

# HE Academic Appeals Policy

<b>Owner:</b> Head of Quality Assurance (Cross College)	<b>Related Strategies:</b> N/A
<b>Relevant to:</b> Students	

Office Use only:

<b>Corporate Intranet Family:</b> Curriculum and Quality (CQ)	<b>Approval Board/Committee/Group:</b> <b>Executive Owner:</b> N/A	<b>Approval/Re-approval Date:</b> October 2021	<b>Implementation Date:</b> October 2021	<b>Next Review Date:</b> July 2022
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## New Policy or Substantive Policy Review

Version	Date	Policy Development Agreed by (Executive Owner)	Policy Development Author	Draft Policy Verified by	Policy Approval	Impact Assessment (if applicable)
1	October 2021	Deputy Principal and Deputy CEO	VPHLS	Head of Quality & Compliance		Yes

Rationale for new or substantive policy review	The college academic appeals policy was a cross college policy. Due to the number of different HE partners requiring slightly different approaches the need for a separate HE policy is to provide better clarity to students
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*Please make explicit if change/review relates to procedures, guidelines and associated documents only*

## Periodic Policy Review / Change History

Version	Date of Review / Revision	Description of Change	Reviewed By	Approved By (Executive Owner)
1	October 2021	Initial policy drafted and finalised	AP HLTSAC	HE Academic Board

## Communication

To be agreed by Executive Leadership Team

Announcement on hub <input type="checkbox"/>	SLT email <input type="checkbox"/>
College newsletter <input type="checkbox"/>	All staff email <input type="checkbox"/>
SLT meeting <input type="checkbox"/>	Cascade brief <input type="checkbox"/>
External website <input type="checkbox"/>	Training needed (specify who) x <input type="checkbox"/> HE staff
	Student update needed <input checked="" type="checkbox"/>

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## 1.0 Principles

- 1.1 This procedure allows for a student or students to appeal against decisions made by an exam board in relation to assessment procedures and outcomes for higher education programmes. Students may appeal an outcome on the basis of evidence or procedure, but not on the basis of disagreement with academic judgement.
- 1.2 All appeals and queries shall be conducted in accordance with these regulations and the precepts set out in the Quality Assurance Agency UK Quality Code for Higher Education. Advice and Guidance: Concerns, Complaints and Appeals (Nov 2018) and the Office of the Independent Adjudicator's The Good Practice Framework for handling complaints and academic appeals (December 2016). The appeals are also subject to University partner regulations. Students will not be disadvantaged as a result of making an appeal.
- 1.3 All information submitted in relation to appeals will be dealt with confidentially and will only be disclosed to the people involved in the investigation, appeal hearing (should there be one), or as is necessary to progress the appeal. This may include Awarding Organisations.
- 1.4 The College will review appeals to enable improvements in the experience of students of the College by capturing learning from the appeals process and using the information for quality improvement.
- 1.5 This policy is **not** applicable to students studying on Sheffield Hallam University programmes. Information is included in the student handbook and can be found on the university website [Sheffield Hallam University Appeals Policy and Procedure](#).
- 1.6 This policy is **not** applicable to further education programmes please follow policy for FE academic appeals.

## 2.0 Definitions

### **2.1. Academic Judgement**

- 2.1.1 The mark to be awarded for an individual piece of work – whether coursework, written examination or similar, and whether formative or summative – or the award of an overall mark or classification for an award shall be regarded as the academic judgement of the examiner or examiners, or the Board of Examiners concerned, and as such shall not be appealable under these or any other regulations or procedures of the College or University/awarding body.
- 2.1.2 A student who wishes to question academic judgement shall be entitled to ask the examiner, or Board of Examiners to confirm that the work has been marked in accordance with the regulations and procedures of the University in force at the time governing such matters as second marking, and referral to the external examiner. Provided such confirmation is provided in writing, with an explanation of the procedures followed, the matter shall be deemed closed and the mark or other decision upheld.

