

FORMAL EXAMINATION APPEALS PROCEDURE BIAB COURSES

GUIDANCE FOR LEARNERS

APPEALS DEADLINES

Within 10 days of the publication of results, contact Beyond the Blue Limited. ('the company') for further information. (Please see attached 'appeals time scale' document)

APPEALS APPLICATIONS

Appeals are not normally considered where:

- Learners have failed to manage their own learning appropriately
- Learners have been affected by illness and other circumstances which may be considered a normal part of life
- Learners have been affected by long-standing, controlled conditions for which they may be expected to have sought and received appropriate support
- Learners have been directly responsible for the circumstances put forward in mitigation.

EXTENSIONS TO EXAMINATION FINISH TIMES

- Invigilators may not accept requests for the extension of finish times of examinations. Appeal applications in reference to a refusal for examination time's extensions will not be considered. Appeals in reference to the set length of time of the examinations will not be considered.
- Appeals where the agreed examination time was not observed may be considered.

FAILURE TO SIT AN EXAMINATION AND IMPAIRED PERFORMANCE IN EXAMINATION

Appeals applications will be considered within the applicable deadline and only if submitted in writing to:

Complaints Manager
Beyond the Blue Training & Consultancy
92 Vegal Crescent
Englefield Green
Surrey TW20 0QF

Your application should contain:

1. A clear and concise account of the appeal circumstances and the impact on the examination result.
2. All necessary documentary evidence.
3. Applications should be submitted directly to the Complaints Manager of the company.

APPEALS

1. Appeals will be considered only:

- i. If submitted by means of the 'Examination Appeals Form' designed for this purpose.
- ii. Accompanied by a letter explaining in full the grounds for the appeal and the remedial action sought from the company.
- iii. Providing all necessary documentary evidence substantiating the grounds of the appeal;
- iv. Submitted within the appropriate deadline.

Your appeal will be considered on the basis of the case that you make and the documents you submit.

You must ensure that you make your case clearly and that all supporting documents are included. We will not ask you for further information and we will not contact you until we have something to report to you.

2. It is your responsibility as the appellant to ensure that the company has your current contact addresses. If it has not, all correspondence will be sent to your registration address, which may result in a delay in the processing of your appeal.
3. Most appeals are concluded in 1 - 3 weeks but a small number of appeals take longer than this. Please do not contact the company about your appeal until at least three weeks after you submitted your appeal.
4. Under the Data Protection Act 1998, the company is not permitted to discuss any learner's matters with third parties.

CORRESPONDENCE

1. It is your responsibility to ensure that the company has your current contact details. If it has not, all correspondence will be sent to your registration address, which may result in a delay in the processing of your appeal.
2. The appeals process can involve detailed scrutiny of your case by a number of people. We will inform you of the outcome as soon as we are able. You should therefore contact the company for a progress report on your appeal no sooner than three weeks after you submitted your appeal.
3. Under the Data Protection Act 1998, the company is not permitted to discuss any learner's matters with third parties.

APPEAL RESULTS

1. The company will communicate the results of any appeal by telephone within 5 days of the appeal process being completed. This will be confirmed either by e-mail or in writing.
2. If the result of the appeal is unsatisfactory to the appellant or it was deemed that the company's appeal procedure was not conducted fairly, they may appeal directly to the quality assurance manager at

BIIAB within 10 working days of receipt of the company's response to the initial appeal application. Appellants should contact the BIIAB directly for further details:

BIIAB

Wessex House, 80 Park Street,
Camberley, Surrey GU15 3PT
01276 684 449

3. The BIIAB will consider appeals from learners where:
 - a. They are dissatisfied with the outcome of an investigation conducted by the company.
 - b. They have a particular assessment requirement which was not recognised by the company.
 - c. They feel that the physical environment of the examination accommodation has disadvantaged them
 - d. They feel disadvantaged by the conduct of the examination
 - e. This list should not be regarded as prescriptive and/or exhaustive
4. The BIIAB appeals procedure has two stages:

Stage 1

1. All appeals must be made in writing to the BIIAB quality assurance manager
2. All appeals must be submitted on the BIIAB appeal form which can be obtained by contacting the BIIAB quality assurance manager on the address indicated on the previous page.
3. Appeals will only be considered if the application is complete in full to ensure that all necessary information is provided at the outset and that the appropriate fee is enclosed.
4. BIIAB will acknowledge the completed form within 10 working days of receipt.
5. The BIIAB awarding body manager or duly authorised person will instigate an investigation into the appeal.
6. Response times for completing appeal investigations will vary depending on the nature of the appeal and the complexity of the matter. However it is anticipated that an investigation can be completed within one month of instigation. Where in exceptional circumstances this is not possible the appellant will be updated in writing on the progress of the appeal.
7. The action to investigate an appeal may include:
 - a. A visit to the company to interview the centre contact or nominated tutor.
 - b. Interviews with any other key individuals within the centre.
 - c. An interview with a candidate
 - d. A visit to the examination accommodation
 - e. Remarketing of examinations
8. After all investigations have been carried out by the quality assurance manager and awarding body manager or duly appointed personnel will make a decision on the appeal, based on the evidence available. This decision will be confirmed in writing to the appellant.

