

Kirklees College

Higher Education Academic Appeals Policy

2019-2020

Document: Higher Education Academic Appeals Policy	
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Higher Education Academic Appeals Policy 2019-2020

1. SCOPE AND RATIONALE

- 1.1 Kirklees College is committed to providing all students with a fair and transparent assessment process. Assessment, in any form, is the means by which the College tests whether a student has achieved the objectives of their programme and the standards of the award. Students must be assessed fairly and on equal terms with each other for the same award.
- 1.2 Academic appeals of Kirklees College students on Higher Education courses with partnership institutions is subject to the regulations and procedures of the awarding Higher Education institution. The College works in partnership with the Teesside University and University of Huddersfield; as such students must be informed of the partner universities' respective policies which are available here:
 - University of Huddersfield
- 1.3 Students on Higher National BTEC programmes are subject to College policies and procedures. This policy applies to all BTEC HNC and HND awards offered by Kirklees College.
- 1.4 In the event of a student being dissatisfied with an assessment or grade for internally assessed work, the procedure below applies.

2. PROCEDURES RELATING TO ACADEMIC APPEALS

Grounds for Appeal

- 2.1 A student who has received an assessment / grade for work and wishes to challenge that assessment / grade if they believe that:
 - a) there existed circumstances affecting the candidate's performance of which the tutors had not been made aware when the assessment decision was made.
 - b) there were procedural irregularities in the conduct of the assessment process (including administrative error), as to cause reasonable doubt as to whether tutors would have reached the same assessment decision had the irregularities not occurred.
 - c) there are reasonable grounds to believe that the assessment decision was influenced by prejudice or bias on the part of one or more tutors.

2.2 Informal Resolution - Stage 1

The first stage offers an opportunity for an early resolution and should be an informal discussion, within 5 working days of the assessment decision, between the Student and the Tutor making the assessment decision (or Award / Programme Leader) to identify if the issue can be resolved.

If the Student remains dissatisfied then they should discuss the matter with the Programme Quality Lead - HE within 5 working days of the initial discussion with the Tutor (or Award / Programme Leader).

Where an agreed outcome is confirmed by all parties the issue shall be deemed resolved and no further action will be taken. The informal stage will be recorded with the Higher Education Office.

Where there is no resolution agreed the Student may proceed to **Stage 2** for a formal resolution within 5 working days. The Programme Quality Lead - HE will inform the Student of the procedure for applying in writing to the Assistant Principal (Adults and Higher Education) for a formal review.

2.3 Formal Resolution – Stage 2

On receipt of a formal written appeal the Assistant Principal (Adults and Higher Education) will confirm that the appeal is submitted under the correct procedures, falls within the grounds upon which an appeal may be made and is submitted within the 5 working days of the informal resolution (**Stage 1**).

The Assistant Principal (Adults and Higher Education) will consider if the issue is a complaint or academic appeal, if there is a clear outline of the appeal, appropriate supporting evidence, the potential outcomes for the student, and what assistance can be provided to the Student in resolving the issue.

The Assistant Principal (Adults and Higher Education) will respond to the formal appeal within 5 working days confirming either; direction to an alternative procedure, proceeding to formal appeal panel or rejection because the appeal is not made under permissible grounds. Responses to students to formal appeals will include details and explanations of additional procedures, formal appeal process or reasons for rejection.

Where a Formal Appeals Panel is required the Assistant Principal (Adults and Higher Education) will arrange a meeting with the student and the Programme Quality Lead - HE, Curriculum Area Manager or Tutor within 5 working days of the initial response. The student may bring with them a friend, a parent/guardian, employer or student representative. Alternative modes of attendance can be requested and will be considered where possible.

Adequate notice of the Formal Appeals Panel will be communicated to all parties within 5 working days. Information will include the composition of the panel and any information to be considered.

As chair and independent member of staff the Assistant Principal (Adults and Higher Education) reserves the right to remove individual parties from aspects of the Formal Appeals Panel as appropriate to issues under discussion.

Students will receive written outcomes of the Formal Resolution Stage within 5 working days of the panel concluding. Possible outcomes of the Formal Resolution Stage include a rejection to the appeal or where the appeal is upheld.

a. Rejected Appeals - Appeals will be rejected where they are deemed not to be made under permissible grounds. Communication of rejected appeals will include a clear explanation outlining the reasons for each decision. The Student will also receive information about escalating appeals to **Stage 3** (Appeals Review Panel), grounds for stage 3 appeals, time scales for appeals, and access to student support.

b. Upheld Appeals - Where an appeal is upheld the College will explain how and when it will implement an appropriate remedy. Where a student remains dissatisfied with the outcome information on escalation to stage 3 will be included.

Records will be kept for all Formal Appeals Panels by the Higher Education Office.

If the matter remains unsolved after the stages 1 and 2, and the student wishes to pursue the appeal further, then they shall inform the Assistant Principal (Adults and Higher Education), accordingly within 5 working days of the Formal Review Panel outcome. The Assistant Principal (Adults and Higher Education) shall notify the Vice Principal (Curriculum, Performance and Innovation) who shall, within 10 working days, set up a meeting of the Appeals Review Panel.

