



## Academic Appeal Policy

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## **Contents**

## **Page**

Academic Appeals Policy

3

Grounds for Appeal

3

Principles of the Policy

4

General Principles

5

Core Considerations

5

Appeals Procedure

6

Appeals to the Awarding Body

8

OIA (Office of the Independent Adjudicator)

8

# Academic Appeal Policy

## Definitions

### Academic Appeal

For the purposes of this policy an academic appeal, as defined by the Office of the Independent Adjudicator (OIA), is “a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.”

### The right to appeal

Students have the right to appeal to the Academic Appeals Committee against the following **final** decisions of an Assessment Board charged with making decisions on assessment, progression and awards:

- (a) The conditions imposed and/or the requirement to take reassessment(s) to progress to the next stage of a taught course.
- (b) A decision to terminate a student’s current programme of study. This includes students whose programme of study is terminated but who are offered a transfer to another taught course.
- (d) A decision not to award the qualification for which a student is registered. This relates to decisions made at the end of a student's taught course; and includes appeals against decisions not to award any qualification or to award a lower qualification.
- (f) The outcome of an Extenuating Circumstances claims.

### Grounds for appeal

It is for the student to establish the case and only claims of at least one of the following circumstances will be considered as grounds for appeal:

- (i) That parts of the documented assessment procedure were not applied and that this **procedural irregularity** which has disadvantaged the student was significant enough to have materially affected the decision/recommendation made, rendering it unsound.
- (ii) That prejudice or bias on the part of one or more of the Examiners took place and can be proven or there are reasonable grounds to support the perception of prejudice or bias.
- (iii) That the decision making body took a **decision which no reasonable person would find comprehensible**. Disagreement with the decision does not make it manifestly unreasonable. To apply this ground you must provide substantive argumentation as to why no reasonable person could have arrived at the decision that was made.
- (iv) That there were circumstances that materially affected the student’s performance, for which supporting evidence exists, and these were not known to the Assessment Board at the time the decision was made and the student, for good reason, could not have made them known to their Department before the decision.

The following circumstances **will not** be considered grounds for appeal:

- (a) Perceived **shortcomings** in tuition, supervision or support. Concerns relating to the quality of teaching or supervision, or other circumstances that relate to the delivery of a programme of study

should be raised under the Student Complaints procedure before the point of assessment. Cases where complaints are upheld and there has been a clear impact on an academic outcome may lead to an academic conclusion e.g. allow a student a further attempt at an assessment.

(b) Matters of **academic judgement** of Assessment Board or individual. The student will not be permitted to argue the academic merits of his/her work. The student's assertion that the result unfairly reflects the merit of their work or their ability is not a ground for appeal.

(c) Disagreement with the **actual mark awarded** for a piece of assessed work. If a student wishes to have clarification about a mark received for an individual assessment or module, they are advised to contact their assessor or module convenor directly. Errors in calculating or recording marks on the basis of which the original decision was made cannot be submitted as grounds for appeal, unless these errors have been brought to the College's attention but not accepted by the College.

(d) Appeals against provisional marks.

### **Principles of this policy**

- The decisions made will be reasonable and, where required, provide appropriate redress.
- Appeals submitted outside the timescales prescribed in the procedure will only be considered in the most exceptional circumstances and where there is good reason, supported by evidence, for the late submission.
- Appeals will be treated seriously and students will not suffer any disadvantage or recrimination as a result of making an appeal in good faith.
- The College Policy on Communications with Third Parties is applicable to this policy. It is expected that students or people communicating on behalf of a student will conduct themselves responsibly and treat the process and those members of the College involved in the process with respect at all times.
- The procedures are fair and transparent.
- The process is evidence-based.
- Appeals form part of the College's process of quality review and improvement and are considered as providing valuable feedback rather than criticism. We will widely publicise information about procedures to students and staff.
- Students will be notified early in the process if the remedy sought within the appeal is beyond what the College can reasonably provide or what is in its power to provide.
- It is important for students to note that the Office of the Independent Adjudicator cannot consider matters which are or which have been the subject of court proceedings. Similarly, the College reserves the right to decline, suspend or to discontinue an appeal made under the Academic Appeal Procedure, in the event that legal proceedings are commenced and the claim concerns the same subject matter as the appeal.

