



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 (except in exceptional circumstances) 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 for BWYQ qualifications and staff at BWYQ Recognised Centres 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. These must be readily available to learners at all times.

If individuals wish to appeal against a decision taken by a Centre, they must first exhaust the Centre internal appeals process before bringing the matter to BWYQ.

Review arrangements

BWYQ will review this policy 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, e.g. aligning with any complaints and appeal process established by regulatory authorities such as Ofqual. If you would like to feedback any views, please contact us via bwyqcoordinator@gmail.com.

Fees

BWYQ will **not** charge any fees to cover the administrative and staff costs involved in dealing with a Stage 1 appeal, but a nominal fee of £150 per applicant shall be charged for Stage 2 to cover the cost of an Independent Reviewer's time. If the Independent Review upholds the appeal, the fee will be waived and a refund will be issued.

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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 appeal a decision made by a centre	In the first instance, follow the centre's internal appeals policy. If this 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 list is not exhaustive, but examples of what this appeals policy covers include :

- appeals from Learners who are challenging a Centre's assessment decision based on the claim that the Centre did not apply their procedures consistently, appropriately or fairly,
- appeals from Learners and/or Centres in response to a BWYQ decision to decline a reasonable adjustment or special consideration
- appeals from Centres about the content of an EQA report,
- appeals from Centres who are challenging BWYQ's overturn of a Centre's assessment decision about a Learner or a cohort of learners as of result of external verification,
- Centre objections to a sanction or action BWYQ placed on the Centre after a verification visit or an investigation into malpractice or maladministration or a decision to amend a learner/learner cohort's results following a malpractice or maladministration investigation,
- appeals relating to a BWYQ decision following an investigation into a Stage 2 complaint lodged with BWYQ or a series of complaints that might have triggered an investigation into possible malpractice or maladministration at a Centre which resulted in a change to BWYQ's assessment of a Centre's compliance or risk status or continued approval of the Centre.

Process for making an appeal

An appeal must be made in writing and addressed to the BWYQ Chair at BWYQ's registered office address within 20 working days from the date that the learner/learners were notified of a decision by the Centre or that a Stage 2 Complainant received a BWYQ decision about a Complaint. For learners this means within 20 working days from the date they received the decision about reasonable adjustments or special considerations or the assessment decision about an exam or summative practical assessment. All staff/learners need to retain evidence relating to the appeal until the outcome of the appeal is known.

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 internal 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 is expected that learners will only appeal directly in exceptional circumstances.

Centres acting on behalf of a 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:

- Centre name, address and contact details,
- Learner name(s) and BWYQ unique learner number(s),
- date(s) the Learner(s) received notification of BWYQ's decision,
- title and number of the BWYQ qualification affected or nature of service affected (if appropriate),
- a summary outline and reasons for the appeal (500 words maximum),
- contents and outcome of any investigation carried out by the Centre relating to the issue (500 words maximum) and
- a signed declaration that the information provided in the form is true and accurate and fully supports the appeal.

Individuals seeking to appeal a Stage 2 Formal Complaint decision conducted in accordance with BWYQ 019 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:

- appellant name, unique learner number if applicable, postal address, phone number and email address,
- a summary of the complaint and outcomes (1000 words maximum) of the Stage 2 complaint,
- a list of all supporting evidence already on file at BWYQ and any new evidence supplied,
- the date the complainant received notification of BWYQ's decision and
- a signed declaration that the information provided in the form is true and accurate and fully supports 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 and will consider whether or not BWYQ needs to take remedial action and make changes to our own policies and procedures.

Initial review of the Appeal details

After receiving a completed Appeal Form at BWYQ's registered office, the BWYQ Chair will check to see if the Appeal Form is complete and will acknowledge receipt within 5 working days of the Appeal being received. The BWYQ Chair will initiate or delegate someone to see if the issue can be resolved before going through the Appeal Process.

Stage 1 – Formal Appeal Process

The aim is to provide a formal response to the relevant Appeal within 20 working days following the formal acknowledgment. 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. BWYQ will ensure that the Appeal is conducted by someone with an appropriate level of competence who has had no previous involvement or personal interest in the matter.

Following the review of the Stage 1 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 working 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).

Stage 2 - Seeking an Independent Review

If a Centre/Learner decides to proceed to the Independent Review stage, BWYQ will arrange for an Independent Review to be conducted in relation to the complaint and the stage 1 appeal. A nominal fee of £150 per applicant shall be charged for this Independent Review. If the Independent Review upholds the appeal, the fee will be waived and a refund will be issued.

This Independent Review will be carried out by a demonstrably independent professional who understands the regulatory landscape, e.g. someone from the consultant list at the Federation of Awarding Bodies. The reviewer should have no previous involvement in the matter nor any personal interest in the outcome although this may be someone who has completed an independent review or similar for BWYQ in the past. BWYQ will arrange for the Independent Reviewer to complete the BWYQ declaration of conflict of interest form.

