

Complaints and Assessment Appeals Policy and Procedure

CIRO Apprenticeship Assessment Organisation

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1. Purpose

This policy outlines Chartered Institution of Railway Operators' (CIRO) approach to ensure that complaints and assessment appeals are handled fairly, consistently, transparently and in a timely manner.

This policy sets out the arrangements for raising, investigating and resolving complaints and assessment appeals relating to Apprenticeship Assessment Activities.

This policy applies to:

- Apprentices
- Employers
- Training Providers
- Assessors
- Invigilators
- Contractors
- CIRO Personnel
- Other stakeholders involved in EPA activities

This policy is designed to support CIRO's compliance with Ofqual's General Conditions of Recognition, including requirements relating to appeals, complaints, conflicts of interest, malpractice and maladministration, adverse effects, records and regulatory cooperation. CIRO will ensure that complaints and appeals are handled fairly, consistently and transparently by individuals with appropriate competence and independence. Where a matter identifies an actual or potential failure in assessment, quality assurance, governance or regulatory compliance, CIRO will take all reasonable steps to prevent, correct or mitigate any adverse effect and prevent recurrence.

2. Principles

CIRO's EPAO applies the following principles ensuring that complaints and appeals are:

- **Accessible** - The complaints and appeals process will be clearly communicated and available to all relevant stakeholders. Reasonable adjustments and alternative formats will be provided where required to ensure equitable access.
- **Fair and Impartial** - All complaints and appeals will be considered objectively and consistently, without prejudice, bias, or preferential treatment. Decisions will be based solely on the available evidence and relevant requirements.
- **Evidence-Based** - Decisions and outcomes will be informed by relevant evidence, records, documentation, and factual information gathered during the investigation process.
- **Confidential Where Appropriate** - Information relating to complaints and appeals will only be shared with individuals who have a legitimate need to know and will be handled in accordance with data protection and confidentiality requirements.

- **Free from Conflict of Interest** - Individuals involved in investigating or determining a complaint or appeal must declare any actual, potential, or perceived conflicts of interest. Appropriate action will be taken to ensure independence and impartiality throughout the process.
- **Resolved Within Reasonable Timescales** - Complaints and appeals will be acknowledged, investigated, and concluded within the timescales set out within this policy wherever reasonably practicable. Where delays occur, affected parties will be kept informed.
- **Used to Support Continuous Improvement** - Complaints and appeals will be reviewed as part of CIRO's quality assurance and governance arrangements to identify trends, lessons learned, risks, and opportunities for improvement in assessment delivery and organisational processes.

3. Complaints

3.1 Definition

An expression of dissatisfaction where the individual is seeking a response or resolution.

Examples:

- Customer service
- Administration
- Communications
- Assessment delivery
- Quality assurance activities
- Conduct of personnel
- Accessibility or reasonable adjustment arrangements
- EPA processes

A complaint does not include a challenge to an assessment decision or EPA outcome. Such matters will be managed through the Appeals Policy and Procedure.

3.2 Complaints Process

CIRO handles complaints through the following stages:

Informal Resolution

Where appropriate, concerns should be raised informally to a relevant CIRO representative. CIRO will seek to resolve concerns by discussion and clarification by the appropriate member of staff responsible for the area of concern before they progress to a formal complaint.

Informal concerns may be noted for monitoring and service-improvement purposes but will not be recorded as formal complaints in the complaints log unless they progress to Stage 1.

Stage 1 – Formal Complaint

Where the matter cannot be resolved informally, a formal complaint must be submitted in writing to epacompliance@railwayoperators.co.uk and should include:

- The complainant's name and contact details
- A description of the complaint
- Relevant dates and circumstances
- Any supporting evidence
- Details of the outcome sought

Complaints should normally be submitted within 20 working days of the event giving rise to the complaint.

The complaint will be received by the EPA Supervisor or equivalent (or Head of EPA in their absence) who will acknowledge receipt of the complaint within **5 working days** and record the complaint in its complaints log.

Investigation

An appropriately competent and impartial person, who has not been directly involved in the matter being complained about, will investigate the complaint.

The investigation may include:

- Review of relevant evidence and documentation
- Review of assessment and quality assurance records
- Interviews with relevant personnel where appropriate
- Consideration of applicable policies, procedures and regulatory requirements

Complaint Outcomes

Following investigation, the complaint will be classified as one of the following:

- **Upheld** - The complaint is substantiated.
- **Partially Upheld** - Some aspects of the complaint are substantiated.
- **Not Upheld** - The complaint is not substantiated by the available evidence.
- **Outside Scope** - The matter does not fall within CISO's complaints process and will be referred or signposted as appropriate.

