

WELLBEING FITNESS EDUCATION CENTRE

APPEALS POLICY AND PROCEDURE

Introduction

Wellbeing Fitness Education Centre has procedures in place to make sure that the decisions we make in connection with our awarding organisation functions are consistent, transparent and fair. However, we recognise that on occasion an organisation or individual may disagree with a decision, and that we must provide the opportunity for that decision to be formally questioned, challenged and appealed.

This document sets out the scope for such appeals, and our appeals procedure is designed to produce fair, consistent and timely outcomes based on proper consideration of the evidence available to us.

Scope

This appeals policy and procedure is for use by the Wellbeing Fitness Education Centre and its associates in relation to the decisions we make in connection with our regulated awarding organisation functions. It includes decisions about development, delivery and awards as follows:

- qualification approval;
- results of assessment and award of qualifications;
- reasonable adjustment and special consideration;
- malpractice and maladministration.

We will not consider an appeal that falls within the scope of Wellbeing Fitness Education Centre's complaints policy, until its own procedures have been exhausted. This includes appeals against the results of internal assessments and external assessments.

This policy and procedure is also for use by Wellbeing Fitness Education Centre and its associates or other individuals that wish to appeal against other decisions, not mentioned above, disciplinary decisions as well as third party issues that remain unresolved and where Wellbeing Fitness Education Centre and/or its associates have been named.

Reviewing Appeals and Enquiries

We aim to work constructively with our associates and students, so we will always try to resolve disagreements before instigating our appeals procedure, by encouraging and dealing quickly with enquiries. We would wish to receive an enquiry in writing if the reason for our decision is not clear, or requires clarification, within 10 working days of the date we communicate our decision. We will acknowledge the enquiry within 3 working days and provide a full and accurate response within 10 working days.

For enquiries about the results of external assessments, we operate a policy of communicating only with associates, not with individual learners directly. All learners with enquiries about external assessment results are therefore referred back to the licensee. Trainers/tutors/co-ordinators can contact us with an enquiry about an assessment decision for individual learners or groups of learners.

Anyone wishing to proceed to appeal must do so within 10 working days of the day we respond to the enquiry.

The Appeals Principles

Appeals are made on the basis that we did not apply our procedures consistently or that we did not follow our procedures properly and fairly.

Appeals will be heard by competent individuals who have no personal interest in the decision being appealed, and in the appeals process we will include at least one independent individual who is not our employee, our assessor or otherwise connected to us, and is involved in the appeal decision. The individual could be a solicitor, lead inspector or other professional who is acceptable by both parties.

We will only accept appeals by students (or associates) if the appeal is in writing and states the grounds for the appeal and is received by us within 10 working days from the day we respond to an enquiry or the day we communicate the decision that is appealed. We will only accept appeals directly from students in exceptional circumstances. Other external or internal individuals can appeal directly. The appeal must be received, and will be dealt with, following this procedure.

The appeals procedure includes timescales to ensure that appeals are dealt with quickly without compromising rigour. We will make every reasonable effort to meet these

timescales but we may vary them by mutual consent or because of an unforeseeable delay, such as illness. In the latter case we will write to the appellant to explain the delay and give an indication of new timescales.

We will follow the appeals procedure stage by stage. Each stage must be exhausted before we move to the next stage.

Each stage of the appeal will include at least one individual who was not involved in the previous stage to ensure the highest standards of objectivity.

Where the application of the appeals process brings into question the effectiveness of our assessment process, we will take reasonable steps to mitigate or correct adverse effects and prevent recurrence in the future. This may include revoking certificates, which are revealed to be inaccurate.

We will consult and co-operate with the qualifications regulators, if necessary to support the appeals procedure. If, after consultation with all parties, the appeal remains unresolved, this will be passed to the independent third party¹, agreed by both parties, as outlined above, for a final review of the appeal. The findings of that review will be final.

In cases where panel decisions are required, the majority vote will apply.

