

Contents

Change History.....	1
Responsibilities.....	1
Policy Statement	2
Definitions.....	2
Scope.....	2
Related legislation	2
Related policies, procedures and templates	2
Policy Review.....	3
Background.....	4
Areas for appeal	4
Grounds for appeal	5
Appeals procedure	5
Stage 1 – Initial review.....	5
Stage 2 – Decision to proceed	6
Stage 3 – Investigation and outcome	6
Stage 4 – Escalation	6

Change History

Version	Date of Release	Policy Owner	Authorised by
1.0L	13/01/2012	Responsible Officer	Head of CYQ
1.0C	15/12/2012	Responsible Officer	Head of CYQ
1.1L	08/11/2012	Responsible Officer	Head of CYQ
2.0L	29/04/2013	Responsible Officer	Head of CYQ
2.0C	10/04/2015	Responsible Officer	Director of YMCA Awards
3.0C	23/06/2015	Responsible Officer	Director of YMCA Awards
3.0L	26/06/2015	Responsible Officer	Director of YMCA Awards
4.0C	07/09/2017	Head of Quality and Assessment	Director of YMCA Awards
4.0L	19/07/2019	Head of Quality and Assessment	Director of YMCA Awards
5.0C	19/07/2019	Head of Quality and Assessment	Director of YMCA Awards
6.0	12/08/2021	Senior Regulatory Compliance Officer	Awards Committee

Responsibilities

Board of Trustees/ Awards Committee	Overall responsibility for the policies and procedures that govern the work at Central YMCA.
Chief Executive	Overall responsibility for ensuring Central YMCA's resources are used effectively and appropriately.

Policy Owner	Responsible for ensuring guidelines are in place and that policies and procedures reflect our charitable ethos and commitment to equality and diversity.
All Employees and Volunteers	To follow policies and procedures, promoting best practice throughout the organisation.

Policy Statement

The YMCA Awards Appeals Policy provides guidance to our approved centres and learners on how they can appeal against a decision or action taken by YMCA Awards. An appeal differs from a complaint because it is a specific request to reconsider or challenge a decision or action taken by YMCA Awards.

Centres and/or learners may also make a complaint alongside their appeal and should refer to our [Feedback and Complaints policy](#) to do so.

Definitions

We, us, our	YMCA Awards; of YMCA Awards; YMCA Awards is part of Central Young Men’s Christian Association (Central YMCA). Registered Charity Number 213121. Limited company register in England no. 119249. Registered address 112 Great Russell St, London WC1B 3NQ.
Centre	YMCA Awards approved training provider (centre); of a YMCA Awards approved training provider (centre); An organisation undertaking the delivery of an assessment (and potentially other activities) to Learners on behalf of an awarding organisation. Centres are typically educational institutions, training providers, or employers.

Scope

This policy covers appeals against decisions or actions taken by YMCA Awards.

Appeals against decisions and actions taken by centres where learners are studying are out of scope of this policy and would need to be addressed by the centre’s appeals policy.

Related legislation

We’re 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.

The [Centre Agreement/Terms and Conditions for Approved Providers](#) (Centre Agreement) sets out the responsibilities and obligations that centres accept upon approval.

Related policies, procedures and templates

- YMCA Awards Feedback and Complaints Policy
- YMCA Awards Malpractice and Maladministration Policy

Policy Review

The Board of Trustees Awards Committee have overall responsibility for this policy. This policy is reviewed at least annually as part of our annual self-evaluations. Where necessary, the policy may be reviewed more frequently by the policy owner as a result of operational feedback.

Review of impact against the aims of policy:

This policy has been drafted for approval by Fiona Summers, Senior Regulatory Compliance Officer, and has been approved by the Awards Committee. The policy is deemed fit for purpose. All related procedures have been designed to match the contents of this policy.

The policy has been communicated successfully to relevant employees and a summary of the policy is available on the YMCA Awards website.

Does there appear to be any patterns of equality related issues:	No
If yes, please provide an Equalities Impact Assessment (if relevant):	N/A
Reviewed by: Awards Committee	Date: 12/08/2021

Background

We aim to protect the interests of learners at all times by requiring approved centres to assess learners against the agreed and published criteria (see individual qualifications specifications for these criteria – available on our website).

