

# HIGHER EDUCATION ACADEMIC APPEALS POLICY

## Introduction

This policy is not intended to supersede or replace the appeals procedures of EKC Group's awarding bodies but is based on the assumption that the Group will be complying with the requirements of its university partner and Pearson in every respect. It is, however, intended that appeals are resolved internally, although when these internal processes are exhausted, students have the opportunity to further appeal to whichever awarding body validates and quality assures their qualification. The policy aligns to good practice required by the Office of the Independent Adjudicator (OIA)<sup>1</sup> and is open to anyone who is or was recently a registered student. The time limits imposed by the awarding bodies are on pages 3 and 4 of the policy. This policy is also aligned to the UK Quality Code, Core Practice Q6<sup>2</sup> and the University of Kent Guidance, Policies and Procedures<sup>3</sup>.

The aim is to obtain an effective resolution through engaging the staff and students who are involved, and to respectfully recognise the interests and concerns of all involved. It is the responsibility of the Group to inform students that the outcome may not be what they seek, but the outcome is however valid, providing the processes are fair and based on the consideration of relevant evidence. The Group will "safeguard as far as reasonably practicable the interests and well-being of students lodging an appeal or complaint and of staff who may be named or otherwise involved"<sup>4</sup>. Where students have additional learning support needs, or who are distressed, they may have the support of specialist teams at the Group, including the Students' Union. Advice and guidance for students and staff will be provided at each stage of the process. There may be opportunities to resolve an appeal through mediation or less formal means, albeit with the student being aware of the formal processes and timescales. Throughout the policy, the term 'appellant' refers to the student making the appeal.

## 1. What constitutes an appeal?

- 1.1 This is a request to review a decision or academic judgment regarding the progress of a student, assessment or awards on a programme of study and can include the award of any qualification.

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<sup>1</sup> Office of the Independent Adjudicator. Available at <http://oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>.

<sup>2</sup> UK Quality Code Core Practices. Available at <https://www.qaa.ac.uk/quality-code>.

<sup>3</sup> University of Kent. Available at <https://www.kent.ac.uk/education/academic-appeals>

<sup>4</sup> *ibid*

- 1.2 There may be situations when an appeal contains within it a complaint and the Group may need to reclassify an individual case. The aim is to support the appellant through the least amount of stages, in particular where an external awarding body is involved, therefore the most expedient route is taken.
- 1.3 A complaint refers to specific concern about the provision of a programme of study or related academic service, and the EKC Group's Complaint Procedure should be applied. It is available on the website<sup>5</sup> and on Moodle.

## **2. Scope of the policy**

- 2.1 This policy is applicable only for students on Pearson (BTEC) programmes.
- 2.2 Students on programmes for which the qualification is awarded by the University of Kent, and who need to make an academic appeal, have to appeal directly to the university. Information about the appeals process for these cases is available on the university website: <https://www.kent.ac.uk/education/academic-appeals>

## **3. Appeal against academic judgment**

- 3.1 A mark given for an individual piece of work, whether formative or summative, to the award of an overall mark or classification shall not be appealable under this policy.

If a student wishes to challenge academic judgement, they are entitled to ask the assessor or Board of Examiners to confirm that the work has been marked in accordance with regulations, policy and procedures in place at the time for instance, second marking and internal verification. Provided this information is provided in writing with an explanation, the mark or other decision will be upheld.

## **4. Other appeals**

- 4.1 The circumstances that students may wish to make an academic appeal are:
  - 4.1.1 Appeals against recommendations of the Boards of Examiners. Students may not appeal against the academic judgement of the examiners. Appeals will be considered only in the event of procedural error, where there are concessionary circumstances which the student was not able to bring to the

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<sup>5</sup> EKC Group Policies: <https://www.ekcgroup.ac.uk/about-us/public-information/policies>

attention of the Board of Examiners at the appropriate time, or where Boards of Examiners have not considered concessionary circumstances properly.

4.1.2 Appeals against a penalty or decisions from the HE Academic Discipline Board. Students may appeal on the ground of evidence of a failure to follow procedures set out in the Academic & Disciplinary Policy or if there is fresh evidence that was not available prior to the board meeting.

4.1.3 Appeal against a withdrawal from a Programme. If a student has not attended for more than four weeks, and if the Academic Diligence Procedure has been completed, and there are no means of communication or evidence of extenuating circumstances, the Group will withdraw the student as from the last date of attendance. The student's achievements will be discussed as part of the end-of-year exam board and any unit/modules successfully obtained will be requested to the certificated.

4.1.4 Appeals against Recognition of Prior Learning decisions. Students may request RPL to be considered and contribute to their current qualification. Programme Directors make judgements on the level/currency/validity of the knowledge/skills/experience being claimed. If they decide this is not valid and reject the claim, the student can make an appeal to the Head of Higher Education and Professional Learning.

Should the Awarding Body reject the RPL application, the student will need to appeal directly to the Awarding Body.

