



## **Policy: Appeals**

**Member of Staff Responsible:**

**Sue Lewis**

**Policy Approved By:**

**YLC Steering Group**

**Approved on:**

**24.09.2018**

**Review Date:**

**2020**

**(circumstances may require an earlier review)**

*Signed-off by:*

**Steering Group Chair:**

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**Janet Sheriff**

**Date:**

**24.09.2018**

## **PURPOSE**

The purpose of this appeals policy is to provide clear procedures for dealing with appeals made by Participants against Yorkshire Leadership Community (YLC).

## **SCOPE**

- a) This policy can be used by anyone who is a current participant with YLC, or a participant who completed their training with YLC within 6 calendar months of the date of initiating their appeal
- b) This policy does not cover appeals or queries referred to below;
  - Appeals or complaints related to quality of provision by YLC or actions or lack of actions are covered by the YLC's Complaints Policy
  - Appeals for a deferral related to a YLC programme with a final assessment are covered by the YLC's Deferral Policy

## **DEFINITIONS and EXAMPLES**

For the purposes of this policy, an appeal is defined as a request for a review of a decision of a judgement or assessment outcome for a course undertaken through the YLC.

Examples of appeals this Policy cover include:

- a procedural regularity in the assessment process including final grading
- bias or perception of bias in relation to final grading
- extenuating or mitigating circumstances where, for good reason, YLC was not made aware of a significant factor relating to the assessment of a participant when it made its original decision

## **GENERAL PRINCIPLES**

- a) YLC aims to provide an outstanding leadership programme for the participant it serves.
- b) YLC is committed to working in partnership with its participants and partner schools, taking account of participant's views in order to improve its service.
- c) YLC will seek to discuss concerns informally with a participant. However most appeals will normally be dealt with through a formal procedure.
- d) YLC expects all parties to act reasonably and fairly towards each other, and to treat the processes themselves with respect.
- e) YLC will work to ensure this policy is used fairly, proportionally and in a timely way.
- f) YLC will ensure that decisions are taken by people without actual or perceived conflicts of interest and that all involved will ensure an appropriate level of confidentiality through the process, without causing disadvantage.
- g) Participants will be offered the opportunity to be accompanied by a friend, family member or representative from a Teaching or Professional Union.
- h) YLC will put all the outcomes of any investigation in writing for the participant. A Completion of Procedures (COP) letter will be used at 'end points' in the process.

## **STAGES IN THE PROCESS**

There are three potential stages within this policy as follows:

1. Clarification Stage
2. Formal Stage
3. Review Stage

Appendix A provides a flowchart to illustrate the stages of YLC's appeal process. This flowchart includes the timeframe for each stage of the process

### **Stage 1: Clarification Stage**

Participants should initially email the YLC Administration outlining their concerns. The YLC Administration will attempt to resolve the appeal quickly and informally, giving the participant clarification as to YLC's reasons for the judgement or assessment outcome and to provide the opportunity for the participant to discuss their concerns before deciding to make a formal appeal.

### **Stage 2: Formal Stage**

To trigger this stage, a participant should use the Appeal Form included as Appendix B. This should help participants set out their appeal in a clear and succinct way, referring to evidence relevant to the appeal.

On receipt of this form, YLC staff who have not previously been involved in the case will:

- conduct an initial evaluation to check that the appeal is being dealt with under the right procedures
- check the appeal falls within the grounds upon which an appeal may be made
- ensure that the appeal has been submitted in the correct format and within the correct timeframe
- talk to key members of the YLC and consider assessment records and other evidence
- liaise with the DfE NPQ QA Agent for input if the appeal refers to an NPQ programme
- write to the participant informing them of the outcome of the formal stage, outlining the reasons for the decision made.
  - If the appeal is dismissed this letter will also include information about:
    - the participant's right to take the appeal to the review stage and the grounds for such a referral
    - the time limit for escalating to the review stage
    - the appropriate procedure and support available.
  - Where the appeal has been upheld, YLC will explain how and when it will implement any remedy and whether that includes an apology.

### **Stage 3: Review Stage (final internal YLC stage)**

If the participant is dissatisfied with the outcome of the formal stage, he or she can request a review. A review may cover:

- a review of the procedures followed at the formal stage
- a consideration of whether the outcome was reasonable
- any new material evidence that the participant was unable, for valid reasons, to provide at Stage 2.

The review will not:

- re-hear the complaint afresh
- involve a further investigation.

An appeal must have been considered at the formal stage (Stage 2) before it can be escalated to the review stage.

If an appeal reaches this stage, a Review Panel drawn from YLC Steering Group will consider the way in which the complaint was investigated in Stage 2. The participant will be invited in writing to attend a hearing and given 10 days' notice of the hearing date.

- Participants will be offered the opportunity to be accompanied by a friend, family member, or representative from a Teaching or Professional Union.
- The participant will be provided with information about the composition of the panel, a copy of the evidence to be considered and information about the support that is available to them including contact details.
- The panel will consist of three members of the Steering Group. They will consider the evidence and there will be an opportunity for the participant and investigating officer to make a presentation.
- A record of the meeting will be taken recording the date, people in attendance, a brief summary of the meeting.
- The Panel will consider the following questions:
  - Were the relevant procedures followed during the formal stage?
  - Was the outcome reasonable in all the circumstance?
  - Has the participant received clear reasons why the appeal was rejected at the earlier stage?
  - If new material evidence has been provided, has the participant given valid reasons for not supplying this earlier?