Assistant Principal (Adults and Higher Education), may reject an appeal which is considered frivolous or constitutes a complaint and will inform the Student in writing within seven days. Information and guidance to the Office of the Independent Adjudicator for Higher Education (OIA) will be included.

Appeals Review Panel – Stage 3

Written requests for an Appeals Review Panel must be completed within 5 working days of the outcome notification for the Formal Review Panel. Grounds for a review include, but are not exhaustive of issues such as where procedures of the Formal Review Panel were not followed, consideration of whether the outcome was reasonable in all circumstances, or new evidence previously unavailable, for valid reasons, can be provided by the student

The Vice Principal (Curriculum, Performance and Innovation) shall convene a meeting of the Appeals Review Panel and circulate to the members details of the issue in dispute. The student shall be notified not less than 5 working days in advance of the date and time of the meeting and must indicate their intention to attend. Failure to attend the meeting without good cause shall be taken as evidence of the students' intention to withdraw the appeal.

The Panel shall be composed of:

- Vice Principal (Curriculum, Performance and innovation)
- A Head of Curriculum Area (not involved previously)
- Assistant Principal (not involved previously)

The Panel will hear from the student (or their representative) relating to issues under discussion. The Panel will consider whether relevant procedures were followed at previous stages, whether the outcome was reasonable considering the circumstances, ensure the student has received clear explanations as to why the academic appeal was rejected previously, and any new valid evidence provided. The Panel may then hear from any other person it deems suitable. The decision of the Chair on any matter of procedure should be final. The Chair may adjourn the meeting to enable steps to be taken towards clarifying a disputed point of fact material to the case. The Chair may decide to elicit the views of the external examiner, assessor, or moderator if appropriate.

Decision will be reached by the Panel with no other person present. In reaching a decision, the Panel shall attempt to act in the best interests of the student concerned, compatible with the maintenance of the academic standards of the College's programmes. Decisions of the Panel shall be communicated to the Student, the Tutor, Curriculum Area Manager, Programme Quality Lead - HE and Assistant Principal in writing within 5 working days of the meeting and to the HE Committee at its next meeting. Possible outcomes of the Appeals Review Panel resolution stage include a rejection to the appeal or where the appeal is upheld.

a. Rejected Appeals - Appeals will be rejected where they are deemed not to be made under permissible grounds. Communication of rejected appeals will include a clear explanation outlining the reasons for each decision.

b. Upheld Appeals - Where an appeal is upheld the College will explain how and when it will implement an appropriate remedy.

Records will be kept for all Appeals Review Panels by the Higher Education Office.

Students have further rights to appeal and will be provided with information and guidance to the Office of the Independent Adjudicator for Higher Education (OIA) will be included. Information will include details on the 12 month time limit for complaints to the OIA.

The College will issue a [Completion of Procedures](#) letter as detailed by the Office of the Independent Adjudicator for Higher Education (OIA).

3. PRIVACY, CONFIDENTIALITY AND DATA PROTECTION

- 3.1 All evidence submitted in support of an appeal at any stage shall be treated with respect for the privacy of the student and shall be confidential to those members of staff concerned with the matters raised in the appeal.

3.2 Any member of staff involved with an appeal in any capacity will ensure that the General Data Protection Regulations (2018) is complied with at all times.

4. EVALUATION, IMPACT AND MONITORING

4.1 There will be an annual report on Appeals which will be presented to the HE Committee and to Quality Performance and Standards in the summer term. This will include a summary of the outcomes to appeals at stage 2 and 3.

The policy will be subject to an annual review cycle.

4.2 Recording and Monitoring of Appeals

The Higher Education Office shall be responsible for keeping a record of the following information in relation to each appeal at stage 2 and 3:

- the type of decision against which the appeal is lodged;
- the ground(s) on which the appeal is based;
- the outcome of the appeal;
- the time taken for each stage;
- the ethnicity, gender and any disability of the appellant provided that the appellant has consented to this information being collected for this purpose.

The HE Committee shall receive an annual report on appeals decided within each academic session, summarising the information referred to above.

The HE Office shall keep under review, and make recommendations as to the:

- adequacy of advice, guidance and support mechanisms for students;
- adequacy of staff development and support for those operating the appeal procedures;
- the level of understanding of staff and students of the procedures;
- the effectiveness of the overall procedures in meeting their aims.

5. EXTERNAL REFERENCES

5.1 This policy has been designed with consideration of the following chapters of the QAA UK Quality Code for Higher Education:

- Chapter B9: Academic appeals and student complaints.

5.2 This policy has been designed with consideration of the Office of the Independent Adjudicator (OIA) – The Good Practice Framework: handling complaints and academic appeals.

5.3 This policy has been designed with consideration of the following Pearson publications:

- BTEC Centre Guide to Managing Quality 2018.
- BTEC Centre Guide to Enhanced Quality Assurance and Assessment 2018.
- Pearson BTEC Higher National Certificate and Diploma Guide to Quality and Assessment.
- BTEC Centre Guide to Assessment Levels 4 to 7.

6. RELATED POLICIES

Kirklees College Assessment policy
Kirklees College Student Malpractice policy
Kirklees College Complaints policy and procedure