



University  
Centre  
Somerset

Part of Bridgwater & Taunton College

# HIGHER EDUCATION

## ACADEMIC APPEALS

## POLICY AND PROCEDURE

**Effective from September 2017**

Relevant to students studying Higher National Certificates (HNC), Higher National Diplomas (HND) with Pearson or an Open University validated award.

Students enrolled with any other partner university should refer to their policy.

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**By:** HE Manager

**Approved by:** SMT

**Reviewed by:** HE Review Group

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# **1. Policy Statement**

## **1.1. Definition and overview of academic appeals**

An academic appeal is defined as a request for a review of a decision of an academic body charged with decisions on student progression, assessment and awards (normally the Assessment Board, or equivalent). Appeals may be made by individuals only; they may not be lodged by a representative, a parent or any other third party (unless it can be shown that there are good grounds why the student cannot make the appeal him/herself as detailed later in 'How to lodge an appeal').

Where an academic appeal better fits or also fits with the HE Complaints Policy and Procedure, it is possible for the appeal or complaint to be reclassified (at whatever stage they may have reached) and processed under the most relevant regulation or procedure if this is likely to lead to a more appropriate outcome for the person(s) appealing or complaining.

## **1.2. Aims**

The College aims, through this process to produce outcomes to academic appeals raised by higher education students that are fair, timely and respect academic standards.

## **1.3. Scope**

This policy and procedure is relevant to higher education students studying a Higher National Certificate (HNC) Higher National Diploma (HND) validated directly by Pearson (as opposed to being validated by a partner university) or any course validated by the Open University. The policy is not relevant to higher education students studying with any other partner university. This policy and procedure is operated by members of staff at the College involved with academic appeals to ensure due process is observed and followed in such cases.

## **1.4. Purpose**

The purpose of the policy is to provide a definitive transparent policy and clear, detailed procedural guidance on academic appeals for staff and students.

## **1.5. Review and evaluation**

This policy will be reviewed regularly by the HE Quality Team in line with the latest professional and sector guidance available to ensure it remains robust and relevant to external expectations.

The operation of the policy will be evaluated on an annual basis as part of the on-going quality improvement and enhancement approaches by the College. Changes made to the policy will be informed by the evaluation. The evaluation will be presented for discussion at the College's HE Review Group.

# **2. Key Principles**

## **2.1. Principles of the academic appeals process**

The key principles of this academic appeals process are that academic standards cannot be compromised in any way, this means that:

- There can be no appeal against academic judgement
- Administrative needs must be secondary to ensuring justice and fairness in the decision making process
- Decisions are reached based on only the evidence available to the panel
- This procedure is time-bound, meaning there are deadlines by which appeals must be raised by students and responded to by the College.
- Appeals will be handled in confidence with only staff who need to know being made aware.
- Students will not be disadvantaged if they raise an appeal.
- A student can withdraw their appeal without prejudice.

## **2.2. Eligibility**

These appeals procedures are relevant for students who are currently enrolled or who have recently completed a named award, wishing to appeal against a decision taken by the College's Assessment Board operating for Higher Nationals or Open University awards in the following instances:

- Students who have recently completed their programme (up to 6 months after completion) but who wish to appeal against the result or students who are dissatisfied with the award of an exit qualification approved by the College (appeals in this instance should be lodged within 10 working days of receiving the final results notification, in normal circumstances).
- Students who are prevented from continuing with their studies part-way through a level of study or part of a programme.
- Students who fail to qualify to proceed to the next stage of their programme at the end of a level, end of a part or end of a year.
- Where the implications of the progression decision taken by the Assessment Board may have a significant impact on the student's overall result (e.g. capping of grades or marks).

## **2.3. Equality and Diversity**

When implementing the appeals procedure those responsible for doing so must have regard to operating the process fairly, without discrimination and to ensure equality of opportunity for any student affected. Reasonable adjustments will be made to accommodate students' needs during the appeal process. Due consideration to the College's Equality and Diversity Policy must be given.

## **3. Points of Reference**

### **3.1. Related information**

This procedure should be read with reference to:

- University partner academic appeals policies
- University partnership agreements
- Equality and Diversity Policy
- HE Complaints Procedure
- HE Student Engagement Policy
- Assessment Framework
- Open University Academic Regulations
- Higher National Regulations
- Data Protection Policy

### 3.2. The UK Quality Code for Higher Education

The Quality Assurance Agency (QAA) expects that 'Higher education providers have procedures for handling academic appeals and student complaints about the quality of learning opportunities; these procedures are fair, accessible and timely, and enable enhancement.' (UK Quality Code, Chapter B9, p.6, April 2013)

This procedure has been written to reflect the guidance given in the QAA's [UK Quality Code for Higher Education](#), with particular reference to Part B, [Chapter B9: Academic appeals and student complaints](#).

## 4. Appeals Procedure

### 4.1. Grounds for appeal

The experience and knowledge of a student, the student's performance and whether he/she has reached the required academic standard, and an awareness of best practice in higher education are combined to allow an assessor to make an academic judgement on the ability of a student.