### **2.2 The distinction between Academic Appeal, Complaint and Admission Appeal**

- 2.2.1 Other matters of dispute involving a student and the College or curriculum area, shall be termed "complaints" and subject to the College's [Complaints Procedure](#).
- 2.2.2 This policy is not applicable to appeals against admissions decisions which should follow the process outlined in the [College admissions policy](#)

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

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- 2.3.1 With the exception of the informal stage resolution, no person shall be permitted to take part in the making of a decision regarding an appeal where they have an interest through being a member of the same academic department in which the appellant is registered, or through being a member of the Board of Examiners 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 they have any other material connection with the appellant and shall thereby be disqualified from being involved in the making of the decision.

## 2.4. Privacy, Confidentiality and Data Protection

- 2.4.1 All evidence submitted by an appellant in support of an appeal shall be treated with respect for the privacy of the appellant, and shall be confidential to those members of staff concerned with the matters raised in the appeal, either in the Department(s) against which the appeal is lodged or any Appeal Committee.
- 2.4.2 While all evidence submitted by an appellant will normally be seen by those in the Department(s) against whom the appeal is lodged, exceptionally, the appellant may request in writing that information which they specify not be so disclosed. The Chair of Appeal Committee determines whether such exceptional circumstances exist. Where the Chair determines that they do not exist they shall inform the appellant in writing of that decision and the reasons for it, and shall provide the appellant with the opportunity to have a summary of the evidence, which balances the request for confidentiality against the ability of the Department to respond to the appeal, disclosed. If the appellant is unable to accept either option the appeal shall be deemed to have been withdrawn by the appellant.
- 2.4.3 Any member of staff involved with an appeal in any capacity will ensure that the relevant current legislation is complied with at all times. Matters raised or disclosed during the hearing shall be deemed confidential.

## 2.5. Decisions which may be appealed

- 2.5.1 A candidate for an undergraduate programme of study may appeal against the recommendation or decision of an Examination board:
- (a) to terminate the candidate's programme of study for non-compliance with the attendance and/or submission requirements of the programme
  - b) to terminate the candidate's programme of study on grounds of professional unsuitability or professional misconduct
  - (c) to exclude the candidate from an examination, dissertation, placement or other form of study or assessment forming part of the candidate's programme of study
  - (d) to award or refuse to award the candidate the qualification or classification of the qualification
  - (e) any other decision of an Academic Department, Faculty or examination board concerning the academic progress of a candidate

## 2.6. Grounds for Appeal

- 2.6.1 A candidate may appeal on one or more of the following grounds:
- a) That there existed circumstances affecting the candidate's performance of which the examiners had not been made aware when the recommendation or decision was made, and that had the examiners been aware of those circumstances it was reasonably likely that the

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examiners would not have made the recommendation or decision or would have made a different recommendation or decision.

(b) That there were procedural irregularities in the conduct of the assessment process (including administrative error), of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same conclusion had the irregularities not occurred.

(c) That there are reasonable grounds to believe that the recommendation or decision was influenced by prejudice or bias on the part of one or more of the examiners.

2.6.2 The following are not normally considered to be legitimate grounds for an academic appeal (as per OIA Good Practice Framework, 2016):

a) “where a student questions the exercise of academic judgment, that is, the decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work (rather than the administrative marking process)”

b) “where a student disagrees with the conclusions reached by the individual or panel which considered his or her mitigating (extenuating) circumstances”

2.6.3 Failure of the student to follow College procedures and deadlines does not in itself constitute grounds for an appeal.

2.6.4 When an external assessment is undertaken and/or related to a Professional, Statutory or Regulatory Body (PSRB), the PSRB is likely to have its own appeals procedures – therefore, PSRB regulations should be referenced

### 3. Responsibilities

3.1. [HEappeals@sheffcol.ac.uk](mailto:HEappeals@sheffcol.ac.uk) receive and record the appeal.

3.2. The Head of Quality and Compliance as the designated appeals officer, appoints a suitable investigating manager for stage 2 formal appeals, identifies the chair of the appeal panel, if required and reviews the decision and communicates response back to the appellant.

3.3 The course manager will publicise to their students the arrangements by which students may seek advice and guidance, at a point where module and programme results are formally published.

3.4 The College will provide advice and guidance to students wishing to make an appeal e.g., through the Student’s Union, the Student Services Team or via the student’s programme manager

Student Services can be contacted via the following link <http://www.sheffcol.ac.uk/form/Get%20in%20Touch/>. However, the student has the right to seek advice from other avenues should they wish.

