



<b>PROCEDURE 2.4 APPEALS</b>					
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**Procedure issued:** April 2014

**Procedure owner:** Principal / CEO

- ❖ This procedure is shared with our students and/or can be obtained:
  - on our website <https://docklandsacademy.co.uk/policies-and-procedures>,
  - on the desktops of all computers in the library on the top floor,
  - by emailing us at [info@docklandsacademy.co.uk](mailto:info@docklandsacademy.co.uk) in the case of remote learning.
- ❖ Also, our students are informed about the related main aspects of the procedure in the Student Handbooks, Induction Seminar and Learning Agreement.
- ❖ The procedure is reviewed and monitored on a regular basis for currency and fitness as part of our Annual 1.9 Policy and Procedures Review.

## **1. Summary**

- 1.1** The procedure applies to decisions on assessments made by the Academic and Advisory Committee.
- 1.2** A candidate may not lodge an appeal on the grounds of dissatisfaction with the design, curriculum or delivery (teaching, departmental support, etc.) of a course. The Academy's Complaints procedure (2.5) exists in part to deal with such issues. However, the investigation of a complaint from a student may reveal issues that would have formed grounds for an appeal under the Appeals procedure. When this is the case, a student must not be prevented from exercising the right to appeal subsequent to the findings of the complaint investigation on the grounds of its being 'out of time'. In such instances, the deadlines set out in this procedure must be calculated from the date at which the complainant received the information as an outcome of the complaints investigation that might form the basis of her/his appeal.
- 1.3** The Principal is empowered to refer the matter as an appeal to whichever is the appropriate forum for its consideration. Equally, if a student submits as a complaint, which is wholly or partly an appeal on one of the four grounds, it is an obligation of the Academy to ensure that the issue is considered under the Appeals procedure.



- 1.4 All staff associated with the handling of academic appeals is given appropriate training and development and meet the requirements of the awarding body and where appropriate, the Quality Assurance Agency Quality Code and the OIA Good Practice Framework for Handling Complaints and Academic Appeals.
- 1.5 This procedure is implemented in accordance with the DAL Procedure 5.3 Equality, Diversity and Special Needs and with consideration of public information guidelines set out by awarding bodies and where appropriate, the QAA Quality Code and the OIA Good Practice Framework for Handling Complaints and Academic Appeals.
- 1.6 A report of all Academic Appeals will be included in the Self-Assessment and Annual Programme Monitoring Review. The Academic Appeal process will be reviewed on an annual basis to ensure that it is current, fit for purpose and accessible to students.

## **2. Grounds for Appeal**

- 2.1 A request for a review of an assessment decision may be made on one or more of the following grounds:
  - that a candidate had submitted evidence of mitigating circumstances as specified in Academy documents, but these were not considered by the assessor or the Academic and Advisory Committee.
  - that the assessor or the Academic and Advisory Committee was not aware of mitigating circumstances affecting the candidate's performance because the candidate had been unable, or for valid reasons, unwilling, to divulge them before the decision was reached.
  - that the assessment procedures were not followed in accordance with the regulations resulting in an error in the candidate's assessment.
  - that some other material irregularity had led to a breach of the procedures or regulations resulting in a decision detrimental to the student.
- 2.2 These are the **only** grounds for appeal. There is **no** right of appeal against assessment decisions which are matters of academic judgement.

## **3. The Procedure for Appeal**

- 3.1 Students may wish to take advice as to whether to appeal or not. A senior Lecturer, the Head of Academic Administration, Student Welfare Officer and Academic Head are all suitable members of staff from whom to obtain advice about how to use the Appeals procedure.
- 3.2 Whatever source of information the student chooses, it is their responsibility to choose whether to appeal, the grounds upon which they do so and the evidence they decide to present.
- 3.3 For assessments dealt with by Academic and Advisory Committee, a student who wishes to appeal against a decision of the Assessment Committee must write to the Head of Academic Administration to invoke the Academic Appeals Procedure within 2 weeks of the date of the letter from the Chair of the Academic and Advisory Committee that provides the student's result.
- 3.4 For withdrawals due to poor attendance and/or engagement, the student must submit their appeal within 14 calendar days of the email notification of withdrawal.