The Review Panel, having considered the material submitted to them may:

1. overturn the outcome of the formal stage and recommend a remedy
2. refer the appeal back to the formal stage for reconsideration
3. uphold the outcome of the formal stage.

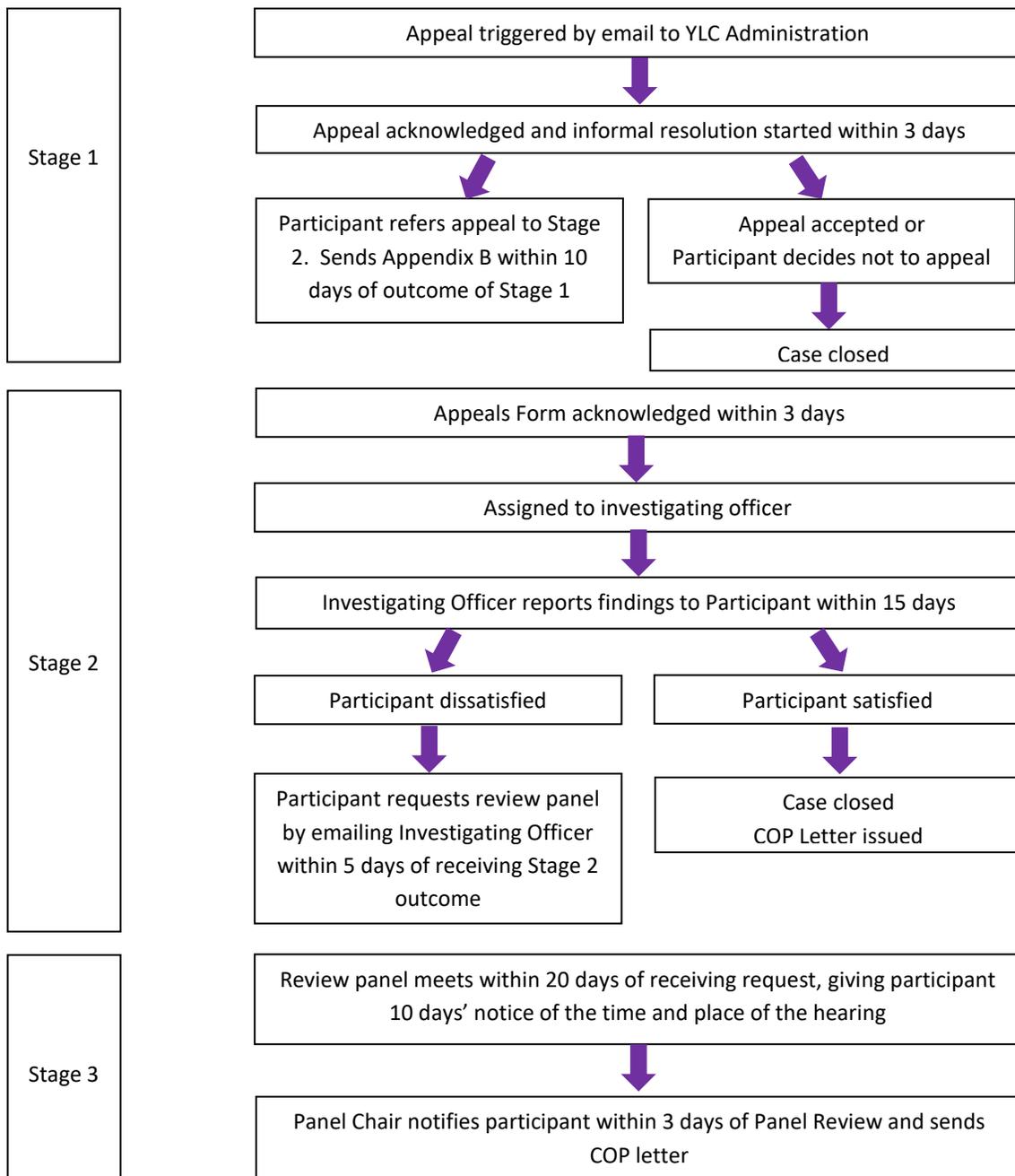
The Chair of the Review Panel will write to the participant with their decision and an outline of the reasons for their decision within three working days of the hearing.

## **GENERAL DATA PROTECTION REGULATIONS**

- YLC will retain data related to the appeal for 15 months from the start of the appeal and after this time all data will be deleted. All data will be stored securely during this time.
- All appeals will be treated confidentially. YLC will only disclose information to those who need it to investigate the appeal or to respond to the issues raised.
- If a participant makes an appeal they should only include any necessary information about third parties. Evidence provided must focus on the impact that a third party has had on the participant themselves. For example, if the mitigation is based on the health of a family member, YLC do not need to see the detailed medical information about that person.

# APPENDICES

## Appendix A Flowchart of Yorkshire Leadership Community Appeal Process



Appendix B:

# Yorkshire Leadership Community Appeal Recording Form



To be used if Stage 1 informal resolution has failed to provide a satisfactory outcome.

Full Name .....

Address .....

.....

Postcode .....

Contact Tel No .....

Email Address .....

YLC Course ..... Course Start Date.....

Please give specific details of your appeal

Please list any evidence which supports your appeal

Signature .....

Date .....

**Official use:**

Date acknowledged .....

By whom .....

Appeal referred to .....

Date .....