**Academic appeals which question academic judgement, without sufficient grounds or valid supporting evidence, shall not be considered.**

Appeals against decisions taken by the College's Extenuating Circumstances Committees, or in relation to extenuating circumstances, shall not normally be considered.

**The College shall only consider academic appeals which are based on one or more of the following grounds and on no other basis, providing there is evidence that is deemed sufficient and valid to support the claim:**

- There was evidence of a material, computational or administrative error in arriving at the end of level/part decision of the Assessment Board.
- The Assessment Board failed to take into account all work submissible and properly submitted for assessment.

- The Board were aware of, but did not fully consider, defects or irregularities in the conduct of the assessment or in written instructions or in advice relating thereto, when such defects or irregularities or advice might, in the student's opinion, have had an adverse effect on his/her performance.
- The Board were aware of, but did not fully consider, exceptional personal circumstances submitted by the candidate and which in the candidate's opinion, had an adverse effect on his/her academic performance.
- Defects or irregularities in the conduct of the assessment or in written instructions or in advice relating thereto which are of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same decision had they not occurred. Students must provide a compelling reason for not bringing this to the attention of the College when they occurred, or before the relevant Assessment Board (or equivalent) was conducted.
- Exceptionally, the presentation of new or additional extenuating circumstances which were not made known to the Assessment Board. In accordance with the College's Policy on Extenuating Circumstances, such appeals will only be considered if evidence is provided to support the notion that the student was incapable of determining whether or not he/she was fit to undertake or prepare the assessment in question.\*
- Evidence of prejudice or of bias or of inadequate assessment, not of an academic nature, on the part of one or more of the Board members.

*\* In accordance with the College's regulations, students shall be expected to submit to the College evidence of any personal circumstances which might have had an adverse affect on their studies. Notification must take place in accordance with the College policy on submission. Normally, any academic appeal based on "new extenuating circumstances" will not be considered.*

Students who have been granted supplementary assessment opportunities shall not be permitted to subsequently submit an appeal against that decision.

## **4.2. Appeals process**

### **4.2.1. Submission of an appeal**

#### ***Students studying with a partner university***

For students studying under collaborative arrangements with one of the College's university partners, appeals against academic decisions must be made through the university partner institution's appeals procedure. Details of where these can be found are located in the appendices of this document.

#### ***Timescales***

Following the notification of the Assessment Board decision students must inform the HE Quality Team that they wish to appeal in order for the appeal to be considered prior to the start of the next academic year, the deadline is the 31<sup>st</sup> August for appeals relating to the summer Assessment Boards, or 30<sup>th</sup> September for those related to referred boards. The College reserves the right not to consider or to defer consideration of appeals submitted beyond this deadline in line with current workloads and demands. Appeals submitted outside of the deadline must have good reason for being late that the student can provide appropriate evidence for. The College will not normally consider academic appeals made more than 6 months after the publication of results and only in exceptional circumstances.

The College will aim to complete the Academic Appeals process within 20 working days of receiving the appeal and all supporting evidence the student wishes to share. If the student delays submission of evidence the latest date of communication may be used to initiate the 20 working day turnaround. The College may require longer than 20 working days in some circumstances but the reasons for this and the projected revised timeframe will be communicated to the student if this is the case.

### ***How to lodge an appeal***

All appeals against academic decisions must be made in (electronic) writing and directed to the Higher Education (HE) Quality Team, via [HE@bridgwater.ac.uk](mailto:HE@bridgwater.ac.uk). Further information about, or clarification of, these procedures is also available from the HE Quality Team. Appeals may be made by individuals only; they may not be lodged by a representative, a parent or any other third party unless there are shown to be good grounds why the student cannot make the appeal themselves. Examples of such grounds given here are not exhaustive only indicative; the student has incapacitating disability, since writing the appeal has been involved in an accident and is unable to proceed with submitting the appeal, the individual is out of the country or unable to access technology/post the documentation. Essentially there must be genuine extenuating circumstances that can be proven if needed.

### ***Content of an academic appeal***

Academic appeals will need to include the following:

- The grounds on which the appeal is based.
- The desired outcome from the point of view of the student. The desired outcome must be permissible within the current regulations.
- Full documentation to substantiate any exceptional circumstances or claims (for example: medical/health certificate, death certificate, letter of support from a support service in the College). Such evidence provided must be dated, must indicate how the circumstances affected the academic performance, must be relevant to the affected assessment and must provide a compelling reason to account for why the student did not raise the circumstances in accordance with the Policy on Extenuating Circumstances Affecting Assessment. The absence of such documentation may be prejudicial to the success of the appeal.

- Where an appeal is made on the grounds of new evidence/extenuating circumstances, the candidate shall be expected to provide evidence to demonstrate that they were incapable of determining whether or not they were fit to undertake or prepare the assessment and thereby unable to submit evidence of their extenuating circumstances to the College at the appropriate time.

#### **4.2.2. Confirmation of procedural regularity**

Prior to the consideration of any appeal, the HE Quality Team shall establish that the Assessment Board was both properly constituted and that its business was conducted in the proper manner (i.e. in accordance with the Assessment Regulations). Where meetings have not been properly conducted, the HE Quality Team shall make arrangements for the reconsideration of all decisions which may have been affected.

