

**Higher Education  
Academic Appeals  
Policy and Procedure**

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This document outlines the commitment of UCEN Manchester to ensure that all higher education students have access to an academic appeal process.

If you need any further advice on how this procedure works, you should contact the UCEN Manchester Directorate.

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This document is available in alternative formats on request to the UCEN Manchester Directorate.

## 1. Purpose

This policy is designed to:

- Ensure that the student has a clear understanding of how to make an appeal
- Ensure procedural parity between all applicants making an appeal
- Protect the interests of the applicant making an appeal
- Provide scope and a definition of types of appeals
- Enable College staff to manage appeals effectively

## 2. Scope

This procedure applies to appeals on academic matters only. If a student is dissatisfied with regard to any other matter they should utilise the relevant LTE Group/UCEN Manchester policy, for example, the LTE Group Complaints Policy. An academic appeal differs from a complaint and therefore appeals and complaints are considered under different procedures. A complaint is defined as a formal expression of dissatisfaction made by a student about either:

- The provision of their programme of study or related academic service/facility.
- Any other service provided by UCEN Manchester.

**Therefore the Academic Appeals Procedure should not be used to bring complaints.**

This policy applies to all Higher Education (HE) students who are studying a **Higher National Pearson** course at UCEN Manchester.

If the course is delivered by UCEN Manchester but is in partnership with a university, then academic appeals need to be directed to the partner university. **In the first instance, speak with the Programme Leader or Head of Department to try and resolve the matter informally.**

For the **Manchester Metropolitan University**, please refer to their Academic Appeals Policy and Procedures:

<https://www.mmu.ac.uk/academic/casqe/regulations/assessment/docs/academic-appeals.pdf>

For **Sheffield Hallam University**, please refer to their Academic Appeals Policy and Procedures:

[https://students.shu.ac.uk/regulations/appeals\\_and\\_complaints/index.html](https://students.shu.ac.uk/regulations/appeals_and_complaints/index.html)

For the **University of Huddersfield**, please refer to their Academic Appeals Policy and Procedures:

<https://www.hud.ac.uk/media/policydocuments/Student-Handbook-of-Regulations.pdf#page=64>

### **3. Grounds for Appeal**

An appeal is a formal request for a decision regarding student progression, assessment or awards to be reviewed and may only be based on one or more of the following grounds:

- If the Review Panel is satisfied that the student's academic achievement or progression was affected by incapacity which clearly prevented the student from submitting a 'Mitigating Circumstances' application in time for due consideration by the relevant Mitigating Circumstances panel, or where the student was unable, for valid and evidenced reasons, to divulge information before the Assessment Board reached its decision. The request must be supported by a clear statement detailing the 'incapacity' and/or explaining why the student was 'unable' to submit personal mitigating circumstances at the appropriate time, together with medical certificates or other documentary evidence acceptable to the Review Panel.
- If the Review Panel is satisfied, on evidence produced by a student or any other person, that the student's performance in an examination (or other assessment) was adversely affected by a material administrative error attributable to UCEN Manchester or to an agent acting on behalf of UCEN Manchester (Maladministration).
- If the Review Panel is satisfied that the student's performance was adversely affected because an examination (or other assessment) was not conducted in accordance with the current published, relevant regulations for the academic programme (Breach of Regulations).

**Please note that an appeal cannot be made against an academic judgment of UCEN Manchester staff.**

An appeal against a grade cannot be made following the outcome of the final Assessment Board, unless the appeal is based upon extenuating circumstances or an administrative error.

### **3. Compliance with Regulations**

All appeals shall be conducted in accordance with these procedures and the precepts set out in the Quality Assurance Agency UK Quality Code for Higher Education: Chapter B9: Academic Appeals and Student Complaints, and shall seek to uphold the principles of fairness, consistency, equity and equal opportunities.

### **4. Impartiality of Decision-Makers**

No person shall be permitted to take part in the making of a decision regarding an appeal where s/he has an interest through being a member of the same academic department in which the appellant is registered, or through being a member of the Assessment Board which made a decision against which the appeal is made.

Any person who may be involved in the making of a decision regarding an appeal shall be required to declare an interest where s/he has any other material connection with the appellant, and shall thereby be disqualified from being involved in the making of the decision.

## 5. Underpinning process

UCEN Manchester recognises that academic appeals can be stressful for staff, as well as for the appellant. This procedure is designed to ensure the interests of staff, including those handling the appeal, and the appellant are safeguarded at all times.

At all stages of the appeals process, the appellant and/or UCEN Manchester are expected to submit and/or manage an appeal expeditiously.