Outcome Notification

CISO will provide a written outcome within **20 working days** of acknowledging the complaint where reasonably practicable detailing findings, decision, actions and further escalation routes.

Stage 2 – Escalation Review

Where the complainant remains dissatisfied with the Stage 1 formal complaint outcome, they may request a Stage 2 escalation review within 10 working days of receiving the decision.

A Stage 2 complaint is not a re-investigation but is carried out by someone competent and independent who was not involved in the original investigation. The reviewer can:

- uphold the original decision;
- amend the decision;
- require further investigation; or
- specify corrective or preventative action.

A stage 2 outcome is communicated within 20 working days of the request. The Stage 2 escalation review represents the conclusion of CISO's internal complaints process.

3.3 Unreasonable, Vexatious or Malicious Complaints

CISO is committed to ensuring that all complaints are considered fairly and impartially. However, there may be occasions where a complainant pursues a matter in a manner that is unreasonable, vexatious, repetitive, abusive or intended to cause disruption rather than seek resolution.

Examples may include:

- repeated submission of substantially the same complaint after all internal stages have been concluded;
- excessive, abusive or threatening communication;
- complaints made without reasonable grounds and with the intention of causing inconvenience, disruption or reputational damage;
- refusal to accept a properly evidenced outcome while providing no new information or basis for review.

Where CISO considers a complaint to be vexatious, malicious or unreasonable, it reserves the right to:

- limit further correspondence;
- require communications to be made through a single point of contact;
- decline to consider repeated complaints that raise no new substantive issues;
- close the matter where all stages of the complaints process have been exhausted.

Any decision to apply these measures will be made by the Head of End Point Assessment or another appropriately authorised senior representative and will be documented.

4. Assessment Appeals

4.1 Definition

An appeal is a formal challenge relating to:

- Assessment decisions
- Grading decisions
- The application of assessment criteria
- Assessment processes that may have affected the assessment outcome

Appeals must be based on recognised grounds for appeal as set out in Section 4.2 of this policy.

4.2 Grounds for Appeal

An appeal may be accepted where there is a reason to believe:

- Assessment procedures were not followed
- Assessment criteria were not applied correctly.

- Relevant evidence was not considered.
- Administrative error occurred.
- Maladministration may have affected the outcome.
- A conflict of interest may have affected the assessment process.

The following would not normally constitute grounds for appeal:

- Disagreement with an assessor's professional judgement where assessment procedures have been followed correctly.
- Dissatisfaction with the grade achieved where no procedural error is identified.
- New evidence that was not available at the time of the assessment.

4.3 Assessment Appeals Process

Stage 1 – Appeal Submission

Appeals must:

- Be submitted in writing to epacompliance@railwayoperators.co.uk
- Clearly state the grounds for appeal
- Include supporting evidence
- Be submitted within 10 working days of the EPA result notification

The complaint will be received by the EPA Supervisor or equivalent (or Head of EPA in their absence) who will acknowledge receipt of the complaint within **5 working days** and record the complaint in its complaints log.

Stage 2 – Appeal Review

The appeal will be reviewed by a suitably qualified and competent individual who was not involved in the original assessment decision and who has no actual, potential or perceived conflict of interest in the matter.

The review may consider:

- Assessment records
- Assessor documentation
- Assessment evidence
- Internal Quality Assurance records
- Assessment procedures
- Relevant apprenticeship assessment requirements
- Any supporting evidence submitted as part of the appeal

Any individual involved in reviewing the appeal must declare any conflict of interest. Where a conflict is identified, an alternative reviewer will be appointed.

Stage 3 - Appeal Outcome

Following review, CIRO may:

- Confirm the original assessment decision

- Amend the assessment decision where evidence demonstrates that assessment procedures were not applied correctly, consistently or fairly
- Require reassessment
- Require partial reassessment
- Identify maladministration or malpractice
- Recommend further investigation where appropriate

The outcome of the appeal will be communicated in writing and will normally be issued in writing within 20 working days of acknowledgement.

Stage 4 –Appeals Panel

Where the appellant remains dissatisfied with the outcome of Stage 3, they may request that the appeal is considered by an Appeal Panel within 10 working days of receiving the appeal outcome.

The Appeal Panel will represent the final stage of CIRO's internal appeals process.

The Appeal Panel will normally comprise:

- The Chief Executive Officer (Chair)
- An appropriately qualified Subject Matter Expert (SME) who has not previously been involved in the assessment, appeal or quality assurance activities relating to the apprentice

No panel member may have had any prior involvement in the assessment decision, investigation or preceding appeal stages, nor have any actual, potential or perceived conflict of interest. Where the Chief Executive Officer has had prior involvement in the matter, or a conflict of interest exists, an alternative senior manager who is appropriately competent and independent will be appointed in their place.

