
Appeals Policy and Procedure for Learners

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Appeals Policy and Procedure for Learners

Introduction and Aim

MERCURI INTERNATIONAL (UK) LTD is committed to providing all its learners with a fair opportunity to raise a valid appeal against any decision related to the assessment process. The purpose of the policy is to provide a learner with the means to appeal against any unfair decision by MERCURI INTERNATIONAL (UK) LTD. Learners can lodge an appeal against assessment decision/s or result if it is believed that the assessment was not conducted fairly or appropriately or the learner believed that any mitigating circumstances that could have affected the decision were not taken into consideration. Learners at MERCURI INTERNATIONAL (UK) LTD should be made aware of their rights to raise an appeal.

Using the professional judgment of staff on provider policy and UK regulatory expectations, MERCURI INTERNATIONAL (UK) LTD may decide to redefine an initial complaint as an assessment appeal, or an initial assessment appeal as a complaint, or may choose to allocate an issue raising both themes to just one procedure.

In this area MERCURI INTERNATIONAL (UK) LTD may refer to the Customer Complaints Guidance document.

Scope

The policy applies to current learners, including those on placement or engaged in work-based learning, or on an approved leave of absence or past learners who had recently left or suspended their study programme, and gives them the opportunity to raise issues in a reasonable way.

Learners can lodge a formal appeal or may seek to resolve the concerns about the assessment decision informally. If the learner wishes to use the formal approach, MERCURI INTERNATIONAL (UK) LTD expects that the informal route has been exhausted first.

Grounds for Lodging an Appeal

The following are the valid grounds for raising an appeal:

- If you disagree with the results of your assessment
- If you disagree with the decision on the allocation of reasonable adjustments or special consideration
- If you disagree with the action taken against you following an investigation into malpractice
- The assessment regulations were not properly applied, or assessment arrangements were not appropriate
- The information about the assessment was misleading
- Assessor's judgment was biased in reaching an assessment decision
- Mitigating circumstances were not taken into consideration affecting the assessment decision

- Administrative errors may have occurred in recording the assessment decision correctly

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Informal Approach to Appeals

Using the informal approach, the learner may seek clarification of an assessment decision by directly speaking to the assessor or tutor. If the learner feels satisfied after speaking to the assessor or to the tutor, then no further action will be taken, and the matter will be closed. MERCURI INTERNATIONAL (UK) LTD will keep a record of the discussion together with date and outcome.

However, if the informal procedure fails to provide a satisfactory response and the learner remains dissatisfied with the outcome, the formal appeal may be initiated by following the formal appeal process.

In normal circumstances, MERCURI INTERNATIONAL (UK) LTD will consider the appeals that are lodged within 14 working days after assessment decision being made.

Where the appeal is in relation to an external assessment result and where the appeal has not already been resolved informally, then the learner has the right to submit an appeal directly to the Awarding Organisation (AO) or End Point Assessment Organisation (EPAO).

Formal Approach to Appeals

Learners wishing to lodge a formal appeal can do so by stating the grounds they wish to appeal on in writing to their assessor or tutor within 14 days as detailed above. Before submitting the written appeal, the learner should ensure that the grounds of the appeal have been met and the informal approach to resolve the matter has been used. The learner is encouraged to submit any supporting documents as applicable.

The assessor shall, in the first instance, notify their Line Manager and Internal Quality Assurer (IQA). Following this the assessor shall, within 14 working days of the written appeal being received, arrange a meeting with the learner with the aim of resolving the appeal leading to a satisfactory outcome. The assessor's IQA to also be present.

Where the meeting does not lead to a satisfactory outcome, the IQA shall escalate to MERCURI INTERNATIONAL (UK) LTD 's Apprenticeship Manager.

Consideration of Appeal

The Apprenticeship Manager shall make an initial assessment for the grounds of the appeal. Where the appeal is valid the Apprenticeship Manager may choose to seek guidance from the AO and/or the EPAO as relevant. This should take no more than 14 working days to reach a final decision and the learner will be informed within 2 working days of the decision being made.

If there are no valid grounds to lodge an appeal, the appeal shall be dismissed, and learner shall be informed in writing about the decision.

At any point in this procedure, where a physical meeting is not feasible, a telephone call or online meeting may be considered as a substitute. During any stage of the appeals procedure the learner is entitled to be represented or accompanied, should they wish.

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The decision should be arrived only after all the evidence is taken into consideration including any evidence of mitigating circumstances that were submitted by the learner at the time of assessment. MERCURI INTERNATIONAL (UK) LTD may seek specialist advice on any matter raised within the operation of this policy.

Outcomes

After considering all the evidences the Apprenticeship Manager may reach one of the following possible outcomes:

- Amend the decision in light of the new rationale/evidence being put forward and which has now been reviewed
- Confirm the original decision still stands.

Notification of the Outcome

Learners shall be notified of the outcome within 2 working days from reaching the decision. The decision should be communicated in writing to the learner.

Cost of Lodging an Appeal

Any costs incurred by a learner in raising an issue under this procedure are to be borne by the learner.

Raising an Appeal with an EPAO/AO

MERCURI INTERNATIONAL (UK) LTD expects learners to exhaust MERCURI INTERNATIONAL (UK) LTD's informal and formal procedures for raising and solving issues before taking any issue to an external body. However, if the informal procedure fails to provide a satisfactory response and the learner remains dissatisfied with the outcome, the formal appeal may be initiated by following the EPAO/AO's formal appeal process.

If learners feel they have not had fair, valid or reliable assessment or haven't had clear or constructive feedback then they have the right to pursue an appeal. In other words, if a learner is dissatisfied with an assessment decision, they have the right of appeal.

The appeals procedure will be auditable and will contain concise and detailed information at each stage. For further advice and guidance see the 'APS Appeals and EARs Policy' or the 'CMI Enquiry and Appeals Procedure', which can be found on the APS website www.the-aps.com or the CMI website www.managers.org.uk.

EPAO Enquiries, Complaints and Issues Procedure

If a recognised Apprenticeship Training Organisation or Employer wishes to enquire about a learner's results or wishes to enquire about any other aspect of the Apprenticeship Programme or assessment, they may do so by following the APS or CMI Enquiries Procedure. For further advice and guidance see the 'APS Enquiries, Complaints and Issues Procedure', which can be found on the APS **Appeals Policy and Procedure for Learners**

website www.the-aps.com or the 'CMI Enquiry and Appeals Procedure', which can be found on the CMI website www.managers.org.uk.

Version Information

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v3	27/04/2022	No Changes made
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