



BWYQ Appeals Policy

Introduction

This policy is aimed at everyone who is delivering, enrolled on or has taken a BWYQ approved qualification or unit. It sets out the process for submitting appeals and the procedure BWYQ will follow when responding to enquiries and appeals.

This Policy is also to be used by BWYQ staff to ensure that they address appeals in a consistent and compliant manner.

Centre's Responsibility

It is important that learners registered on BWYQ courses and BWYQ recognised centre staff involved in the management, assessment and quality assurance of BWYQ qualifications are familiar with the contents of this policy.

In addition, centres must have internal appeal arrangements which learners can access if they wish to appeal against a decision taken by the centre.

If an individual wishes to appeal against a decision taken by a centre it must first exhaust the centre appeals process before bringing the matter to BWYQ.

Review arrangements

BWYQ will review this policy annually as part of BWYQ self-evaluation arrangements and revise it as and when is necessary in response to customer and learner feedback or requests from, or good practice guidance issued by, the regulatory authorities

If you would like to feedback any views, please contact us via the details provided at the end of this policy.

Fees

BWYQ will **not** charge any fees to cover the administrative and staff costs involved in dealing with appeals.

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Areas covered by the policy

There can sometimes be confusion about when something is a complaint or an appeal. An appeal should only be used when BWYQ have already made a decision about something.

The following table summarises which procedure to use in different situations.

Which procedure to follow when...	Which procedure to follow
You wish to make a complaint about a centre or course	In the first instance follow the centre's own complaints policy. If that does not resolve the issue a complaint may be made to BWYQ using the procedures in BWYQ 019 Complaints Policy
You wish to make a complaint about BWYQ services or staff.	Use BWYQ 019 Complaints Policy
You wish to make a complaint about a BWYQ qualification that is not related to a course or centre.	Use BWYQ 019 Complaints Policy
You wish to appeal a decision made by BWYQ (see below for more details)	Use BWYQ 020 Appeals Policy
You are concerned about the way an assessment was conducted or assessed, and suspect malpractice or maladministration	In the first instance follow the centre's own malpractice and maladministration policy If that does not resolve the concern then use BWYQ 017 Malpractice and Maladministration Policy

This appeals policy covers appeals from learners and/or centres that are about the following areas:

- applying procedures consistently to assessment decisions or where it is believed procedures were not followed properly and fairly
- decision about a centre application.
- contents of a centre monitoring report.
- reasonable adjustments or special considerations
- a sanction/action on a centre resulting from a verification visit or an investigation into malpractice or maladministration or a decision to amend a learner/set of learners' results following a malpractice or malpractice investigation
- a decision made by BWYQ following an investigation into a Stage 2 complaint filed in accordance with the BWYQ Complaints Policy.
- where you believe BWYQ have not applied BWYQ procedures consistently or those procedures were not followed properly, consistently and fairly.

Process for making an appeal

BWYQ Recognised Centres (and learners), and any individuals who have gone through the BWYQ Stage 2 Complaints process, have 20 working days from the date that BWYQ notified them of the decision in which to lodge an Appeal against the BWYQ decision. This includes assessment results, so learners/staff must be advised to retain their course evidence until they receive their assessment result.

If an individual is appealing on behalf of a learner(s), he/she must have the written permission of the learner(s) concerned as results can go down as well as up as a result of an investigation.

Learners who wish to appeal their assessment results or a related decision should have exhausted their centre's own appeals process before appealing to BWYQ.

They should also be supported by their centre in appealing to the BWYQ. Learners must provide the BWYQ with evidence that they have appealed to their centre and the outcome. It's expected that learners will only appeal directly in exceptional circumstances.

Centres acting on behalf of learner(s) should complete and submit BWYQ Appeals Form A (Appendix A) within 20 working days of receiving a BWYQ decision that affects a learner(s), supplying relevant supporting information such as the following:

- learner name(s) and unique learner number(s)
- date(s) you or the learner(s) received notification of BWYQ's decision
- title and number of the BWYQ qualification affected or nature of service affected (if appropriate)
- full nature of the appeal
- contents and outcome of any investigation carried out by The BWYQ Recognised Centre relating to the issue
- any additional information that the BWYQ Recognised Centre deems pertinent to the case
- contact details for all parties who should be notified of progress with the claim

Individuals seeking to appeal a Stage 2 Complaint decision conducted in accordance with the 019 BWYQ Complaints Policy should complete and submit BWYQ Appeals Form B (Appendix B) within 20 working days of receiving the decision, supplying relevant supporting information such as the following:

- appellant name and unique learner number, if relevant
- contents and outcome of the Stage 2 investigation
- date you received notification of BWYQ's decision
- any additional information that the appellant deems pertinent to the case
- contact details of all parties who should be notified of progress with the appeal

Situations brought to BWYQ attention by the regulatory authorities

Where the regulators notify BWYQ of failures that have been discovered in the assessment process of another Awarding Organisation, BWYQ will review whether or not a similar failure could affect our assessment processes and arrangements.

