

# Methodology

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## TeBeVAT- Appeals Process



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# Procedure handbook

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# Procedures

To ensure compliance with legislation, the articles of the organisation and the household rules, procedures, are developed. The procedures describe how a specific activity has to be conducted and who is responsible.

These Procedures:

- Streamline the way the organisation works and ensure quality standards are met.
- Guarantee that candidates, members, assessment centres are treated equally.
- Ensure compliance with EN ISO/IEC 17024.
- Serve as guidelines to new and existing members and assessment centres.
- Only deal with the functioning of the international organisation but have priority on the procedures of the member organisation procedures.

## Abbreviations

- GA: General assembly
- BoD: Board of Directors
- WG: ad hoc working group
- WGRD: Working group Research and Development
- WGQ: Working group Quality
- WGA: Working group Administration
- CA: case officer
- IA: international assessor
- AA: Accredited Assessor
- AUD: Auditing group
- MED: Mediator

## Glossary

- The organisation: the ETTEC.
- Occupational standard: the description of a set of competences forming a whole that can be certified.
- Procedure: the steps that need to be undertaken to come to a result, ensuring the quality standard the organisation sets for themselves, and defining the parties that are involved.
- Advice: written and underbuilt statement of suggestions about the best course of action to be taken.
- Consult: requesting the advice of an individual or a group of people.
- Notification: formally inform by agreed means.

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## 1 Introduction

The whole assessment process is meant to set high standards for the measurement of the competences described in a professional standard. In this process it is essential that each candidate is treated fair and his/her rights are ensured. Only in this way the certification represents an objective assessment with credibly, reliable, and significant value.

But assessment is the result of human work and a complex organisation involving a lot of participants, so things can go wrong. The fact that an organisation acknowledges that things can go wrong and has procedures in place to rectify these errors is essential for their overall quality and the trust all stakeholders have in the organisation. The effective resolution of complaints and appeals is an important means of protection for the organisation and interested parties against errors, omissions, or unreasonable behaviour.

For an organisation, it is important to have procedures for these matters in place, even if we hope to never need them. The fact that every stakeholder knows they are in place creates trust and keeps everyone sharp. In the following, the core principles of the appeals process will be laid out, which are underlying the TeBeVAT process, and which are meant to prepare the grounds for the success of the entire assessment and validation structure.

## 2 Requirements of appeals and complaints procedures

For the development of the overview of the requirements of appeals and complaints procedures we based our work on the “General requirements for bodies operating certification of persons” (ISO/IEC 17024:2012), a standard that is used by most European countries for acceptance of foreign certifications. We compared this standard with the requirements set by different countries for the recognition of prior learning, testing centres, etc. Finally, we adapted the requirements to the two-level organisation we have in mind as an ideal solution.

### 2.1 Requirements of the assessment procedure

Before we can discuss the requirements of the appeals and complaints procedures, we need to refresh some essential requirements of the assessment procedure, because these requirements will often be the cause of the appeal or complaint.

#### 2.1.1 Impartial

Impartiality or independence is the absence of conflicts of interest. The personnel of the assessing organisation, and the organisation itself has no interest in the result of the assessment. Conflicts of interest can take the form of self-interest, familiarity, intimidation, or financial threats. In other words, these are situations where there is a threat for the individual or the organisation that can influence the result of the assessment.

#### 2.1.2 Bias-free

The assessment and the treatment of the candidate should be bias free. In other words, the personal bias, the (unconscious) observations about a person’s look, background, race, gender, ... should not overrule objective evidence or influence in any other way the results. This is often described as lack of prejudice, neutrality, open-mindedness, non-discrimination, respectful behaviour.

#### 2.1.3 Objectivity

Objectivity refers to the fact that only is measured what should be measured and that this measurement is independent from the circumstances or persons involved. This includes that the measurement has to be valid (measures what it is intended to measure) and reliable (consistent across different examination times and locations, different examination forms and different examiners).

#### 2.1.4 Fairness

Fairness refers to the fact that each candidate has an equal opportunity for success and there are no barriers that advance a candidate or a group.