- 3.5 A request for a review must state the decision concerned, the grounds and be accompanied by documents that are evidence for the case on these grounds.
- 3.6 The Academic Head shall make an assessment of the validity of the case and decide whether or not it should be put before an Assessment Appeals Panel. The decision to proceed with such a request will only be taken if it has been established that the case is based, prima facie, on additional information about a candidate's personal circumstances or on evidence of procedural irregularity and is not one which challenges the academic judgement of the Academic and Advisory Committee.
- 3.7 This decision should normally be made within 10 working days of receipt from the student and be advised to them in writing.

#### **4. Assessment Appeals Panel**

##### **4.1 The Function of the Assessment Appeals Panel**

- 4.1.1 The Assessment Appeals Panel will consider appeals against assessment decisions of assessors. The Assessment Appeal Panel reports to the Academic and Advisory Committee.
- 4.1.2 It will establish whether there is, prima facie, a justified case of appeal and if so to consider whether:
- to uphold the decision of the Academic and Advisory Committee
  - to overturn the decision of the Academic and Advisory Committee
  - to require the Academic and Advisory Committee whose decision has been challenged, to reconsider that decision.

##### **4.2 The constitution of the Assessment Appeals Panel**

- 4.2.1 The membership of the Assessment Appeals Panel shall be:
- a senior manager or her/his nominee who has not previously been involved in the assessment decision and is a member of the Senior management Team
  - any Head of Department who has not previously been involved in the assessment decision
  - a member of teaching staff, not directly concerned with the course/programme, in which the course and the appellant are based
  - the secretary to the Panel
- 4.2.2 Any potential member who has been involved in teaching, assessing, counselling or advising an appellant will be ineligible to serve on the committee hearing the case of that appellant. A quorum of the Assessment Appeals Panel is all three members, plus the Secretary.

##### **4.3 Convening of Assessment Appeals Panel**

- 4.3.1 The Secretary shall convene a meeting of the Academic Appeals Panel on the first convenient date, which shall not normally be more than twenty working days after the request has been lodged. Ten working days' notice of any meeting of the Academic



Appeals Panel shall be given to the members, the appellant and any other persons being required to attend.

**4.3.2** The appellant must be present and may be accompanied by one person of his/her choosing. If the appellant does not appear and the Panel is satisfied that notice of the appeal hearing was duly sent to him/her, the appeal lapses. The Assessment Appeals Panel and/or the appellant may summon to appear any other person(s) whom they may reasonably consider to be material witnesses.

#### **4.4 Conduct of Assessment Appeals Panel Hearings**

**4.4.1** Prior to the hearing, all parties to the appeal will have been circulated with written statements setting out the appellant's grounds for appeal and any written statements of those responsible for the assessment decision which is being appealed against.

**4.4.2** The Panel will start by hearing an opening statement from the appellant, or the appellant's representative, on the grounds for the appeal.

**4.4.3** The Chair of the Panel must ensure that witnesses are only questioned about matters germane to the case of the appellant on the grounds permitted by the Procedure.

**4.4.4** After all witnesses have been heard, the appellant or her/his representative may make a concluding statement, summarising what has been presented to the Panel.

**4.4.5** The Assessment Appeals Panel is not empowered to consider any appeal on grounds other than those lodged by the appellant at time of giving notice of the appeal. The Panel will then deliberate in private and announce its decision publicly to the appellant and the appellant's representative.

**4.4.6** The Panel's decision will also be communicated in writing to:

- the appellant,
- the appellant's representative (if there is one),
- the principal,
- the Academic Head,
- the Chair of the Academic and Advisory Committee who made or recorded the decision against which the appeal had been made.

