

POL08 – Complaints/Appeals Policy

1. Introduction

RPD is committed to providing an excellent customer service. However, we recognise that situations may arise where a customer may wish to appeal a decision or make a complaint in relation to our products and services including End-Point Assessment service.

In accordance with **Condition 2.3** for Ofqual recognition, This policy details the process for making a complaint, enquiring about a result, or making an appeal about a decision, whether that be assessment grading, reasonable adjustment, special considerations or malpractice and maladministration decision. It is designed to ensure that all appeals and complaints are dealt with seriously, fairly, and consistently and that all learners / apprentices, employers, training providers, Centres and other stakeholders are aware of the process for making a complaint.

2. Definitions.

Complaint - A complaint may relate to: the quality and standard of our EPA service, the quality of facilities for EPA, the treatment by, attitude, or behaviour of a RPD staff member or representative, or the failure of RPD to follow a defined policy or process.

Appeal – An appeal may relate to enquiries about results, or an appeal against a decision. An appeal may relate to appealing the outcome of an enquiry; appealing the decision, penalty or sanction made resulting from a malpractice, maladministration investigation; or appealing the decision to decline an application for reasonable adjustments or special consideration.

3. PART 1 – Complaints

RPD is committed to ensuring that all complaints are treated seriously, sensitively, dealt with fairly, and consistently, and with due consideration to confidentiality and data protection.

All complainants will be recorded on a confidential tracker, access only to those involved in investigations and decisions, and complainants will always be kept informed of the process, and result of the complaint investigation.

Where we are notified of the impact of complaints on other EPAOs by the ESFA or the external quality assurance provider, we will review our policies, systems, and procedures to identify the level of risk of it happening at RPD and act accordingly, via the EPA Subcommittee and Governing Body.

Where a complaint is the result of whistleblowing, we will investigate the complaint in the same manner, but in line with the relevant whistleblowing legislation and guidance, as detailed [in POL21 - whistleblowing policy](#).

3.1. Out of scope

The following are not considered a complaint:

- A query on the operation of EPA
- 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 appeal about an EPA grading decision, this is dealt with through the appeals policy
- A complaint about the apprenticeship training, this is dealt with through the training provider complaints policy and process
- Personal grievances, these are dealt within the [RPD OP40 Grievance Procedure](#)

3.2. Raising a complaint

We recognise Sometimes complainants may be unable or reluctant to make a complaint on their own. We will therefore accept complaints brought by third parties, as long as the complainant affected has given their personal consent under the requirements of the Data Protection Act. This usually means that the complainant must give clear written authority for the third party to act on their behalf.

Complaints submitted anonymously will be considered if there is enough information in the complaint to enable RPD to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further.

We aim to resolve complaints as quickly as possible and, in most cases, we will seek to resolve complaints informally. For this reason, we have a 2 stage complaints process:

Informal	• Complainants should initially contact the RPD Head of Business Support • Complaints should be made within 7 working days of the event or issue subject to the complaint. • The Head of Business Support will talk with the complainant, to understand the nature of the complaint, identify if the complaint falls within the scope of the Complaints policy, and seek to resolve the complaint as soon as possible, which may mean referring the complaint to another member of staff with expertise in the area subject to the complaint and without any conflicts of interest. • The complaint and its outcome will be recorded on the action log to inform continuous improvement (names will not be shared in any internal reports of analysis of complaints) • In cases which cannot be resolved informally, the complaint must be submitted formally
Formal	• The complainant must submit their complaint to the RPD Head of Business Support • A complaint must be made within 7 working days of the informal complaints handling process, or if the complainant has chosen to go straight to formal complaint, within 7 working days of the event or issue subject to the complaint.

	• The complaint must include the following information: • Complainants name and contact details • Activity that the complaint relates to • Date of activity / incident that is being complained about • Details of any investigations that may already have taken place • Details of the result of the informal complaint (if applicable) , including the name of the RPD staff member involved at stage 1 and the response / outcome • The complaint will be acknowledged within 5 working days and will be allocated to a RPD Director or Head of Operations, who will contact the complainant within 7 working days to discuss the complaint and open an investigation. • A lead investigator will be assigned who is independent of the issue/incident subject to the complaint, who does not have a personal interest in the outcome and who has full working knowledge of RPD policies and procedures. • An investigation will be carried out over a maximum period of 30 days. However, if the complaint is more complex or involves anyone who is not available at the time or relies on awaiting further information or evidence from the complainant or a third party, we may extend the timeframe, and will notify the complainant accordingly • The nature of the investigation will depend on the nature of the complaint but may include: • An interview with the complainant • An interview with the staff member being complained about, if applicable • A review of the paperwork, and records stored at RPD that relate to the activity being complained about • All investigation actions will be recorded on the action log, capturing the following: • Nature of the complaint (assessment, facilities, communication, documentation, finance, personal, other) • Complainant details (apprentice, employer, apprentice line manager, training provider, staff member, assessor, other) • Details of stage 1 information complaint – name of RPD officer, outcome, and date • Details of stage 2 - Name of RPD investigating officer, details of stage 2 complaint • Details of investigation evidence • Findings of investigation • Recommendations and decision
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3.3. Investigation outcomes

