

# Marshall Assessment

## Appeals Policy

Version:	3
Review date:	Oct 2023
Reviewed by:	S.Jones
Agreed by:	J Nelson
Next review date	Oct 2024

## About:

This policy covers any appeals regarding the findings of investigations carried out into malpractice and maladministration, appeals of grade decisions (after remarking results published) and sanctions set out to individuals or customers. Further examples include, but are not limited to:

- Outcome of an enquiry about results for an assessment
- Outcome of an enquiry into the withdrawal of approval for the training provider for a individual standard or for all provision
- Appeal against the outcome of an application for reasonable adjustments, mitigating circumstances re. a missed deadline or special consideration
- Malpractice – decision, penalty or sanction resulting from an investigation.

This Appeals policy does not cover requests for remarks, complaints or general feedback from Marshall Assessment to individuals or organisations.

## Process:

Individuals and organisations have 15 working days from the date that they were notified of the decision of an investigation, or response to a request, in which to lodge an appeal against the decision.

If an employer/provider is appealing on behalf of its apprentice(s), they must ensure that they have obtained written and signed permission from the apprentice(s) concerned as grades/results can go down as well as up as a result of an investigation into a grade appeal.

All organisations or individuals who wish to appeal any outcome of an investigation conducted by Marshall Assessment, or decision made by a panel, must use the Appeals form. An Appeals Form must be fully completed and is available on our website ([www.marshall-assessment.com](http://www.marshall-assessment.com)) or by request direct from Marshall Assessment via the [helpdesk@marshall-assessment.com](mailto:helpdesk@marshall-assessment.com) email address.

The Appeals Form includes details of (see appendix 1):

- The employer/provider name, address and contact details
- The apprentice(s) name(s) and Unique Learner Number
- Date(s) on which the employer/provider or apprentice(s) received notification of the decision from the investigation or request.
- The full nature of the appeal
- The date of the report and the name, position and signature of the individual appealing the decision.

## Complaints:

Wherever possible, Marshall Assessment will try to resolve disputes before they reach an appeal stage. Individuals who wish to raise complaints regarding Marshall Assessment EPA activities should do so following the Complaints Policy and Procedure document. If Marshall

Assessment is unable to resolve a dispute in this way, the appeals process is available. In all instances, Marshall Assessment will ensure that the person carrying out this review/assessment will not have a personal interest in the appeal as per the conflict-of-interest policy.

## Appeals Process

Marshall Assessment will acknowledge receipt of the appeal within 48 hours and pass all information relating to the appeal to the independent lead investigator to review, who will aim to respond fully to the appeal within 10 working days. Please note that in some cases the investigation may take longer, for example, if a visit or additional evidence is required. In such instances, Marshall Assessment will contact all parties concerned to inform them of the likely revised timescale. Information and evidence will be stored securely on the Office 365 portal with limited access. Information is supplied to the lead investigator by the Assessment Director who will act as a liaison between the organisation and the lead investigator.

1. When an appeal is submitted the information from the email received is passed on to the Assessment Director who will review the completed form and ensure that it is genuine and meets the criteria for an appeal as indicated in the above Process.
2. Where the Assessment Director is cited in the appeal, the initial review will be carried out by another non-conflicted Director.
3. Where the information constitutes a genuine appeal, the Assessment Manager will inform the lead investigator to begin the appeal investigation.

The lead investigator will be an independent party not employed by Marshall Assessment, an assessor working for it, or otherwise connected to the organisation.

4. The lead investigator will review all the evidence which took place during previous stages and review whether Marshall Assessment have applied the procedures fairly, appropriately and consistently in line with the policies.
5. The lead investigator will ensure that Marshall Assessment fully meet the regulatory requirements, and to confirm the validity of the previous investigation(s). Marshall Assessment will be responsible for ensuring that records of such reviews are kept.

All appeal decisions/processes will include:

- an independent lead investigator.
- an administrator from Marshall Assessment who has no personal interest in the decision being appealed to support the lead investigator.
- all individuals involved in the appeal decisions must have the relevant competence to make a decision in relation to the appeal.

