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## Appeals Policy

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## Appeals Policy

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## 1. Introduction

The British Horse Society (BHS) is committed to making sure all its activities are conducted safely, fairly, transparently, objectively and free from bias.

The appeals policy should be used if you wish to have a change to a decision considered. Anything else would be addressed by the *BHS Raising Concerns Policy*. If you wish to raise a concern or make a complaint, please visit our website for further guidance: [www.bhs.org.uk](http://www.bhs.org.uk).

## 2. Scope and applicability

This policy is for anyone who wishes to lodge an appeal to the BHS regarding the service or activity at an assessment delivered by the BHS Education Team. This policy is also for anyone who wishes to lodge an appeal relating to action taken following an investigation into malpractice or maladministration.

This policy is for:

- Candidates
- BHS employees
- Assessors
- Approved assessment centres, and their workforce
- Others as relevant

This policy excludes any other customers of the BHS who wish to appeal against a decision made by the BHS or BHS Education Team, where the appeal is not in relation to an assessment service or activity. If your appeal does not relate to an assessment or malpractice or maladministration decision, the BHS Education Team may advise you to follow the *BHS Raising Concerns Policy*. You will be advised accordingly at the time you submit your appeal.

## 3. Purpose and objectives

The purpose of this policy is to give relevant guidance and knowledge regarding appeals.

This document will:

- Define what is meant by an appeal
- Provide examples where an appeal may arise
- Explain how an appeal can be made to the BHS
- Establish a clear appeals procedure
- Outline further routes of appeal for regulated qualifications.

It is useful to refer to the following documents and policies when reading this:

- BHS Raising Concerns Policy
- Malpractice and Maladministration Policy

- Access to Fair Assessment, Reasonable Adjustments and Special Consideration Policy for BHS Assessments

#### 4. Terms and definitions

An **appeal** can be defined as a formal request to challenge a previous decision. Appeals relate to issues raised as a direct result of a decision made by the BHS and can act to correct an error or provide clarification.

The **appellant** is a person lodging the appeal representing themselves, an organisation or someone else.

**Approved assessment centre** is any location where an assessment delivered by the BHS Education Team is taking place.

An **assessor** is contracted to the BHS to make assessment decisions at BHS assessments.

**Learner/candidate** is anyone registered to take a qualification and to be assessed as part of that qualification.

**British Horse Society Qualifications (BHSQ)** is the awarding organisation for the British Horse Society. They are recognised and regulated by the Office of the Qualifications and Examinations Regulator (Ofqual) in England, SQA Accreditation in Scotland, Qualifications Wales (QW) and the Council for the Curriculum, Examinations and Assessment (CCEA) in Northern Ireland.

#### 5. The BHS's approach to appeals relating to an assessment service, activity or decision

An appeal may be lodged when an individual feels that BHS policies and procedures were not adhered to with regards to decisions made by the BHS Education Team. An assessor's decision as to whether a candidate reached the required standard will not be overturned. The BHS may decide to void a result if there is sufficient evidence to do so.

An appeal may relate to:

- You believed you were discriminated against on the grounds of your age/race/gender/gender reassignment/disability/pregnancy/religion or beliefs/sexual orientation/marriage or civil partnership
- The manner in which your assessment was conducted put you at an unfair disadvantage in comparison to other candidates
- Your result was inconsistent with the requirements set out in the relevant assessment criteria, for example, you believe you were asked to complete tasks or answer questions not relating to the criteria
- Decisions regarding access arrangements and reasonable adjustments, for example, your reasonable adjustment application was not managed appropriately
- Action taken following an investigation into malpractice or maladministration
- Decisions made by the BHS and or BHS assessors, Internal Quality Assurers, Approved Assessment Centre workforce who are carrying out a specific role relating to your assessment

This list is not exhaustive and is for example only; each appeal is different and will be considered on a case-by-case basis.

All appeals are logged, monitored and investigated internally. We will handle any appeal confidentially and sensitively.

Please be assured if you require any assistance with raising your concern or appeal, please contact us and we will do our best to help.

## 6. Submitting an appeal

### 6.1 Who can submit an appeal?

An appeal can be submitted by any person or organisation or by someone on their behalf (a third party) who has been directly affected by a decision made by the BHS or BHS Education Team, where the appeal is in relation to an assessment service, activity or decision, or in relation to a malpractice or maladministration decision.

If the individual is under 18 years of age (or under 16 years of age if residing in Scotland), an appeal can be lodged by the individual's parent or carer.

Appeals submitted by a third party must have the written support and permission of the person they are representing.

### 6.2 Timeframe to submit an appeal

An appeal must be submitted within 30 days of the assessment date, or within 14 days of the reasonable adjustment outcome or malpractice or maladministration decision.

### 6.3 How to submit an appeal

An appeal is submitted to the BHS Education Team by completion of the Appeals Form plus payment of the £100 appeals fee. The appeals fee must be received within the timeframe noted in 6.2.

The BHS Education Team, is unable to accept appeals regarding any of the following:

- Appeals that exceed the stated timeframes
- Appeals that are outside the scope of this document
- Anything that took place before the learner was booked onto a BHS Assessment
- Anything that should be dealt with under an employer's disciplinary or grievance procedure.

If your appeal is upheld the £100 fee will be refunded.

### 6.3 What to expect as a result of submitting an appeal

The BHS Education Team aim to acknowledge receipt of your appeal within seven working days and follow the process as detailed in this policy. The process consists of two stages.