#### **4.5 Decisions of the Assessment Appeals Panel**

**4.5.1** The Assessment Appeals Panel shall consider the appeal and if it finds that the appellant has established a case, will either overturn the decision of the Academic and Advisory Committee or require the Academic and Advisory Committee whose decision has been challenged, to reconsider that decision.

**4.5.2** Where the Assessment Appeals Panel finds that the appellant has not established a case for a review of the decision, it will uphold the Academic and Advisory Committee's decision. There is no further right of appeal within the Academy.

**4.5.3** When a decision has been referred back to the Academic and Advisory Committee, it shall reconsider, within three calendar months, the appellant's case, giving due consideration to the comments and recommendations of the Assessment Appeals



Panel. The Committee will either confirm their decisions or make such adjustments as in the circumstances they deem just. The Chair of the Academic and Advisory Committee will inform the appellant and take any further necessary action.

- 4.5.4** In cases of procedural or other irregularity the Appeals Panel has the power to annul a decision of an Academic and Advisory Committee. If an error or irregularity is found to have affected more than one candidate, the Appeals Panel may annul the whole assessment or any part of it. The decision of the Appeals Panel shall be final.

## **5. Intermission of Studies and Mitigating Circumstances**

- 5.1** The Academy recognises that a student in good academic standing may need to take a break from their studies for non-academic reasons. The Academy may permit a student to intermit/defer. However, there is a presumption that students must try to complete their programmes of study by the original end date.
- 5.2** It is the student's responsibility to demonstrate that there are sufficient grounds to grant permission to intermit/defer. However, permission will not be granted on more than two occasions, one of which may not immediately succeed another. The duration of a period of intermission shall not exceed one academic year at a time within a single period of registration, with no less than one semester and no more than two semesters requested.
- 5.3** Requests for intermission/deferral must be made in writing to the Head of Academic Administration. The request must include a reason for the intermission and the intended date of return to the programme of study, together with any relevant documentation. It should be submitted for consideration no less than six weeks before the effective date and be presented to the next Academic and Advisory Committee.

### **5.2 Mitigating Circumstances**

- 5.2.1** The Academy recognises and accepts that in rare instances, student performance will be affected by circumstances beyond their control. This may, for example, include a sudden or long-term illness that has prevented or impeded the assessment of student work through absence, the non-submission of work or poor performance.
- 5.2.2** The purpose of mitigating circumstances is to offer eligible students the opportunity to be assessed or reassessed on equal terms with other students. Students who believe that their assessed performance was affected by such circumstances should apply for mitigating circumstances using the procedures set out below. Claims for mitigation in respect of poor performance shall not be valid.

### **5.3 Making a Claim for Mitigation**

- 5.3.1** A student may submit a claim seeking mitigation for a particular item of assessed work on two occasions only. A mark/grade of zero will then be awarded for that item of assessed work, if it is not attempted at the next opportunity, there will be no further opportunity for reassessment.
- 5.3.2** Students who wish to claim mitigation, must submit a Mitigating Circumstances form to the Administration Department. It is the student's responsibility to complete and submit



the form. In exceptional circumstances, the student may nominate another person to submit the form on her/his behalf.

**5.3.3** Members of the Academy's staff may not initiate mitigation claims.

#### **5.4 Academic and Advisory Committee Action**

**5.4.1** Having received a claim for mitigating circumstances, the Academic and Advisory Committee may (1) deny the claim and allow the current mark(s) to stand; or (2) support the claim and recommend one of the following actions:

**5.4.2** If it supports the claim, then it will make one of the following recommendations:

- to award a mark/grade on the basis of works (complete or partially completed) prepared in fulfilment of module requirements. Credit awarded in this way will be recorded as a Mitigated Pass (MP) on the grade sheet
- to seek to assess and mark/grade the student's learning through whatever means they believe is appropriate. This may include additional assessment tasks or the review of previous work
- to allow an examination to be taken or coursework to be resubmitted to a new timetable. The marks/grades gained from this will be recorded as if taken for the first time. Where the assessment was itself a second attempt, the process of retrieval will also be allowed to be retaken without further penalty. Where this is the outcome, the Academic and Advisory Committee grade sheet will be marked as Deferred (Df)
- to recommend that credit is awarded but no mark/grade is entered. In this case, the aggregated end-of-level mark/grade will be based on a corresponding number of fewer modules. A maximum total of 30 credits in any single level of a programme, may be awarded in this way.