There are two levels in achieving equal opportunity in the process:

1. Entrance procedures that ensure equal opportunity
2. Solutions for candidates with special needs through adaptation of the procedures.

## 2.2 Ownership of the process

The ownership of the appeals and complaints procedures should always be in the hands of the candidate. The assessment organisation needs to provide the possibilities, but it is up to the candidate to decide if he/she starts or ends a procedure, or takes a next step based on the fact that he/she is satisfied with the outcome.

This ownership includes the right to disclose information to bodies that decide on an appeal or complaint or not.

These processes can be intimidating and/or pass the ability of a candidate. Therefore, a candidate that feels uncertain about or in the procedure should have the possibility to be supported by a third person.

## 2.3 Confidentiality

Confidentiality is not only important in the assessment procedures, but maybe even more in the appeals and complaints processes. On the other hand, transparency and openness are needed to ensure trust in the procedure and indirectly also in the perception of value in the certification activities.

This is a delicate balance that needs to be monitored and guarded. The fundament of this balance is stated in the code of conduct signed by all actors in the process. It ensures that information is only shared on a “ need to know” basis and that the information can not affect work or private relations, future plans, financial or social status, ... It is further influenced by the ownership that lays with the candidate.

But on the other side of the balance, there is the need for the organisation to be transparent about their procedures, actions, and decisions. This transparency and openness is crucial for the trust that the stakeholders have in the process, and this is in the interest of the certification holders as a group. The value of a certificate is defined by the trust and confidence by the stakeholders have in the processes.

## 2.4 Fairness

An appeals and complaints process needs to be fair for all parties, candidates, assessors, organisations, ... It needs to take in account all information available (pro and con) in its considerations, all parties need to have access to the information.

All measures should be in place to guarantee impartiality, avoid bias, and ensure objectivity. Moreover, the procedure should not only guarantee these elements, but it should also (try to) avoid the perception of these elements.

## **2.5 Legal certainty**

In a complaints or appeal procedure, a candidate has the right to legal certainty. In other words, he/she needs to know and understand the rules and procedures that are used to deal with the complaint or appeal. The candidate needs to know the options and should understand their consequences. There should be a certain predictability about the result. Moreover, the candidate needs to know who can support him with the process of a complaint or an appeal.

Therefore, the organisation needs to have transparent and public available procedures in place that describe the process in all its stages.

## **2.6 Rule of law**

Procedures that are developed can never replace the rights of an individual has under the rule of law. The procedures can help parties to solve issues of disagreements between each other, but the individuals keep under all conditions the legal rights they have as citizens or legal entities.

## **2.7 Documentation and notification**

To ensure the transparency and quality of the process, and to ensure that further steps can be taken if needed, all steps in the appeals and complaints process need to be documented and traceable. This means that all documentation needs to be kept and each step has to be reported. But on the other hand, the confidentiality, privacy, and ownership rules need to be taken in account.

## **2.8 Notification**

It is difficult for all parties in a process to keep up to date with the state of the process, therefore it is essential for a fair treatment that all parties are notified about every step of the process. This guarantees that they can take appropriate steps to guarantee their rights.

## **2.9 Feedback loop to the organisation**

A side effect of appeals and complaints, not directly related to the individual complainer, is that the organisation learns about their functioning. Therefore, it is essential that the organisation reviews the complaints and appeals on a regular basis and takes measures to avoid that they repeat themselves and to ensure the quality of the service.

## **2.10 Specific requirements due the two-level organisation structure**

A two-level structure, with a local organisation executing the assessment on the one hand and a consortium of international parties guaranteeing each other certificates on the other hand, can complicate the appeals and complaints process. The procedures of both levels need to be coordinated with each other. Furthermore, this construction improves the quality, as the international parties have an interest in safeguarding the trust in the certificate and have no interest in the local organisation.

The local organisation is most approachable and is the closest to the candidate. It gives easy access to the first steps and will probably resolve most of the issues. The international organisation can ensure and guard the quality of this service.