## **5. Informal Resolution**

5.1 Prior to a formal appeal, an alternative form of resolution could resolve any concerns and this may be through a meeting with the Head of Department or Course Tutor. Any resolution must be formally recorded in the HE Academic Discipline Board meeting.

5.2 The Students' Union could assist with this informal process through for example, through mediation. The provision of opportunities for students to obtain appropriate advice and guidance is an important part of ensuring that students can make informed decisions about whether and how to lodge an appeal and therefore make effective use of the applicable procedures.

5.3 All stages of the appeal in paragraphs 5-10 are recorded in written form.

## **6. Appeals Process**

- 6.1 The Academic Appeals Panel is chaired by the Principal, or another member of the College Senior Leadership in the Principal's absence, and attended by the Higher Education Quality Assurance and Enhancement Manager, nominated representative from the Students' Union and the HE Student Service Officer as minute taker. All of these staff have relevant experience and training to undertake these roles and to jointly provide an appropriate decision.
- 6.2 If there is a perceived conflict of interest at any stage of the process, member/s of the panel will be replaced by another member of staff, such as the Manager or Lead of the appropriate Student Services Team or a Lead from the Safeguarding Team.
- 6.3 Students have 21 days following the decision of the Academic Disciplinary Committee or withdrawal from a programme, to lodge an appeal against that decision and are required to complete the Appeals documentation (Appendix pages 8-9). This is part of the Internal Appeals process.
- 6.4 Students on Pearson Awards programmes have 21 days following the decision of the Board of Examiners to lodge an appeal against that decision and are required to complete the Appeals documentation (Appendix pages 8-9).
- 6.6 Students have a responsibility to update their personal details with their College to ensure that they receive their results following the Board of Examiners.
- 6.7 As the Academic Appeals Panel must proportionate its investigation to the complexity of the issues raised, the Panel is empowered to suspend an appeals meeting and reconvene at a later date (but no later than 7 working days from the original meeting). Any such persons must be notified in advance of the meeting
- 6.8 The Academic Appeals Form (see appendix) forms part of academic feedback, and is seen as a valuable means of improving quality within the higher education provision. The Students' Union can provide appellants with independent support in preparing an appeal. Appellants should take advantage of this support to ensure that all of the evidence and paperwork supports their appeal.
- 6.9 Under the data protection legislation, Group staff may not discuss the appeal with a third person, including the student's parents or partners unless permission is given by the appellant. A third person may not submit an appeal on the appellant's behalf.
- 6.10 Where an appeal is determined vexatious or frivolous, on behalf of the Academic Appeals Panel, the Chair may reject the appeal at any stage of the appeals process, which could incur a Disciplinary action. The Academic Appeals Panel is not empowered to award any credit or other qualification, to order the raising or lowering of any mark, or Degree classification.

- 6.11 All records of meetings and documentation will be held by the HE Student Service Officer and any minutes of meetings be made available to the meeting participants for checking of accuracy.

## **7. Preparing an Appeal**

- 7.1 Students must appeal within 21 days of any decision
- 7.2 Students should read the appeals procedure and submit evidence to support the appeal
- 7.3 Students should seek help to prepare their appeal from the Students' Union and where required, additional learning support members who can be located through the Student Information Centre.
- 7.4 The appeal should be set out clearly and show the history and all of the facts, as the person reading the appeal may have no previous knowledge of the matters
- 7.5 All supporting documentation should be included with the appeal letter and nothing withheld in the hope of having a future hearing. Submission of evidence can be made electronically (scanned documents).
- 7.6 If any new evidence is submitted, it must be accompanied by an explanation of why it was not submitted earlier and given to the HE Student Service Officer based at Canterbury.

## **8. How long will it take to process an appeal?**

- 8.1 Appellants will be notified of the receipt of the appeal by the HE Administrator and the appeal will take up to three working weeks to investigate
- 8.2 Appellants will be kept informed throughout the process in writing. The decision of an Academic Appeals Panel must be communicated to the Chair of the Board of Examiners at the same time as the student is informed
- 8.3 An Appeals Panel will write to the appellant with a decision within 21 working days after receiving the appeal, one of which may be to arrange an Appeals Hearing. If this is the case, the letter will include information of the arrangements of the Hearing.

## **9. Appeal Hearings**

- 9.1 If the Academic Appeals Panel require more information following an investigation, they may request an Appeal Hearing. Although this sounds daunting, the hearing

provides the student with an opportunity to respond to the findings and provide their own view of the appeal.

- 9.2 If a decision is unable to be reached, the Committee may call upon other members of staff or students it considers might assist it in reaching a decision in the Academic Appeals Hearing.
- 9.3 Students can be accompanied by a member of staff, a student of the Group, a member of the Students' Union, a friend or a relative.
- 9.4 Academic Appeal hearings are not legal proceedings and a student may not be accompanied by a legal representative, even if they are a member of staff, Students' Union member, friend or a relative.
- 9.5 Appellants should bring copies of their appeal documentation to the hearing to refer to.
- 9.6 The decision of the Academic Appeals Panel must be deemed final and not subject to any further appeal within the Group.
- 9.7 The decision of an Academic Appeals Panel must be communicated to the Chair of the Board of Examiners at the same time as the student is informed.

