



HE Appeals Policy and Procedure

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HIGHER EDUCATION APPEALS AGAINST ADMISSIONS DECISIONS AND THE RESULTS OF EXAMINATIONS& ASSESSMENTS

This policy and procedure relating to academic appeals has been updated to comply with the UK Quality Code Concerns, Complaint and Appeals (2018)

POLICY

1 INTRODUCTION

This is the procedure to follow if you want to appeal an Admissions decision or a decision of the Examination Board.

An appeal is defined as “A serious, urgent, or heartfelt request.” (Lexico,2021)
You can appeal:

- a) the decision not to offer you a place on an HE course at York College
- b) the decision made as a result of the Recognition of Prior Learning process
- c) the decision not to award you a degree
- d) the class of degree you receive
- e) the decision to terminate your study
- f) the decision on whether you can progress within your programme
- g) the opportunity for a re-assessment
- h) the mark you were awarded for an assessment (excluding formative assessments)

You cannot appeal against the **academic judgement** of your assessors. This is a decision where the opinion of an academic and or vocational expert is needed, for example, the academic merit of an assessment. You do not have the right to demand any re-marking of an assessment.

This appeal procedure may only be used where you are seeking to have an academic decision reviewed. If you are dissatisfied with teaching or other service provision, you should use the College's [Complaints and Compliments Procedure](#) instead. If you submit an appeal that the Head of Quality Improvement believes would be more appropriately dealt with as a complaint, the College may decide to follow the complaints procedure instead of or as well as the appeals procedure.

This procedure does not apply to an appeal relating to a finding of academic misconduct such as cheating or plagiarism – there is a separate [academic misconduct procedure](#) for this.

This procedure applies to you if you are an applicant, current student, and those students who are suspending studies.

2 PRINCIPLES

- 2.1 The appeals procedure shall be implemented with due regard to the need to eliminate discrimination, harassment and victimisation, advancing equality of opportunity, and fostering good relations. The procedure applies equally to all students irrespective of age, disability, gender reassignment, pregnancy or maternity, race, ethnic origin or national identity, religion or belief, sex or sexual orientation. York College is committed to procedures that are fair and transparent, and decisions that are reasonable and have regard to law.
- 2.2 All staff involved in investigating and deciding your appeal will do so impartially. No staff members with a material personal interest in the appeal will be involved in investigating and deciding the appeal.
- 2.3 You will not be treated less favourably by the College as a consequence of making an appeal. You can expect your appeal to be dealt with seriously and constructively, once it is made in good faith.
- 2.4 Where an appeal is upheld, the College will offer what it deems to be an appropriate remedy.
- 2.5 You must submit your appeal in writing to the Head of Quality of Education within **10** working days of the notification of your admissions decision or assessment outcome.
- 2.6 Where the issues raised affect a number of students, you may submit a group appeal. The College retains the discretion to communicate directly with some or all of the students individually, particularly where the substance or circumstances of the appeal differ, and to reach different decisions where it deems this to be appropriate. In processing a group appeal, the College may ask the group to nominate one student to act as group representative, to communicate on the group's behalf with the College and to liaise with the other students. Each student needs to communicate in writing to the Head of Quality of Education their wish to be represented by the designated individual.
- 2.7 You may withdraw the appeal at any point in the process by sending a letter or email marked "withdrawal of appeal" to the Head of Quality of Education. Once the appeal has been withdrawn, it cannot be reinstated.
- 2.8 Details of your appeal will be kept confidential, except where the disclosure is necessary to progress your appeal or implement a decision on the appeal, or where it is required by law or in the public interest. If there are elements of your appeal which are particularly sensitive and you have particular concerns about their confidentiality, you are welcome to indicate this fact to the Head of Quality of Education who will discuss with you how disclosure can be minimised. You are responsible for providing all the necessary supporting documentation related to your appeal. Those deciding your appeal will draw any conclusions they see fit from this material.
- 2.9 You have the right of access to information and documents which have informed the decision, subject to considerations of privacy, confidentiality and the reasonable interests of any third parties.