The international level needs to be informed about every procedure that is started. As partners guarantee each other's quality to ensure the quality of their own certificate, they are well placed to ensure the quality of the appeals and complaints process. They function as a second level appeal or complaint. Moreover, they can guarantee the impartiality if an individual has a complaint that involves the whole local organisation.

### 3 Appeals and complaints

Before we go in detail about the procedures, we need to clarify the difference between an appeal and a complaint.

Appeals refer to disagreement with a decision taken in an assessment procedure or a decision of the organisation concerning the acceptance of profiles, course material, existing certificates, or accreditation. The appellant asks the organisation to reconsider the outcome of their process, based on facts or perceptions. Typical motivation elements of an appeal are misinterpretation of the results, considering elements not described in the standard, bias, Impartiality, or conflict of interest of the assessor, assessors not competent in the field they are assessing. In short, all elements and issues that influence the result of the assessment.

Complaints refer to the way an individual or organisation is treated by an assessor, an employee, or the organisation itself. This includes the application of privacy, discrimination and professional behaviour rules, administrative issues and procedures, lack of information, safety issues, etc. A very specific type of complaint is the treatment of misconduct, abuse, and harassment. Complaints can be directed to a person in the organisation or the organisation as a whole.

Next to the stated standards that we will honour, the local context needs to be taken in account. Organisations often have house rules or treat complaints as part of health and safety management or local legislation. The procedures need always take in account the highest standard applicable.

#### 3.1 Independence of parties

The handling of complaints and appeals need to be executed by independent individuals that have an as small as possible connection with the organisation or the individual that makes the complaint.

#### 3.2 A stepped system

The process for receiving one's rights should be easy to access and not have barriers (money, time, damage to career, ...). To avoid that easy to solve issues end up in large and expensive lawsuits, we have foreseen a stepped system. In this system we evolve from a more informal mediation process to a formal, international appeal. This gives the best opportunity to solve issues in a fast and inexpensive way.

##### 3.2.1 Informing

In the first place the person involved contacts the organisation and asks for more information or a talk about the disagreement. In case of an assessment, maybe there was a misunderstanding or a different interpretation that can be corrected without formal procedures. In case of a complaint, maybe this can be settled without formal procedures.

### **3.2.2 Mediation**

In a next step, the candidate can file a formal appeal or complaint with the local “appeals officer”. This is a person independent from the centre that will look into the appeal or complaint, gather information, consult with other involved people, and try to reach a consensus within 14 days. The contact information of the appeals officer is on the website of the assessment centre.

For specific complaints treating misconduct, abuse, or harassment it is possible to use the confidant / trust person if this is part of the organisations policy.

### **3.2.3 Internal appeal**

If no agreement or consensus is reached, the organisation will organise an independent commission to hear the candidate and the other concerned people in the defence of their case. The commission needs to be independent and competent.

### **3.2.4 Higher appeal**

If the candidate does not agree with the way the decision of the appeals and complaints commission is reached, or if the candidate complains about the organisation as a whole, the candidate can appeal directly to the international organisation. The information of the international organisation's appeals and complaints procedure is on the website of the organisation. The decision of the international appeals and complaints procedure is final.

### **3.2.5 Rule of law**

The candidate can always use his/her legal rights and can go to court.

## 4 International appeal and complaints procedure

Version 1.00, accepted by the BoD on .././.. , accepted by the GA on .././.. , replaced by ...  
on .././..

Appeals refer to disagreement with a decision taken in an assessment procedure or a decision of the organisation concerning the acceptance of profiles, course material, existing certificates, or accreditation.

Complaints refer to the way an individual or organisation is treated by an assessor, an employee, or the organisation itself. This includes the application of privacy, discrimination and professional behaviour rules, administrative issues and procedures, safety issues, etc.

In cases of disagreement with an accredited assessment centre, these procedures can also be used as a higher appeal, but only if the whole of the local procedure is finalised.

A visualization of the following described process is represented in **Figure 1**.

### **Step 1 appeal and complaint**

The appeal and complaints can be directed to the mediator. This is done in writing, accompanied by a motivation and all evidence available.

The organisation and all its members will publish the contact details and the procedure online.