#### **4.2.3. Initial filtering of appeals**

All submitted academic appeals shall be filtered by the HE Quality Team.

Appeals which are not based on the grounds listed previously, or where there is no evidence to support the appeal, the submission may be rejected.

The following shall not be considered grounds for appeal:

- Questioning the academic or professional judgement of the assessors;
- A student's disappointment with a result where grades have been accurately recorded, assessment regulations correctly followed and where no evidence of material irregularity exists;
- Where extenuating circumstances were made known to the College and such circumstances were fully considered;
- Where the student failed to submit evidence of their extenuating circumstances to the College in accordance with the regulations; and/or
- Where the evidence presented does not support the notion that the student was incapable of determining whether or not they were fit to undertake or prepare the assessment.

Candidates whose appeal has been rejected following the initial filtering process shall, be informed by the HE Quality Team within 10 working days of the date of the receipt of the appeal or receipt of any evidence in support of the appeal that may have been requested.

If the HE Quality Team decides that there is sufficient and eligible evidence for a case, the appeal shall be referred to the Academic Appeals Panel for consideration.

The HE Quality Team shall then confirm the constitution of the Academic Appeals Panel based on the guidelines given in the terms of reference (see appendices).

#### **4.2.4. Academic Appeals Panel**

A member of the HE Quality Team shall serve as Secretary to the Academic Appeals Panel.



Each Academic Appeal Panel shall consist of a minimum of three members which shall be selected by the Panel's Secretary from the following: the Senior Managers, Head of Departments, HE Manager and Course Leaders (related to higher education provision). The normal composition of the Panel is a senior manager, a Head of Department and the HE Manager.

One member of each Academic Appeal Panel shall be appointed by the Panel's Secretary to act as chair (to ensure there is no opportunity for conflict of interest within the curriculum Areas and students enrolled within them this would normally be the Vice Principal, Head of HE or the HE Manager).

An Academic Appeal Panel may be convened to consider more than one case. Members shall not participate in the discussion of cases from students who have studied in the same Area in which the member is employed. In unavoidable cases where an appeal is submitted by a student from the same Area as the Chair, the Chair shall abstain from participating in the discussion and agreeing an outcome. The Chair of the Appeals Panel cannot be the Chair of the Assessment or Preliminary Boards where the assessment decisions were made as this constitutes a conflict of interest.

#### **4.2.4.1. Procedures for consideration of cases**

All documentation relevant to the case, including the appeal submission, supporting documentation and comments from the Chair of the Assessment Board, and a copy of the relevant student record shall be supplied to members of the Academic Appeal Panel within a reasonable timescale.

A copy of all relevant documentation shall also be provided to the student submitting the appeal for information, normally accompanying the outcome of the appeal.

The views of the students shall be made known to the Appeals Panel through the information supplied on the appeals proforma and any supporting documentation.

In exceptional circumstances and with the permission of the Chair, students may be permitted to make representation directly to the Appeal Panel.

#### **4.2.4.2. Powers of the Academic Appeals Panel**

The Academic Appeals Panel will identify the grounds on which it is asking the Assessment Board (or equivalent) to reconsider its decision if it decides that there are reasonable grounds to do so.

The Academic Appeal Panel shall consider:

- whether all work submissible and properly submitted for assessment was taken into account by the Assessment Board;
- whether there is evidence of an administrative or computational error of such a nature to cause reasonable doubt as to whether the Assessment Board would have reached the same conclusion if that error had not been made;
- whether there is evidence of defects or irregularities in the conduct of the assessment or in written instructions, or in advice relating thereto to cause reasonable doubt as to whether the Assessment Board would have reached

the same conclusion if that defect or irregularity had not been made and the student has provided a compelling reason for not bringing to the attention of the College these defects or irregularities;

- whether details of relevant extenuating circumstances affecting the student's conduct or performance were submitted to the College in accordance with the regulations;
- whether details of relevant extenuating circumstances affecting the student's conduct or performance were fully considered in reaching the decision;
- whether evidence provided by the student supports the notion that he/she was incapable of determining whether or not they were fit to undertake or prepare the assessment and therefore provides a compelling reason for non-disclosure;
- whether the relevant extenuating circumstances have any bearing on the case;
- whether there is evidence of prejudice or of bias or of inadequate assessment on the part of one or more of the assessors;
- whether the decision of the Assessment Board was such that no body of reasonable people could have arrived at that decision.

### ***Possible outcomes of the Appeals Panel***

If the Academic Appeals Panel is satisfied on the above issues, it may take one of the following courses of action:

- In light of the extenuating circumstances, and with due consideration to the wishes of Chair of the Assessment Board concerned, uphold the appeal and amend the decision of the Assessment Board.
- In light of the circumstances, uphold the appeal and request the work is re-marked by the original or alternative assessor and is then re-considered by the next Assessment Board or via Chair's Action as appropriate.
- If it is found that all the circumstances of a student's case were known to, and had been taken into account by the College, or that such extenuating circumstances were not relevant to the case and that such a body had been properly constituted, the Academic Appeal Panel may reject the appeal and therefore confirm the decision of the Assessment Board.
- If it is found that the evidence does not support the notion that the student was incapable of determining whether or not he/she was fit to undertake or prepare for assessment and thereby does not constitute a compelling reason for not disclosing the circumstances at the appropriate time, the Academic Appeal Panel may reject the appeal and therefore confirm the decision of the Assessment Board.
- In appropriate cases the Academic Appeal Panel could require students to suspend studies where it is deemed that advising the student to withdraw is inappropriate.
- If the panel requires further information before it can determine an outcome, the Chair may adjourn consideration of the case pending receipt of the additional information.
- Other courses of action may be taken as appropriate.