3 GROUNDS FOR APPEAL

You can appeal against an admissions decision if you believe and have evidence that any of the following apply:

You believe that the evidence provided for the RPL process has not been considered fairly or has been disregarded. The fact that you disagree with the way in which your application was considered is not in itself grounds for appeal.

A procedural irregularity has occurred; the admissions process was conducted unfairly or improperly; the admissions decision was biased.

You can appeal against an assessment decision if you believe and have evidence that any of the following apply:

There were relevant exceptional circumstances (for example, illness), and you have a good reason for failing to notify the examiners of these sooner. Normally you must inform the examiners by the assessment deadline (or up to five days after the deadline in the case of examinations), by using the exceptional circumstances procedure. A 'good reason' means that circumstances beyond your control prevented you from disclosing the relevant circumstances at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances are not considered 'good reason' for the purposes of an appeal.

You did notify the Award Leader earlier about exceptional circumstances or some other disruption of the assessment process, but there is clear evidence that the exceptional circumstances procedure was not correctly followed. The fact that you disagree with the way in which your exceptional circumstances were considered is not in itself grounds for appeal.

A procedural irregularity has occurred; the assessment was conducted unfairly or improperly; the assessment was biased.

4 SUPPORT AND ADVICE BEFORE MAKING AN APPEAL

Before making an appeal, the College recommends that you request an informal discussion with the Admissions Manager or your Award Leader as appropriate. This is to ensure that you fully understand the Admissions decision or decision of the Examination Board, the reasons behind it and the implications for your progression and/or award. The admissions decision, or your results will not be changed as a result of this discussion, but it may help you to clarify whether an appeal is an appropriate step to take. It is important to understand that the College must maintain academic standards, so an admissions decision or assessment outcome will only be changed as a result of an appeal where there is clear evidence that the original outcome was unsound.

5 Records, monitoring and review relating to the policy and procedure on appeals against admissions decisions and the results of examinations and assessments

The College will retain and then dispose of all correspondence relating to appeals in accordance with the appropriate principles on data retention and protection.

A report on appeals and their outcomes will be produced annually and submitted to the HE Academic Board for consideration. The report will include related outcomes and is intended to facilitate learning from appeals.

6 PROCEDURE - HOW TO APPEAL

Appeals should be made to the Head of Quality of Education by emailing qi-admin@yorkcollege.ac.uk, or by post (addressed to the Head of Quality of Education, York College, Sim Balk Lane York YO23 2BB). If sending it by email, you are advised to request a “read receipt”. This appeal must be made within **10 working days** of your receiving your admissions decision or assessment outcome.

Your written appeal must make a full statement of all grounds of appeal and provide all necessary supporting evidence. This may include copies of emails to and from academic staff concerning your issue, death certificates, and notes from doctors concerning health conditions. You will generally not be allowed to introduce new material later in the appeal process. Supporting evidence should be provided in English. Where the original document is in another language, you must provide both the original document and a translation into English. This need not be a professional translation – you may provide your own translation.

You should use the form to say clearly what outcome you are seeking.