We also require that assessment decisions must be made by assessors who are trained, and have gained or are in the process of working towards an approved and recognised assessor qualification (see our [staff approval requirements](#))

We monitor adherence to our criteria and our [Centre Agreement/Terms and Conditions for Approved Providers](#) (Centre Agreement) through a range of activities, including:

- external quality assurance
- qualification approval and staff approval requests
- responding to concerns or information supplied by relevant stakeholders.

Under our obligations in the Centre Agreement and duties to our regulators, we regularly make decisions on centres’ ability to deliver our qualifications. Our decisions are based on evidence, expertise and made in relation to appropriate guidance and criteria.

Our decisions are often likely to have a direct impact on the operations of a centre; we take this in to account when taking action to ensure we do not place unnecessary or unjustified burden on centres. In addition, we strive to provide appropriate and clear guidance documentation to centres to support and assist them in meeting their responsibilities.

Areas for appeal

The table below outlines areas for appeal relevant to centres and learners.

Centres	Learners
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • the mark or grade awarded for an external assessment • the YMCA Awards external quality assurers’ decision on any element of assessment that differs to the assessor’s or internal quality assurer’s decision (for example, if an internal assessment has been marked by the centre assessor as achieved but the external quality assurer disagrees with this judgement) • an application for a Reasonable Adjustment or Special Consideration submitted to YMCA Awards for approval • YMCA Awards’ final, overall assessment decision for a unit or qualification.

specification, centre guidance, centre agreement, or by law.

Grounds for appeal

The table below provides examples of appropriate grounds for appeal for centres and learners. These lists are not comprehensive.

Centres	Learners
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> there was an error in the external assessment materials a reasonable adjustment was refused without reason or a decision to limit a requested reasonable adjustment proved to be inappropriate or insufficient the learner requested Special Consideration but this does not seem to have been applied there were medical or other extenuating circumstances which affected the learner's performance in an external assessment and were not previously supplied to YMCA Awards through a request for special consideration (appropriate written evidence will be requested by YMCA Awards) the external quality assurer was not supplied with all the relevant assessment evidence or made a decision to over-rule the assessor's decision without providing an explanation there was inappropriate or irregular conduct on the part of the assessor, which YMCA Awards may have been aware of and had not dealt with, and which resulted in an incorrect assessment decision.

Appeals procedure

Stage 1 – Initial review

Centres	Learners
<ul style="list-style-type: none"> Centres should 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. 	<ul style="list-style-type: none"> Learners should contact their centre to request information on appealing a decision, outcome or result. If the outcome or result relates to decision made by the centre, the learner should use the centre's appeal procedure.

	<p>Once a centre’s appeal procedure has been exhausted, if a learner remains unsatisfied with the outcome, they may contact us to make a complaint about the centre’s conduct in making the original decision, in responding to the appeal or both.</p> <p>See our Feedback and Complaints policy.</p>
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Please note, appeals relating to external assessment need to be made within four weeks of the our decision being made available (e.g. within four weeks of the publication of an external assessment result or refusal of a request for reasonable adjustment). This ensures information and evidence used to make our decision is available. It may not be possible for us to process an appeal made after this time unless there are exceptional circumstances.

Stage 2 – Decision to proceed

Our team can provide advice on whether an appeal is an appropriate course of action but cannot make the decision to proceed on the centre’s behalf.

If a decision to proceed with an appeal enquiry is reached, the centre’s internal quality assurer or head of quality/subject department should:

- create an Appeal Application in Y-Connect
- complete the appeal details section
- submit the form to YMCA Awards.

We will aim to review the application within 3 working days.

The submission of an appeal will incur a fee (see the [fees section on our website](#)). 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 will usually be absorbed by YMCA Awards.

Stage 3 – Investigation and outcome

We aim to investigate and issue an outcome of all appeals within four weeks. Where is not possible, we will communicate the timeframe within 3 working days of the appeal’s submission.

Appeal investigations are conducted by independent members of the YMCA Awards’ team. This means that the appeal investigation will not be conducted by anyone directly involved in making the decision being appealed.

Following the outcome of the appeal, the centre’s internal quality assurer or head of quality/subject department should complete the outcome response section of the Appeal Application in Y-Connect. This section allows the centre to close the appeal or escalate to an independent reviewer.

Escalation of an appeal to an independent reviewer will incur a fee (see the [fees section on our website](#)) and must be requested within four weeks of the appeal outcome. 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 will usually be absorbed by YMCA Awards.

Stage 4 – Escalation

An independent reviewer will check that we have followed the correct procedures with regards to our appeals process and, if appropriate, will make recommendations back to original investigator.

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.