

Provider's name: Newham College of Further Education

Provider's UKPRN: 10004607

Appeals Process

Academic Year 2022/2024

1 Introduction

1.1 Scope

1. The policy applies to all students on college courses that can be described as meeting the level descriptor, 4 and above, of the Framework for Higher Education Qualifications (FHEQ), that is prescribed and non-prescribed HE courses at the College.

2 External reference points

- a. Office of the Independent Adjudicator (OIA) Good Practice framework: handling students complaints and academic appeals [oia-good-practice-framework.pdf \(oiahe.org.uk\)](https://www.oiahe.org.uk/oia-good-practice-framework.pdf)
- b. [Competitions and Markets Authority \(CMA\)](https://www.competitionandmarketsauthority.gov.uk/)
- c. Quality Assurance Agency (QAA) - Advice and Guidance for Concerns, Complains and Appeals [qc-a-g-concerns-complant-appeals.pdf](https://www.qaa.ac.uk/quality-assurance/advice-and-guidance/concerns-complaints-and-appeals/qc-a-g-concerns-complaint-appeals.pdf)
- d. The Joint Council for Qualifications (JCQ) <https://www.jcq.org.uk/exams-office/information-for-candidates-documents/>
- e. [UK Quality Code for Higher Education - Assessment](https://www.qualitycode.org/)

2.1 Definitions - What is an appeal?

1. An appeal is a way for the student, in limited circumstances, to request a review of a decision made by the College, usually through its Assessment Boards, but it can include Mitigating Circumstances Panel or Academic Misconduct Panel.

2. Students are not permitted to challenge academic judgement under this regulation and cannot submit an appeal on the basis that they are unhappy or dissatisfied with a mark, grade or classification that has been awarded. Appeals submitted on such a basis will normally be rejected.

3. Where a student submits an appeal, the original decision that is being appealed against will remain in effect unless or until an appeal is upheld. Where an appeal relates to a withdrawal for non-engagement under the College Attendance and Engagement Policy, we may consider allowing a student to continue studying during consideration of their appeal.

4. Matters relating to the delivery of a module or modules, will not normally be considered a ground for appeal, but may be eligible for consideration under the Student Complaints Procedure.

3 General principals

- a. no student will be disadvantaged in any way as a consequence of raising an appeal;
- b. appeals will focus on resolution, with specific focus on early and local resolution;
- c. appeals will be used as a learning tool to improve the quality of service;
- d. the appeals process is confidential, but information will be shared with certain relevant members of staff within the College in order to fully investigate any claims or issues raised by a student. Where an individual member of staff is named in an academic appeal, they will normally be given an opportunity to respond;
- e. the College reserves the right to reject an appeal if there is evidence that it is frivolous or vexatious. The College may investigate the authenticity of any documents submitted in support of an academic appeal, and evidence of any falsification of documents may lead to action being taken under the Student Disciplinary Regulations;
- f. all parties involved will be courteous, act reasonably and fairly to each other.

4 On what grounds can the student make an appeal?

- a. that staff or bodies have failed to follow regulations and/or procedures or have failed to follow them with due care.
- b. that staff or bodies have shown bias or prejudice towards the student in the way they have made the relevant academic decision.
- c. that the student's performance was affected by extenuating circumstances that they could not report at the time for valid reason.
- d. that the student's performance was affected by extenuating circumstances that were reported at the time and relevant new evidence has since become available which has not been taken into account in making the relevant academic decision

5 How to submit an academic appeal

5. Students are normally expected to submit their own appeal and represent themselves throughout the process set out in this regulation. The College will not normally accept submissions from third parties or representatives, including other students or legal representatives. The only exception is in the case of medical conditions, which are authenticated by a recognised medical practitioner, and provide robust evidence that directly precludes the student in acting for themselves.

6. Students should first raise any issues for example, relating to a mark or classification with their module or course leader, who will be able to provide further clarification and information about the College's assessment process.

7. Having first discussed the matter with the relevant module and course leader, a student is entitled to submit an appeal against the following a decision of for example:

- a. a Course Assessment Board;
- b. the Awards and Progression Board, including a decision taken in respect of a student's non-engagement;
- c. mitigating circumstances panel;
- d. academic misconduct panel.

The College will only consider appeals which are submitted using the electronic appeal application form, which is available on the HE page of the College website with the exception of appeals from students with disabilities for whom some other mode of submission represents an appropriately evidenced reasonable adjustment; and/or

8. The formal appeal MUST be sent to Registry@newham.ac.uk emails to individual members of staff will not be considered under this process. An appeal must contain all the information requested on the form. The College is entitled to reject an appeal without further consideration where a student's submission is incomplete. Appeals submitted without relevant evidence will be rejected.

