



## Higher Education Student Appeals Procedure

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Version	Type (e.g. replacement, revision etc....)	Date	History (reason for changes)
V1	New	Sept 2016	
V2	Revision	Mar 2018	To incorporate appeals against professional extenuating circumstances
V3	Revision	Sept 2018	Revision due to College restructure and GDPR
V4	Revision	Jan 2020	Revision due to College restructure
V5	Revision	June 2020	Revision due to Covid-19 and DfE guidance on awarding QTS
V6	Revision	Sept 2021	Revision due to changes in Staffing Structure
V7	Revision	Oct 2022	Change in Ownership, clarification in early resolution process.
V8	Revision	August 2023	Extraction of SEPP appeals which is now contained within the SEPP procedures.
V9	Annual Review	July 2024	Inclusion of Leeds Trinity University (for validated provision)

### Monitoring and review

This procedure will be reviewed by the Academic Board and SLT at least every 2 years.

## 1. Executive Summary

This procedure relates to an application for an appeal against an assessment decision for Students on Higher Education programmes including National courses, College Certificates (CPD Diploma's) and Diplomas awarded by ABDO.

## 2. Definitions

<b>Jargon/Key word</b>	<b>Definition</b>
Appeal	The only method by which a student can request a review of an Assessment Board
Appeal Panel	A formal group of staff set up to consider appeals made under these procedures.
Mitigating/Extenuating Circumstances	Circumstances which are sudden, unforeseen, unexpected, significantly disruptive, beyond the students control and deemed to have affected performance in an assessment.
Assessment	Any work due to be assessed on a given day; this may be the submission of a written assignment or portfolio, a presentation or examination.
Transcript	The document provided to the student which confirms their ratified marks and Assessment Board Decision.
Supporting Evidence	Documents provided to support or evidence an application for an appeal.
Assessment Board	Assessment Boards are formal meetings held where student marks are considered for credit, progression and award.

### 3. Roles and Responsibilities

All staff are responsible for:

- Understanding the Appeals Procedures for Higher Education Students
- Their authority to attempt to resolve any appeals that they may be called upon to consider
- The need to resolve appeals in a timely fashion.

The Senior Leadership Team are responsible for:

- Ensuring that the College discharge their responsibilities relating to appeals in line with the policy and procedures
- Overall accountability for the management and governance of appeals handling within the College
- Ensuring that mechanisms are in place to verify a consistent approach to the way appeals and handling information is managed, monitored, reviewed and reported
- Ensuring that appeals information is effectively used to drive continuous improvement of the Student Experience

The Quality Department are responsible for:

- Discharging efficient and effective administrative processes to support the College in handling applicant appeals
- Recording accurate information regarding appeals and adhering to GDPR guidance in the storage and retention of associated documentation
- Liaising efficiently with external bodies, including Awarding Organisations and the OIA in relation to appeals
- Offering training, procedural guidance and development to appeal investigators and panel members
- Producing management information associated with the volume, characteristics and equality impacts of appeals for the consideration of governance and management bodies in the College.

### 4. Introduction

This document outlines College procedures relating to the application of an appeal. This process applies to assessments and appeals for both undergraduate and postgraduate provision.

The College sets both assessments and placements in order to gauge the achievement of an individual student against determined learning outcomes of each module. This process applies to any assessment undertaken on taught programmes whether examinations arranged by the Department for Funding and Exams, or other assessments administered by departments.

Representations cannot be made against assessments on academic grounds.

This Procedure may be used by students who wish to appeal against a final decision of an Assessment Board or equivalent body, which affects a student's academic status or progression in the College. This includes the following:

- a) the mark awarded for any unit of assessment;
- b) the overall outcome of a module or programme of study;
- c) failure at any stage of a programme of study;
- d) a requirement that the student interrupt his or her studies on grounds of unsatisfactory progress

or failure to meet academic or professional requirements;  
e) a decision that the student be expelled from the University or be withdrawn from his or her programme of study on the grounds of unsatisfactory progress or failure to meet academic or professional requirements.

A student whose case is under consideration is able to continue with their studies.

## 5. Help and Advice

It is strongly recommended that any person making an appeal contact Student Services for advice and support in the completion of your appeal documentation. Student Services is located on the ground floor of the David Hockney Building.

## 6. Grounds for Students Appealing the Decision of an Assessment Board

The following may constitute grounds for an Academic Appeal:

- The student's academic achievement or progression was adversely affected by previously undisclosed mitigating circumstances (illness or other factors which the student was unable, for valid reasons, to bring to the attention of the relevant Mitigating Circumstances Panel) or where a Mitigation claim was rejected and this decision was confirmed at the Assessment Board and further evidence is available (**Incapacity**).
- The student's performance in an assessment was adversely affected by a material administrative error, attributable to the College, or to an agent acting on behalf of the College, or that an assessment was not conducted in accordance with the current College Regulations (**Procedural Error**).
- that there is evidence of prejudice or bias or lack of proper assessment on the part of one or more of the examiners.

Please note that there is no right of appeal against academic judgment and this alone cannot be considered as grounds for an appeal.

