

Higher National Academic Appeals Procedure

An academic appeal is a request by a student for a review of an academic decision made by an academic which is responsible for making decisions on student progress, assessment and awards.

This procedure applies to all student registered at the University Centre Wigan & Leigh College studying on Higher National programmes.

Academic decisions include:

- A decision by an Exam Board on marks, progression, including decisions on early withdrawal.

This Procedure does not apply to decisions on complaints, disciplinary outcomes and fitness to study outcomes for which there are separate procedures.

The College operates a Student Complaints Procedure for dealing with student complaints about any service provided by the College including academic related services. If you have a concern about course delivery or supervision, you should raise this at the time so that it can be resolved. The College reserves the right to re-classify an academic appeal as a complaint or vice versa, if the submission falls properly within the remit of one procedure rather than the other. Where an appeal relates to a service provided by the University this will normally be dealt with under the Student Complaints Procedure before the appeal is considered.

The University Centre Wigan & Leigh College has robust procedures to ensure fairness in the assessment process. The grounds for appeal do not, therefore, include bias or perception of bias. If a student has evidence to support a claim of bias, this should be the subject of a complaint. If that complaint is upheld, and any proven bias may have been material to the outcome of an assessment, this outcome will be considered as an appeal.

It is your responsibility to ensure that applications for Mitigating Circumstances are communicated through the relevant Procedure at the appropriate time. If you submit evidence of Mitigating Circumstances after the decision has been made and you do not have good and valid reason for not submitting it at the right time, then your appeal may not be successful.

1.0 Principles

An appeal cannot be made against the academic judgement of the assessors, properly exercised. 'Academic judgement' means any decision about a student's assessment or progression that can only be made by an appropriate academic expert. An appeal may not be based on a questioning of the academic judgement of any properly appointed individual examiner and appeals on this basis will be ruled invalid.

Appeals submitted outside the deadline will be ruled invalid unless, exceptionally, you can show good reason why the appeal could not have been submitted earlier, with suitable supporting evidence.

At all stages of this Procedure, as a student you are entitled to be accompanied and/or represented by a person of your choosing- this could be someone from within the college or outside of college, a friend or relative. This Procedure is intended to be fair and to comply with the rules of natural justice. The Procedure is not a formal court process and, therefore, should not be adversarial or overly legalistic, and there is no need for anyone to have formal legal representation. There is no objection if the accompanying person is legally qualified, so long as that person understands and respects the nature of the hearing, and does not adopt an overly adversarial or legalistic stance.

Where a student has declared a disability to the College, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.

It is recognised that attendance at a hearing at the College may be problematic for students. Alternative arrangements will be considered including the opportunity to undertake the appeal by correspondence, video or teleconference. In such cases, the timescales will be adjusted accordingly, although both parties will be expected to fulfil their respective responsibilities within a reasonable timeframe.

You will not be disadvantaged by submitting an appeal in good faith. Appeals which are judged to be vexatious, malicious or frivolous will not be considered. This may arise where the appeal clearly does not have any serious purpose, or where repeated appeals are unreasonable in all the circumstances.

All information submitted in relation to appeals will be dealt with confidentially and will only be disclosed to those persons involved in making a decision on the appeal, or as necessary to progress the appeal.

It is not within the remit of the Academic Appeals Procedure to adjust marks or classifications, unless there has been a calculation error.

2.0 Grounds for Appeal

A request for an appeal against an academic decision shall be valid only if it is based on one or more of the grounds listed below, and must be supported by suitable evidence:

- i) that insufficient weight has been given to mitigating circumstances;**
- ii) that the student's academic performance has been adversely affected by mitigating circumstances which the student has for good reason been unable to make known at the time;**
- iii) that there has been a material administrative error at a stage of the process, or that some material irregularities have occurred;**
- iv) that the assessment procedure and/or examination(s) have not been conducted in accordance with the approved regulations.**

3.0 Process for Appealing Against Assessment Decisions

If you are not sure whether an appeal is appropriate, you should discuss the matter with the module tutor and course leader in the first instance. This will be an opportunity to seek clarification on your results and/or to discuss any concerns, depending on the findings the Course Leader may have sufficient evidence to request Chairs Action.

This Procedure is a two-stage process. The First Stage must be completed before the Second Stage can be invoked.

4.0 First Stage Appeal

First Stage appeals must be lodged with the Personal Assistant to the Executive Team within 5 days of results being published/communicated to the student.

The First Stage appeal must state the grounds on which the appeal is made and should be accompanied by appropriate and relevant documentary evidence. The appeal should be submitted on the application form available in Appendix 1 and also on the college website within the Higher National Academic Appeals Procedure:

<https://www.wigan-leigh.ac.uk/about/reports-and-policies>

The Personal Assistant to the Executive Team will send your appeal to the Head of Department and Deputy Head of HE (for information). The Deputy Head of HE will nominate an appropriate person to investigate the appeal.

The Chair of the First Stage Appeal will be a member of the HE Quality Team who has had no previous involvement in the case and they will consider whether the appeal demonstrates valid grounds. If the Chair considers that valid grounds have not been demonstrated, the Chair will communicate this with you. If the Chair concludes that there are no valid grounds, you may submit a Second Stage appeal.

If the Chair of the First Stage Appeal considers that there are valid grounds for appeal, you may be contacted for further information to enable a decision to be made about the appeal.

