

# Bay Learning Academy CIC

## Learner Appeal Policy 2024 - 2025

### 1. Introduction:

This policy is directed at Bay Learning Academy's clients, specifically learners enrolled in approved qualifications or units. It delineates the procedures for learners to follow when submitting appeals and details the corresponding processes that Bay Learning Academy will adhere to in responding to appeals. Staff should refer to this policy to ensure consistent handling of all appeals.

Appeals primarily concern assessment decisions that learners find unsatisfactory. Complaints may involve disagreements or incidents, while disputes can arise from differences in opinions among learners, assessors, or IQAs.

### 2. Purpose:

Bay Learning Academy is dedicated to establishing a fair and transparent process for learners seeking to appeal academic or assessment-related decisions. This policy outlines the necessary steps for learners to submit an appeal.

### 3. Scope:

This policy applies to all Bay Learning Academy learners with concerns or disagreements regarding assessment outcomes, grades, or any academic decisions affecting their progress and results.

### 4. Academy's Responsibility:

It is crucial that the personnel engaged in the administration, assessment, and quality assurance of our qualifications, as well as those overseeing the learners, are well-acquainted with the provisions outlined in this policy.

Furthermore, our Academy must establish internal appeal mechanisms accessible to learners seeking to challenge decisions made by our Academy. In the event an individual wishes to contest a decision made by the Academy, they must initially follow the Academy's appeals process before escalating the matter to the awarding body or exercising the right of further escalation, as elucidated within the parameters of this policy.

All involved parties need to adhere to this protocol, ensuring a transparent and fair process in the management and resolution of appeals. Any deviation from the established procedures may compromise the integrity of our educational framework. Therefore, strict adherence to the outlined steps is paramount for maintaining the credibility of our assessment and quality assurance processes.

### 5. Areas Covered:

This policy encompasses the following:

- i. Appeals from learners regarding an assessment decision, grounded in the argument that procedures were not consistently applied or were not duly followed properly and fairly.

- ii. Appeals from learners concerning an awarding body's refusal to accede to a Academy's's request for reasonable adjustments or special considerations for an individual learner.
- iii. Appeals from learners pertaining to the imposition of a sanction or action by an awarding body on an individual, resulting from an investigation into malpractice or maladministration, or a decision to amend a learner's/set of learners' results following such an investigation.

In all instances, appeals may only be initiated on the grounds that our procedures were not consistently applied or were not duly followed in a proper, consistent, and fair manner. It is imperative that the basis for any appeal aligns with these criteria to ensure the integrity and impartiality of the appeals process.

#### **6. Grounds for an Appeal:**

Challenges to the decisions made by an Examiner/Assessor can be based on the following three grounds:

- i. Existence of circumstances materially affecting the candidate's performance, which were unknown to the Examiners/Assessor when the decision was made, and which the candidate could not reasonably make known to the Examiner/Assessor beforehand.
- ii. Procedural irregularities in the conduct of examinations and/or assessment procedures, including coursework assessment, of a nature sufficient to create a reasonable possibility that the outcome might have been different had these irregularities not occurred.
- iii. Evidence of prejudice, bias, or inadequate assessment by one or more examiners.

It is crucial to emphasise that a candidate cannot appeal merely based on the subjective belief that they deserve a better result.

#### **7. Excluded matters from Academic Appeals:**

Certain matters are explicitly excluded from the scope of Academic Appeals:

- i. Appeals cannot be made on the grounds that mitigating circumstances adversely affected performance in an assessment or that an inappropriate allowance was made for such circumstances. These issues fall under the purview of the Reasonable Adjustments and Special Considerations Policy and Procedure.
- ii. Appeals may not be pursued on the basis of poor teaching, supervision, academic advice, or guidance affecting performance. In such instances, students are encouraged to file a complaint in accordance with the Student Complaints Policy and Procedure.
- iii. It is imperative to underscore that appeals related to internal assessments are subject to specific criteria. Candidates are precluded from appealing solely on the basis of dissatisfaction with a result, whether it falls below personal expectations or perceived deservedness. An appeal will not be entertained if the contention is that, while the examiners/assessors' decision was appropriately rendered, candidates merely believed there might have been an error in the judgement of the results by the Examiner/Assessor.

## **8. Making an Appeal Concerning External Assessment:**

All appeals concerning external assessments will be addressed by the Awarding Body. It is essential to note that this type of appeal can only be initiated by the Academy on behalf of individual candidates; candidates themselves are not authorised to submit appeals directly. The Academy assumes the responsibility of forwarding relevant evidence and the candidate's appeal to the Awarding Body. Typically, this evidence includes the candidate's actual exam paper/portfolio (if not previously submitted to the Awarding Body) and a formal application outlining the grounds for the appeal.

