



Heart of Yorkshire
Education Group

Higher Education Academic Appeals: Code of Practice

This Code of Practice relates to the processes that must be adhered to when investigating Academic Appeals in relation to Higher Education programmes of study (excluding programmes validated by the University of Huddersfield). The Code does not supersede any regulations in place at partner Universities or Examining Bodies.

Full account has been taken of the UK Quality Code for Higher Education, particularly the Advice and Guidance on Concerns, Complaints and Appeals which embeds the core practice that:

The provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.

In addition, the Heart of Yorkshire Education Group (“the Group”) has taken account of:

- the OIA Good Practice Framework: handling student complaints and academic appeals (December 2016)
- The University of Hull University Code of Practice Academic Appeals (approved June 2018, applicable from September 2018)
- Leeds Beckett University Academic Regulations Section 9.0: Academic Appeals July 2021.



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This Code of Practice should be read alongside the Group's Complaints Procedure and the Higher Education Complaints Procedure. Students are directed to familiarise themselves with the procedures of their awarding body in the first instance. The course or programme handbook for your degree programme will provide details of how to access your awarding body documentation. Programme leaders will be able to assist further if you are unable to locate the required information.

1.0 This Code of Practice ("The Code") clarifies the expectations and procedural guidelines adopted by the Group relating to academic appeals. An academic appeal is defined by the OIA Framework (Dec 2016 p6) as:

'a request for a review of a decision of an academic body charged with making decisions on assessment, student progression and awards.'

2.0 The Code offers students the opportunity to raise matters of concern and no student shall suffer any disadvantage as a result of making an academic appeal. Any appeal raised will be dealt with in a timely way and any procedures within this Code are designed to be accessible, fair and transparent.

3.0 The Code only covers the process of academic appeal and does not apply to complaints which are defined within the OIA Framework as *an expression of dissatisfaction by one or more students about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider*. Complaints shall be addressed in accordance with the Group's Complaints Procedure and/or the Higher Education Complaints Procedure (depending on which procedure is most appropriate for the individual circumstance arising).

4.0 If an academic appeal is upheld, appropriate remedial action shall be implemented by the Group as detailed in paragraph 17.0.

5.0 The timings provided within this Code **do not** include bank holidays or periods when the Group is closed. It should be noted that, for any appeal which is submitted during periods of closure or at a time when key staff are unavailable due to Assessment or Examinations Boards, the time periods provided elsewhere in this Code may be extended. If this becomes necessary, appellants will be provided with a full written explanation as to why the investigation has been delayed. This explanation will be provided via the preferred method of correspondence identified by the student on the Appeal Form. It is the responsibility of the student to notify the HE Administrator, in writing, of any changes to this communication method.



Matters which do not constitute grounds for an Academic Appeal

- 6.0 It should be noted that a mark awarded for any piece of assessed work (formative or summative) or the award of an overall mark, grade or classification for an award is held to be an academic judgement of the examiner(s) and/or the Board of Examiners and is not therefore, appealable under this Code, or under any other regulations or procedures of the Group or, where applicable, its partner organisations. If a student wishes to query any such mark, grade or classification they are entitled to make a request of the examiner or Board of Examiners, for confirmation that all marking has been conducted in accordance with the regulations and procedures in place at the relevant time. This confirmation would relate to such matters as moderation, second marking and referral to the external examiner. Once such confirmation is issued, in writing, with an explanation of the procedures which have been followed, this matter is then deemed to be closed and the mark or decision is upheld.
- 7.0 Other matters which do not constitute grounds for appeal are as follows:
- 7.1 Where a student disagrees with the conclusions of a mitigating circumstances panel, unless further evidence has come to light which was not available at the time of the original application. In such a circumstance, the student would be entitled to make an appeal under 'Mitigating Circumstances' (see paragraph 8.1);
 - 7.2 Lack of awareness of the relevant regulatory framework;
 - 7.3 Lack of awareness or knowledge of the requirements for the submission of mitigating circumstances and extensions.