There will be two possible outcomes from a complaint and associated investigation and/or mediation (the decision will be communicated in writing via the Head of Business Support):

- 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 RPD to prevent a similar issue 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
- Notifying 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, with mitigation and monitoring activities.
- Amend, where required, policies, systems or procedures so that the mistake/error cannot be repeated
- Update and/or provide additional staff training
- Internal disciplinary procedures may be exercised where the performance or behaviour of our staff is deemed inappropriate, which may require an investigation under the malpractice and maladministration policy..

If the complainant remains unhappy with the outcome of the complaint, they can make an appeal within 10 working days of the date of the outcome communication. The request must be made in writing setting out their reasons they do not agree with the outcome and, must be supported with evidence, such as:

- outcome being based on inaccurate facts,
- that we did not consider all relevant information
- that we misunderstand parts of the complaint
- that we did not follow our policy/procedure.

The appeal of the complaint outcome will be undertaken by an external independent expert from the relevant industry, who was not involved in the original complaint investigation, to ensure that the correct procedure was followed and that the outcome was based on facts with all relevant and factual information considered. All external experts will be trained in the RPD complaints and appeals policy and will only be approved to investigate once satisfactory checks have been carried out for conflicts of interest and expertise in the area subject to the complaint.

We will aim to complete the review within 15 working days. The outcome will be recorded on the RPD Internal Assure improvement log and communicated in writing and is the final response to the complaint.

4. PART 2 – Appeals

The appeals policy and process are split into 2 distinct areas:

Enquiries about results:

- A request for a clerical check of assessment scores and grades

Appeals:

- About the outcome of an enquiry about results
- About decisions relating to reasonable adjustments
- About decisions relating to special considerations
- About the outcome of a malpractice or maladministration investigation, which includes areas such as conflict of interest, security breaches, cheating

4.1. Enquiries about results

Enquiries give learners / apprentices, employers and providers, with the consent of the learner / apprentice, the opportunity to query the EPA assessment results, if they believe they are inaccurate.

An enquiry about a result is not a re-assessment, it is a clerical check of the results.

A request must be made via email to RPD Head of Business Support within 10 working days of the notification of results, with the subject header "enquiry about results". The enquiry will be added to the RPD Internal Assure improvement log.

The enquiry will be allocated to 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 RPD processes, policies, and procedures. They will check the assessment paperwork for completeness and the accuracy of the scoring.

Once the checks have been completed, they will be passed to the EPA Subcommittee for checking and for the outcome to be reported to the appellant, and the RPD Internal Assure improvement log updated.

The outcome will be issued within 15 working days of the enquiry and will be 1 of 3 possible outcomes:

- 1) Result unchanged, assessment paperwork complete and scoring accurate.
 - a. If appellant is unsatisfied with the response, they have the right to raise an appeal.
- 2) Amendment to result due to administrative inaccuracies in the original scoring (this may be electronic or human in accuracies)
 - a. An updated results statement will be issued.

- 1) Further investigation is required.

If the check has resulted in an amendment following administrative inaccuracy, or if the decision was to carry out further investigation, these will be investigated by an independent investigator trained in the RPD policies and processes, they will investigate:

- If there are any errors with RPD systems, paperwork, policies or procedures.
- 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.
- Update and/or provide additional staff training.

If the appellant remains unhappy with the outcome of the enquiry, they have the right to submit an appeal, as detailed below.

4.2. Appeal Stage 1 - Appeal

Appeals must be made within 10 working days of:

- the outcome of and assessment decision
- the decision in relation to reasonable adjustments, special considerations, malpractice / maladministration.