Each stage of the appeals process is defined through clear stages and indicative timescales; however, this procedure requires that every appeal is fully investigated. This may mean that a response cannot be given as quickly as the appellant or UCEN Manchester would normally wish to, particularly if the appeal is complex or extensive, was submitted during UCEN Manchester closure, or at a time when key staff are temporarily away from UCEN Manchester.

Equally, it is recognised that there may be delays reasoned by necessary absences on the part of the appellant which may mean the appellant is not able to submit their appeal within specified timeframes. Where this is the case, the appellant will be required to submit authentic and reliable evidence to demonstrate why their appeal could not be submitted within UCEN Manchester's indicative timescales.

## 6. Timescales and Stages

### a. The Informal Process

If a student considers that s/he may have grounds to request a reconsideration of a decision by an Examination/Assessment Board, as described in section 3, s/he is normally expected to, in the first instance, attempt to obtain informal resolution of the case by undertaking informal discussion with the appropriate Head of Department or nominated representative of their department, as identified by the Head of Academic Services. The informal process must be commenced within 10 working days of the date of formal publication of results established by the Examination/Assessment Board.

The Informal Stage does not negate a student's right to submit an academic appeal in line with the relevant validating university regulations and **any application must be submitted in accordance with the relevant validating university regulations and in line with their timelines**. Any appeal to Manchester Metropolitan University or Sheffield Hallam University should be sent to [appeals@ucenmcr.tmc.ac.uk](mailto:appeals@ucenmcr.tmc.ac.uk) and the Head of Academic Services at UCEN Manchester will forward the completed appeal to the relevant University.

At the conclusion of the Informal Stage, a written response must be sent by Head of Department or nominated representative confirming the decision of the Informal Stage. A

copy of the documentation must be provided to the student to serve as a record of the outcome. A copy must also be kept in the student's file, and copies may be circulated, in confidence, to members of academic staff involved in the investigation of the facts relevant to the application.

### **Higher National Students**

In the event that agreement has not been reached, a student may submit a formal UCEN Manchester Academic Appeal Application Form.

Academic appeals which are not resolved within the Department must be progressed through Stage 1 of the appeals process via the Academic Services Panel. Once Stage 1 has been completed, an appellant must determine if the appeal progresses to Stage 2 via the Review Panel.

An appellant normally has 10 working days from the publication of the results to give notice in writing to the Head of Academic Services of his/her intention to appeal, stating the grounds for appeal or 10 days after the date of the conclusion of the informal stage (whichever is the earliest). The appellant should submit a written case in full to the Head of Academic Services using Appendix 1 which must be accompanied by appropriate documentary evidence to support the grounds for appeal (See Appendix 1).

At all the stages of the appeals process, the appellant has a right to be accompanied to any meeting called by UCEN Manchester as part of the appeals process by a friend, who may not (save in exceptional circumstances) be a lawyer acting in a professional capacity. The friend may not speak on behalf of or otherwise represent the interests of the individual concerned unless invited to do so by UCEN Manchester

#### **b. Stage 1**

Within 10 working days of receipt of the appeal, the Head of Academic Services should initiate stage 1 of the appeals process and convene an Academic Services Panel to consider the case.

The Head of Academic Services should request any comments or other relevant information which may assist the Academic Services Panel in their deliberations.

The Academic Services Panel must comprise:

- i. A Higher Education Director (or suitably experienced individual nominated by the Vice Principal for Higher Education).
- ii. the Head of Academic Services (or suitably experienced individual nominated by the Vice Principal for Higher Education).
- iii. an experienced higher education academic member of staff (who must not be from the relevant Board of Examiners or the same academic department where the appellant is registered).

The Academic Services Panel should meet at the earliest opportunity with the student to discuss the appeal and will offer advice to the appellant as to whether it considers there to be a prima facie case for appeal.

Records of the discussions held by the Academic Services Panel must be retained.

If an Appeal is not upheld / partly upheld by the Academic Services Panel, a request for a review can be made. Reviews may be requested on the following grounds:

- the correct procedures were not followed in the consideration of your Appeal
- the outcomes of the Appeal was not reasonable
- there is new evidence to support your Appeal that was not available at the earlier stages of the procedure.

Following advice from the Academic Services Panel, an appellant normally has 5 working days to notify the Head of Academic Services in writing of their intention to progress the appeal to stage 2.

### **c. Stage 2**

Upon notification of the appellant's written request to progress the appeal to stage 2, the Head of Academic Services will convene a Review Panel.

The Review Panel should convene in 10 working days from the date the appellant notified the Head of Academic Services.