Legitimate Grounds for making an Academic Appeal

- 8.0 Legitimate grounds for appeal are as follows:
- 8.1 Mitigating Circumstances: evidence is now available which was not available, or presented to, the relevant panel prior to the Board of Examiners or Assessment Board and that there is a valid and good reason why that information was not available or not presented at the appropriate time;
 - 8.2 Procedural Irregularities: there are demonstrable (i.e. grounds that can be evidenced) procedural irregularities in the conduct of the assessment process as to cause reasonable doubt as to whether the outcome would have been different if they had not occurred;
 - 8.3 Bias on the part of the examiners: evidence of prejudice or bias on the part of one, or more than one, of the examiners or members of the relevant panel, Board of Examiners or Assessment Board. For the purposes of this Code, examiner means anyone who was involved in the



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assessment process or awarding of marks. This may include a tutor, dissertation supervisor or placement mentor.

Making an Academic Appeal

- 9.0 In the first instance, a student should informally approach their module tutor or programme leader with any query relating to an assessment or programme of study. If, following discussions, the matter remains unresolved, the student may request a meeting with the Head of Curriculum. If the matter remains unresolved, it should then be moved to a formal appeal.

Deadlines for lodging an Academic Appeal

- 10.0 An appeal must be submitted within 15 working days of the date on which the decision was served on the student in writing to the address currently held on the Group's student record system. It should be noted that it is the student's responsibility to ensure that all address and contact information is always fully up to date.
- 11.0 Where there is a clear and good reason why an Appeal has not been submitted within this timescale, the Group may exercise discretion and investigate an Appeal submitted outside of the 15 working day timeframe. The reasons for exercising any such discretion will be documented to ensure consistency but it should be noted that each individual case will be explored under its own merits.

Making an Academic Appeal

- 12.0 Formal Academic Appeals should be made on Form AA1 (appendix 1) and should be submitted to the HE Administrator, Room WU001, Wakefield College, Wakefield City Campus, Margaret Street, Wakefield, WF1 2DH (headmin@wakefield.ac.uk). Acknowledgement of receipt will be provided by the HE Administrator within 5 working days (subject to the caveat contained in paragraph 5.0).
- 13.0 Students wishing to make formal appeals relating to Leeds Beckett University courses should contact the HE Administrator on the contact details contained within paragraph 11.0 for details of next steps. Students wishing to make formal appeals relating to University of Hull courses will do so via this process but should note that a right of final challenge to the University does exist.



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- 13.0 The parties concerned are required to submit supporting evidence for consideration by the panel at the same time as submitting the Academic Appeal form. If there is good reason for a student being unable to submit their evidence at this time, they should indicate on Form AA1 the nature of the evidence they will be presenting, the reason it is not immediately available and the timeframe within which it will be submitted. Students should note that evidence should normally be submitted within 10 working days following their submission of the academic appeal.

Academic Appeal Formal Stage: The Appeals Panel

- 14.0 Upon receipt of form AA1, the HE Administrator must immediately inform the Director of Higher Education and an appeals panel shall be convened within 15 working days. The Director of Higher Education will chair the panel, unless they were the Chair of the relevant Exam/Assessment Board, in which case another approved Assessment Board Chair will chair the panel. There will be two other members who should consist of:
- 14.1 The programme leader (or if they were the original assessor/marker, another staff member in the curriculum area who has programme knowledge but was not involved in the original marking process);
 - 14.2 A member of staff with at least one year's experience of second marking and/or internal verification at HE level who is from a different curriculum area to that involved in the Academic Appeal;
 - 14.3 The appellant and the original marker/assessor will also be invited to attend. The appellant may be accompanied by a friend. This friend may not be a lawyer acting in a professional capacity and may not speak on behalf of the appellant unless invited by the Panel to do so. If the student wishes to be accompanied by a supporter they must notify the HE Administrator at least 5 working days prior to the panel meeting date. The student is not obliged to attend, and non-attendance will not invalidate the appeal proceedings.
- 15.0 No person can take part in the academic appeals process if they are a member of staff in the Curriculum Area within which the appellant is enrolled or if they were a member of the Board of Examiners where the relevant decision was made (other than as detailed in paragraph 13.3). Any person who feels they have a conflict of interest relating to the making of a decision relating to an academic appeal **must declare such an interest** and will, as a result, be prohibited from engaging with the process.
- 16.0 The Academic Appeal agenda will consist of the following;