In the case of International students sponsored by the College further study based on academic decision taken by an Appeal Panel of Assessment Board shall be conditional upon holding a valid student visa (Tier 4).

The Appeal Panel may set as a condition of any outcome, the requirement that a student provide evidence to the College to demonstrate their fitness or otherwise to continue with their studies.

#### **4.2.4.3. Notification of the outcome of an appeal**

The HE Quality Team shall normally inform the student, in writing (normally via email to the student's College email address), of the outcome of the appeal as soon as practically possible following the Academic Appeal Panel, this shall not normally be more than five working days after receipt of the appeal. The letter from the HE Quality Team shall contain details of the findings of the Academic Appeal Panel, and give a brief summary of the reasons for any decisions taken. A summary of the outcome will be recorded by the HE Quality Team in the relevant minutes of the Assessment Board.

The College shall notify the relevant authorities (UK Border Agency/Student Loans Company) of any student who is intending to withdraw from the College, following confirmation by an Academic Appeal Panel, of the original academic decision. The student is responsible for notifying their employer/sponsor and confirming arrangements for their loan if applicable.

### **4.3. Status of a student during the Appeals process**

#### ***During the academic year***

A student who submits an appeal part way through the level, year or part, may continue provisionally until such time as a decision has been reached. This is to ensure that a student whose appeal may subsequently be upheld is not academically disadvantaged.

#### ***At the end of a level, year, stage or period of enrolment***

A student who submits an appeal at the end of a level, year or stage of study shall not be permitted to progress to the next level, year or stage until such time as a decision has been reached. However, at the discretion of the College, a student may be permitted to informally attend teaching at the next level or stage while an appeal is pending. Such students shall not be regarded as fully enrolled on the next level or stage and the College will not be liable for any expenses incurred during this informal attendance. Decisions taken by the Academic Appeals Panel will be made in the best academic interests of the student irrespective of any periods of informal attendance.

Students who continue with their studies shall be informed that, pending the outcome of any appeal, he/she may be required to withdraw from the programme or the College.

A student who is deemed to be eligible for an award and who subsequently submits an academic appeal shall normally be permitted to graduate. However, an award will not be issued until the outcome of the Appeal is known.

### ***Reimbursement of Expenses***

Regardless of the outcome, the student shall not be reimbursed for any expenses incurred in requesting an appeal.

## **5. What happens if the student is dissatisfied with the outcome of the Academic Appeals Panel?**

If, upon receipt of the written outcome of the Academic Appeals Panel, the student is dissatisfied with the outcome decided by the Panel they have the option to continue with their appeal. How they do so depends on which awarding organisation they are associated with.

### **Open University students**

Students studying a course validated by the Open University the student can now submit a formal appeal directly to the Open University. If, after pursuing the appeal with the OU, the student remains dissatisfied they can refer their case to the Office of the Independent Adjudicator (OIA); see section 7 for further information.

### **Students studying a Higher National Certificate (HNC) or Diploma (HND) with Pearson**

Students studying a Higher National course approved by Pearson can move to the next stage of the College's procedure, the 'Final Review'.

In cases where the outcome of the Academic Appeals Panel has amended the decision of the Assessment Board in their favour, students may not normally request a final review against that decision. Students may, however, request that the original decision be confirmed if they so wish.

## **6. Final Review Procedure (applicable only to Higher National, Pearson awards)**

### **6.1. Grounds for Final Review**

Where a student has been given a formal decision/outcome the Academic Appeals Policy the student may request a final review of the decision/outcome in accordance with this Final Review Procedure.

There are limited grounds for the instigation of a Final Review that require evidence to support the following:

- **Major procedural irregularities in the conduct of the Academic Appeals Procedure**, which are of such a nature as to cause reasonable doubt whether the party/parties concerned would have reached the same decision had they not occurred;

- **Exceptional personal circumstances which were not known to the party/parties concerned when the student's case was considered** and which can be shown to be relevant to the case. The student must show a compelling reason why such personal circumstances were not made known prior to the decision being made. Where a student could have reported exceptional personal circumstances prior to the decision being made, those circumstances cannot subsequently be cited as grounds for review;
- **The severity of the penalty.** Please note that in determining a review against a penalty, a lesser or greater penalty may be imposed, following consideration as to whether the original penalty imposed was fair and reasonable in the light of all the circumstances of the case, and the student's means and general personal circumstances.