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Initial review of the Appeal details

After receiving a completed Appeal Form, the BWYQ Chair will direct or undertake an initial, informal assessment of all potential appeal material to ensure that the application is complete and to ascertain if the issue can be resolved before it goes through the Appeal Process. The BWYQ Chair will acknowledge receipt of the Appeal Form within 5 working days.

The Appeal Process

The aim is to respond fully to the relevant Appeal Form within 20 working days.

Please note that in some cases the review processes may take longer, for example, if a centre visit is required. In these cases, BWYQ will contact all parties concerned to inform them of the likely revised timescale.

At all times the BWYQ Chair will ensure that BWYQ representative(s) assigned to conduct the Appeal investigation have an appropriate level of training and competence and that they have had no previous involvement or personal interest in the matter. If the BWYQ Chair was previously involved in the appeal matter, another BWYQ Director with no previous involvement or personal interest in the matter will be responsible for allocating who will carry out the appeal investigation or for overseeing and managing the investigation.

Following the initial review of the potential appeal, BWYQ will write to the appellant with details of the decision to either:

1. amend the original decision considering the new rationale/evidence being put forward and which has now been reviewed, **OR**
2. confirm that we stand by the original decision providing the rationale for this decision and requesting that the appellant confirms, within 15 days, whether they now accept this decision or if they wish to formally proceed to the Independent Review process which will be carried out by an independent party.

A flow chart showing the Appeal Process is attached (Appendix C).

Seeking an Independent Review

If a centre/learner decides to proceed to the Independent Review stage, the BWYQ Directors will arrange for an Independent Review

This Independent Review can be carried out by demonstrably independent professional with no previous involvement in the matter or an interest in the outcome. This may be someone who has completed an independent review or similar for BWYQ in the past. The Independent Reviewer will be someone with the relevant competence to make a decision in relation to the appeal and will not have a personal interest in the decision being appealed. A declaration of conflict of interest form should be completed by the Independent Reviewer.

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The Independent Reviewer will review all the evidence and determine whether BWYQ have applied the BWYQ procedures fairly, appropriately and consistently in line with BWYQ policy guidelines.

The Independent Review process may involve:

- a discussion with the appellant or the learner and BWYQ personnel/ representatives
- a request for further information from the appellant, the learner or BWYQ personnel/ representatives
- a centre visit by the Independent Reviewer

The Independent Reviewer's decision is the final stage of the BWYQ process and BWYQ will let the centre/learner know the outcome of the Independent Review within 30 working days of the request for an Independent Review. If the centre/learner is still unhappy with the outcome at this stage they are entitled to raise the matter with the relevant qualification regulator (e.g. Ofqual in England).

Successful Appeals and/or issues brought to BWYQ attention by Ofqual

In situations where an Appeal has been successful, or where an investigation following notification from Ofqual indicates a failure in BWYQ processes, BWYQ will give due consideration to the outcome and will as appropriate take actions such as:

- amend the profile/ status of the centre concerned
- identify any other learners who have been affected and correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure (e.g. amend the results for the learner(s) affected following an appropriate investigation)
- review associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected

BWYQ will also cooperate with any follow-up investigations required by the qualifications regulators and if appropriate agree any remedial action with them.

Contact us

If you have any queries about the contents of the policy, please contact the BWYQ Operations Coordinator in the first instance; bwyqcoordinator@gmail.com

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Document History		
Date	Staff member	Action
<i>July 2015</i>	<i>BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan Approved BWYQ Chair Paul Fox and Safeguarding Officer Stuart Prin</i>	<i>Reviewed and revised</i>
<i>June 2016</i>	<i>BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan</i>	<i>Reviewed and revised</i>
<i>June 2017</i>	<i>BWYQ Head of Operations and Responsible Officer Amanda Buchanan</i>	<i>Reviewed and revised</i>
<i>June 2017</i>	<i>Safeguarding and Diversity Manager Rebecca Morris</i>	<i>Approved</i>
<i>July 2018</i>	<i>BWYQ Head of Operations and Responsible Officer Amanda Buchanan</i>	<i>Reviewed and revised</i>
<i>September 2018</i>	<i>BWYQ Directors</i>	<i>Approved</i>
<i>October 2019</i>	<i>BWYQ Operations Coordinator</i>	<i>Reviewed</i>
<i>November 2020</i>	<i>BWYQ Operations Coordinator</i>	<i>Reviewed</i>
<i>December 2020</i>	<i>BWYQ Directors</i>	<i>Approved</i>
<i>November 2021</i>	<i>BWYQ Operations Coordinator</i>	<i>Reviewed and revised</i>
<i>December 2021</i>	<i>BWYQ Directors</i>	<i>Approved</i>