- following the review of the appeal, Marshall Assessment Board will meet to review the decision and will write to the appellant with details of the decision to either:
  - amend the original decision in light of the new rationale/evidence being put forward which has been reviewed
  - to confirm Marshall Assessment stands by our original decision and in doing so the rationale for this decision. Marshall Assessment may also request that it is confirmed, in writing within 15 days, whether the appellant now accepts this decision or if they wish to proceed to the Ofqual appeals process.

The independent review process may involve:

- a discussion with the appellant and independent lead investigator
- a request for further information from the appellant or Marshall Assessment personnel
- a visit by authorised independent lead investigator.

The independent lead investigator's decision is final in relation to how Marshall Assessment will consider such appeals, and Marshall Assessment will inform the appellant of the outcome of the review within 5 working days of receipt of the outcome.

## Internal Reviews

Should any part of an enquiry or appeal lead Marshall Assessment to discover a failure in its processes, all reasonable steps will be taken to:

- Identify other apprentices who have been affected by the failure.
- Correct or where it cannot be corrected, mitigate as far as possible the effect of the failure.
- Take all reasonable steps to ensure that the failure does not recur in the future.

Where the outcome of an appeal raises concerns over the validity of other results the Assessment Quality Manager will take action to protect the interests of other apprentices and the integrity of the standard. This may include, for example:

- Further review of apprentices' work by Marshall Assessment.
- Review of the assessment materials against the assessment plan.

The Assessment Quality Manager will take responsibility for initiating the most appropriate course of action, and this decision will be taken in conjunction with the Board and the Responsible Officer.

Marshall Assessment will inform the regulator immediately of any adverse effects and other instances where such action is required.

## Storage and Use of Information:

All information and data collected regarding any appeals made to Marshall Assessment will be stored securely. Depending on the nature of the appeal this information will be stored against either an employer/provider or apprentice. This information will only be made available to relevant persons.

Information may be used to review associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected.

## What Next

If an appellant continues to believe that processes have not been properly followed, a complaint may be made to the regulators. Marshall Assessment can provide advice on who to contact and which regulator is applicable to the case. An appellant who remains dissatisfied with the procedures and processes followed by Marshall Assessment in relation to a regulated EPA delivered by us can complain to Ofqual using the below contact details:

By Email to [public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)

By Letter to:

Complaints - Ofqual  
Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

Appendix 1:

## Appeals Form

**Please ensure you have read the MA Appeals Policy before submitting this form.** An appeal is the process through which an Appellant can dispute that we, at Marshall Assessment, have applied procedures fairly, appropriately and in line with our policies. In order for an appeal to be successful, the Appellant must prove on the balance of probability that we have not acted in line with our procedures in fairly arriving at a judgement. The Appellant must have genuine cause to believe Marshall Assessment has not followed its procedures and will have to explain the reasons why they believe this in the form below.

Appellant full name	
Organisation name	
<b><i>Please complete below as appropriate:</i></b>	
Apprentice Name & ULN	
Employer details (including main contact)	
Training provider details (including main contact)	

<b>Brief description of the nature of the Appeal</b>

Names of any other people involved external to Marshall Assessment	
Names of any other people involved internal at Marshall Assessment	

Email address and contact phone number for correspondence.	
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In the box below, please provide all relevant information related to this application for an appeal including timelines and references to additional evidence or correspondence:

<b>If making a formal appeal</b> , please indicate the grounds for appeal.	Appeal against MA’s decision on an enquiry about a result	<input type="checkbox"/>
	Appeal against MA’s decision on the outcome of a complaint	<input type="checkbox"/>
	Appeal against MA’s decision on an application for special consideration, reasonable adjustment or mitigating circumstances request for a missed deadline.	<input type="checkbox"/>
	Appeal against MA’s decision on the outcome of a malpractice or maladministration investigation	<input type="checkbox"/>
	Appeal against MA’s assessment decision on the outcome of an End-Point Assessment regrade	<input type="checkbox"/>

**Declaration:**

I confirm that I have read and understand the **MA Appeals Policy** and that this application is made in accordance with the terms of this policy.

If I am not the Apprentice, I confirm that the Apprentice has given their informed consent for me to make this application on their behalf.

Name:	
Signature:	
Date:	

Please return this application to [helpdesk@marshall-assessment.com](mailto:helpdesk@marshall-assessment.com)