### **Recording and monitoring of academic appeals**

It is important that appeals are monitored in order to improve the student experience. The Complaints and Conduct Team will record and provide reports to indicate the nature of appeals and outcomes. Such reports will:

- Feed into the monitoring and evaluation procedure at various Levels;
- Feed directly into appropriate College-wide committees;
- Assist in identifying problems and trends across the College;
- Form the basis of positive publicity, in demonstrating that identified issues have been resolved;
- Be made available to the Students' Union.

## **General principles**

We aim to operate an appeals system which:

- is conducted fairly and reasonably
- follows clear straightforward written procedures
- is evidence-based
- comes to a clear conclusion without unnecessary delay
- gives reasons
- provides appropriate redress
- provides an opportunity for review if the above standards have not been met.

Appeals will be treated seriously and students will not suffer any disadvantage or recrimination as a result of making an appeal in good faith. Appeals made frivolously, vexatiously or with malice will not be investigated.

## **Core considerations**

Before initiating the Academic Appeals procedure, students must verify that they have both the right to appeal and grounds for appeal, in accordance with the terms of the policy.

Before deciding whether to make an appeal, students should talk the matter through with an appropriate person in the College. It may be that following such discussions concerns about the result/decision might be clearer and more understandable (e.g. how a mark for an examination/piece of work was arrived at or how the classification has been calculated) and the matter can be resolved informally.

## **Appeals Procedure**

### **Procedure Stage 1 – Informal Assessors Appeal**

The appeals procedure involves a review of the appeal by the Assessor(s). The Assessor(s) 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. The Learner must complete and present the appeals application form within seven working days after receiving the assessment results from an assignment. The Assessors will communicate the outcome of their decision to the Learner either immediately or no later than seven working days. The Assessor will consider the appeal and will subsequently:

- provide the Learner with a clear explanation/reiteration of the assessment decision following re-evaluation of the evidence;
- amend the Learner's assessment record, if appropriate;
- give feedback to the Learner on the outcome of the decision. In cases where the Learner remains dissatisfied after notification of the outcome of Stage 1, the Learner may progress to Stage 2 by submitting a written request to the Internal Verifier within seven working days of receipt of the outcome of Stage 1.

### **Stage 2: Internal Verifier Appeal**

Stage 2 of the appeals procedure permits the Learner to present the case to the Internal Verifier. The Internal Verifier will consider an appeal for Stage 2 provided that:

- the appeal application is submitted by the assessor and recorded on the College appeals application form;
- the appeal is submitted within the time limit of seven working days of receipt of the outcome of Stage 1;
- the assessor's Stage 1 appeal process has been exhausted.

The internal Verifier will consider the appeal by evaluating:

- the Learner evidence and associated records;
- the Assessor's rationale for the decision;
- the opinion of another Assessor;
- the opinion of the Learner.

The Internal Verifier will communicate the outcome of the decision to the Assessor within seven working days. A report of the decision and outcome will be sent to the Learner within ten working days from receipt of the appeals application form.

### **Stage 3: Senior Management Panel**

In the event of Stages 1 and 2 being exhausted without a satisfactory resolution, Stage 3 of the appeals procedure may be invoked.

1. The Learner must make their appeal in writing to the Academic Director within 7 working days from receipt of the outcome in Stage 2.
2. The Academic Director will nominate a senior member of staff and another experienced member of teaching staff to lead the enquiry provided that they have played no part in the original assessment process.
3. The investigation will take into account the written submission from the applicant and will include a check on the awarding body procedures that were followed in arriving at the assessment

decision, and whether those procedures were compliant with the Code of Practice and applied fairly.