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- 16.1 Panel introductions;
 - 16.2 Case presentation;
 - 16.3 Student evidence, which may include any witness the student deems qualified to provide relevant evidence;
 - 16.4 Where applicable, evidence presented by any witness deemed qualified, by the Panel, to provide expert advice;
 - 16.5 Questions for student and any relevant witnesses (all parties to remain present and have the right to pose questions).
- 17.0 The panel will then make one of two decisions:
- 17.1 Reject the Academic Appeal;
 - 17.2 Uphold the Academic Appeal, thereby declaring the original decision, against which the appeal was made, invalid. The panel must then make one of the following decisions:
 - 17.2.1 That the original decision be reconsidered in light of the evidence provided;
 - 17.2.2 Where the decision relates to a piece of assessment, that the student be permitted to submit a fresh piece of work within a deadline set by the Panel; that piece of work to be treated as a new submission as either first attempt (or second attempt where the appeal is against a resit mark) and subject to a fresh decision as to its appropriate grading;
 - 17.2.3 Where the decision relates to an examination, the student will be entitled to sit a new examination as either first attempt (or second attempt where the appeal is against a resit mark) and subject to a fresh decision as to its appropriate grading;
 - 17.2.4 Any other decision that the Panel deems appropriate subject to the caveat that no Academic Appeals Panel is empowered to award any credit or qualification or raise or lower a mark or degree classification;
 - 17.2.5 The Panel may make other recommendations, for example, regarding future conduct relating to similar decision making;
 - 17.2.6 The Academic Appeals Panel may provide guidance to any relevant Board, Panel or Committee as appropriate.
- 18.0 The panel meeting will be formally recorded by the HE Administrator and copies of the minutes will be sent to the relevant Programme Leader and Head of Curriculum and to the Director of Higher Education.



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19.0 The student will be formally notified of the outcome of the Panel meeting, in writing, within 5 working days of the decision being made. Reasons for the decision will be included in this notification. Once they are finalised, the student will also be sent copies of the minutes of the Panel meeting.

Review of an Academic Appeal

20.0 Where the Panel has rejected a student's appeal, the student may request a review of that decision. A request for review must be sent to the HE Administrator, using the contact detail in paragraph within 10 working days of the student being notified of the decision. Any request received after this timeframe will normally be rejected and a Completion of Procedures letter will be issued to the student.

21.0 A request for review must be based on one of the following two grounds:

21.1 There is evidence of procedural irregularity in the initial consideration of the student's appeal

21.2 There is new evidence available which, for valid reasons, the student had not previously been able to provide.

22.0 A request for review will be referred, by the HE Administrator, to the Executive Director of Curriculum who may make one of the following decisions:

22.1 The original Academic Appeal Panel decision will be upheld;

22.2 Request that the original decision be reconsidered by the original Academic Appeal Panel;

22.3 Recommend the convening of a new Academic Appeal Panel.

23.0 Issues for consideration under a Review are as follows:

23.1 Was the appeal conducted in accordance with the provisions of this Code?

23.2 Has any new evidence been presented which was not previously considered and for which there was a valid reason for non-presentation at the time of the original Academic Appeal?

24.0 The final decision following Review will be communicated to the student in writing, along with the issue of a Completion of Procedures letter, which confirms that all the internal processes of the University have been concluded.

25.0 For students who are enrolled on programmes of study validated by the University of Hull, there is a right for an appeal to be raised with the University once all of the Group's procedures are concluded. Any student wishing to raise an Appeal with the University must do so in line with the University of Hull



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Academic Appeals – UG & PGT process (specific attention is drawn to paragraph 19 of the University's procedure).

- 26.0 Students do have the right to refer a case to the Office of the Independent Adjudicator (OIA), however the rules set by the OIA only permit this once the student has received a completion of procedures letter which confirms that internal procedures relating to the formal, review stage processes are complete. Further details regarding the OIA processes are contained in Appendix 2 of this Code.

Reporting

- 27.0 On an annual basis, the Director of HE will produce an anonymised analysis of formal academic appeals (both internal and those referred on to partner organisations by virtue of their own regulations and procedures) for consideration by the Executive Team and the Board of Governors, which will be embedded within the Group's HE SAR. In addition, Annual Reporting to partner universities and accrediting bodies will contain information relating to formal academic appeals made by students registered to those partners.