## 6.2. Requesting a Final Review

Any requests for a final review must be made in writing to the HE Quality Team via the email address [HE@bridgwater.ac.uk](mailto:HE@bridgwater.ac.uk) **within 10 working days** of the original decision of the date of the outcome of the Appeals Panel notification by submitting the Final Review Request Form which can be found in the appendices of this document or from the HE Quality Team. Requests for a final review received later than this will not normally be considered.

The HE Quality Team shall acknowledge, in writing (normally via email to student's College account), receipt of a request for a Final Review within 5 working days.

If a student requests a Final Review outside of the normal deadline of 10 working days the student should provide good reason, and supporting evidence, as to why they were not able to meet the deadline. It is at the College's discretion, after due consideration of the information, whether to allow the case to progress to a final review or not.

If a student requests to progress to Final Review outside of the 10 working days and with no valid reason or evidence to support the request the student can request the College, via the HE Quality Team, to issue a Completion of Procedures (CoP) letter which means the student can take forward the appeal for consideration by the Office of the Independent Adjudicator (OIA) if they wish. The CoP letter will contain information regarding the status of the appeal with the College and that the College's procedures have not yet been exhausted as the timeframes have not been met by the student. Further information about the OIA is available later within this document.

## 6.3. The Final Review

The HE Quality Team will nominate a lead reviewer to manage the Final Review in accordance with this Procedure, this would normally be a senior or middle manager involved with higher education but who has not been directly involved in the preceding Academic Appeals Panel. A member of the HE Quality Team shall support the reviewer throughout the process.

The Final Review process should take no longer than 20 working days to complete once it has been initiated. If it is likely to take longer than this the College will communicate the reasons and revised timescale to the student.

The reviewer will review the case based on the written evidence provided and will decide whether to:

- Investigate the final review and issues raised
- Seek to resolve the final review through mediation / alternative dispute resolution, with the aim of achieving an outcome that is satisfactory to all (where all parties agree to this and the process involved);
- Refer the request for a final review back to the Academic Appeals Panel where it appears that the student has not completed all stages of that procedure. The student will be copied into this referral. If the student remains dissatisfied with the outcome, the student can then re-activate the Final Review procedure;

### ***Investigation / Determination of the final review***

Where the reviewer carries out an investigation of the final review and issues raised, in the interests of transparency and fairness, the investigation will be conducted through a process of open correspondence, unless there are compelling reasons for any information or communications to remain confidential.

The reviewer may gather further evidence from either or both parties, or from other persons, and when satisfied that sufficient evidence has been gathered will review the case and may, at his, her discretion:

- 1) Dismiss the request for a final review. This decision shall be final.
- 2) Permit the request for a final review to proceed; and
  - (a) refer the case back to: the Chair of the Assessment Board or Chair of the Academic Appeals Panel. The decision of the Chair shall be final.
  - (b) refer the case to an Academic Appeals Panel to consider the case (in the case of a review against a filtered academic appeal that was deemed to have not met the grounds for appeal). The Appeal Panel shall be arranged in accordance with the Academic Appeals procedures. The decision of the Chair of the Panel shall be final.
  - (c) refer the case to an entirely new Academic Appeals Panel . The decision of the new Panel shall be final.
  - (d) refer the case to the Principalship for his/her guidance or for his/her independent assessment and determination of the final review. The decision of the Principal shall be final.
  - (e) in consultation with the relevant Chair modify the severity of the penalty. This decision shall be final.
  - (f) uphold the request for a final review, in full or in part, and confirm any action to be taken accordingly. This decision shall be final.

The decision made under the options above shall constitute the final decision of the request for Final Review, and the matter shall, therefore, be regarded as closed. There will be no further discussion of the review once it has been concluded with the student or any other person. The reviewer will issue the student with a Completion of Procedures (CoP) letter via the HE Quality Team. The CoP letter will enable the student to seek an external, independent, review of their academic appeal via the Office of the Independent Adjudicator (OIA). The OIA

give specific guidance regarding their service and the support they can offer on their website as detailed in the next section.

## **Appealing to Pearson**

Students studying a Higher National approved by Pearson have a right of final appeal to Pearson directly before they approach the Office of the Independent Adjudicator (OIA). This can only take place if:

- the College's HE Academic Appeals procedure has been exhausted and
- if the student has reason to believe the College has not followed the procedures it has in place to address academic appeals.

## **7. Office of the Independent Adjudicator (OIA)**

### ***Purpose of the OIA***

[The Office of the Independent Adjudicator for Higher Education \(OIA\)](#) operates an independent student complaints programme pursuant to the Higher Education Act 2004. All higher education institutions in England and Wales are required to comply with the Rules of the programme. The OIA is not a regulator; it handles individual complaints against higher education institutions and is a free service to students.

### ***How to lodge a complaint with the OIA***

Students who are dissatisfied with the outcome of their appeal may be able to complain to the OIA providing that their complaint is eligible under its Rules (these are on the [OIA website](#)).

Students will need to send to the OIA a Scheme Application Form within three months of the date of the Completion of Procedures letter (issued following the College completing the appeals process and/or review of appeal). A Scheme Application Form can be [downloaded from the OIA website](#) or requested from the HE Quality Team via [HE@bridgwater.ac.uk](mailto:HE@bridgwater.ac.uk). Students should send a copy of their Completion of Procedures letter to the OIA with their Scheme Application Form.