¹ Such as solicitor, accountant, lead inspector of colleges, or similar professional body

Reviewing Appeals and Enquiries

The review timescales at each stage for all types of appeals and enquiries about results:

- we will aim to follow the timescales below at each stage of the process and keep the appellant informed if any stage will take longer than expected;
- upon receipt of the appellant's appeal or enquiry about a result, we will allocate appropriate Wellbeing Fitness Education Centre personnel to review the cases and who have not had any previous involvement in the matter;
- we aim to action and resolve all stages of appeals and enquiries about results within **10 working days** of receipt of the appellant's notification or report. Please note that for other appeals, it could take up to **20 working days** to complete the review, e.g. if we need to arrange a panel. In such instances, we will contact all parties concerned to inform them of the likely revised timescale;
- we will advise the appellant of the outcome of their appeal or enquiry about a result within **3 working**

days of making our decision.

There are three possible stages at which an appeal can be heard:

- Stage 1: Hearings Committee;
- Stage 2: Appeals Committee;
- Stage 3: Independent Appeals Committee.

For any appeal that goes beyond Stage 2, the independent appeals assessor will conduct this final stage of the appeals process. The outcome of the independent appeals panel is final; there is no further right of appeal beyond this stage.

We will acknowledge receipt of an initial appeal within 3 working days and confirm whether the appeal falls within the scope of this policy and procedure within 10 working days. We will acknowledge receipt of Stage 2 and Stage 3 appeals each within 3 working days and provide an initial response within 10 working days. We will confirm the outcome of each stage of the appeal within 5 working days.

We aim to complete Stage 1 and Stage 2 of the appeals procedure within 45 working days from the date of receipt of the initial appeal, and within a further 4 weeks for Stage 3 appeal.

At each stage the decisions available are to dismiss the appeal, or uphold the appeal and require procedures to be repeated.

In detail, the stages of the appeals procedure are:

Stage 1: Hearing Committee

Stage 1 of the appeals procedure involves a review of the appeal by the hearings committee including in the decision making at least one independent member. The panel will make enquiries based on the nature of the appeal and on this evidence, decide if any further work relating to the appeal should be authorised. For the majority of cases, the appeal can be resolved at this stage.

In cases where the appellant remains dissatisfied after notification of the outcome of Stage 1, the appellant may progress to Stage 2. To progress to Stage 2, the appellant must make a written request to us within **10 working days** of receipt of the outcome of Stage 1 or any further work resulting from Stage 1, whichever is the later.

Stage 2: Appeals Committee

Stage 2 of the appeals procedure involves a hearing by the appeals committee. The committee will include in the decision making at least one independent

member, who has had no previous involvement with the case, (e.g. part of the hearings committee). The committee will consider whether the appeal is submitted within the time limit of 10 working days of receipt of the outcome of Stage 1 or any further work resulting from Stage 1, whichever is the later.

Stage 3: Independent Appeals Committee

In the event of Stages 1 and 2 being exhausted without a satisfactory resolution, Stage 3 of the appeals procedure can be invoked. In Stage 3 the case will be put before an independent appeals assessor, agreed to act, by both parties. The independent assessor will consider an appeal for Stage 3 provided that:

- The appeal is submitted within the time limit of within 10 working days of receipt of the outcome of Stage 2 or any further work resulting from Stage 2, whichever is the later;
- the Stage 2 appeal process has been exhausted.

The independent appeals assessor will decide if there is an appeal case to be heard. The appellant will be notified within 10 working days if the case has been accepted or not. If it has been accepted the independent appeals assessor will arrange to review the case.

Stage 3 is the final step in the appeals process. At Stage 3 a final decision will be made regarding the outcome of the initial appeal.

Appeals against External Assessment Results

An appeal concerning an individual learner must be made through the learner's centre and be submitted, in writing, to Wellbeing Fitness Education Centre by the centre's senior manager or administrator.