The Review Panel should comprise of

- i. a Chair (identified by the Head of Academic Services from amongst the Higher Education Management within UCEN Manchester and who did not attend the relevant Assessment Board)
- ii. two higher education academic staff (who are not members of the relevant Assessment Board or from the same academic department where the appellant is enrolled)
- iii. the Director of Student Engagement and Experience (Higher Education)
- iv. a secretary (non-voting member)

The Chair of the Academic Services Panel (who may be the Head of Academic Services) should be in attendance but must not be a member of the Review Panel or form part of the deliberations and voting process.

The Chair of the Academic Services Panel (or Head of Academic Services) must arrange for the hearing of the appeal and provide adequate notice and relevant papers to all participants.

All papers presented to the Review Panel must also be provided to the appellant and the Chair of the relevant Assessment Board or his/her representative who should be called to the hearing to give evidence.

The appellant must always be invited to attend the hearing. The appellant must confirm the name and status of the person accompanying them in writing to the Academic Services Panel (or Head of Academic Services) no less than four working days before the hearing.

The Chair of the Review Panel must decide how the Review Panel will proceed with an appeal in the voluntary or unavoidable absence of the appellant, and whether or not it will permit a proxy to be nominated to represent the appellant

Quorum must be defined through three voting members including the Chair. A formal record of the meeting must be kept by the Head of Academic Services (or nominee)

#### **d. Hearing Process**

The Chair will provide the Review Panel with an initial briefing.

The appellant must be invited to join the meeting and to present a case.

Members of the Review Panel must be invited to ask questions for clarification.

The appellant, and where in attendance, the friend, must be asked to withdraw.

The Chair of the Assessment Board (or nominee) and other appropriate members of academic staff must be invited to join the meeting and make an initial statement on behalf of the Department.

Members of the Review Panel must be invited to ask questions of clarification.

The Chair of the Board of Examiners (or nominee) and other appropriate academic staff must be asked to withdraw.

The Review Panel will deliberate the case in full before voting on whether the appellant's case is to be upheld or rejected.

Any member involved in the making of a decision regarding an appeal must declare an interest where s/he has any other material connection with the appellant, and must be disqualified from being involved in the making of the decision and voting process.

As the Review Panel must proportionate its investigation to the complexity of the issues raised, if a decision is unable to be reached, the Review Panel may call other members of staff or students it considers might assist it in reaching a decision. The Review Panel is empowered to suspend an appeals meeting and reconvene at a later date (but no later than 7 working days from the original Review Panel meeting). Any such persons must be notified in advance of the meeting.

Where an appeal is determined vexatious or frivolous, on behalf of the Review Panel, the Chair may reject the appeal at any stage of the appeals process. The appellant shall be informed in writing within 7 working days of such a decision, the reasons for it and the student disciplinary policy may be invoked.

The Review Panel is not empowered to award any credit or other qualification, to order the raising or lowering of any mark, or qualification classification.

The decision of the Review Panel must be deemed final and not subject to any further appeal within UCEN Manchester.

## **7. Procedures following a meeting of the Review Panel**

Once a Review Panel has reached its decision, the appellant will be informed of the result of the appeal by the Head of Academic Services in writing and normally within 5 working days of the meeting.

The decision of a Review Panel must be communicated to the Chair of the Board of Examiners at the same time as the student is informed.

In the event of a successful appeal the Board of Examiners will be informed by the Review Panel that there are prima facie grounds for amending the original decision. The Assessment Board must make those adjustments accordingly.

On an annual basis the Director of Quality, Standards and Strategic Partnerships will present a report to the Curriculum Quality and Standards Committee containing an anonymised analysis of formal academic appeals which detail:

- i. the number and reason for the appeals considered and the outcomes thereof
- ii. an analysis of appeals by the characteristics protected by the Equality Act 2010 based on information supplied and consented to at enrolment
- iii. an analysis of appeal by full time and part time mode of attendance
- iv. the time taken to complete the appeal process at each stage

Appeal reports make a positive contribution to UCEN Manchester's quality assurance and enhancement frameworks. To this end, anonymous appeals summary reports must be published to staff and students with a view to improving awareness of the procedures themselves but also to enhance the confidence of students and staff in the transparency and effectiveness of UCEN Manchester's policies and procedures.

## **8. Office of the Independent Adjudicator**

Once all stages of this procedure have been exhausted, students have the right to refer the case to the Office of the Independent Adjudicator (OIA) for Higher Education for further review. An application to the OIA must be made within 12 months of the issue of a Completion of Procedures letter.

In considering academic appeals, the OIA will assess whether the procedures were properly followed, whether these procedures were reasonable, and whether the final decision was reasonable in all the circumstances.