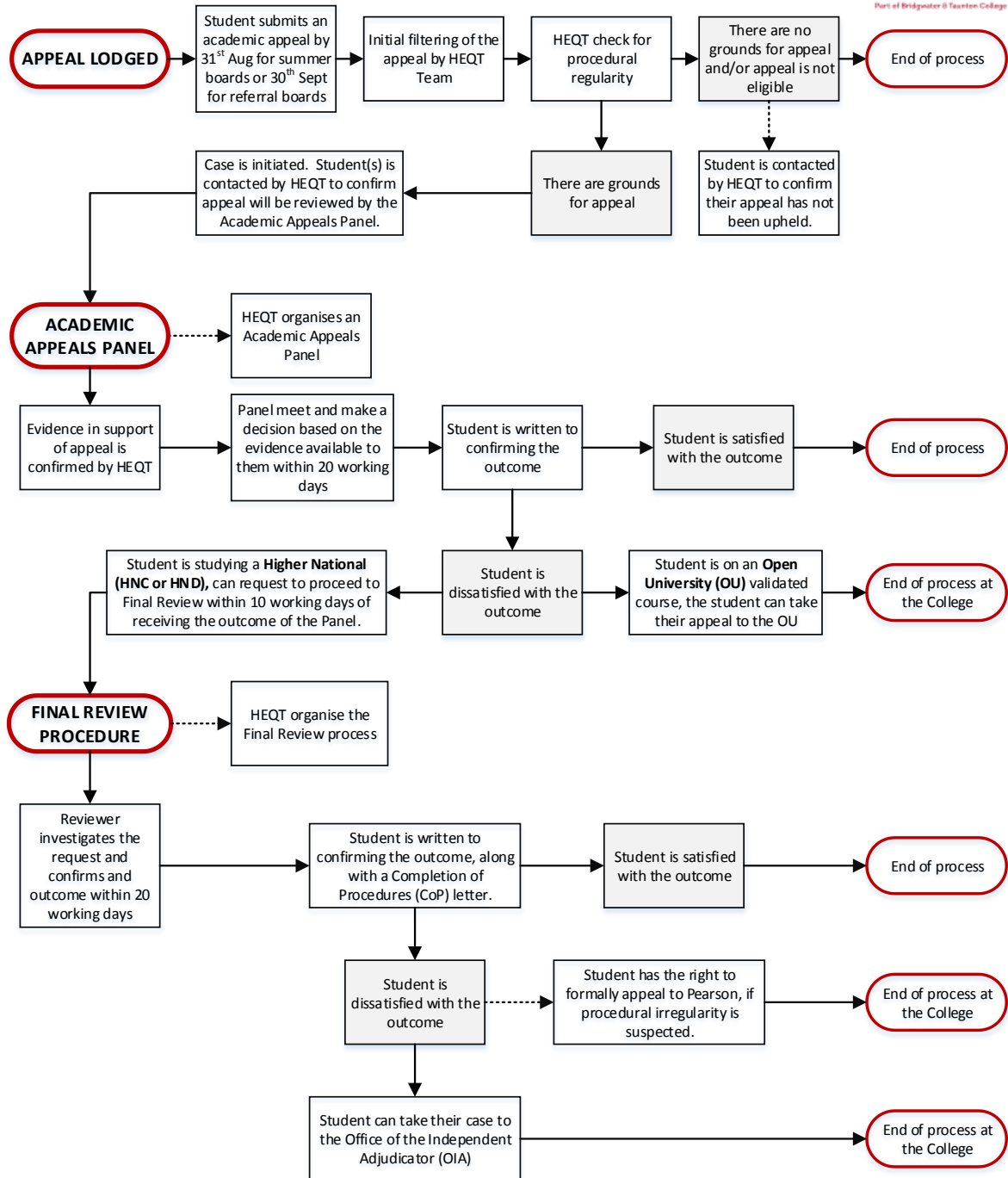


# Appendices

# Diagram of the HE Academic Appeals Process



## Academic Appeals Procedure



**Key**

HEQT – HE Quality Team

## University partner academic appeals information and responsibilities checklist

The table below gives an overview of the nature of partnership agreement between the College and each of its university partners, the roles and responsibilities of each party and the location of their academic appeals procedures if relevant:

University Partner/ Awarding Body	Roles and responsibilities in accordance with Partnership Agreement		The College's policy is used?	Location of HEI academic appeals policy information
	Bridgwater and Taunton College	University partner/Awarding Body		
<b>Plymouth University</b>	To provide information academic appeals procedures to students. To apply the University's academic appeals procedures.	To provide procedural information and support regarding the protocols for these processes. To manage academic appeals in accordance with their policy.	No	<a href="#">Complaints, appeals and conduct - Plymouth University</a>
<b>Oxford Brookes University</b>	To address academic appeals at the local stage in the first instance, in dialogue with the University.	The University retains overall responsibility for providing effective procedures for academic appeals.	No	<a href="http://www.brookes.ac.uk/about/directorates/asa/registry/studentdisputes/appeals/index.html">http://www.brookes.ac.uk/about/directorates/asa/registry/studentdisputes/appeals/index.html</a> (Student version)  <a href="https://www.brookes.ac.uk/regulations/">https://www.brookes.ac.uk/regulations/</a> (detailed regulations)
<b>University of the West of England (UWE)</b>	The College provides students with information about academic appeals processes.	Appeals are the responsibility of the University and their processes must be used by students wishing to lodge an academic appeal.	No	<a href="http://www1.uwe.ac.uk/students/academicadvice/academicappeals.aspx">http://www1.uwe.ac.uk/students/academicadvice/academicappeals.aspx</a>
<b>Pearson (Edexcel)</b>	The College is solely responsible for providing, managing and publishing appropriate and suitable processes for academic appeals.	Supplying up to date guidance on the expectations of procedures for appeals. Monitoring of the College's approaches and impact on students/assessment outcomes through the External Examining process. Students can refer their unresolved appeal to Pearson after the College's policy is exhausted, guidance given in this policy.	Yes	<a href="https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Enquiries_and_Appeals_on_Pearson_Vocational_Qualifications.pdf">https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Enquiries_and_Appeals_on_Pearson_Vocational_Qualifications.pdf</a>
<b>Open University</b>	The College has local responsibility for ensuring the academic appeals process is available to OU students.	The College's appeals procedure must be used by students wishing to lodge an academic appeal in the first instance. Students can move to the OU process once the first stage of the College's process has been exhausted.	Yes, in the first instance	<a href="http://www.somerset.ac.uk/about-us/wider-information-set/">http://www.somerset.ac.uk/about-us/wider-information-set/</a> see the 'Regulations for validated awards of The Open University'

# Terms of reference for HE Academic Appeals Panel

Last review date: May 2017

By: HE Review Group

Approved by: SMT

## Purpose

The purpose of the HE Academic Appeals Panel is to review the decision of the Assessment Board in a way that is fair, respects academic standards and is timely, as governed by the College's Academic Appeals Policy.

## Functions

The functions of the Panel are to:

- Determine the validity and extent of the grounds lodged for appeal based on the evidence available
- Consider the impact of any relevant and valid extenuating circumstances
- Explore the possibility of prejudice or bias in the assessment decisions made
- Agree outcomes that are appropriate to the case presented as outlined within the policy
- Communicate outcomes clearly

Panels may be convened to consider more than one case at a time but conflicts of interest must be considered within the composition of the Panel.

## Chair Person

The Chair of the Panel is normally either the:

- Head of Higher Education or the
- Higher Education Manager

One member of each Academic Appeal Panel shall be appointed by the Panel's Secretary to act as chair (to ensure there is no opportunity for conflict of interest within the curriculum Areas and students enrolled within them this would normally be the Head of HE or the HE Manager).

If none of the above are available and able to act as Chair then exceptionally a senior manager or the Principalship can act as the Chair. Where a student who has submitted a valid appeal is considered by the Panel the Chair should not be drawn from the same Area as the student is enrolled. If it is unavoidable then the Chair should not be actively involved in the decision making process of the Panel.

The Chair of the Appeals Panel cannot be the Chair of the Assessment Board or Preliminary Board /Subject Assessment Panel where the assessment decisions were made as this constitutes a conflict of interest.

## **Membership**

Each Academic Appeal Panel shall consist of a minimum of three members which shall be selected by the Panel's Secretary from the following: Head of Departments, HE Manager, Curriculum Managers and Course Leaders (related to higher education provision).

Typically an appeals panel would be constituted as follows:

- Chair (Head of HE or HE Manager)
- Head of Department and/or Curriculum Manager and/or Course Leader  
and
- HE Quality Co-ordinator acting as secretary

Members shall not participate in the discussion of cases from students who have studied in the same Area in which the member is employed. In unavoidable cases where an appeal is submitted by a student from the same Area as the Chair, the Chair shall abstain from participating in the discussion and agreeing an outcome.

## **Role of the Panel Secretary**

The Panel Secretary is responsible for:

- Collecting in all supporting paperwork in good time to circulate to the members of the Committee and working with the HE Quality Team to ensure the papers are completed in their entirety.
- Preparing and disseminating the agenda (see page 21) and papers to the confirmed attendees normally at least 5 working days prior to the meeting.
- Accurately recording the meeting using the prescribed proforma/template
- Producing a draft set of minutes normally within 5 working days after the meeting for approval by the Chair
- Ensuring all supporting papers presented at the approval meeting are retained and attached to the minutes.
- Distribute the final approved minutes and supporting papers to the Committee members normally within 10 working days of the Committee meeting.



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Somerset

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## **A G E N D A**

### **Standard agenda for HE Academic Appeals Panel Meeting**

**Date**

**Time of meeting**

**Place of meeting**

1	Apologies	Chair
2	Confirmation of documentation available to the Committee	Chair
3	Purpose of the Academic Appeals Panel	Chair
4	Consideration of the case(s) and evidence available	All
5	Outcomes of the Panel	Chair
6	Confirmation of process following the meeting	Secretary

## Final Review of Procedures – Request Form

This form is only to be used when requesting a final review against the final decisions of the Academic Appeals Panel following previous consideration of an academic appeal. You are advised to read the Final Review Procedures before completing this Form.