- Appeals are only accepted in relation to the first, original external assessment for the learner and qualification concerned. An appeal cannot be lodged after any external assessment re-sit;
- any appeal must be submitted within 10 working days from the date of publication of the external assessment results, or within 10 working days of the day we respond to an enquiry;
- the written appeal should be clearly headed "formal letter of appeal" and include details of learner's name, centre, award for which assessment is being queried, grounds of appeal, and any endorsement by the centre co-ordinator;
- on receipt of the formal letter of appeal, an initial

clerical check will be made by us to ensure that the correct assessment result was published and if a discrepancy is found, the corrected result will be immediately published;

- the appeals process investigates procedures and is not concerned with making judgements about the learner's work. Appeals do not inevitably result in the re-marking or re-assessment of the learner's work, but a review of the learner's work may be ordered if the outcome of the appeal authorises such a decision;
- an appeal can only be lodged when the external assessment decision conflicts with the centre's actual or predicted internal assessment decision;
- once started, the appeals procedure must be completed before a learner can opt to register to re-sit;
- no learner registration fees will be refunded in relation to any outcome of this appeals procedure.

In cases where the outcome of an appeal or enquiry against an internal or external assessment decision or component affects the accuracy of results for other candidates in the same cohort, the personnel involved in the review of the appeal or enquiry about a result will decide whether or not the outcome warrants re-marking or reassessment of all portfolios or external assessments affected.

The following information applies to group appeals:

- Appeals will be accepted on behalf of whole learner groups if, following the enquiry process, Wellbeing Fitness Education Centre have reason to question the overall assessment of the group;
- any group re-assessment will apply to all members of the group, including any learners already awarded credit;
- a group appeal must be lodged by the centre within the same timescales as for individual appeals;
- the event of assessment decisions being changed by the group appeal process, the appeal fee will be refunded for all learners where the assessment decision is overturned.

Licensees lodging an appeal will be required to pay an administrative appeals fee in advance, specific to the qualification concerned. Details of the current fee are available from us. The group appeals fee is charged, for each member of the group, at 50% of the full individual appeal fee. The fee will be refunded in full if the appeal is successful.

Appeals against Internal Assessment Decisions

Wellbeing Fitness Education Centre expect appeals regarding internal assessment to be resolved in the associates' centre according to the Wellbeing Fitness Education Centre's own appeals policy. We require each associate to follow procedures that are consistent with the centre's own appeals policy.

Other Appeals Affecting Learners

We accept other appeals from associates on behalf of learners, including appeals against decisions to not permit reasonable adjustments and special consideration and appeals against the outcomes of investigations into malpractice.

Enquiries and Appeals against Other Decisions Affecting Associates' Centres and Prospective Centres

We accept appeals from associates against decisions not to grant qualification approval, appeals against sanctions and appeals against other outcomes of investigations into malpractice and maladministration.

Monitoring and Reporting on Appeals

All appeals will be reported to the senior management team and an annual report will be made to the senior management team to ensure that our procedures remain fit for purpose.

Fees Payable

Fees will be charged to the associates's centre or the learner to cover administration and personnel costs if:

- the appeal or enquiry about results are not upheld;
- Wellbeing Fitness Education Centre needs to carry out an associates centre visit.

Communication within an Associates Centre

It is important that both staff involved in the management, assessment and quality assurance of our qualifications and a centre's learners undertaking these programmes of learning are fully aware of the contents of the policy.

Wellbeing Fitness Education Centre will ensure that staff and all users in the associate's centre are aware of the policy. On their centre visits, any Wellbeing Fitness Education Centre appointed persons may check that associates have not only received the policy but also made relevant staff and all learners aware of its contents and purpose.

Contact Us

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Review

We will review this policy and procedure every three years or more frequently if required, for example in response to user feedback, changes in practice, requirements of the qualifications regulators or other external agencies or changes in legislation.



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