Appeals Policy and Procedure 2023-24

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# Introduction

1. These Procedures are intended to provide a clear process whereby a student can appeal against:
   1. An Assessment Board decision or Engagement Panel decision related to assessment results, academic progression and/or award.
2. It is the responsibility of a student to draw to the attention of the University any factors which they consider may have adversely affected a decision of an Assessment Board or an Engagement Panel decision. A student can submit an appeal without risk of disadvantage or reprimand.
3. Students may submit an appeal as part of a group where the issues raised affect a number of students (e.g. group work). Appeals will be responded to individually and any contact details for each appellant should be included on the appeal form. In these circumstances, the group is advised to appoint a group representative (no more than two) to facilitate communications for the purposes of the formal procedure.
4. Students are permitted to provide individual statements should they share concerns of the group, and in addition, want to raise individual concerns in relation to the appeal.
5. An appeal raised by a third party on behalf of a student, (this includes parents, guardians, relatives or the spouse or partner of a student) will only be considered in exceptional circumstances. Written authorisation and valid reasons for the third party acting as the student’s representative must be provided by the student. A third party supporting, advising or representing the student should not delay the process.
6. A student considering submitting an appeal may seek advice from the Students’ Union. For general information and assistance students may contact their School Office (formerly known as the Student Hub). The Student Casework Office can give procedural advice but cannot advise on the substance of the appeal.

# Grounds of Appeal

1. A student may submit an appeal against the decision of an Assessment Board or Engagement Panel decision on the grounds that:
   1. the University did not act in accordance with the relevant Academic Regulations and/or Procedures;
   2. the student had been affected by circumstances which had significant impact, but which, for good reason, they had previously been unable to disclose via the appropriate University procedures;
   3. the Assessment Board or Engagement Panel did not act in a way which was reasonable. In this context reasonable shall be taken to mean that the decision was not a possible conclusion that a similar meeting of the Board or Panel might have reached.

# Matters excluded from this procedure

1. Under this Procedure the University will not consider:
   1. An appeal in respect of an academic or professional judgment; that is, a decision made by an academic staff/examiner on the quality of an assessment or the criteria being applied to mark the work, when arrived at through due process;
   2. An appeal in respect of termination of a student’s registration under the Student Conduct Policy. In such cases, a student will be informed of their option to appeal;
   3. An appeal in respect of termination of a student’s registration under the Fitness to Study Policy. In such cases, a student will be informed of their option to appeal;
   4. A complaint about the University, its courses, services, or individuals concerned in their delivery. In such cases, a student will be informed of their option to submit a complaint under the Policy. Where the Student Casework Office considers that a student’s appeal in part or whole would be more appropriately considered under the Complaints Procedure, the student will be informed of this. The student will be invited to submit a Formal Complaint Form to clarify the nature of their complaint, should they wish to do so. The appeal, in part or whole, will be reclassified as a complaint and investigated by the Student Casework Office or forwarded on to an impartial nominee.
2. Students from collaborative/partner institutions who have exhausted the appeals procedures of their institution have a right to request a review of the process of the appeal outcome reached by the institution. Students from collaborative/partner institutions should follow the review stage process.

# The Procedure

## Stage 1 - Appeal

1. For an appeal to be valid it must be received within 10 working days of the date of publication of the result(s) of the assessment(s) concerned, the date of notification of the termination of registration or mitigating circumstances outcome. Appeals received after this deadline will be deemed invalid unless the student has demonstrated good reason for any period of delay.
2. An appeal must be submitted in writing on the prescribed Appeal Form completing all relevant sections including; full name, student number; signature of the student and date.
3. In respect of an appeal, the ground(s) must be identified and evidence:
   1. the way in which the University’s did not act in accordance with the relevant Regulations and/or Procedure (actions differed significantly); or
   2. explain and demonstrate how the circumstances had a significant impact and the reasons they were unable to previously disclose these circumstances via the appropriate University Procedures, for instance under Mitigating Circumstances Policy and/or a reason as to why the evidence was not available at the time to support the claim;
   3. the way in which the Assessment Board or Engagement Panel did not act in a way which was reasonable and the decision reached was not a possible conclusion that a similar meeting of the Board or Panel might have reached.
4. The student must include all relevant, independent, supporting evidence, as appropriate to support their appeal. Examples of the evidence that can be provided include but are not limited to; relevant correspondence with University staff i.e. University Counsellor, course or module information, expert or professional letters or reports for instance from a General Practitioner (GP) or medical consultant.
5. For appeals against decisions of Assessment Boards the appeal must list the title, code and affected component(s) of the module(s) concerned and specify the assessment period and academic year in respect of which the appeal is being made.
6. Appeals should be submitted in person at your School Office, by email directly to [casework@londonmet.ac.uk](casework@londonmet.ac.uk%20) or if submitted by post, it must be addressed and sent directly to the Student Casework Office. The University does not accept responsibility for the receipt or late delivery of appeals submitted by post or email.