9. An appeal submitted outside of the permitted timeframe will only be accepted where the student provides a good reason, supported by evidence, for the delay. Good reason, for the purpose of this regulation, refers to significant health or personal matters that materially impact the student's capacity to make an appeal within the timeframe.

10. The College Registry will acknowledge receipt of an appeal via the email address stated on the student's Appeals Form.

6 The Process and Stages of Appeal

6.1 Stage 1 - Informal Resolution

11. Students are strongly encouraged to contact their department in the first instance to informally resolve any queries before entering the formal appeals process. Students should contact course leader within 5 working days of receipt of results or a decision to ensure that the informal process can be completed within 10 working days. The purpose of the informal stage is to ensure clarity regarding college decisions and processes. **Course Leaders must seek advice from the Director of Quality and Standards (HE) in seeking to resolve an appeal and do not have the authority to impose a new decision on any of the College's deliberative committees.**

6.2 Stage 2 – Formal Appeals

12. Formal appeals must be received within 25 working days of an original decision being communicated to the student. Upon receipt of a formal appeal, an appeal panel will be convened. The panel may undertake any investigation they consider to be appropriate in the circumstances, including none. This may include, but is not limited to, one or more of the following:

- a. asking the student to provide additional information in support of their appeal;
- b. asking the College Registry to gather and provide additional information;
- c. asking the student's Course Leader or Supervisor to provide a response to any issues raised in the appeal;

- d. appointing an independent member of staff to conduct an investigation into the matters raised in the appeal.

13. The student will be given ten working days' notice of the date and time of the Appeal Panel meeting and will be invited to attend the meeting of the Appeal Panel to present their case. Where the student decides not to attend, the Panel may proceed in their absence.

14. The student may bring a supporter who can be a student, or a member of Student Services. The supporter will not normally be permitted to speak for the student, in this case this will need to be pre-arranged with credible and compelling reasons.

15. All information will normally be made available to the student at least 5 working days before the meeting of the Appeals Panel and they may submit a written response at least 3 working days before the meeting. Any minor additional information may be made available to the student at least 3 working days before the meeting of the Appeals Panel and students may submit a written response at least 1 working day before the meeting. If a student is unable to commit to the above timelines, they should contact the Chair of the Academic Appeals Team to discuss alternatives.

6.2.1 Stage 2 – Appeals Panel - and conduct of the meeting

16. The Appeals Hearing will be made up of three members of Academic Staff, including a Head of Academic Department or appropriate designate, the student's course team will be asked to provide a representative to attend the hearing, and a representative member from the Student Services Team. The panel will be chaired by an experienced academic with current and relevant experience of the College Academic Regulations and the OIA framework for Complaints and Academic Appeals. The quorum of the panel will be three members, not including the representative member from the Student Services Team.

17. The student and the departmental representative will be given the opportunity to make a statement and to ask questions. These will only be directed to the chair of the panel and not between the appellant and the department.

18. Once it has heard all the available evidence, the panel will deliberate in private and make a decision. The process will normally take no longer than 20 days.

19. The Appeals Panel will take one of the following decisions:

- a. to reject the appeal, in which case the original decision will remain in effect;

- b. request the decision-making panel to reconsider the decision, for example because there is a clear administrative or arithmetical error;
- c. to uphold the appeal, in which case the original decision will be overturned, and the Appeals Panel will substitute a new decision.

20. The student will be informed in writing of the outcome of the appeal together with reasons usually within 5 working days of the meeting of the Appeals Panel together with full details of how to progress their appeal should they not be satisfied with the outcome. The student will need to make their appeal for consideration for progression within 10 working days of receipt of the outcome of the Appeals Panel.

21. Appeal panel outcomes, anonymised, will be entered into the permanent record of the relevant decision-making panel including the Assessment Board or Award and Progression Board.

6.3 Stage 3 – Review of Outcome

22. Where a student is dissatisfied with the outcome of the Appeal Panel they may submit a request for a review within 10 days of the decision being communicated to them only on the following grounds:

- a. that a procedural irregularity or administrative error has occurred in respect of the Appeals Panel's consideration of the appeal which is of such a nature as to create a reasonable possibility that in the absence of the procedural irregularity or administrative error the decision in question would have been different;
- b. that the decision of the Appeals Panel is unreasonable given the facts of the case;
- c. that the student has new material evidence which, for a good reason, they were unable to provide at an earlier stage in the process.