The Independent Reviewer will review 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 appellant know the outcome of the Independent Review within 30 working days of the appellant's request for an Independent Review and the associated payment of the £150 Independent Review fee that is payable to BWYQ. If the Independent Reviewer needs more than 30 working days, the appellant will be kept informed.

If the appellant is still not satisfied with the outcome at this stage, the appellant is entitled to raise the matter with the relevant qualification regulator (e.g. Ofqual in England). Regulators will always want confirmation that all internal and external procedures have been exhausted prior to their involvement and will seek evidence to determine if this is the case. Regulators may or may not agree to hear the complaint, but will provide reasons for their decisions.

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
2015	<i>BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan Approved BWYQ Chair Paul Fox and Safeguarding Officer Stuart Prince</i>	<i>Reviewed and revised</i>
2016	<i>BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan</i>	<i>Reviewed and revised</i>
2017	<i>BWYQ Head of Operations and Responsible Officer Amanda Buchanan</i>	<i>Reviewed and revised</i>
2017	<i>Safeguarding and Diversity Manager Rebecca Morris</i>	<i>Approved</i>
2018	<i>BWYQ Head of Operations and Responsible Officer Amanda Buchanan</i>	<i>Reviewed and revised</i>
2018	<i>BWYQ Directors</i>	<i>Approved</i>
2019	<i>BWYQ Operations Coordinator</i>	<i>Reviewed</i>
2020	<i>BWYQ Operations Coordinator</i>	<i>Reviewed</i>
2020	<i>BWYQ Directors</i>	<i>Approved</i>
2021	<i>BWYQ Operations Coordinator</i>	<i>Reviewed and revised</i>
2021	<i>BWYQ Directors</i>	<i>Approved</i>
2022	<i>BWYQ Operations Coordinator</i>	<i>Reviewed</i>
2022	<i>BWYQ Directors</i>	<i>Approved</i>
2024	<i>BWYQ Operations Coordinator</i>	<i>Reviewed and revised</i>
2024	<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 mail the completed form to:

BWYQ Chair, British Wheel of Yoga Qualifications, 18 St Cross Street, London EC1N UN

Centre, Staff Name, Postal Address, Phone No, Email Address:	Centre No.:
Learner Name/Unique Learner Number (ULN)/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	
Has there been a Centre investigation into the matter? YES NO If yes, please provide a summary of the investigation and outcome (500 word maximum)	
Reason for the Appeal (500 word maximum):	
Does BWYQ already have supporting evidence on file that was submitted previously ? YES NO If yes, list the documents and dates they were submitted:	
Are you including any new supporting evidence? YES NO If yes, list the new documents you are submitting with this form	
Names, addresses, phone numbers and email addresses of the Centre and the Learners involved	
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 post the completed form within 20 working days of your receipt of the complaints decision to:
BWYQ Chair, British Wheel of Yoga Qualifications, 18 St Cross Street-4th Floor, London EC1N UN

Appellant name, postal address, phone number, email address	Unique Learner No. (if applicable):
Date you received the decision you wish to appeal	
Does BWYQ already have supporting evidence on file that you submitted during the complaints process? YES NO If yes, list the attached documents and dates they were submitted:	
Are you including any new supporting evidence? YES NO If yes, list the new documents you are submitting with this form	
Please summarise the BWYQ Stage 2 Complaint, BWYQ decision outcome and why you want to appeal here (1000 words or less)	
Declaration	
I declare that the information provided in this Form B 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 Complaints and Appeals Process before bringing the matter to the BWYQ Complaints and Appeals Process.



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.

Within 20 working days from the date that BWYQ notified the complainant of the decision, an appellant should post the completed BWYQ Appeal Form and any new supporting evidence to:

BWYQ Chair, British Wheel of Yoga Qualifications, 18 St Cross Street-4th Floor, London EC1N 8UN



BWYQ Initial Review and Formal Appeal Process

The BWYQ will conduct an initial review to ensure that the Appeal application is complete and send an acknowledgment receipt to the appellant within 10 working days during which time BWYQ will ascertain if the issue can be resolved before going through the Appeal process.

If it is decided that the BWYQ Appeal is to proceed, BWYQ aims to respond with a decision within 20 working days from the date of the decision to proceed. If a longer time period is required, all parties will be contacted with details of the revised timescale. BWYQ will send a registered letter to the appellant with the final decision. The appellant should confirm within 15 working days if the decision is accepted or if an Independent Review needs to be arranged



Independent Review

If the appellant is not satisfied with the Stage 1 Appeal decision, BWYQ can commission an appropriate Independent Reviewer to review the evidence who will determine if the BWYQ have applied their procedures fairly in line with BWYQ policy guidelines, however, the appellant will need to pay a nominal fee of £150 per applicant to cover the cost of an Independent Reviewer's time. If the Independent Review upholds the appeal, the fee will be waived and a refund will be issued.

The Independent Reviewer will aim to reach their decision within 30 working days of receipt of the request for Independent Review and the appellant's payment of the £150 fee.

If the appellant is unsatisfied with the outcome of the Independent Review, the matter can be raised with the relevant qualification regulator (e.g. Ofqual in England).