### SECTION A - Personal Details

Name in Full	Student Number
Address	
Contact Telephone Number:	
Contact Email Address	
Programme of Study	Level and Year of Study

**Decision you wish to be reviewed (*please give a short summary*):**

### SECTION B - Grounds for Review

Requests for final reviews should be based upon one or more of the following grounds, please indicate with a cross which of the following grounds your review is based:

<b>Irregularities in the conduct of the relevant procedures</b> , which are of such a nature as to cause reasonable doubt whether the party/parties concerned would have reached the same decision had they not occurred	
<b>Exceptional personal circumstances which were not known</b> to the party/parties concerned when the candidate's case was considered and which can be shown to be relevant to the case. (In reviews based on these grounds the candidate must show a compelling reason why such personal circumstances were not made known prior to the decision being made). Where a candidate could have reported exceptional personal circumstances prior to the decision being made, those circumstances cannot subsequently be cited as grounds for review	
<b>The severity of the penalty</b>	

**SECTION C - Additional Information**

Please provide details as to why you are requesting a final review on one or more of the grounds mentioned above, including why you consider the final decision of the College to be unsatisfactory to you. (Please continue on a separate sheet if required).

**SECTION D - What would be the Preferred Outcome of your Final Review?**

**SECTION E – Evidence to Support your Request for Review**

**Please submit the following documents in support of your request for review:**

- 1) A chronology listing in date order all letters, phone calls and meetings that are relevant to your final review request;
- 2) A copy of all relevant correspondence and other documentation. (Please ensure the information is complete and presented logically).

**Please keep a copy of this form and the documents you send. Do not send original documents.**



<b>DECLARATION</b>	
<i>I declare that, to the best of my knowledge, all the information I have supplied/attached with this form is true, accurate and complete and acknowledge that the submission of fraudulent information could lead to the College taking disciplinary action.</i>	
<i>I give my consent for this information to be circulated to the relevant members of staff for the purpose of investigating my Final Review.</i>	
Signed	Date

## Completion of proceedings - Letter Template

**For use where the student is studying for a qualification awarded by an Ofqual-regulated external Awarding Organisation which is not a member of the OIA Scheme (for example an HNC or HND awarded by Pearson (Edexcel))**

Dear [Name of complainant],

### COMPLETION OF PROCEDURES LETTER

This letter confirms that the internal procedures of Bridgwater & Taunton College in relation to your academic appeal regarding [please describe] have been completed.

The issues that you raised in your academic appeal were [details]

The issue(s) that were considered in relation to your *complaint / appeal etc* was / were: [brief summary of the complaint etc].

The final decision of Bridgwater & Taunton College is [detail] because [reasons].

The procedures / regulations applied were\*: [details and date as supplied to the OIA's electronic Regulations Bank].

Bridgwater & Taunton College subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of your academic appeal to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form **must be received by the OIA** within **12 months** of the date of this letter, that is, it must be received by the OIA **on or before** [insert date - e.g. if the Completion of Procedures Letter is dated 9 December 2016, this date should be 9 December 2017].

[Include here any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly.]

You can fill in the OIA's complaint form online or download a copy from the OIA website. <http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>. The OIA also publishes *An Introduction to the OIA Scheme for Students*, which can be downloaded from [http://oiahe.org.uk/media/42715/oia\\_intro\\_leaflet\\_16pp.pdf](http://oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf). Alternatively, you can telephone or write to the OIA for a form. **You should send a copy of this letter to the OIA with your OIA Complaint Form.**

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. Please note that

the OIA will normally only review issues that have been dealt with through the provider's internal procedures.

Your qualification is awarded by [*name of awarding organisation*], which has some responsibility for considering complaints about the overall quality or standards of your qualification. [*name of awarding organisation*] is not a member of the OIA Scheme.

In the event that you submit a complaint to the OIA, it will consider your complaint to identify whether it relates to: (1) an act or omission of Bridgwater & Taunton College relating to the service provided which falls within the OIA's remit; or (2) the overall quality or standards of the qualification itself. Complaints relating to the design, delivery of assessment, moderation and awarding of the qualification are likely to fall into (2). However, this will be for the OIA to determine.

If the OIA considers that your complaint relates to the overall quality or standards of the qualification itself, it will refer the complaint to [*name of awarding organisation*].

Yours sincerely,

[Authorised signatory]

## References

The following points of reference were considered in writing this policy:

Academic Registrars Council (ARC) *A Reference Document on Academic Appeals and Extenuating Circumstances for University Practitioners*, April 2011. Available from <http://www.arc.ac.uk/practitioner-7-Student-Complaints-and-Appeals.html> [11 April 2017]

Office of Independent Adjudicators (OIA). Available from <http://www.oiahe.org.uk/> [11 April 2017]

Quality Assurance Agency (QAA) *UK Quality Code for Higher Education, Part B, Chapter B9*, April 2013. Available from <http://www.qaa.ac.uk/publications/information-and-guidance/publication?PubID=178#.U8PZZFRwbVg> [11 April 2017]