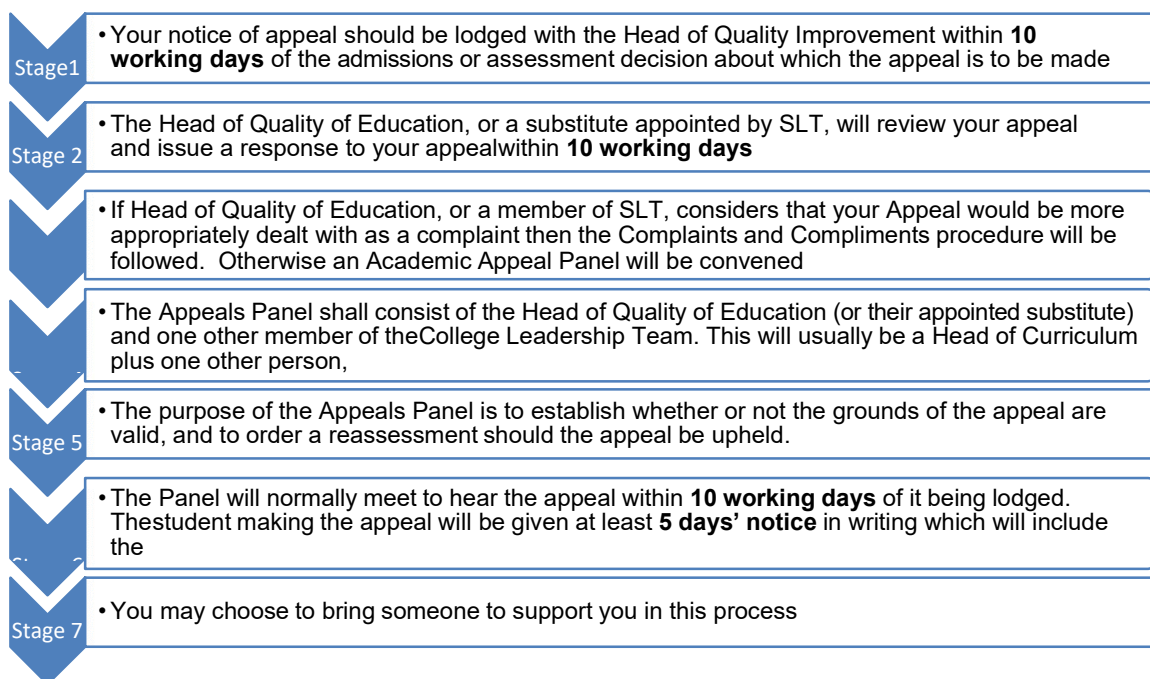
Appeals received beyond the specified time period will not normally be considered. Special consideration will only be given exceptionally, where you provide a substantiated, valid reason for any delay, in writing and in conjunction with the late submission. If you believe that a valid, substantiated reason for the delay has been provided but not accepted, you may challenge the decision not to accept by writing to the Director of Curriculum Professional and Commercial Industries (HE Lead) **within 5 working days** of the decision.

If the Director of Curriculum Professional and Commercial Industries (HE Lead) agrees with the challenge, the appeal will be considered in the usual manner described below. If the Director of Curriculum Professional and Commercial Industries (HE Lead) does not agree with the challenge, a Completion of Procedures at York College letter will be issued which will allow you to raise the out of time issue with the Awarding Provider or the Office of the Independent Adjudicator for Higher Education (OIA) as appropriate.

You should expect to receive an acknowledgement of your appeal within **5 working days**. If you have not received an acknowledgement within **5 working days**, please contact **QI-Admin** to check that your appeal has been received.

Any correspondence from the College shall be deemed to have been delivered 48 hours after e-mailing or posting to the address notified to the College by you. You must keep the College informed of any changes of address. Our preferred means of correspondence is email as it enables us to communicate quickly and efficiently, but please indicate if you prefer to correspond by letter.

7 WHAT WILL HAPPEN



8 CONDUCT OF HEARING

The person making the appeal has the opportunity to present their case and to be questioned. Staff involved in the assessment have the opportunity to state their case and be questioned.

Both parties then withdraw to allow the panel to consider its decision. The outcome of the appeal will be communicated, within 10 working days to all parties concerned, stating reasons and any appropriate action that is required.

There are two possible outcomes from this Panel review:

- a. The matter to be resolved
- b. The appeal to be dismissed on the grounds that your application does not show that there is a case to be answered.

If you are **unable to** attend the meeting physically, you may request alternative arrangements such as use of Teams. The request should be made to the HE Coordinator. It will normally only be permitted to students who are outside the UK.

If you do not choose to appear before the Panel or make arrangements for a representative to attend on your behalf, the Panel will reserve the right to hear the case in your absence, drawing such conclusions as it deems appropriate. If you fail to attend an arranged hearing without explanation or notice, the College reserves the right to dismiss the appeal.

At the hearing, you or your representative may make a statement and the Panel may ask you questions. You and your representative may consult each other. Notes are taken and are available to you afterwards upon request.

It is not normally possible to introduce new grounds for appeal at this stage, unless it

relates to evidence that could not have been provided sooner, for example. a medical specialist's report that you received after you submitted your appeal.

