# Appeals Policy

Chartered Institution of Railway Operators
Awarding Organisation

December 2022

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<tr>
<th>Added fee</th>
<th>Gemma Brice 12/09/2022</th>
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<td>Revised – split from Vocational Quals AO appeals</td>
<td>Fiona Tordoff 06/12/2022</td>
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1. Introduction

This policy is aimed at customers, including learners, who are delivering/enrolled on, or have taken an EPA service (training providers, employers, learners, assessors). It sets out the process that should be followed when submitting appeals to CIRO and the process that will be followed when responding to enquiries and appeals.

It is also for use by CIRO staff to ensure they deal with all appeals in a consistent manner.

2. CIRO Jurisdiction

It is important that the management, assessment, and quality assurance of CIRO’s EPA provision users are aware of the contents of the policy.

If an individual wishes to appeal against a decision taken by CIRO, they must first of all gain the Apprenticeship Provider or employer’s support for the appeal before bringing the matter to CIRO.

3. Review arrangements

This policy will be reviewed annually as part of the self-evaluation arrangements and revised as and when necessary in response to customer and learner feedback or requests from, or good practice guidance issued by, the regulatory authorities (e.g. to align with any appeals and complaints process established by the regulatory authorities such as Ofqual).

4. Fees

CIRO will charge a fee to cover the administrative and personnel costs involved in dealing with appeals that are not upheld. The amount is £500.

We do not make any charges for appeals against malpractice decisions or access arrangements.

5. Areas covered by the policy

This policy covers:

- The results of an assessment (for individual or a cohort of learners)
- The way in which a complaint has been handled
- Appeals from Learners or Apprenticeship/Employer Providers in relation to an assessment decision on the basis that procedures were not applied consistently or that procedures were not followed properly and fairly
- Appeals from Apprenticeship Providers, and/or Learners relating to an CIRO decision to decline a request to make reasonable adjustments or give special considerations.
• Appeal concerning the content and/or findings of a malpractice or maladministration investigation, or a decision to amend a Learner/set of Learners’ results following a malpractice or malpractice investigation.
• Appeals on the basis that procedures were not applied consistently or that procedures were not followed properly, consistently and fairly.

6. Process for raising and results review

Learners who wish to appeal about their assessment results or about a related decision should be supported by their Apprenticeship Provider before appealing to CIRO. Learners must provide evidence that they have the approval from the Apprenticeship Provider for the appeal. It is expected that Learners will only appeal directly to CIRO in exceptional circumstances.

Apprenticeship Providers have 10 working days of the end-point assessment taking place in which to raise an appeal directly to CIRO via email/letter for any appeals sent in writing direct to CIRO.

For all appeals being raised on behalf of the learner, written permission of the learner(s) concerned must be obtained as grades/results can go down, as well as up, as a result of an investigation.

In order to submit an appeal, the appeals correspondence must include the following relevant supporting information such as the following where relevant:

• Learner’s name and CIRO registration number/ULN number
• date(s) of receipt of the notification of CIRO’s decision
• title and number of the apprenticeship standard, or nature of service affected
• full nature of the appeal
• contents and outcome of any investigation carried out by the EPA user relating to the issue

7. Situations bought to CIRO attention by the regulatory authorities

Where the regulators notify CIRO of failures that have been discovered in the assessment process of another awarding organisation, CIRO will review whether a similar failure could affect CIRO’s own assessment processes and arrangements.

8. Initial review of the appeal details

Upon receipt of all appeals the Senior Awarding Manager will acknowledge receipt of the appeal within 5 working days and aim to respond fully to the initial review of the potential appeal within 28 Working days. In some cases, the review processes may take longer but CIRO will keep all parties informed of this and any supporting reasons. In such instances, all parties concerned will be contacted to inform them of the likely revised timescale.
All CIRO personnel assigned to the appeal investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter. If the Senior Awarding Manager has an involvement in the appeal matter, they will not be responsible for allocating a member of staff to carry out the investigation or for overseeing and managing the investigation.

The first stage will be for CIRO to undertake an initial, informal assessment of all potential appeals to ensure the application is complete, and to ascertain if the issue can be resolved before it goes to a formal appeal. In all instances CIRO will ensure that the person carrying out this initial check will not have a personal interest in the decision being appealed.

Following the initial review of the potential appeal CIRO will write to the appellant with details of the decision to either:

1. amend the original decision in light of the new rationale/evidence being put forward which has now been reviewed.
2. to confirm CIRO stands by the original decision and in doing so the rationale for this decision. CIRO will request that the appellant confirms, within 10 days, whether they now accept this decision, or if they wish to formally proceed to CIRO’s formal appeals (Stage 2) process which will be carried out by an independent party.

9. Seeking an independent review

If appellants decide to proceed to the independent appeal stage (Stage 2) CIRO will arrange for an independent review to be carried out.

This will be carried out by someone who is not an CIRO employee, assessor, or otherwise connected to the organisation. They will also be someone with the relevant competence to make a decision in relation to the appeal and will not have a personal interest in the decision being appealed.

The Independent Reviewer will review all the evidence which took place in the above processes and review if CIRO applied its procedures fairly, appropriately, and consistently in line with the relevant policy.

The independent review process may involve:

- a discussion with the appellant or the Learner and CIRO personnel
- a request for further information from the appellant, the Learner or CIRO personnel

The Independent Reviewer’s decision is final in relation to how CIRO will consider such appeals and CIRO will inform that appellant of the outcome of the review, within 28 working days, via email/letter for any appeals sent direct to CIRO.
If the Learner is still unhappy with the outcome at this stage they are entitled to raise the matter with the relevant qualification regulator (e.g. Ofqual in England).

9 Successful appeals and/or issues bought to CIRO attention by Ofqual

In situations where an appeal has been successful, or where an investigation following notification from Ofqual indicates a failure in CIRO processes, CIRO will give due consideration to the outcome and will as appropriate take actions such as:

- identify any other Learners who have been affected, correct the results or, where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g. and amend the results for the Learner(s) affected following an appropriate investigation)20
- review CIRO 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

CIRO will also cooperate with any follow-up investigations required by the qualifications regulators, and if appropriate agree any remedial action with them.

10. Contact us

If you’ve any queries about the contents of the policy, please contact the Senior Awarding Manager, at Chartered Institution of Railway Operators
Beacon Building 2nd Floor
Stafford Enterprise Park West
Weston Rd
Stafford, ST18 0BF

or by email at

EPA@railwayoperators.co.uk

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