Appendices

Appendix A

BWYQ Appeal Form A

To be completed by a BWYQ Recognised Centre on behalf of learner(s) if it wishes to appeal a BWYQ formal decision affecting learner(s). Please email the completed Form A to BWYQ Chair, bwyqdirectors@gmail.com.

Centre Name:	Centre No.:
Learner Name/Unique Learner Number (ULN) and Qualification Title (add more rows as necessary)	
Learner Name/ULN:	Qualification title:
Learner Name/ULN:	Qualification title:
Date you received the decision you wish to appeal;	
Reason for the Appeal (Please give full details here – attach extra sheet(s) if required):	
Has there been a Centre investigation into the matter? YES NO If yes, please attach a summary of the outcome of this investigation.	
Have you attached other supporting evidence? YES NO If yes, list the attached documents;	
Names and contact details of everyone who will need to be kept informed about the progress of this appeal;	
Declaration	
I declare that the information provided in this Form A is true and accurate and fully supports the appeal.	
Head of Centre Name:	Date:
Signature:	

Appendix B

BWYQ Appeal Form B

To be completed by an individual seeking to appeal a Stage 2 Complaint decision that was conducted in accordance with the 019 BWYQ Complaints Policy. Please submit BWYQ Appeal Form B to BWYQ Chair, bwyqdirectors@gmail.com within 20 working days of receiving the BWYQ Stage 2 Complaint decision from the Complaints Coordinator/BWYQ Chair.

Name:	Unique Learner No. (if applicable):
Please give full details of BWYQ Stage 2 Complaint and outcome here – attach extra sheet(s) if required:	
Date you received the decision you wish to appeal;	
Have you attached other supporting evidence? YES NO If yes, list the attached documents;	
Names and contact details of everyone who will need to be kept informed about the progress of this appeal;	
Declaration I declare that the information provided in this Form A is true and accurate and fully supports the appeal.	
Appellant Name:	Date:
Signature:	

Appendix C

BWYQ Appeals Process

[Please see 020 BWYQ Appeals Policy for full details.]

Before lodging an Appeal to BWYQ

If an individual or group wants to appeal a decision taken by a BWYQ Recognised Centre, it must first exhaust the Centre's Appeals Process before bringing the matter to BWYQ.



Lodging a BWYQ Appeal

A BWYQ appeal is a formal request to reverse a BWYQ decision.

- Appeals from Learners about a BWYQ assessment decision should be submitted by a representative from the relevant BWYQ Recognised Centre, using Appeal Form A. In exceptional circumstances, individual Learners can appeal directly to BWYQ.
- An individual or group, including a BWYQ Recognised Centre, can directly appeal a BWYQ decision or outcome of a BWYQ Stage 2 Complaint (see 019 BWYQ Complaints Policy) using Appeal Form B.

Appellants should submit the completed BWYQ Appeal Form and supporting documentation to the BWYQ Chair at bwyqdirectors@gmail.com within 20 working days from the date that BWYQ notified them of the decision that is being appealed.



BWYQ Initial Review and Formal Appeal Process

The BWYQ will acknowledge receipt and conduct an initial review to ensure that the Appeal application is complete and to ascertain if the issue can be resolved before going through the Appeal process.

If the BWYQ Appeal proceeds, BWYQ aims to respond with a decision within 20 working days. If a longer time period is required, all parties will be contacted with details of the revised timescale. BWYQ will write to the appellant with the final decision. The appellant should confirm within 15 days if the decision is accepted or if an Independent Review is requested.



Independent Review

If the appellant is not happy with the Appeal decision, an Independent Reviewer can be brought into review the evidence and determine if the BWYQ have applied their procedures fairly in line with BWYQ policy guidelines. This may involve a discussion with the appellant and with BWYQ personnel/ representatives, a request for further information and/or a centre visit.

The Independent Reviewer's decision is final, with the outcome of the review to be provided within 30 working days of receipt of the request for Independent Review.

If the appellant is still unhappy with the outcome, the matter can be raised with the relevant qualification regulator (e.g. Ofqual in England).