### **Step 2 hearing**

The mediator hears all parties. This can be done face to face, in writing or by any electronic means.

The mediator can ask advise of the WGQ or WGRD about technical interpretations.

### **Step 3 consensus**

The mediator tries to find a solution in consensus between the parties.

The mediator formalises the consensus or non-consensus in a consensus note, including all evidence and motivation given by the parties.

The mediator informs the BoD.

In case of involvement of the BoD, the mediator informs the GA.

### **Step 4a BoD decision**

(The mediator decides if the BoD is involved, in which case the case is send to the GA.)

In case no consensus is found, the BoD decides.

The BoD hears all parties.

The decision is motivated formally.

### Step 4abis

A last appeal on this decision is possible at the GA.

### Step 4b GA decision

In case of appeal on a BoD decision or in case of involvement of the BoD, the GA decides.

The GA can delegate the hearing of all parties to a group of members.

The members report to the GA.

The decision of the GA is motivated formally.

### Step 5 notification

The decisions and consensus notes are recorded in the appeals and complaints register.

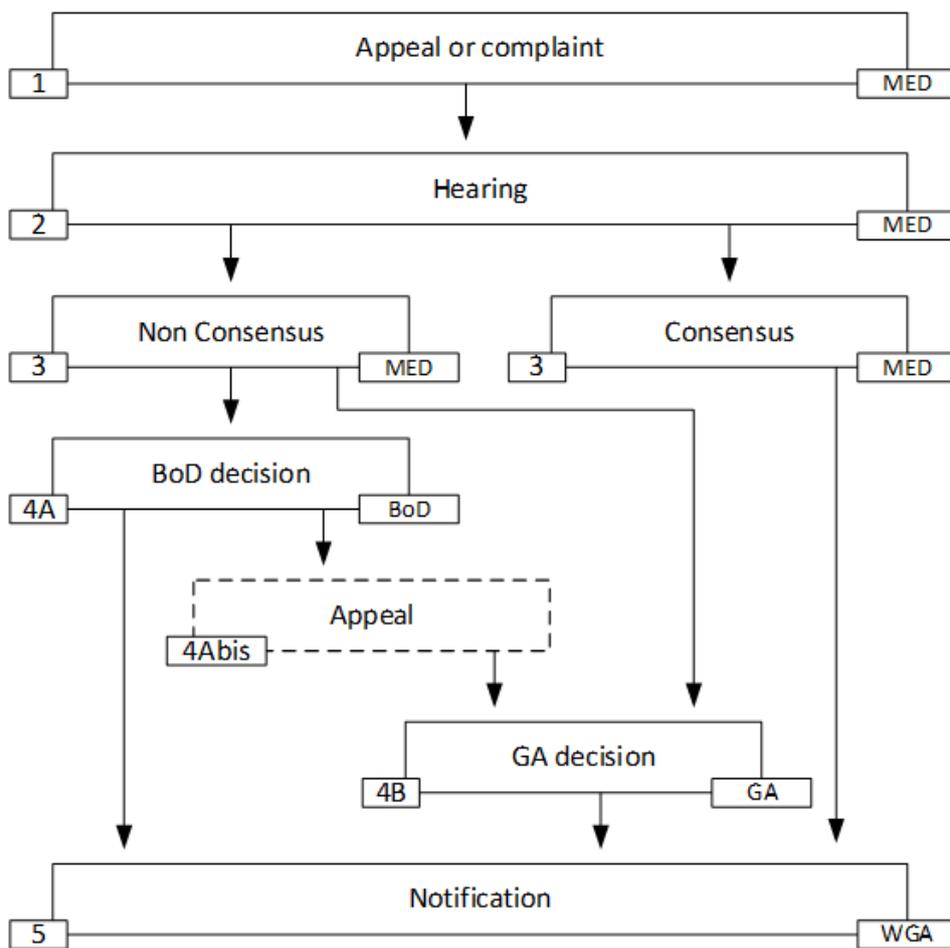


Figure 1: Appeals and Complaints

# Appeals Process

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STEPP

CONSULENZA DIREZIONALE

SV-WTU

VPLT

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