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Approved by:	Approved by Executive on 6 September 2018
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**POLICY STATEMENT NO. HE13**

**TITLE:**

**HIGHER EDUCATION ACADEMIC APPEALS POLICY**

**INTRODUCTION/OVERVIEW:**

This Procedure sets out the terms under which Higher Education students of New College Stamford may appeal against a decision of the Board of Examiners for their academic programme. It follows the precepts and guidance contained in the Quality Assurance Agency (QAA) UK Quality Code for Higher Education, specifically Chapter B9 – Complaints and appeals.

**DEFINITIONS AND SCOPE**

1. An academic appeal is defined as a request for a review of a decision of the Board of Examiners, which is the body charged with making decisions on student assessment, progression (i.e. progress from one stage or level of a programme to the next) and awards. It is to be distinguished from a complaint, which is defined as an expression of concern about the provision of a programme of study or related academic service. Complaints are the subject of a separate code of practice. It should be noted that a complaint regarding a matter falling under the terms of the *Procedure on Academic Appeals* will not be accepted unless the process of appeal has been exhausted.
  
2. A request for a review of a decision of the Board of Examiners may be made if the student has reason to believe
  - (i) there has been an arithmetical or other factual error;
  - (i) there has been a procedural irregularity relating to the assessment which the Board has not taken into account;
  - (ii) the Board has failed to give proper consideration to extenuating circumstances or other information presented to it.
  - (iv) a student may appeal on the grounds that there were extenuating circumstances which he or she did not disclose to the Board. The student will be required to demonstrate that there were good reasons why the circumstances were not disclosed at the time of the Board.
  
3. An appeal may not be made regarding matters of academic judgement of the examiners concerning the outcome of an assessment or the level of award recommended or granted.

Relationship to other procedures and codes of practice

- 1.1. An appeal is to be distinguished from Complaint. In particular, it should be noted that the Appeals Procedure does not cover dissatisfaction by one or more students about an action or lack of action, or about the standard of service

provided by or on behalf of New College Stamford. The procedure that should be followed in these cases is the HE Complaints procedure.

- 1.2. This policy also links to the Procedure for Extenuating Circumstances which should be consulted before students make an appeal.
- 1.3. Where a student raises a number of issues which do not fall within the scope of just one procedure, e.g. a complaint and an academic appeal, the College will inform the student of which specific issues will be considered under which procedure and will direct the student to all appropriate procedures. The College will also explain to the student the possible implications, if any, of following more than one procedure, particularly where one procedure may be suspended pending the completion of the other. In such circumstances, it may be possible, upon written agreement of the parties, to consider all matters together.

## 2. Principles and Protocols

- 2.1. In dealing with appeals, the following principles and protocols will be followed:
  - i. The College will seek to ensure that the appeal hearing is conducted transparently and promptly and in a way which is fair to all parties concerned.
  - ii. Every effort should be made to seek a resolution of matters which might potentially give rise to an appeal informally before the more formal processes are invoked and it should be noted that such an informal resolution may be sought at any stage of the process after an appeal has been made.
  - iii. Privacy and confidentiality will be maintained insofar as that is compatible with the effective investigation of an appeal. The appellant will be informed in advance if any disclosure to a third party is required in order to progress the investigation of an appeal.
  - iv. Appeals may only be made by Students. Appeals made on behalf of a student by a third party (for example, a parent or partner of the student) will not be investigated.
  - v. No student bringing an appeal under this procedure, regardless of the outcome, will be treated less favourably than if he or she had not brought the complaint. If any evidence is found to the contrary, the member of staff concerned will be liable to disciplinary procedures.

### Early Resolution

4. In the first instance, if a student is dissatisfied with their grades, they may request a Results Surgery. This is a meeting with the Assessor, Programme Leader and Head of HE or Head of Department. This purpose of this meeting is to seek to resolve matters informally before they progress to the formal stages set out below. Following this meeting the student will be issued with a written outcome of the meeting.

### First stage

5. A student wishing to make an academic appeal must do so within 30 working days of the publication of the decision of the Board of Examiners; the publication date being the date

of the letter of notification.