While Bay Learning Academy lacks the authority to govern the outcomes or the time required for resolving appeals by any Awarding Body, our commitment is to facilitate the process to the best of our ability, ensuring a smooth and efficient experience for both the candidate and the Awarding Body. It is imperative that candidates refrain from contacting the Awarding Body directly, unless explicitly instructed to do so by the Awarding Body itself. The coordination and communication between the Academy and the Awarding Body remain crucial for the integrity and effectiveness of the appeals resolution process.

## **9. Process for Raising an Appeal:**

Learners are afforded a window of 20 working days from the date of notification regarding the decision being contested to formally submit an appeal against our determination. It is essential for learners and Academy staff, in the event of an appeal, to retain documentation supporting their course or qualification until a final decision is communicated.

If a Academy appeals on behalf of a learner concerning a decision made by an awarding organisation, it is imperative to secure written permission from the learner. This precaution is necessary as investigation outcomes can potentially impact assessment results.

Any learner aspiring to appeal to the awarding body regarding an assessment outcome or a related decision should seek our support only after exhausting our internal appeals process. Direct appeals to the awarding body are anticipated only in exceptional circumstances.

When filing an appeal with the awarding body, it is incumbent upon us to provide relevant supporting information, including:

- Learner name(s) and registration number (if applicable)
- Dates of notification for the awarding body's decision, both for us and the learner
- Title and number of the affected qualification or nature of the service impacted (if applicable)
- Comprehensive details outlining the nature of the appeal
- Contents and findings of any investigations conducted by the Academy pertaining to the issue

## **10. Initial Review:**

Upon the reception of all appeals, Bay Learning Academy administration commits to acknowledging receipt of the appeal within 2 working days. Subsequently, our objective is to provide a comprehensive response following the initial review of the appeal within 5 working days. It is essential to note that certain circumstances may necessitate an extended review process, particularly if a Academy visit is deemed necessary. In such instances, we will proactively communicate with all relevant parties to apprise them of the anticipated revised timescale. This proactive communication ensures transparency and keeps all stakeholders informed throughout the process.

## **11. Appeals Procedure:**

The Appeals Procedure comprises five distinct stages outlined as follows:

**Stage 1:** Initially, concerns regarding the assessment will be addressed by the Assessor. Should discussions fail to yield a satisfactory resolution, the trainee and assessor will escalate the matter to an Internal Verifier from the Academy.

**Stage 2:** The Internal Verifier will conduct an investigation into the concerns raised. Subsequently, a decision will be made. If the matter remains unresolved, the Internal Verifier will arrange for the appeal to be handled by an Independent Third Party.

**Stage 3:** The Independent Third Party will then address the appeal, rendering a decision. If the matter persists, the next step is to appeal directly to the awarding organisation.

**Stage 4:** To initiate this appeal, you are required to submit a written appeal to the awarding organisation within fifteen working days of receiving written notification from Bay Learning Academy regarding the appeal's outcome. Details for the appropriate awarding organisation will be provided upon request. The appeal must include a written account detailing why you believe Bay Learning Academy's decision is incorrect, accompanied by evidence supporting your case. Appeals of this nature will be referred to experienced subject specialists by the awarding organisation.

The awarding organisation will communicate the decision of the subject specialists in writing to both you and Bay Learning Academy within fifteen working days of receiving the written appeal. The reasons for the decision will also be provided. If resolution within this timeframe proves unattainable, the awarding organisation will keep you informed of the progress.

**Stage 5:** In the event that you remain dissatisfied with the appeal outcome as determined by the Awarding Body, you reserve the right to escalate the matter to the relevant qualification's regulator. Details of the appropriate regulator will be supplied upon request.

## **12. Disputes:**

Undoubtedly, assessors may encounter challenges to the decisions they make, stemming from factors such as clashes of personality, errors, or circumstances beyond their control. Various examples of potential disputes include:

1. Problems related to plagiarism
2. Insufficient supporting evidence
3. Inconsistencies within the work environment
4. Issues involving deadlines, word counts, and missing information

Addressing disputes necessitates a careful approach to prevent their escalation. Seeking the guidance of another assessor or approaching the learner judiciously to gather all relevant facts is advisable. Responding with anger or stress can exacerbate the dispute, making it essential to take ample time to consider all available options thoroughly. The objective is to manage disputes prudently, fostering resolution while maintaining a constructive learning environment.

### **13. Monitoring and Review:**

The on-going monitoring and assessment of the policy throughout the academic year fall under the purview of the Quality Assurance team at Bay Learning Academy. On an annual basis, the Quality Assurance team undertakes a comprehensive review of the policy, considering recommendations provided by awarding bodies. This cyclic review process ensures the policy's relevance, effectiveness, and alignment with the evolving standards and best practices in the academic domain. The collaborative engagement with awarding bodies reinforces a commitment to continuous improvement and the maintenance of high-quality educational standards.