Higher Education Academic Appeals Policy and Procedure

Full details regarding the OIA's rules and guidelines are available via [www.oiahe.org.uk](http://www.oiahe.org.uk).

For students studying on programmes validated by partner University's, the letter of completion will be issued by the University. For students studying on Pearson Higher National programmes the College will issues the Completions of Procedures letter.

**This form is to be completed by students on Higher National provision wishing to submit an Appeal.**

If your course is delivered by UCEN Manchester but is in partnership with a university, then academic appeals need to be submitted in accordance with the relevant validating university regulations and in line with their timelines. All appeals in the first instance should be sent to [appeals@ucenmcr.tmc.ac.uk](mailto:appeals@ucenmcr.tmc.ac.uk) and the Head of Academic Services at UCEN Manchester will forward the completed appeal to the relevant University.

**Appendix 1: Stage 1 Academic Appeal Form**

UCEN Manchester Academic Stage 1 Academic Appeal Form	
1. Personal Details	
<b>Name:</b>  Please provide the full details as they appear on your student card	
<b>Date of Birth:</b>	
<b>Student Number:</b>  This will be on your student card	
<b>Address for Correspondence:</b>	
<b>Telephone Number:</b>  Please provide the best number to contact you on	
<b>Email Address:</b>	

2. Course Information	
<b>Programme of Study:</b>  (for example HNC Computing)	

**Year of Study:**

- 1<sup>st</sup>       2<sup>nd</sup>       3<sup>rd</sup>       Other

**3. Assessment Review Information**

**Date of publication of ratified results as noted by the Department:**

It is important that this information is provided

**What were the examinations or assessments which were affected?**

You should include details of all examinations or assessments that you are applying for.

<b>Module Title</b>	<b>Form of Assessment</b> (for example Examination, Presentation, Report etc)	<b>Submission/Examination Date</b>

**Consequences of the Examination / Assessment Board decision:**

(Please tick the statement(s) that apply to you)

- I have been discontinued and withdrawn from my programme of study
- I have failed modules as specified above
- I am not being allowed to proceed to the next stage/academic year
- I am unhappy with my award
- I disagree with the decision of the Examination / Assessment Programme Board

**4. Your Preferred Outcome**

Please indicate below what outcome you would like to see as a result of your appeal, for example do you want to be allowed to progress or be allowed a further attempt?

### 5. The Involvement of an Advisor

If you have sought advice from the Students' Union or another person, could you please state the name of the person who provided you with support on this process:

Do you give the institute permission to discuss your case with the above person?

Yes

No

### 6. Grounds for Appeal

Please indicate below whether you are applying on grounds of incapacity, maladministration, and or breach of regulations by completing the appropriate sections:

It is important that you provide as much information as possible. If you wish to submit this information in typed format on a separate sheet, please ensure that you answer each of the questions.

#### 6.1 Incapacity

I wish to make an application on the grounds that my academic achievement or progression was affected by incapacity which clearly prevented me from submitting a Mitigating Circumstances Application in time for due consideration by the relevant

Mitigating Circumstances Panel, or I was genuinely unable to divulge such information before the Examination/Assessment Board reached its decision.

**What was the incapacity which prevented you from submitting your Mitigating Circumstances Application in time?**

**What were your mitigating circumstances?**

**Please explain the impact/effect these circumstances had on you and your academic performance:**

**What documents are included?**

## **6.2 Maladministration**

I wish to make an application on the grounds that, based on evidence produced by myself or another person, my performance in an examination (or other assessment) was adversely affected by a material administrative error contributable to the institute or to an agent acting on behalf of the institute (**Maladministration**).

**Please state the nature of the material administrative error and your evidence to support this?**

**What documents are included?**

### 6.3 Breach of Regulation

I wish to make an application on the grounds that my performance was adversely affected because an examination (or other assessment) was not conducted in accordance with the current published institute and university Regulations or the regulations for the academic programme (**Breach of Regulations**).

**Which of the institute/university's published regulations are relevant to your case?**

**Please give the title of the document and indicate the appropriate paragraphs or page numbers.**

(You should note that all course documents are freely available for students to read on the institute's website)

**How did your assessment not comply with regulation(s) and what evidence/argument do you have to support this?**

**What documents are included?**

### 7. Declaration

I declare that the information provided on this form and accompanying documentation is correct to the best of my knowledge.

I give consent that information contained in my application can be disclosed to those parties involved in my case. I also understand that anonymised data from this application will be used for statistical reports of the Institute and all information provided in this form and accompanying documentation will be used in compliance with the Data Protection Act 1998. I confirm that I have read the Academic Appeals Policy and Procedure.

**Signed:**

**Dated:**