6. An appeal must be made by letter addressed to Head of Higher Education or his or her nominee. The appeal must make clear the assessment outcome to which it relates and state the grounds on which it is made. Appellants should explicitly give their consent for information that they provide in connection with the appeal to be disclosed to relevant third parties. The College will not disclose such information to any persons unconnected with the consideration of the appeal. Appellants must provide corroborating evidence from a third party in the case of extenuating circumstances in order to establish good reasons why extenuating circumstances were not disclosed to the Board of Examiners.
7. The Head of Higher Education will meet with the Director of Learning (DOL) or in his or her absence another senior member of the College, to decide whether there are grounds for an appeal. If the Head of HE and DOL decide that a case has been established, he or she will write to the appellant to inform him or her that the appeal will be progressing to an Academic Appeals Hearing. If the Head of HE and DOL decide that there is no case for appeal then the student will be issued with a Completion of Procedures Letter stating the outcome and the reasons for the decision and indicating that he or she may appeal against the decision to the Deputy Principal Curriculum & Quality within 20 working days. Such an appeal must take the form of a letter stating clearly the grounds for seeking to overturn the decision. The Deputy Principal Curriculum & Quality will, after considering the written evidence, advise the appellant in writing of the outcome and the reasons for the decision. A copy of this letter will be sent to the Head of Higher Education. If the Deputy Principal decides that there is a case for appeal then he or she will write to the appellant to inform him or her that the appeal will be progressing to an Academic Appeals Hearing. If the Deputy Principal Curriculum & Quality decides that a case has not been established a completion of procedures letter indicating that the internal process has been exhausted will be issued and the student advised that he or she may pursue the matter with the Office of the Independent Adjudicator (OIA), or the validating university.

### **Formal Stage**

8. Where an appeal progresses to an Academic Appeals Hearing then the appellant will be issued with a letter setting out the membership of panel and agenda of the hearing.

The panel will be made up of a Director of Curriculum and Head of Department who have not previously been connected to the case.

The appellant is entitled to be accompanied by one other person, such as a peer, family member or friend; but not a legal representative.

If the Academic Appeal is upheld then the outcome should be communicated to the appellant in a Completion of Procedures Letter which will explain how and when a remedy will be implemented and informed of their right to appeal under the Review Stage of the Appeal Procedure if they are not satisfied with the remedy offered.

If the Academic Appeal is not upheld then the appellant will be issued with a Completion of Procedures Letter and informed of their right to appeal under the Review Stage of the Appeals Procedure.

### **9. Review Stage**

- 9.1 Where an appeal has been dismissed and the student is dissatisfied with this

outcome or where the student considers that the action taken in response to an appeal which has been upheld to be insufficient, he or she may be entitled to appeal to the Deputy Principal Curriculum & Quality in writing within one month of the notification of the outcome of the Formal Stage. The student must explain the grounds for his or her appeal and where necessary, provide evidence. A template is provided to assist the student in structuring their appeal and is attached. An appeal submitted outside the appeal deadline may be considered at the discretion of the Deputy Principal.

9.2 The grounds for which a student may appeal against a decision at the formal stage are:

- There was a procedural irregularity in the conduct of the appeals procedures
- Clear reasons why the appeal was rejected at the formal stage have not been effectively communicated to the student
- New evidence is now available which was not available upon reasonable enquiry or application at the time of the investigation during the formal stage
- The decision reached was so perverse that it was one which no reasonable person could have reached on the available evidence

The Review stage will not normally consider issues afresh or involve further investigation. An appeal must have been considered at the formal stage before it can be escalated to the review stage.

9.3 The Deputy Principal may dismiss an appeal in writing to the student within five working days if they consider the appeal to be outside the scope outlined in the paragraph above. In such cases, a Completion of Procedures letter will be issued by the Head of HE.

9.4 If the Deputy Principal considers the appeal to be well founded, he/she will allocate a request for review to a member of the Senior Leadership Team (SLT) who has had no previous involvement with the case. The Deputy Principal will normally respond to the student within five working days, detailing the process for the review stage and confirming the identity and contact details of the member of the Senior Leadership Team who will be conducting the review.

9.5 The SLT member will review the information provided by both the student and the panel members for the Academic Appeals Hearing.