We will acknowledge receipt of the appeal within 3 working days and add it to our RPD Internal Assure improvement log

We will allocate the appeal investigation to one of our internal quality assurers (IQA), who:

- has was not involved in the apprentice's assessment, the enquiry investigation, or the original decision with regard to reasonable adjustments, special considerations, malpractice / maladministration.
- Has operational experience in the occupational sector to which the appeal relates,
- has working / operational knowledge of our policies and procedures,
- holds assessment qualifications (applicable to enquiry appeals only)

The following evidence will be used to inform the investigations:

Appeal area	Evidence captured
Enquiries about results appeal	• A copy of the assessors grading and assessment guidance document and/or the automated system grading report • A copy of any specifications relating to the assessment activity subject to the appeal, such as a copy of the invigilation and resource specifications for a knowledge exam • A copy of our enquiries and appeals policy • The original assessment record, and the apprentice's submitted work related to the assessment where applicable. • A copy of the recorded assessment, where available • The original enquiry and enquiry investigation and outcome • 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
Appealing the outcome of reasonable adjustments, special considerations, malpractice / maladministration decisions	• A copy of the original application for reasonable adjustments or special consideration, where applicable • A copy of the original decision and evidence • A copy of the relevant policy • A copy of the appellants appeal request and any supporting evidence

The IQA will then investigate and review the evidence and make a decision, in writing, within 14 working days of receiving the appeal, to the EPA subcommittee for sign off, updates to the RPD Internal Assure improvement log, and issuing to the appellant. The outcome will also be reported to the Governing Body

The outcome of an appeal will be:

- 1) Appeal rejected,
- 2) Appeal partially upheld.
- 3) Appeal upheld.

Where an appeal is rejected, the reason will be provided.

Where an appeal decision is upheld, or partially upheld, we will take the following actions:

- Amend the original result (enquiry results appeal)
- Amend the original malpractice/maladministration, reasonable adjustment, or special considerations decision
- 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, RPD policies, systems or procedures so that the mistake/error cannot be repeated
- Update and/or provide additional staff training.

If the appellant remains unhappy with the appeal decision, they have the right to request an appeal panel, stage 2 of our appeal process.

4.3. Appeal Stage 2 - Appeals Panel

Should the Appellant not be satisfied with the outcome of the stage 1 appeal, they have the right of further appeal to the Independent Appeals Panel.

An appeal must be submitted to RPD Head of Business Support via email AJ@RPD.CO.UK within 10 working days of the result of the stage 1 appeal decision

The Responsible Officer (or Deputy in their absence) will arrange, and convene, an Appeals panel, within 15 working days.

The Appeals panel will consist of between 2 and 4 experts who collectively have knowledge, experience and competence in the occupation, assessment, quality assurance and investigation. They will not have a personal interest in the outcome of the appeal and will not have been involved in the original decision or in the enquiry or stage 1 appeal process. At least one of the panel members will be independent of EPA service of RPD. A minute taker will also attend the panel to record discussion and decisions.

The appeal panel will consider all the information to establish whether our policies and procedures were correctly followed. It will review whether we applied them fairly and properly when coming to our judgement.

The appeals panel may request attendance of the following to provide evidence to the panel and answer any questions, but they cannot be involved in the decision-making process:

- The appellant
- Those involved in the original decision.
- Those involved in the results enquiry.

Those involved in the stage 1 appeal.

The Appeals panel will then discuss the matter in private and reach a majority decision.

The outcome of an appeals panel will either be:

- 1) Appeal rejected, or
- 2) Appeal upheld.

The Appellant will be informed of the decision within 25 working days of the enquiry with an explanation regarding why the appeal was upheld or rejected and any subsequent action.

The decision of the Appeals Panel will be the final decision and there will be no further right to appeal. Should the appellant remain dissatisfied after fully exhausting our enquires and appeal processes, they may wish to contact the regulator Ofqual to raise a formal complaint. However, Ofqual will only consider whether the due process has been followed by RPD in considering the appeal.

Should the outcome of the appeals panel identify any errors RPD policies, the Head of Business Support will lead on making the necessary changes. This will also include the identification of whether any other apprentices have or could be affected and any potential or actual adverse effects. Where adverse effects have been identified, these will be reported to Ofqual by the Responsible Officer, alongside the associated action plan, and the Governing Body will be kept informed.

5. Storage and Confidentiality

All complaints or appeals will be recorded on an RPD Internal Assure improvement log.

Complaints and appeals will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint or appeal. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

An anonymised summary of complaints and appeals and the outcomes will be used for monitoring, standardisation, and continuous improvement purposes, and maybe shared with the regulator, if requested.