### Consideration of Appeal

1. The student will receive an automatic response as acknowledgment of receipt. The Student Casework Office will reply if necessary, within 5 working days.
2. The Appeal Assessor who may be a member of the Student Casework Office shall check each appeal against the criteria in paragraph 7 in addition to the requirements listed in the appeal stage above. An appeal that does not meet these criteria and requirements shall be deemed invalid.
3. Where the appeal is considered frivolous or vexatious or where the appellant engages in unacceptable behaviour, the appeal may be dismissed, or conditions imposed on how the student can conduct the appeal. Examples can include appeals which are harassing, designed to cause disruption or annoyance, demand for redress lacking any serious purpose or value and /or have unrealistic expectations and/or unreasonable outcomes. If the outcome is to reject the appeal the appellant may request a review within 10 working days from the date of the decision.
4. The student, their representative and staff members should act reasonably and fairly towards each other and are expected to treat the processes themselves with respect. Where the outcome is to reject the appeal, the student’s access to staff, University premises, or procedures may be restricted and considered under a different process or procedures,
5. If two procedures are to be pursed at the same time, then one procedure may be suspended pending the completion of another. In this instance, the Appeal Assessor will inform the student or their representative of the procedure that will be pursued and the procedure that will be suspended.
6. An appeal shall usually be considered within 25 working days of the receipt of a duly completed relevant form. There may be circumstances where, for good reason, the University needs to extend this timeframe; if this occurs the University will advise the student of this. Circumstances that may delay completion of the procedures (appeal and review) include but are not limited to:
   1. Incomplete forms;
   2. Lack of clarity regarding the grounds relied upon;
   3. Consideration being put on hold to allow for matters being considered as part of another procedure, for instance a student complaint. Any period during which the appeal is put on hold to allow for consideration of another procedure shall not be included in the 25 working days period referred to in paragraph 25 above.
   4. Delays in requesting a review.
7. The Appeal Assessor shall consider each valid application on the basis of the student’s written statement and supporting evidence. Information from staff members, other students or outside agencies may also be sought, as appropriate, by the Appeal Assessor when considering an appeal. A student can respond to the additional evidence by way of written representation at the review stage.
8. The Appeal Assessor shall determine whether the ground(s) listed in paragraph 7 have been clearly demonstrated and whether it is reasonable to uphold or reject the appeal. The list below (which is not exhaustive) sets out common reasons why appeals are unsuccessful:
   1. the appeal was received outside the deadline without good reason and evidence for the delay (In cases where a delay is unavoidable, the appeal must be submitted as soon as possible after the deadline and must include an explanation and independent supporting evidence covering the entire period affected).
   2. there is no independent evidence to support the appeal and the student has indicated a disability on the appeal form. The Appeal Assessor will exercise discretion where there is good reason, supported by evidence for any period of delay, or consider making reasonable adjustments to the procedure. Advice may be sought from the University Disability and Dyslexia Service where appropriate.
   3. the student disagrees with the academic judgement of an Assessment Board in assessing the merits of an item of academic work or the classification of a final award, where the Board’s decision was reached in accordance with the regulations. (In such circumstances the student should request feedback from the relevant tutor /module tutor.)
   4. the student’s academic performance was affected by poor teaching, supervision, service delivery or guidance. In such circumstances the student should submit a complaint in accordance with the Complaints Policy and Procedure.
   5. the student was ignorant of the published assessment regulations and procedures, including deadlines for the submission of assessments and appeals against an Assessment Board and Engagement Panel decision.
   6. the appeal does not relate to decision of an Assessment Board or Engagement Panel decision related to the assessment results academic progression and/or award. Appeals against non-academic decisions such as termination for non-payments of fees are not considered within this Regulation.