9.6 In normal circumstances, where the SLT member considers the Appeal, the student will be issued with a letter/ report from the SLT member detailing the final decision. Where a complaint is upheld, information will be provided on how and when the College will implement any remedies where appropriate and whether this includes an apology.

9.7 The outcome of the Review stage represents the final stage of the College's internal procedures. Students will be issued with a Completion of Procedures Letter within 28 days of the conclusion of the Review, which will outline that If the student remains dissatisfied, he or she may pursue the matter through the

procedures of the Office of the Independent Adjudicator. Details may be found on the OIA website <http://www.oiahe.org.uk> or from:

OIA  
Third Floor  
Kings Reach  
38-50 Kings Road  
READING  
RG1 3AA

In the case of any appeals being brought before the Office of Independent Adjudicators, The Head of HE will report to the Governing body outlining the details.

If the student is enrolled on a programme validated by a university, they will be entitled to appeal to the University. The Head of HE will provide details of this process.

### **Internal Monitoring**

- 10.** The Head of Higher Education will maintain a record of:
  - (i) the nature of each appeal;
  - (ii) how the matter was dealt with and the time taken for each stage;
  - (iii) the outcome of the appeal;
  - (iv) the ethnic origin and gender of applicants.
  
- 11.** The Head of Higher Education will provide a summary of information relating to appeals received during the previous year to the autumn meeting of the HE Academic Board. The report should, in addition to the information above, include an assessment of:
  - the adequacy of advice, guidance and support mechanisms for students;
  - the adequacy of staff development and support for those operating the appeals procedure:
  - (iii) the level of understanding among staff and students of the procedures;
  - (iv) the overall effectiveness of the procedures.
  
- 12.** The HE Academic Board will identify whether any changes are required to the appeals procedure and take steps to ensure that any issues commonly giving rise to successful appeals are addressed.

All Appeals will be recorded in the College Annual Monitoring Report and where possible enhancements to processes and procedures identified to mitigate similar complaints occurring in the future.

**IMPACT ASSESSMENT:**

This policy has been assessed and considered for impact upon people who share the following protected characteristics and factors: race, gender and gender identity, disability (including learning difficulty), religion and belief, sexual orientation, age, pregnancy, maternity and marital status.

**EQUALITY IMPACT ASSESSMENT SUMMARY:**

This policy has been impact assessed and has identified the following:

- Negative impacts (Y)
- Appropriate actions/mitigations to address the negative impacts have been put in place (Y)
- Positive impacts (Y)

For further detail of the impacts and associated actions, please see the EIA which is attached to the filed copy of this document.

**LINKED POLICIES:**

Procedures for Dealing with Complaints by Higher Education Students

**MONITORING PROCEDURE:**

This policy will be reviewed annually in accordance with the ESFA Funding Guidance guidelines.

**RESPONSIBILITY:**

Head of Higher Education

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**Request for Formal Investigation – Student Appeal**

**Student's name:** \_\_\_\_\_

**Student Number:** \_\_\_\_\_

**Term time address:** \_\_\_\_\_

**Home address:** \_\_\_\_\_

**Telephone number:** \_\_\_\_\_

**Email address:** \_\_\_\_\_

**Preferred method of contact:**       email       post

**Grounds for appeal:**

- Arithmetical or other factual error
- Irregularity relating to the assessment which the Exam Board
- The Board has failed to give proper consideration to extenuating circumstances or other information presented to it.
- New extenuating circumstances are available which were not available at the time of the Exam Board for good reasons

Additional Information

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**College HE student Complaint Procedure - Request for Review**

**Student's name:** \_\_\_\_\_

**Student Number:** \_\_\_\_\_

**Term time address:** \_\_\_\_\_

**Home address:** \_\_\_\_\_

**Telephone number:** \_\_\_\_\_

**Email address:** \_\_\_\_\_

**Preferred method of contact:**       email       post

**Grounds for appeal:**

- Procedural Irregularity
- Bias or Prejudice
- New Evidence
- Perverse and Unreasonable Decision

Appeal was upheld but remedy offered is not considered acceptable

Additional Information

Signed: \_\_\_\_\_ Date: \_\_\_\_\_