**5.4.3** The Academic and Advisory Committee retains the right to exercise discretion in determining the validity of any claim and any actions or compensation that may be offered as a result of the claim.

**5.4.4** Where there is enough evidence of the student's achievement (or it is subsequently obtained), the Academic and Advisory Committee may recommend that the student is offered an appropriate award.

### **6. Appeal Rights**

#### **6.1 Right of Appeal to an Awarding Body**

**6.1.1** If an appeal is rejected, the appellant must be informed at the time s/he is given the decision that s/he has the right to request the awarding body to review the Academy's implementation of its assessment appeals process.

**6.1.2** In such circumstances, the appellant must be provided with the address and contact name to which to send her/his request.

**6.1.3** Awarding bodies will normally only consider appeals when they are satisfied that an institution's internal appeal processes have been exhausted: this places the onus upon





all those involved with the Academy Appeals procedure to ensure that everything is formally recorded in a systematic and comprehensive manner.

## 6.2 Right of Appeal to Office of the Independent Adjudicator (OIA)

If an appeal is rejected, the appellant has the right to ask the OIA to review their complaint about the outcome of the disciplinary process. The case needs to be submitted to the OIA within 12 months of the formal conclusion of the internal appeals process.

## 7. Related Documents

### 7.1 Policies

- 2 Academic Management
- 5 Student Support, Engagement and Learning Resources
- 7 Information

### 7.2 Procedures

- 1.5 Equal Opportunities
- 1.7 Data Protection
- 1.9 Review and Revision of Policies and Procedures
- 2.1 Academic Misconduct
- 2.2 Academic Regulations
- 2.5 Complaints
- 2.6 Self-Assessment and Annual Programme Monitoring
- 2.7 Program Design and Approval
- 2.8 Plagiarism
- 2.9 Academic References for Students
- 2.10 Special Circumstances Affecting Study
- 2.11 Pearson Registration
- 2.12 Contingency and Adverse Effects
- 2.13 Access and Participation Statement
- 3.6 Internal Verification
- 4.4 Attendance Monitoring
- 4.6 Student Induction
- 4.7 Student Disciplinary
- 5.1 Student Code of Conduct
- 5.3 Equality, Diversity and Special Needs
- 7.1 Review and Sign off PI
- 7.4 HE Public Information

### 7.3 Student Terms and Conditions

### 7.4 External Reference Points

- Office for Students (OfS) Requirements and Guidance at [Advice and guidance - Office for Students](#)
- British Accreditation Council (BAC) Accreditation Handbook at <http://www.the-bac.org/wp-content/uploads/2022/10/Accreditation-Handbook-2022-web-compressed.pdf>
- UK Quality Code Advice & Guidance – Admissions, Recruitment and Widening Access at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/admissions-recruitment-and-widening-access>
- UK Quality Code Advice & Guidance – Concerns, Complaints and Appeals at <https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>
- Higher Education Code of Governance (Committee of University Chairs, December 2014) at <https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf>
- Association of Employment and Learning Providers (AELP) principles of Good Governance for Independent Training Providers at <https://www.aelp.org.uk/media/2595/code-of-governance-final-sept-2018.pdf>



- **OIA The Good Practice Framework: Handling Students Complaints and Academic Appeals** at <https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>
- **OIA Disciplinary Procedures** at <https://www.oiahe.org.uk/media/2045/good-practice-framework-disciplinary-procedures-section.pdf>
- **UKCISA Code of Ethics** at <https://www.ukcisa.org.uk/Membership/Codes-of-practice/Code-of-ethics>
- **Equality Act – 2010** at <https://www.legislation.gov.uk/ukpga/2010/15/contents>