Appendix 1: Form AA1 – Academic Appeal Application Form

Prior to completion of this form, you should read the Higher Education Academic Appeals: Code of Practice

You may submit this form as per paragraph 11.0 of the Code (via email, by hand or by post)

If you post the form it suggested that you obtain a Certificate of Posting and that you take photocopies of all documentation submitted

Where you submit photocopies of documentation, UCW reserves the right to request sight of the original documents if necessary

If you are submitting a paper copy of this form, please ensure that any documentary evidence is clearly labelled and on separate sheets

All sections of this form should be completed as any omitted information could lead to a delay in processing your application

1. Personal Information

Name (as it appears on your student ID card)	
Date of Birth	
Student Number	
Correspondence Address	
Telephone Number(s) Please indicate the best number to reach you on	

2. Course Information

Programme of Study	
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Level of Study (please delete as relevant)	L4 L5 L6
3. Assessment Review Information	
Date of Publication of Ratified results	
Modules/Assessments relevant to this Appeal	Please provide module or course name, the individual assessment type (e.g. Report, Examination) and the date of submission/examination
Consequences of the Assessment Board decision (please delete as relevant)	I have been withdrawn from my Programme of study I have failed modules as specified above I am not being allowed to proceed to the next stage/academic year I am unhappy with my award I disagree with the decision of the Board
4. Your Preferred Outcome	
Please indicate the preferred outcome of this Appeal (e.g. right to proceed to the next stage)	
5. Third Party Involvement	
If you have sought advice from a third party please state their name here	



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Do you give consent for this person to be contacted in conjunction with this application?	Yes / No
6. Grounds for Appeal	
Please indicate which of these three grounds are relevant to your application (please delete as applicable). Please read paragraph 8.0 of this Code prior to completing this section	Mitigating Circumstances Procedural Irregularity Bias/Prejudice
Please provide as much information as possible relating to your chosen ground for appeal – if necessary please continue on a separate sheet (typed not handwritten) and indicate on the form how many additional sheets are included. Ensure all questions are answered	
Mitigating Circumstances	<p><i>I wish to make an application on the grounds that my academic achievement/progression was affected by an incapacity that prevented me from following usual procedure and submitting a Mitigating Circumstances application by the required date; or that I was genuinely unable to divulge relevant information prior to the Examination/Assessment Board decision.</i></p> <ol style="list-style-type: none">1. Please give details of the incapacity referred to above2. What were the Mitigating Circumstances that you would have applied for?3. Please explain how these circumstances impacted upon your academic performance4. Please provide details of the documentation you are including as evidence, along with details of the reasons that prevented you from disclosing this information at the appropriate time.



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Procedural Irregularity	<p><i>I wish to make an application on the grounds that my academic performance in the module(s) noted in section 3 above was adversely affected due to a material procedural irregularity which was within the control of UCW and/or its relevant staff, partners or representatives.</i></p> <ol style="list-style-type: none">1. Please state the nature of the procedural irregularity referred to above2. What evidence do you have to support this claim?3. Please provide details of the documentation you are including as evidence
Bias/Prejudice on the part of examiners	<p><i>I wish to make an application on the grounds that my academic performance was adversely affected due to examiner bias</i></p> <ol style="list-style-type: none">1. Please provide details of the alleged bias. Provide as much information as possible about the person(s) involved and their capacity within the UCW's processes and procedures2. What evidence do you have to support this claim?3. Please provide details of the documentation you are including as evidence
7. Declaration	
I declare that the information provided within this form and within any accompanying documentation is correct to the best of my knowledge	



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I give consent for all of the information provided within this form and within any accompanying documentation to be disclosed to any relevant parties involved in my case

I understand that, as per paragraph 27.0 of the Code, anonymised data from this application will be utilised in relevant statistical reporting within UCW and the wider College, and where relevant, made available to Validating Partners or Awarding Bodies. All information provided within this form and within any accompanying documentation will be utilised within the parameters of the General Data Protection Act.

I can confirm that I have read the College's Higher Education Academic Appeals: Code of Practice and the relevant regulations/policy/procedure/code of practice of the Validating Partner/Awarding Body where applicable.

Signed:

Dated:

Prior to submission please ensure that you have:-

- Read the relevant regulations as confirmed in the declaration in section 7 of this form
- Completed all relevant sections of the form
- Clearly identified the grounds for your Appeal application
- Clearly labelled all additional sheets and that they are typewritten
- Included all relevant documentary evidence noted in your application (any late submitted evidence will only be accepted in the circumstances outlined in paragraph 13.0 of this Code)
- Signed the application form (if you are submitting the form by email, a signature is not necessary as your email constitutes a 'signature').
- Kept a copy of the Application Form plus any other submitted documentation for your own records

Please submit this form in accordance with paragraph 11.0 of the Code