9. Where the decision of the quality assurance manager and awarding manager or duly appointed personnel is not accepted by the appellant, the appeal can be taken to stage 2 of the BIIAB Appeal Committee.

Stage 2

1. In order to refer an appeal to the BIIAB standard appeal committee, the appellant must request in writing and must state clearly why they are not able to accept the decision based on the evidence gathered during the original investigation. The request must be made in writing within 10 working days of a receipt of a decision and accompanied with the appropriate fee.
2. The standards appeal committee will be selected from members on the executive committee of the British Institute of Inn-keeping and one independent party.
3. The quality assurance manager will prepare a summary of the original appeals investigation within one month and will include the reasons for the original decision. This will be forwarded to the BIIAB standard appeals committee and will include the reasons provided by the appellant for not accepting the decision.
4. The appellant will be provided with the opportunity to attend the BIIAB standards appeal committee meeting. The committee will hear evidence from the appellant and that presented on behalf of BIIAB.
5. It is the appellant's responsibility to provide evidence in support of an appeal.
6. The decision of the standards appeal committee will be made within 10 working days of the meeting and will be communicated in writing to the appellant by the BII's chief executive.
7. The decision of the standard appeal committee will be final and binding on the appellant and the BIIAB.
8. Where the decision of the BIIAB Appeal Committee is not accepted by the appellant, the appellant can lay an appeal with OfQual (England & N. Ireland) / DCELL (Wales).

Stage 3

1. In order to refer an appeal to OfQual / DCELL, the appellant must request in writing and must state clearly why they are not able to accept the decision based on the evidence gathered during the original investigation.
2. The decision of OfQual / DCELL will be final and binding on the appellant and the BIIAB.

FORMAL EXAMINATION APPEALS TIME SCALES

BIIAB COURSES

1. Learner wishes to make an examination appeal on receipt of his/her examination results.
2. **Action** - Obtain advice from your trainer, invigilator or the Complaints Manager (CM) of Beyond the Blue Limited. (BTB) on receipt of your examination results.
 - **Time Scale** - Within 48 hours of issue of concern (point 1)

3. **Action** - If no response is received or the complaint is not resolved use the examination appeals procedure by completing and submitting an 'Examination Appeals Form'.
 - **Time Scale** - Within 10 days of point 2
4. **Action** - Complete the Examination Appeals Form and submit it to the CM of BTB. You will receive an acknowledgement.
 - **Time Scale** - Within 10 days of initial appeal (Point 1)
5. **Action** - Appellant to receive acknowledgement letter from CM.
 - **Time Scale** - Within 5 working days of point 4
6. **Action** - CM will start investigations and consultation process regarding the appeal.
 - **Time Scale** - Within 3 weeks of point 4
7. **Action** - Written response from the CM.
 - **Time Scale** - Within 3 weeks of point 4
8. **Action** - If matter is unresolved or response is unsatisfactory, complaint should be forwarded to the BIIAB
 - **Time Scale** - Within 5 working days of point 7
9. **Action** - BIIAB will provide appellant with an official BIIAB appeal form
 - **Time Scale** - Within 5 working days of point 8
10. **Action** - Appellant should complete the BIIAB appeal form and return it to the BIIAB directly
 - **Time Scale** - Within 5 working days of point 9
11. **Action** - BIIAB will acknowledge the completed form
 - **Time Scale** - Within 10 working days of point 10
12. **Action** - BIIAB will start an investigation into the appeal and respond.
 - **Time Scale** - Within 1 calendar month of point 10
13. **Action** - If the outcome of the BIIAB investigation is not satisfactory to the appellant, he / she can appeal this decision to the BIIAB standards appeal committee
 - **Time Scale** - Within 10 working days of point 12
14. **Action** - The BIIAB Standards appeal committee will start an investigation into the appeal
 - **Time Scale** - Within 1 calendar month of point 13
15. **Action** - The BIIAB standards appeal committee will hold a meeting which the appellant will be invited to attend
 - **Time Scale** - Within 10 working days of point 14
16. **Action** - The BIIAB standards appeal committee will be made and will be final and binding on the appellant and the BIIAB
 - **Time Scale** - Within 10 working days of point 15

-END-

Updated – January 2017 – Peter Mayhew