## **10. When an appeal is not upheld**

- 10.1 Where an appeal has been turned down by the Appeals Panel, the appellant may make a formal appeal to the relevant awarding body where appropriate.
- 10.2 Appellants should only appeal to their awarding body once all EKC Group processes are exhausted.
- 10.3 Students on Pearson programmes have 14 days to appeal against an internal decision, once the EKC Group processes have been exhausted.
- 10.4 In a final instance, if all of the above processes are exhausted, and the appellant feels that the appeal has not resulted in a satisfactory outcome, the appellant can make a final representation to the Office of the Independent Adjudicator (OIA) <http://www.oiahe.org.uk/>.

## **11. Improving the Appeals Process for Future Students**

- 11.1 Following an Academic Appeal, appellants will be asked to provide feedback to the Student Services Team, either through a telephone call or in writing. This anonymous information will be disseminated at the HE Group to inform required revisions of the policy.

## 12. Related Policies and Procedures:

- HE Assessment Policy
- HE Academic Discipline Policy
- Complaints Policy
- Board of Examiners Guidance

### 12.1 Awarding Body Contact Details

#### 12.1.1 The Student Conduct and Complaints Office

University of Kent

The Registry

University of Kent,

Canterbury Kent CT2 7NZ

<https://www.kent.ac.uk/education/academic-appeals>

Email contact is preferred to: [sccoffice@kent.ac.uk](mailto:sccoffice@kent.ac.uk)

#### 12.1.2 Pearson/Edexcel<sup>6</sup>

Edexcel Appeals Office

190 High Holborn

London

WC1V 7BH

[v https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Enquiries\\_and\\_Appeals\\_on\\_Pearson\\_Vocational\\_Qualifications.pdf](https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Enquiries_and_Appeals_on_Pearson_Vocational_Qualifications.pdf)

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<sup>6</sup> Pearson Appeals. Available at [https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Enquiries\\_and\\_Appeals\\_on\\_Pearson\\_Vocational\\_Qualifications.pdf](https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/Enquiries_and_Appeals_on_Pearson_Vocational_Qualifications.pdf)

## Appendix 1: Form for consulting the Head about the Progress Decision of a Board of Examiners with Pearson programmes.

**(Students on a University of Kent programme to use forms available from addresses on page 5)**

Please complete and submit it by email to [higherred@eastkent.ac.uk](mailto:higherred@eastkent.ac.uk) as soon as possible after the publication of your examination results. If you cannot submit by email please print this form and send it to the HE Student Service Officer, Canterbury College, New Dover Road, Canterbury, Kent , CT1 3AJ.

**Please note that if you wish to make a formal appeal you must do so by the date that you received your result or within 21 days of the Board of Examiners decision letter being posted to you.**

NB: Please read the Appeals Policy before submitting this form.

### PART A – GENERAL INFORMATION

<b>Surname (family name):</b>	
<b>First Name:</b>	
<b>Student ID Number:</b>	
<b>Correspondence Address:</b>	
<b>Telephone No.:</b>	
<b>E-mail address:</b>	
<b>Course Title: e.g. HND Graphics</b>	
<b>Year: (1st, 2nd)</b>	
<b>Please state the decision taken by the Board of Examiners:</b>	
<b>Signature (or electronic signature):</b>	
<b>Date:</b>	



**PART B - WHAT OUTCOME ARE YOU SEEKING?**

Please complete the relevant section below.

**IF YOU ARE ASKING TO REPEAT THE YEAR**

Please complete the box below if you are asking permission to repeat the year rather than taking resits/resubmitting coursework across the summer. Please explain your reasons for wanting to repeat the year.

**IF YOU ARE APPEALING FOR ANOTHER OUTCOME**

Please indicate here which grounds apply and then give full details of your case in the following box. *(Please mark the appropriate box(es) – you may mark more than one)*

<b>(i) Extenuating circumstances</b>	
<b>(ii) Procedural irregularities</b>	
<b>(iii) Other</b>	

Please state clearly your grounds for appeal below, including details of work affected and dates affected. Please also state the outcome that you would like.

**PART C – ACADEMIC APPEALS PANEL DECISION**

DECISION (Circle)	COMMENTS	
<b>Date of Appeals Panel Meeting</b>		
<b>Upheld:</b> (any change to the Panel's decision)		
<b>Rejected:</b>		
<b>More information Required:</b>		<b>If information received, final decision:</b>
<b>Date of Appeals Hearing (if held)</b>	Required Attendance	
<b>Outcome of Appeals Hearing</b>		

**Signed by Chair of the Academic Appeals Panel:**

**Date:**

## Flowchart for Academic Appeals

