

Centre appeals policy and procedure

This document sets out the procedure for centres to appeal against a decision or action taken by YMCA Awards, particularly relating to application of sanctions, evaluation of a centre's risk status, content of an external quality assurance activity and applications for qualification approval. An appeal differs from a complaint because it is a specific request to reconsider or challenge a decision or action taken by YMCA Awards. If a centre wishes to make a complaint alongside an appeal please also read YMCA Awards Complaints Policy. If you are unsure whether you wish to make a complaint or an appeal you can contact us to explain your situation. Such queries should be submitted to the Head of Centre Support by emailing awards.feedback@ymca.co.uk

Please note that a separate appeals policy exists for decisions or actions taken by YMCA Awards that relate to learners. Please see the YMCA Awards Learner Appeals Policy and Procedure for more information. Although the procedures for both policies are broadly similar, the two policies provide different examples of the types of appeal that may be submitted.

Please note, any appeal made by a centre should be submitted to YMCA Awards within 20 working days of the decision being made available to the centre (for example within 20 days of receipt of an external quality assurance report). This is to ensure that YMCA Awards can act in the most timely and efficient manner, and whilst the optimum amount of information and evidence is available. It may not be possible for us to process an appeal made after this time unless there are exceptional circumstances.

Background

YMCA Awards is required under the Conditions of Recognition issued by the regulator of qualifications in England (Ofqual) in Wales (Qualification Wales) and in Northern Ireland (CCEA Regulation) to ensure that its approved centres deliver YMCA Awards qualifications in accordance with the Conditions. This is enforced through a written and enforceable agreement that all centres sign prior to approval and which is updated from time to time. As such, the Centre Agreement sets out the responsibilities and obligations that centres accept upon approval. YMCA Awards monitors centres' adherence to the Centre Agreement through a range of activities, including external quality assurance, qualification approval requests and responding to concerns or information supplied by relevant stakeholders.

Under these obligations and duties to the regulators, YMCA Awards makes decisions regarding centres' ability to deliver YMCA Awards qualifications on an ongoing basis, based on evidence, expertise and in relation to appropriate guidance and criteria. These decisions are often likely to have a direct impact on the operations of a centre; YMCA Awards takes this in to account when taking action to ensure that its actions or requirements does not place unnecessary or undue burden on centres. In addition, YMCA Awards strives to provide appropriate and clear guidance documentation to centres to support and assist them in meeting their responsibilities.

Areas for appeal

YMCA Awards appeals policy enables centres to make a formal appeal against decisions or actions relating to:

- the application of a sanction (including withdrawal of approval)
- the content of an external quality assurance visit or sampling report
- a change in the centre's risk status
- a decision made by YMCA Awards to not permit a named member of staff to deliver, assess, internally quality assurer or otherwise be involved in the provision of a YMCA Awards qualification at a centre
- the outcome of a malpractice or maladministration investigation
- rejection of a qualification approval application
- withdrawal of a qualification for which the centre has current approval
- any other refusal to permit the centre to undertake a particular activity that is not already prohibited in the qualification specification, centre guidance, centre agreement, or by law.

Grounds for appeal

The following is a list of examples and is not comprehensive:

- the application of a sanction or increase in risk status is not fully justified
- an application for qualification approval was refused without reason or without reference to the full evidence supplied in the application
- there were extenuating circumstances which affected the centre's ability to provide requested information or evidence during an external verification or malpractice or maladministration investigation (appropriate written evidence will be requested by YMCA Awards), which resulted in a sanction or change in risk status
- YMCA Awards did not follow its published procedure when carrying out a malpractice investigation, resulting in incorrect findings
- there was inappropriate or irregular conduct on the part of the YMCA Awards external quality assurer which affected the content or outcome of the activity the external quality assurer was undertaking.

Appeals procedures

Stage one:

Centres should first review the outcomes of a disputed or unsatisfactory decision internally to determine whether to seek an appeal. This internal review, should ideally include senior staff within the centre.

Stage two:

If a decision to proceed with an appeal enquiry is reached, the centre's internal quality assurer or head of quality or subject department should contact the YMCA Awards Head of Quality and Compliance by emailing awards.feedback@ymca.co.uk and marking the subject of the email "Appeal enquiry." The centre can expect a reply within three working days. The Head of Quality and Compliance can offer advice regarding whether an appeal is an appropriate course of action if the centre is unsure but will not make this decision on a centre's behalf and this advice does not affect a centre's right to submit an appeal at any time.

Stage three:

Following communication with the Head of Quality and Compliance if the centre wishes to make a formal appeal this should be submitted to the Head of Quality and Compliance, ideally within five working days of the most recent communication with the Head of Quality and Compliance so that any investigation can take place as soon as possible. If the Head of Quality and Compliance has been directly involved in the decision that a centre wishes to appeal the formal appeal will immediately be passed to another member of YMCA Awards Senior Management Team to manage the appeal.

Please note: *Submission of a formal appeal to YMCA Awards incurs a fee (published on our website in our fees documentation). The current fee will be stated clearly during Stage 2 communication between the centre and the Head of Quality and Compliance. The fee will be refunded if the appeal is upheld. In addition, if the appeal is upheld, costs associated with remedying the decision or outcome are likely to be absorbed by YMCA Awards.*

Formal appeals will be investigated and centres can expect an outcome, in writing, within 20 working days of submitting the appeal.

Stage four:

In the event that the outcome of an appeal is disputed by the centre, stage 4 of the appeals procedure can be invoked:

- in stage 4 the case will be put before an independent reviewer
- the appeal must be submitted within 20 working days of receipt of the outcome of stage 3
- the independent reviewer will check that YMCA Awards has followed correct procedures with regards to the appeals process, and if appropriate they will make recommendations back to the YMCA Awards Head of Quality and Compliance
- the independent reviewer will inform all parties of the outcome of the review and a report of the investigation will be sent to all relevant parties.

Stage 4 is the final stage of the appeal process where a final decision will be made regarding the outcome of the initial appeal.

Understanding this policy

All enquiries relating to the appeals policy and procedures should be addressed to:

Head of Quality and Compliance
YMCA Awards
112 Great Russell Street
London
WC1B 3NQ

Telephone: 020 7343 1800

Email: awards.feedback@ymca.co.uk