6.3.1 Membership and procedures of the hearing

Only these grounds will be considered, it is not the role of the Review Panel to reinvestigate the case. The Appeals Review Panel will be chaired by a member of the HE Steering Board (or nominee) academic with current and relevant experience of the College Academic Regulations and the OIA framework for Complaints and Academic Appeals and will include two senior members of staff drawn from departments outside the student's department of study. The Student Services team (or their nominee) will also be invited to participate in the Review Panel.

23. A member of the College Administration Services will act as secretary. They will make a record of the proceedings and shall have no part in the decision-making process.

24. The Review Panel will receive copies of the student request for a review and supporting evidence, as well as the decision of the Appeals Panel at Stage 2.

25. Copies of all the documents to be considered by the Appeals Review Panel will be provided to the student at least 5 working days before the meeting, and they may submit a written response at least 3 working days before the meeting. The review will be considered by the Appeals Review Panel based on the papers and the student will not usually have a right to attend the meeting in person.

26. The Appeals Review Panel may adjourn the meeting to consider all of the evidence. If the Review Panel considers that it needs to gather further information before concluding its review, it will make available to the student copies of any such further information and afford the student a reasonable time in which to submit further written representations to the Panel in respect of the further information before concluding its review.

27. The Appeals Review Panel will take one of the following decisions:

- a. uphold the appeal with or without recommendations which will be referred to the Assessment Board,
- b. refer the appeal back to the original decision-making panel or equivalent body for reconsideration taking into account any new information, or any guidance and/or recommendations, from the Appeal Panel. The reconvened decision-making panel or equivalent body will have the power to confirm or alter its original decision; or
- c. reject the Review with or without recommendations which will be referred to the decision-making panel.

28. The decision of the Review Panel is final and will be communicated to the student in writing, with reasons, usually within 10 working days of reaching its decision.

29. Decisions taken under this regulation may be eligible for review by the Awarding Body, where this is the case it will be clearly stated in the outcome letter. Where this is not the case the College will provide the student with a Completion of Procedures Letter (a "CoP") and refer the student to their entitlement under the Office of the Independent Adjudicator for Higher Education (OIA), together with the outcome letter **with the exception of decisions relating academic mis-conduct** as this is considered to be an academic decision and therefore is not eligible for review under the OIA.

30. All review panel outcomes, anonymised, will be entered into the permanent record of the relevant Assessment Board and the Award and Progression Board.

7 Use of data from academic appeals

The College will collect data on academic appeals outcomes at each stage of this procedure and any complaint submitted by the student to any regulators (including the OIA), and use the data:

- a. internally for reporting, evaluation, learning and training; and
- b. externally for discussion with regulators in the higher education sector.

The data used by the College for the purposes will be anonymised. The student personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the College's members of staff and regulators only for the purpose of dealing with the appeal, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the College has the student express consent or has a statutory obligation to do so.

7.1 Annex A – Student Appeal Form

Part A - Student Information		
A	First Name:	Course Title:
	Surname:	Personal Tutor:
	Student ID number:	Current Year of Study:
	College email address:	Course Leader:
	Contact telephone:	Address to which ALL communication is to be sent. Note if this is different to your registered address you must provide a rationale.

Part C - Do you have a disability	
C	Do you think you will need any disability related support or adjustments at any stage during the appeals process?
	You can find contact details for Disability Services at student.services@newham.ac.uk

Part D - Statement of Appeal	
D1	Please identify that matters of you wish to appeal 1. 2. 3. 4.
	Please describe the rationale for your appeal – please refer directly to the Appeals Policy
D2	
	Please outline your evidence – please note that it must be directly relevant to your reasons for appeal, it must be timely and coherent.

D3	
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E	Evidence list – Please list and attach all the evidence that you are using for this appeal

F	Student Signature	Date	Please submit this form to Registry.ac.uk
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Student guidance for making an appeal

Part A - Please ensure that all details are accurate, all communication regarding this appeal will ONLY be sent to your College email account. The only exception to this is where a former student makes an appeal, please see the Appeals Process for details. Or, where the College has agreed for you to be represented by a third party. In this case will communicate with this representative only.

Support to make an appeal

The College strongly recommends that you are supported in making a appeal, confidential support can be found at Student Services Team who can be contacted at students.services@newham.ac.uk

Students with Disabilities

The College works to anticipate and meet disabled students' needs. Part C allows you to tell us if you have a disability and whether you need any support or adjustments. You do not need to disclose the nature of your disability, but it will help us to make adjustments to the appeals process if you tell us about the type of support you usually need. Some examples might be that you need help completing forms or information in alternative formats, or that you have access requirements which will need to be taken into account. Knowing about a student's helps us ensure that you can access the appeals process effectively.