You and your representative will be asked to leave the room while the Panel discusses the case.

The Panel will decide whether you have provided sufficient evidence to substantiate your claim on the balance of probabilities, for example that what you have claimed is more likely than not to be the case.

You will not usually receive a final decision on the day of the hearing. You will receive a final decision in writing, including the reasons for the decision, as soon as possible after the hearing, and normally within **10 working days**.

9 REVIEW BY THE DIRECTOR OF CURRICULUM PROFESSIONAL AND COMMERCIAL INDUSTRIES (HE LEAD)

If you are dissatisfied with the decision, you may ask the Director of Curriculum Professional and Commercial Industries (HE Lead) to review the case. You must make this request by submitting the relevant appeal to Director of Curriculum Professional and Commercial Industries (HE Lead) within **10 working days** from the date on the letter notifying you of the decision of the Appeals Panel. Director of Curriculum Professional and Commercial Industries (HE Lead) decisions on the case will be final as far as the College's internal procedures are concerned. The Director of Curriculum Professional and Commercial Industries (HE Lead) may delegate the review to an appropriate person.

The Director of Curriculum Professional and Commercial Industries (HE Lead) will review the decision on the following grounds only:

- a. The decision of the panel was unreasonable in the light of the evidence supplied.
- b. The procedure for the hearing of the appeal was deficient in a way which materially prejudiced your case.

The Director of Curriculum Professional and Commercial Industries (HE Lead) will base the decision on the written material submitted to the first hearing of the case, a written statement of the outcome of the appeal and your written case. The Director of Curriculum Professional and Commercial Industries (HE Lead) will not normally consider new grounds of appeal or new evidence, unless there is new material evidence which you were unable, for valid reasons, to provide earlier in the process.

The Director of Curriculum Professional and Commercial Industries (HE Lead) or delegate may, if necessary, carry out an interview with you, the representatives of the academic area and the relevant members of the Student Appeals and Conduct Committee.

The Director of Curriculum Professional and Commercial Industries (HE Lead) or delegate will send you the decision in writing as soon as possible and normally **within 10 working days**. At this point, you have come to the end of the York College appeals procedure. You will receive a Completion of Procedures at York College letter.

10 OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION

The Office of the Independent Adjudicator for Higher Education (OIA) is an independent body which was established by the Higher Education Act 2004 to consider student complaints which had not been resolved through an institution's internal procedures. It became the statutory body for dealing with such student complaints from York College on 1st January 2015. If you receive a Completion of Procedures at York College letter from us and you remain dissatisfied with the outcome, you may be able to appeal to the Awarding Provider (Pearson, The Open University or the University of Huddersfield).

In this case your Completion of Procedures at York College letter will state that you have the right to appeal to the Awarding Provider and how to do so.

Pearson

Students have a final right of appeal to Pearson. Those taking Higher Nationals also have the option to present their appeal to the Office of the Independent Adjudicator for students in Higher Education (OIAHE) either at the same time or sequentially. You must apply within **14 working days** of receiving the decision, through the [Pearson Support Portal](#).

The Open University

As this is a programme where the Open University is the Awarding Provider, in the event that you are unhappy with York College's response to you, you may progress your complaint (subject to it meeting the criteria set out in the Handbook for Validated Awards 2020-2021) to the Open University by emailing SCO-VC-Delegate@open.ac.uk, within 3 months of receipt of this letter, together with your original complaint.

University of Huddersfield

As this is a franchised programme with the University of Huddersfield, in the event that you are unhappy with York College's response to you, you may progress your complaint to Stage 2 of the university's Complaints Procedure, by ensuring that you complete the Stage 2 section of the complaint form found here: <https://www.hud.ac.uk/registry/current-students/pgc>, and submitting it to studentcomplaints@hud.ac.uk, within 10 working days of receipt of this letter, together with your original complaint.

In some circumstances, you will not be able to appeal to the Awarding Provider and you may ask the OIA to review your case. You must normally apply to the OIA within twelve months of the date of the Completion of Procedures at York College letter. This service is free to students. More information can be found on the OIA website: www.oiahe.org.uk