### Appeal Outcome

1. Where an appeal in respect of an Assessment Board is upheld, the Appeal Assessor can:
   1. notify the Assessment Board and the student shall be provided with a further assessment or reassessment opportunity in accordance with the Academic Regulations;
   2. the original decision will be set aside leading to a new outcome being determined; or
   3. refer the item of assessment considered in the Appeal for remarking or external moderation, where relevant.
2. Where an appeal is upheld in respect an Engagement Panel decision, the Appeal Assessor will notify the Engagement Panel. The Appeal Assessor shall:
   1. revoke the termination of the student’s registration; or,
   2. request further information and/or evidence; or
   3. set conditions that the student must meet before the termination is revoked; or
   4. refer the decision back for consideration.
3. Where an appeal in respect of a research degree is upheld, the Student Casework Office will seek advice from the Chair of the Research Degrees Sub-Committee as to an appropriate outcome. This may include, but is not limited to:
   1. the examiners being invited to reconsider their decision; or
   2. the appointment of new examiners
   3. a successful appeal cannot set aside a decision of the University Awards Board and recommend the award of a degree.
4. The student will be given a clear reason for any decisions reached. Where an appeal is not upheld and is rejected, the decision being appealed against shall stand.
5. The Appeal Assessor, who may be a member of the Student Casework Office, will notify students of the outcome of their appeal by email; this will normally be within 25 working days of the University receiving the appeal. However, where this proves not to be possible, the student will be notified of the progress of the consideration of the appeal.
6. Appeals that do not proceed to the Review Stage within 10 working days of the appeal decision(s) being sent will be considered as closed. A Completion of Procedures letter can be provided upon request, although students should be aware that the University’s internal processes are not complete at this stage.

## Stage 2 - Review

1. The Review will not entail a reconsideration of the claim it will consider whether the appropriate procedures were followed and that the decision to reject the appeal was reasonable. The student may ask the Appeal Review Panel to review the decision(s)on the grounds that:
   1. there was a procedural error prescribed by this Policy;
   2. the outcome did not take into consideration all the circumstances in which the student could appeal against.
   3. the student has new evidence that they could not reasonably have provided when submitting an appeal which would probably have an important influence on the appeal outcome.
   4. the student is providing additional evidence by way of written representation in response the information sought by the Appeal Assessor at the appeal stage.
2. In such instances the student is expected to provide an explanation as to why the evidence is being submitted at this late stage of the procedure. Other than this, the Appeal Review Panel shall not consider any evidence that was not provided when the appeal was submitted, and a decision was reached.
3. The Stage 2 Review will be considered by an Appeals Review Panel (indicative composition). Panel members shall declare any conflict of interest in line with this Policy before considering a case
   1. Two members of staff that can either be Academic, or from a Professional Services Department.
   2. A nominee of the Students’ Union.

### Submitting a Review

1. A Request for a Review must be submitted to the Student Casework Office in writing within 10 working days of the appeal decision(s) being sent and must be on the prescribed Appeal Review Form. All relevant sections must be completed including; full name, student number; signature of the student and date.
2. The student must state the grounds on which the decision(s) should be reviewed.

### Consideration of Review

### Review Outcome

1. The Appeals Review Panel shall review the appeal decision and may:
   1. uphold or partially uphold the student’s appeal and agree to implement the outcome that they are seeking; or
   2. uphold or partially uphold the student’s appeal and implement an alternative outcome(s). The Student Casework Office may consult with the Chair of the Assessment Board where it is considered appropriate. This would normally be solely for the purpose of ensuring consistency of fairness and treatment with other student outcomes; or
   3. reject and not uphold the student appeal. Students will be issued with a Completion of Procedures (COP) letter.
2. Students can request a COP letter where a review outcome decision is upheld. A COP letter will not automatically be issued to students following on from an upheld outcome.
3. At this point, students who remain dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. Students should refer to the OIA Website to establish whether their complaint is something that the OIA would consider. A complaint must be submitted to the OIA within 12 months of the University’s final decision. The OIA cannot consider complaints about:
   1. Admissions, unless the person complaining is a former student of the University who is applying for re-admission, and the complaint is directly connected to their time as a student;
   2. Academic judgment;
   3. Student employment;
   4. Something that has already been the subject of legal proceedings in a court or tribunal unless those proceedings are put on hold;
   5. Something that has already been considered by another alternative dispute resolution body.

# Confidentiality and Reporting

1. The University will process all information in accordance with its Student Privacy Notice and the principles of the General Data Protection Regulation (GDPR). Appeals will be handled with an appropriate level of confidentiality and by trained staff. With information released only to those who need it for the purposes of investigating or responding to the appeal. No third party should be told any more about the appeal than is necessary in order to obtain the information required from them.
2. The outcomes and recommendations from appeals may be shared across the University for institutional learning and reporting purposes, for instance to Academic Board and Board of Governors. However, personal information will be removed and handled in accordance with the University’s Privacy Notice.