## 7. Submission of Appeals

Students cannot submit a request for an Appeal until their results have been confirmed by an Assessment Board.

Students who wish to make an **Appeal against the decision of an Assessment Board** must wait until the assessment results have been agreed and issued formally in a transcript or notification of results. The student may then, if there are grounds, submit an application for an appeal. This must be done using the Academic Appeals proforma, within the time limit of 15 working days from receipt of the transcript.

If a student considers that he/she may have grounds to request reconsideration of a decision by an

Assessment Board, he/she is normally expected to, firstly attempt to resolve the issue with the College.

The appeal application will normally be dealt with by the College within 20 working days.

Once an appeal is submitted, no new matter can be raised except at the discretion of the Head of Governance and Operations. Students should note the process is not automatic and that conditions must be met in order for an Appeal Hearing to be granted.

Appeals can be submitted to:

Governance and Operations

Quality Department

Bradford College

C15 Lister Building

Great Horton Road

Bradford

BD7 1AY

[appeals@bradfordcollege.ac.uk](mailto:appeals@bradfordcollege.ac.uk)

Where an appeal is posted, we recommend all paperwork is sent via recorded delivery and that a copy of supporting documentation is kept by the student.

In some cases, the appeal, on consideration, may be found to be a complaint and handled under the Bradford College Complaints Procedure for Students on Higher Education Programmes. In the event of this happening the student will be informed of this and the paperwork passed onto the relevant person to consider.

## 8. Late Submissions

It is the students' responsibility to ensure that their completed request for an Appeal, documentation and evidence is submitted within the time limit. If the student finds they are unable to do this, they must seek an extension from the Head of Governance and Operations.

Extensions will only be considered in exceptional circumstances where the student has shown serious and valid reasons for the late submission.

Non-agreed late submissions will normally be rejected as being out of time, unless the student has shown a serious and valid reason for the late submission and the failure to seek an extension earlier.

## 9. Documentation

The appeals pro-forma does not constitute evidence. Students submitting an appeal must attach original copies of documentation to evidence the circumstances referred to in the appeal. It is expected that supporting evidence is received within the working day limit. If this is not possible the student must contact The Governance and Operations Team to indicate which evidence is outstanding, why it is not available and when it will be submitted. Contact can be made by emailing: [appeals@bradfordcollege.ac.uk](mailto:appeals@bradfordcollege.ac.uk)

Claims for previously undisclosed mitigating circumstances will also require evidence to show why a claim for mitigating circumstances was not made in the usual time frame.

The College reserves the right to check the authenticity of all documentation submitted as part of the appeal. Any student found to have submitted fraudulent or unauthentic evidence as part of an appeal will be subject to disciplinary procedures.

Statements provided as evidence for an appeal submission arising from a previous discussion with or disclosure to a member of College staff:

- Should be requested from the member of staff by the student.
- Be in writing or other documentary form.

Requests for an Appeal should include names of the person(s) the student would like to call witnesses along with the expected nature of the evidence.

## 10. Requests without Evidence

Acceptance of submissions without evidence, or indication of evidence is made at the discretion of the designated officer who will notify the student of the decision.

## 11. Appeal Outcomes

The completed Appeal form will be considered by the Head of Governance and Operations (or nominee) and the student will be informed of the decision in writing by the Quality Department.

### **For students studying on University of Bolton and Leeds Trinity University Academic programmes:**

Appeals which the College is unable to uphold shall be referred to the University of Bolton for formal review. The timescale for validating body referrals is between 2 weeks and 6 months depending on the complexity of the appeal.

**For students studying on Pearson Education (Higher Nationals) or ABDO:** If a student remains dissatisfied with the outcome, they may make a written request to the Quality Department for the case to proceed to a Panel Hearing. The Head of Governance and Operations (or nominee) reserves the right to reject any requests for a Panel Hearing on the basis that the request is deemed to be vexatious, frivolous or malicious. The student must request the Panel Hearing within 10 working days of receiving the outcome.

## 12. Appeal Panel Hearings

Where a student's written request for a Panel Hearing is accepted, the student will be notified in writing of the date and location of the Hearing. It is the responsibility of the student to attend on this date. Dates will not be changed except in the event of exceptional circumstances arising which will be at the discretion of the Chair of the Appeal Hearing.

The student can choose to attend the hearing in person or have the hearing conducted without personal attendance. If the student chooses to attend the Appeal Hearing they must inform the Governance and Compliance Analyst in writing five days before the hearing to confirm attendance.

The Head of Governance and Operations has the discretion to arrange a Hearing via telephone conference or virtual meeting platform if all parties are agreeable.

In all cases, students are expected to provide contact details and inform the Governance and Compliance Analyst if they do not receive expected communications or if any other material difficulties arise, which may impede the process.

Students must inform the Panel of any witnesses they wish to call a maximum of five days before the Appeal Hearing along with the expected nature of the evidence. If this is not done within the prescribed timescales witnesses will not be permitted to attend the hearing.

Witnesses can also provide a statement for the Panel, providing their identity has been disclosed prior to the Panel. Unless deemed essential to proceedings by the Head of Governance and Operations, a witness' non-availability will not be deemed a valid reason to change the date of the Appeal Hearing.