**Phase One:** Initial review of the appeal conducted by the Head of BHS Education Operations and/or BHS Education Director and/or other member of the BHS Senior Management Team.

The BHS hopes that the appeal can be resolved at this stage. However, if this is not possible the appellant or the BHS can progress the appeal to Phase Two

**Phase Two:** Appointment of an independent Review Panel to investigate the appeal.

**Further lines of appeal:** If the appellant remains dissatisfied with the outcome, and their appeal is in relation to a regulated qualification, they may refer their appeal to our awarding body, British Horse Society Qualifications (BHSQ).

Information regarding appeals, reviews and investigations may need to be provided to BHSQ and other organisations, if requested The BHS will respect a person's anonymity, however depending on the nature of the appeal this may not be possible. The appellant will be consulted in this instance.

Depending on the nature of the appeal, the BHS may require the candidate to submit a Subject Access Request (SAR). The appellant will be advised in this instance.

## 7. The appeal process

### 7.1 Phase One

The BHS will conduct an investigation into the appeal, where all evidence and documentation will be scrutinised and evaluated. To conduct a comprehensive investigation, information may need to be disclosed to third parties. Where additional evidence or documentation is required, the BHS will discuss this with the appellant.

The BHS will provide a written response to the appellant when a decision regarding the outcome of the appeal has been made.

The response will describe:

- The actions taken to investigate the appeal
- Conclusions from the investigation
- Outcome of the appeal
- Where appropriate, action taken as a result to change or improve processes and procedures.

The BHS aims for an outcome to be reached within 20 working days of the appeal being received, however, depending on the nature of the appeal, this may take longer to ensure a fair and thoroughly considered outcome. Where this is the case, the appellant will be provided with anticipated timescales.

### 7.2 Phase Two

To appeal a Phase One outcome, the appellant must submit their appeal within 10 working days to the BHS Education Team, following receipt of the Phase One outcome.

The BHS Education Team may escalate the appeal to Phase Two of the process if they are unable to reach a fair and equitable outcome at Phase One.

For the Phase Two process, the BHS Education Team will appoint an Independent Review Panel (IRP) to investigate further. The panel will be made up of a minimum of three persons with at least one person independent of the BHS Education Team. The panel will be selected with an appropriate set of skills pertinent to the nature of the appeal. This may include individuals with a technical, educational or legal expertise.

The IRP will be convened, and a meeting held with the BHS Education Team to provide an overview and produce terms of reference for the panel. The terms of reference will be shared with the appellant.

The IRP will be provided with all documentation from Phase One of the appeal. The IRP may request additional information from the appellant, the BHS or other parties to support their investigation. Where information is confidential it will only be viewed by the BHS and the IRP and will be marked as such. The IRP may also conduct interviews with all relevant parties to seek clarification.

The IRP will conduct an investigation of the appeal, this will include:

- Review all documentation and evidence relating to the appeal
- Ensure processes and procedures have been fairly and consistently applied
- Ensure fair and equitable decisions have been reached.

The IRP will meet with the BHS and provide a draft report of their findings to ensure all aspects are correct.

The draft report will be shared with the appellant and other relevant parties for comment. Meetings with the IRP can be arranged by the appellant and other relevant parties if clarification is required on any points contained within the draft report. Following this stage, the final report will be submitted to the BHS by the IRP. The BHS Education Team will send the outcome of the appeal to the appellant and any relevant parties. Any recommendations will be reviewed and actioned.

The BHS aims for an outcome to be reached within 30 days of the IRP being appointed. However, this may take longer in order to ensure a fair and thoroughly considered outcome. Where this is the case, the appellant will be provided with anticipated timescales.

The appellant will be informed by the BHS Education Team of the outcome within three working days of the final decision being made.

Once an appeal has been investigated and an outcome has been reached, the appeal will be closed by the BHS Education Team.

The decision of the IRP is final. However, if the appellant remains dissatisfied, and the qualification the appeal is related to is regulated, then referral to our awarding organisation, British Horse Society Qualifications may be appropriate.

## 8. Further lines of appeal

Where the appeal relates to a regulated qualification and the appellant remains dissatisfied with the outcome and the concern is still not resolved, the matter may be escalated to British Horse Society Qualifications. The awarding organisation will not overturn assessment decisions but will examine processes and procedures.

Please refer to the BHSQ website for further information: <https://www.bhsq.co.uk/policies-and-procedures/policies-and-procedures-documents/>

## 9. Outcomes from investigations

Where the investigation has highlighted flaws, errors or failures within BHS or BHS Education Team processes, procedures and/or guidance, all reasonable steps and appropriate action will be taken to prevent a reoccurrence.

This may involve, but is not limited to:

- Contacting other candidates who have been affected
- Recall incorrect certificates
- Mitigate as far as possible where failures cannot be corrected
- Apply sanctions as appropriate
- Update policy and procedure guidance to provide clarity
- Increase internal quality assurance activity
- Inform our awarding organisation BHSQ

## 8. Record keeping

The BHS Education Team must maintain secure records of all appeals for audit and monitoring purposes. This includes:

- Name, address and contact details of the appellant
- Description of the appeal including
  - The specific nature of the appeal
  - When it happened
  - The sequence of events
  - any persons/organisations involved
  - witnesses who are able to support the appeal
- Copies of all documentation and evidence to support the appeal
- Members of the IRP panel, if applicable
- Outcome of the investigation
- Follow up actions



Please see the BHS Privacy notice ([BHS.org.uk/privacy](https://www.bhs.org.uk/privacy)) for further information about how we use personal data.