3.5 The student should make the appeal submission personally, or must provide written authorisation for an appeal made on their behalf.

3.6 The Sheffield College can also offer assistance if you wish to discuss any reasonable adjustments to the formal complaints and appeals procedures.

### 4.0 Making the appeal

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## 4.1.1 Stage 1 - Informal Resolution

Informal resolution is achieved when both parties are in agreement. The curriculum areas offer of informal resolution must be made without prejudice to the right of the appellant to insist that the regulations be applied in full. Informal resolutions should be recorded with the Head of Quality and Compliance

- 4.1.2 A student may raise a stage 1 appeal with their curriculum team via the programme leader about a decision or result within 10 working days of the formal publication of the result. Appeals submitted beyond this date will not normally be considered
- 4.1.3 The submission should state clearly the grounds for the appeal (see section 2.6.1 above) and must include documentary evidence to support the claim.
- 4.1.5 Programme leader notifies the head of department who will conduct the informal resolution review and notify [HEappeals@sheffcol.ac.uk](mailto:HEappeals@sheffcol.ac.uk) that they have received an informal appeal.
- 4.1.6 Informal resolution of a dispute, at whatever stage of the process, is always the College and University partner's/awarding body preferred option and it remains an option available even after the query has reached the formal appeal stage.
- 4.1.7 Where an academic query has been raised with a curriculum area and they are unsure of the next steps to take to resolve the query, then they should consult with either the Vice Principal Higher Technical Skills or the University partner.
- 4.1.8 Where an informal resolution is agreed after a formal appeal has been submitted, then the University shall approve such informal resolution.
- 4.1.9 The outcome of the informal appeal should be sent to [HEappeals@sheffcol.ac.uk](mailto:HEappeals@sheffcol.ac.uk) for recording.

## 4.2 Stage 2- Formal Process

- 4.2.1 Student lodges an appeal in writing to [HEappeals@sheffcol.ac.uk](mailto:HEappeals@sheffcol.ac.uk) using the HE Academic Appeals form (see appendix 1) within 10 working days of results being received giving reasons, this time frame may be extended to take into account time used in seeking an informal resolution as per stage 1.
- 4.2.2 Head of Quality and Compliance confirms whether the appeal meets the criteria and that evidence has been provided.
- 4.2.3 The receipt of the appeal will be acknowledged within 5 working days.
- 4.2.4 If leave to appeal is not granted the Head of Quality and Compliance will communicate this and the reasons why to the student, usually within 10 working days.
- 4.2.5 If the appeal meets the criteria an appropriate manager will be nominated to investigate the student's case who has not been involved in the original decision. This will normally include discussions and correspondence with relevant staff, scrutiny of relevant records and documents, and scrutiny of any documents provided by the student with the appeal form to explain or support the appeal.
- 4.2.6 The findings of the investigation must be submitted to the Appeal Panel via [HEappeals@sheffcol.ac.uk](mailto:HEappeals@sheffcol.ac.uk) by the nominated investigating manager. The investigation and the outcomes provided to the Appeals Panel to be completed within 15 College working days.

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4.2.7 Note: Not all appeals will require a panel, if the investigating managers findings are in agreement with the appellant and there is no complexity then the process can move straight to a response by the investigating manager as per 4.4.3.

## 4.3 Hearing the appeal

4.3.1 If a panel is required, the appeal will be considered by an Appeal Panel specially convened for the purpose.

4.3.2 A panel will be convened by the investigating manager and should include three people, at least two of whom should be managers of appropriate seniority in accordance with 2.3.1 of this policy.

4.3.3 The panel will consider the written appeal submitted by the student and the findings of the investigation into the appeal; the panel can request further information if required. This may extend the timings in order to ensure that a thorough investigation takes place.

4.3.4 The panel can, if desired, meet with the student to ask clarifying questions about the content of the appeal submission.

4.3.5 The student has the right to take a supporter to such a meeting. The **supporter** must not be a legal representative of the student.

4.3.6 The panel can separately, if desired, meet with appropriate members of staff to ask clarifying questions about the findings of an investigation into the appeal.

## 4.4 After the appeal

4.4.1 The student has the right of access to information and documents submitted to the panel, subject to considerations of privacy and confidentiality. This can be requested in writing and/or by email.

