appellant	CE/RO	10
5	If GC/RO response not accepted by the appellant, documented report sent to FDQ Governance Committee		
6	Stage 3 FDQ GC receives documented appeal and response sent to appellant	FDQ GC	10
7	If FDQ GC response not accepted by the appellant documented report sent to FDQ Appeals Panel		
9	Stage 4 FDQ Appeals Panel documented report sent to FDQ GC	FDQ Appeals Panel	15
10	FDQ GC endorses Appeal Panels recommendation and informs appellant of decision	FDQ GC	5