4. The procedures which are open to investigation include the full range of processes involved in, and leading to, the award of grades.
5. The appeals process is not directly concerned with making judgements about the quality of learners' work since this is the responsibility of the Assessor and Internal Verifier.
6. An appeal investigation does not generally involve a further review of the Learner's work, but such action may be authorised.

The Internal Verifier involved in Stage 2 must forward relevant details to the appeals panel and these should include:

- Appeal Application Form;
- assessment and evidence records;
- all correspondence and feedback given to the Learner at Stages 1 and 2.

After the investigation the appeal will either be rejected (disallowed) or upheld (allowed). If the appeal is upheld (allowed) any necessary further work on the Learner's scripts or results will be undertaken. Any such work will always be carried out in full compliance with the Code of Practice and JCQ agreed procedures. The outcome of the appeal will be formally reported back to the Learner and Internal Verifier in writing within 7 working days of the appeal being received at Stage 3.

#### **Stage 4 – Academic Board Appeals Panel**

If the Learner is dissatisfied with the outcome of stage 3 they have the right to forward their case to the Academic Board Appeals Panel. If the Learner wishes to proceed to the formal hearing they must inform the College in writing within seven working days of receiving the outcome letter in Stage 3.

Following receipt of notification to proceed to a formal hearing the College will convene a panel within ten working days. The panel will comprise of at least three individuals who have not previously been involved in the case; a member of the senior leadership team, the Quality Nominee and an independent person. The independent person might be a member of the Academic Board and/or an experienced member of the assessment and verification team.

Both the Assessor and the Learner will be given an opportunity to hear each other's submissions to the panel. The panel's findings will be formally reported back to the learner within five working days of the hearing.

The letter will include the outcome of the appeal and the rationale behind the decision made. The decision of the Appeals Panel will be the final internal decision; however a learner can refer a decision to the awarding body. All records of the request for the appeal, the evidence, deliberations of the panel and the result will be kept in a confidential file, held by the Examinations Officer. The College will notify the relevant awarding body of any outcome of an appeal if it has implications for the awarding body.

#### **Appeals to an Awarding Body**

##### **How to appeal**

The College Director or any private Learner should submit a written request for a Stage 1 Appeal to the relevant awarding body. Appeals must be made within fourteen days of receiving the outcome of the enquiry about results. This time scale is determined by the regulators and does not make allowance for the time the centre may be closed for holidays. The College Director or private Learner submitting the

appeal must set out as clearly as possible the nature of the concern. The Code of Practice issued by the Regulator states that appeals should focus on whether an awarding body has:

- Used procedures that were consistent with its Code of Practice
- Applied its procedures properly and fairly in arriving at judgements. When an application for an appeal is received, awarding bodies have various mechanisms for deciding whether it will be accepted or not. Some awarding bodies will refer the application to a committee or sub-committee, while in others a senior officer may make the decision. The decision whether or not to accept the appeal is based on:
  - The grounds of the appeal put forward by the College or Learner
  - Whether an appropriate investigation has been carried out
  - The timescale of the application If an appeal is not accepted, the reason(s) for this will be given. For full details on the awarding body appeals procedure will be given to the Learner on request.

### **Completion of Procedures**

As required by the OIA (Office of the Independent Adjudicator), if we are unable to resolve an appeal to the student's satisfaction, and there are no further steps available to the student, we will issue a formal "Completion of Procedures" letter within 28 days of the outcome being determined. This provides formal confirmation that the student has exhausted the internal procedure and is required for their case to be considered by the OIA.

### **Office of the Independent Adjudicator**

Once the internal academic appeal procedure has been completed, if the student is still not satisfied with the outcome, they may take their case to the Office of the Independent Adjudicator (OIA). The OIA operates externally to the College. It will not normally look at a case unless and until all relevant internal procedures have been exhausted. Further information is available from the OIA website.