4.4.2 The Appeal Panel will normally make its decision within 30 working days after receipt of the appeal submission; the decision will be formally recorded.

4.4.3 The investigating manager, will be responsible for informing the student, in writing, of the appeal decision and providing a copy to [HEappeals@sheffcol.ac.uk](mailto:HEappeals@sheffcol.ac.uk)

## 4.5 Stage 3 Right to final challenge

4.5.1 Students who consider the college to have failed to follow published procedures and regulations, may have final appeal with the awarding body they are registered with. Final appeals to the awarding body/University must be submitted within 10 working days of receipt of the college response to stage 2 of the college appeals process (14 days for Pearson). The information needed to progress to the next stage will be included in the college correspondence.

4.5.2 The appropriate regulations will apply after the college stages have been completed:

a) OU Student handbook Appendix 1 Complaints and Academic Appeals: Section 4 Stage 3.

b) Pearson: Student Appeals should be made via the Pearson Support portal within 14 days of being told the outcome of the college stage 1 appeal as per Pearson: Internal assessment in vocational qualifications: reviews and appeals policy.

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c) Apprenticeships where the appeal relates to the Pearson higher apprenticeship please follow Pearson: End Point Assessment enquiries and appeals Policy.

- 4.5.3 Where the appropriate panel of the awarding body determine that the College has not acted in accordance with the regulations or that a decision is not reasonable then the recommendations will be considered by the Vice Principal Quality and Standards. The decision will then be communicated to the student.
- 4.5.4 Where the awarding body find that the decision was reasonable and made in accordance with regulations the challenge will be rejected and a completion of procedures letter will be issued.

## **5. Appeal to the Office of the Independent Adjudicator**

5.1 Once a completion of procedures letter has been issued by the awarding body/university a student can request an independent review through the Office of the Independent Adjudicator. This must be within 12 months of the date of the completion of procedures letter. Details can be found on the website.

## **6. Relevant documents**

Office of the Independent Adjudicator Good Practice Framework for handling complaints and academic appeals [Office of the Independent Adjudicator for Higher Education - OIAHE](#)

[Pearson: End Point Assessment enquiries and appeals Policy](#)

[Pearson: Internal assessment in vocational qualifications: reviews and appeals policy](#)

[QAA UK Quality Code – Advice and Guidance: Concerns, Complaints and Appeals](#)

[Sheffield Hallam University Appeals Policy and Procedure](#)

[The Sheffield College Complaints Policy](#)

[The Sheffield College Admissions Policy](#)

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## APPLICATION FOR HE ACADEMIC APPEAL

For detailed information and guidance, please be advised to read The Sheffield College *HE Appeals Policy* in full prior to submitting your appeal.

### Part 1 - Student Details

Name:

ID Number:

Course Details:

### Part 2 - Basis of Appeal

Your appeal may be based on any of the following – please tick to indicate grounds for appeal:

- a) There existed circumstances affecting my performance of which the examiners had not been made aware when the recommendation or decision was made.
- (b) There were procedural irregularities in the conduct of the assessment process (including administrative error), of such a nature as to cause reasonable doubt as to whether the examiners would have reached the same conclusion had the irregularities not occurred.
- (c) There are reasonable grounds to believe that the recommendation or decision was influenced by prejudice or bias on the part of one or more of the examiners.

### Part 3 - Information and Supporting Evidence

Please provide details in the box below. If your appeal is made in excess of 10 days after the release of results (excluding any time taken for Stage 1 informal resolution) please also provide evidence to support why this is the case.

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Date Appeal Submitted: .....

Student Signature: .....

**For Office use only**

## Part 4

**Date received** .....

**Date confirmation of receipt sent to appellant** .....

**Valid/ not valid (delete as appropriate)**

**Investigating officer allocated: name** .....

## Part 5 - The Appeal Panel

*(Completed by The Sheffield College authorised staff)*

Date Appeal Panel convened: .....

### Outcome/Resolution:

**Appeal Upheld**

**Appeal Not Upheld** *(see details of the Panel's decision below)*

Head of Faculty Signature: .....

Date: .....

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**Appendix 2. HE Appeals Flow Chart**