Where a student does not attend their Appeal Hearing, the Chair of the Panel will decide if the appeal should proceed or be terminated and the appeal dismissed. Where this occurs, the matter will be deemed concluded, unless it is decided by the Head of Governance and Operations that there were valid grounds for non-attendance. It is the students' responsibility to inform the relevant person of the circumstances behind non-attendance and to request a re-arranged hearing. Hearings will only be re-arranged at the discretion of the Head of Quality. If refused a 'Completion of Procedures' letter will be sent and the matter deemed to be concluded.

**Where the Appeal is submitted on the basis of procedural error**, the Panel will seek to:

- Establish the facts of the matter.
- Establish the degree of gravity of the circumstances.
- Reach a finding of accepted or rejected on the basis of the evidence submitted.
- Determine a course of action where appeals are accepted.

**Where the appeal is submitted on the basis of incapacity** (extenuating circumstances), the Panel will seek to:

- Establish the facts in respect of past circumstances.
- Establish whether there were grounds at the time of the incident for non-disclosure.
- Establish whether the appeal is upheld or rejected.
- Where the appeal is upheld the Panel will determine the gravity of the extenuating circumstances and determine an appropriate course of action.

Due to the confidential nature of incapacity the Panel will not invite a representative of the Division nor will they be invited to comment on the events.

### **13. Appeal Panel**

Appeal Hearings are conducted by an Appeal Panel comprising of 3 people:

- The Chair, normally a member of the College's Senior Leadership Team (or nominee).
- A senior academic who will normally be the Head of Department or a Head of School.
- A Student Services Representative



Appeals are always heard on their individual merits and the panel should show a balanced representation.

The Head of Governance and Operations, or other members of staff may be called upon to present their findings and rationale for previously rejecting the Appeal.

To ensure fairness and consistency of outcomes, a representative from the Quality Department will be in attendance. The representative will also advise and direct the panel.

Where final consideration is rejected there is no appeal against this decision with the College and a 'Completion of Procedures' letter will be sent to the student. The Quality Department will forward this information to the relevant Head of Department and Head of School.

A decision to reject an appeal shall not adversely affect a student's academic outcome decided by an Assessment Board, except where it is found that an incorrect mark has been presented.

## **14. Notification of the Decision**

If it has been determined that the appeal can be resolved, the Governance and Compliance Analyst will inform the student of the decision in writing and where relevant, the outcome will be taken to the next Assessment Board.

## **15. Reconsideration of Rejected Appeals**

Students who have had their appeal rejected after the Appeal Hearing may have the right to have their appeal reconsidered by the Office of the Independent Adjudicator (OIA). Appeals referred to the OIA will be reviewed independently of Bradford College.

Information on how to apply and links to the relevant guidance and forms will be included within the Completion of Procedures letter. If the student decides to refer the case to the OIA, the Scheme Application Form must be received by the OIA within twelve months of the date on the Completion of Procedures letter.

The OIA will normally only review appeals which have been dealt with through the College's internal procedures and will not review:

- Admissions.
- Academic judgement.
- Student employment.
- Matters which are being considered by a tribunal or court and where the proceedings have been concluded.
- Matters which are being considered by a court or tribunal where the proceedings have not been stayed.
- Matters which they have already dealt with.
- Any complaint which took place more than 12 months prior to it being received by the OIA.

## **Appeal requests from students studying on Pearson Higher National awards**

In the event that you submit a complaint to the OIA, it will consider your complaint to identify whether it relates to: (1) an act or omission of Bradford College relating to the service provided which falls within the OIA's remit; or (2) the overall quality or standards of the qualification itself. Complaints relating to the design, delivery of assessment, moderation and awarding of the qualification are likely to fall into (2). However, this will be for the OIA to determine.

If the OIA considers that your complaint relates to the overall quality or standards of the qualification itself, it will refer the complaint to the Awarding Organisation (Pearson).

## **16. Professional and Statutory Body requirements**

Where the requirements of a programme of study accredited by a Professional or Statutory Body require wider disclosure:

- All students on such a programme of study will be informed of this provision.
- ☒ Wider disclosure will be limited to the external examiner(s) and the Chair Assessment Board

Where a student makes an appeal or complaint against the decision of a Mitigating Circumstances Decision, documentation attached to the mitigating circumstances form will be shared with staff of the College or staff outside of the college who are dealing with the appeal or complaint.

## **17. Retention of Information and records relating to Appeals**

By signing a letter of Appeal an applicant is agreeing that the College can process the information it contains for all purposes relating to the Appeals Procedure. This information and records will be kept in accordance with the General Data Protection Regulation Act (2018) and the College's "Information and Records Management Policy".

Original documentary evidence will only be returned on written request by the student.

## **18. Monitoring of Appeals and Complaints**

The College reviews the number and outcomes of Appeals and will report on this to its formal committees. Consideration will be given to the Equality Impact of the decisions of Appeal panels.

## **Related Polices/Procedures/Regulations**

- Bradford College Higher Education Complaints Policy
- Bradford College Higher Education Appeals Procedure
- Information and Records Management Policy