CIRO will ensure that all Appeal Panel members possess the necessary competence, authority and independence to review the matter objectively and fairly.

The panel will review:

- the original appeal submission;
- all evidence considered during the appeal process;
- the findings and decisions of previous stages;
- any procedural concerns raised by the appellant.

The Appeal Panel will determine whether:

- the assessment and appeal processes were conducted fairly;
- assessment requirements and procedures were applied correctly;
- the outcome reached was reasonable based on the evidence available.

The Appeal Panel may:

- uphold the existing decision;
- amend the decision;
- require reassessment or partial reassessment;
- require further investigation where significant procedural concerns are identified.

The outcome of the Appeal Panel will be confirmed in writing, normally within 20 working days of receipt of the request. The decision of the Appeal Panel represents the conclusion of CIRO's internal appeals process.

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5. Regulatory Escalation Following Complaints and Appeals

An individual who remains dissatisfied after completing the applicable CIRO complaints or appeals process in full may submit a complaint to Ofqual using its [“Make a complaint”](#) service, where the matter falls within Ofqual’s remit. They will need to provide CIRO’s final written response when submitting the matter to Ofqual. CIRO’s internal decision remains in effect unless it is subsequently changed through an applicable process.

General enquiries for Ofqual, rather than complaints or appeals, should be directed to its [“Contact: Enquiries”](#) service or by telephone on 0300 303 3344.

Concerns about suspected malpractice, qualification fraud or wrongdoing should be submitted using Ofqual’s [“Report a concern of malpractice, qualification fraud or wrongdoing \(whistleblowing\)”](#) service. This reporting route is separate from the complaints and appeals escalation route above.

CIRO will not publish or direct customers to superseded Ofqual email addresses. Where a complaint or appeal indicates actual or suspected malpractice, maladministration, regulatory non-compliance or an adverse effect, CIRO will refer the matter promptly to the Responsible Officer, manage it under the applicable governance arrangements and make any notification required by Ofqual or another relevant body.

CIRO will cooperate fully with any review, investigation or information request made by Ofqual or another relevant regulatory or oversight body arising from a complaint, appeal or related regulatory concern. CIRO will provide accurate and complete information within the required timescale, preserve relevant records and evidence, and implement any required corrective or preventative action.

6. Malpractice, Maladministration and Adverse Effects

During the investigation of a complaint or appeal, CIRO may identify:

- Malpractice
- Maladministration
- Conflicts of Interest
- Adverse Effects

Where a complaint or appeal indicates actual or suspected malpractice, maladministration, a conflict of interest, regulatory non-compliance or an adverse effect, the matter will be referred promptly to the Responsible Officer. CIRO will assess the matter under the applicable governance procedures, take all reasonable steps to prevent, correct or mitigate any adverse effect, consider whether other

Learners or results may be affected, preserve relevant evidence and records, and make any notification required by Ofqual or another relevant body.

7. Record Keeping

CIRO will maintain records of:

- Formal Complaints
- Appeals
- Investigations
- Decisions
- Corrective actions
- Preventative actions

Records relating to complaints and appeals will be retained in accordance with CIRO's Data Retention Policy and any applicable Ofqual requirements.

8. Monitoring and Continuous Improvement

Complaints and appeals will be reviewed through CIRO's quality assurance and governance arrangements to:

- Identify trends
- Assess risks
- Implement corrective actions
- Improve services and assessment delivery

9. Responsibilities

Responsible Officer

The Responsible Officer is accountable for regulatory oversight arising from complaints and appeals, including determining whether matters must be notified to Ofqual or another relevant body; overseeing the identification, prevention, correction and mitigation of actual or potential adverse effects; ensuring that relevant evidence and records are preserved; supporting full and timely regulatory cooperation; and obtaining assurance that corrective and preventative actions are completed and effective.

Head of End Point Assessment

The Head of End Point Assessment is responsible for oversight of complaints and appeals, final internal reviews and escalation decisions.

End Point Assessment Supervisor

The End Point Assessment Supervisor is responsible for logging complaints and appeals, supporting investigations and maintaining records.

Assessment Personnel

All internal personnel involved in End Point Assessments are responsible for cooperating with investigations, providing evidence when requested and declaring conflicts of interest.

10. Review

This policy is reviewed at least annually and sooner where required following regulatory, legislative, organisational or operational change; changes to the Ofqual General Conditions of Recognition, Ofqual guidance or contact routes; changes to End-Point Assessment Plans or Department for Education requirements; significant complaints or appeals; identified malpractice, maladministration or adverse effects; regulatory feedback; audit findings; or evidence that the policy is not operating effectively.

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