

Appeals policy and procedure

Policy statement

This 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.

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 policies, procedures and templates

- Feedback and complaints policy
- Malpractice and maladministration policy

Background

We aim to protect the interests of learners by requiring approved centres to assess learners against the agreed and published criteria. We publish these criteria on our website within qualification specifications.

We also require centre staff involved in making or quality assuring assessment decisions – assessors and internal quality assurers (IQAs) respectively – to be suitably trained and qualified. We set out principles for staff approval on our website, with qualification specific requirements outlined within qualifications specifications.

We monitor adherence to our criteria and our [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.

We recognise that our decisions are often likely to have a direct impact on the operations of a centre. We take this into 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 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 reporta change in the centre's risk statusa 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 centrethe outcome of a malpractice or maladministration investigationrejection of a qualification approval applicationwithdrawal of a qualification for which the centre has current approvalany 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.	<ul style="list-style-type: none">the mark or grade awarded for an external assessmentthe 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 approvalYMCA Awards' final, overall assessment decision for a unit or qualification.

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 justifiedan application for qualification approval was refused without reason or without reference to the full evidence supplied in the applicationthere 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	<ul style="list-style-type: none">there was an error in the external assessment materialsa reasonable adjustment was refused without reason or a decision to limit a requested reasonable adjustment proved to be inappropriate or insufficientthe learner requested Special Consideration but this does not seem to have been appliedthere 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)

<ul style="list-style-type: none"> • 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"> • 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.
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Possible outcomes of an appeal

Where an appeal is successful – or where our regulators indicate a failure in our process – we will consider the outcome to take appropriate action. This may include:

- Amending our original decision
- Identifying other learners that may have been impacted, and correct – or where the issue cannot be corrected – mitigate the effect
- Review our policies and procedures to prevent reoccurrence of an issue.

Appeals procedure

Stage 1 – Centre review

Centres	Learners
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.	<p>Learners should contact their centre to request information on appealing a decision, outcome or result.</p> <p>If the outcome or result relates to decision made by the centre, the learner should use the centre's appeal procedure.</p> <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>

Please note, appeals relating to external assessment need to be made within 15 days of the 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 should:

- create an Appeal Application form in Y-Connect (or ask for an alternative format if they are not already an approved YMCA Awards centre)
- complete the appeal details section
- submit the application to YMCA Awards.

Appeal applications must be submitted within 15 working days of the decision made by YMCA Awards. We will aim to confirm receipt of 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.

Applications submitted outside of the required 15 days may not be accepted by YMCA Awards.

Stage 3 – Investigation and outcome

We aim to investigate and issue an outcome of all appeals within 20 working days. Where is not possible, we will communicate the expected time for us to provide a full response within 3 working days of the appeal's submission.

We will ensure that all people involved in reviewing an appeal are suitably trained, and do not have a conflict of interest in the outcome of the appeal (e.g. were not involved in making the original decision). This will usually be a member of our Quality and Assessment team, which may include freelance External Quality Assurers.

Where it is not possible for review by someone without a conflict of interest in the outcome (e.g. because the decision has been made by a senior member of the YMCA Awards team) we will make arrangements for an external independent reviewer to support the investigation.

Following the outcome of the appeal, the reviewer should complete the outcome response section of the Appeal Application form. This section allows the centre to close the appeal or escalate to Stage 4.

Stage 4 – Escalation

Escalation of an appeal will incur a fee (see the [fees section on our website](#)) and must be requested within 20 working days of the appeal outcome. The fee will be refunded if the appeal is upheld.

During this stage, 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 provide findings of their investigation, and the outcome will be shared with 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. If you are not satisfied with the outcome of the appeal after exhausting our Appeals procedure, you can get in touch with the relevant qualifications regulator:

Location	Regulated by
England	Ofqual public.enquires@ofqual.gov.uk
Wales	Qualifications Wales enquiries@qualificationswales.org
Northern Ireland	CCEA Regulation info@ccea.org.uk
Other UK regions and outside of the UK	Ofqual public.enquires@ofqual.gov.uk