The Chair of the First Stage Appeal will confirm in writing the outcome of the appeal normally within 10 working days of the date of the appeal. The outcome may be:

- i) the appeal is upheld and referred back to the academic decision making body for reconsideration;
- ii) the appeal is upheld and the Chair of the First Stage Appeal takes immediate action on behalf of the academic decision making body. Where appropriate, the Chair of the First Stage Appeal will consult with the Chair of the academic decision making body to ensure the outcome is academically and professionally acceptable;
- iii) the appeal is turned down.

The Chair of the First Stage Appeal will be responsible for communicating the outcome of the First Stage appeal. The outcome will identify the evidence considered, the findings of fact, the regulations applied, the decision and associated reasons, any remedy that has been identified and instructions on the next steps.

In all cases, you will be informed of your right to submit a Second Stage appeal if you have grounds to request a review of the outcome of the First Stage appeal, with details of the procedure and the timescale.

5.0 Second Stage Appeal

If the appeal is not satisfactorily resolved at the First Stage, you may submit a request for review to the Personal Assistant to the Executive Team within 5 working days of the official notification of the First Stage appeal outcome.

The Second Stage appeal must state the grounds on which the appeal is sought and should be accompanied by appropriate documentary evidence. The appeal should be submitted on the application form available in Appendix 1. Available on the college website within the Higher National Academic Appeals Procedure:

<https://www.wigan-leigh.ac.uk/about/reports-and-policies>

A Second Stage appeal will take the form of a review. It will not normally consider the issues afresh or involve further investigation.

A Second Stage appeal will only be valid if it is based on one or more of the following grounds:

- i) that the First Stage appeal process was not conducted fairly and/or in accordance with the published procedure;
- ii) that the decision of the First Stage appeal was not reasonable in all the circumstances;
- iii) that there is material new evidence that for good reason could not have been made known at the First Stage appeal.

5.1 Second Stage Appeal Panel

An Appeal Panel will be established to hear all Second Stage academic appeals, comprising of:

Chair: an Assistant Principal (who has no previous involvement in the case).

Members: two relevant members of staff with appropriate expertise

The Appeal Panel will not include any member of staff from the department or anyone else who has had any relevant prior involvement in the academic decision which is the subject of the appeal. The Chair shall rule in the event that objections are raised to the composition of the Appeal Panel.

5.2 Documentation for Second Stage Appeal Panels

The Appeals Panel will receive the following information:

- the Second Stage appeal application and any supporting documents;
- the outcome of the First Stage appeal meeting, including the meeting notes and outcome communication;
- documentation from the Assessment, such as extracts from the minutes, the Assessment Board profile, or the examiner's reports in the case of an appeal against of an examination decision;
- documentation from the course/ team concerning academic performance such as the outcome of any applications for mitigating circumstances; attendance record; details of any

interruptions of study; annual progress reports; and details of academic support provided and any other relevant information.

The Appeal Panel will meet in private session to review the documentation and consider whether there are valid grounds for review.

The Appeal Panel may request further information from you or the Department or the Chair of the First Stage Appeal, before making a decision.

5.3 Outcomes

The Appeal Panel will decide on the appropriate action as follows:

iv) to decline the appeal and uphold the original decision of the First Stage appeal, in which case you will be notified of the decision and summary reasons, and your right to refer the matter to Pearson and/or OIA;

v) to uphold the appeal and determine the outcome, including any actions to be taken by the department.

vi) to refer the appeal back to the department to consider afresh, in cases where there is evidence of a material procedural irregularity or where valid new information has been submitted. The department will inform you and the Panel of the outcome of the re-consideration of your First Stage appeal, and you will have the further right of a Second Stage appeal;

vii) to convene a hearing to hear the case by you and the response by the original decision maker, in cases where the facts and evidence are complex or contentious. The procedure for a Second Stage appeal hearing may be viewed at Appendix 2.

You will be communicated the outcome of the decision of the Appeal Panel and the associated reasons, within 5 working days of the meeting of the Appeal Panel. The communication of the outcome will identify the evidence considered, the findings of fact, the regulations applied, the decision and associated reasons, and remedy that has been identified and instructions on the next steps.

6.0 Status of a Student during an Appeal

It is acknowledged that waiting for the outcome of an appeal may be stressful, but if you have referred assessments or other work to complete, you should continue with that work pending the outcome of your appeal unless advised otherwise by the department.

If you are appealing against a decision which prevents you from progressing from one year to the next or continuing on the course, you will not normally be permitted to progress to the next stage of study while an appeal is pending, but this may be granted in exceptional circumstances if considered academically appropriate by your department. This will be on the understanding that if your appeal is not successful, you will discontinue study immediately.

7.0 Independent Review

Where the University Centre Wigan & Leigh College's Academic Appeals Procedure has been completed, the student will be provided with a Completion of Procedures advising of his/her

right to request a review by Pearson and/or Office of the Independent Adjudicator for Higher Education (OIA) within 28 days of the completion of internal processes.

University Centre Wigan & Leigh College is a member of Office of the Independent Adjudicator for Higher Education (OIA). If you are unhappy with the outcome you may be able to ask the OIA to review your appeal case. You can find more information, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students>. A Scheme Application form must be submitted to the OIA within 12 months of the date of Completion of Procedures letter.

Following the OIAHE process does not prevent students from pursuing a complaint or appeal with Pearson and you may choose whichever route (s) that feels to be the most appropriate.

