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**2023**

# Academic Appeals and Student Case Requests (HE16)

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Description:

This code of practice makes clear the processes that must be adopted within higher education across the TEC Partnership in relation to academic appeals or student case requests made by HE students. This code of practice takes into account the regulatory framework of the Office for Students and the good practice guides issued by the Office for the Independent Adjudicator for Higher Education.

For further advice on how the code of practice works, you should contact the HE Quality Office.

HE Quality Office  
(01472) 311237  
[heqa@tecpartnership.ac.uk](mailto:heqa@tecpartnership.ac.uk)

This document is available in alternative forms by emailing [heqa@tecpartnership.ac.uk](mailto:heqa@tecpartnership.ac.uk)

Version	Change Log
1.3	Addition of OIA to the code of practice
1.3.1	Remove Progression and Standards Committee and replace with Academic Authority and Standards Senior Committee
2.0	-Retitle the Code of Practice -Splits Appeals and Requests for Decisions outside of regulations -Forms Created -East Riding College added
3.0	-Overhaul of code of practice layout to clarify processes to students and staff. -Appeal definitions have been split from the process. -Student case request definitions have been split from the process. -Update Committee names -Update to reflect OIA Good practice guides.

## 1.0 Introduction, definitions, and scope

1.1 All academic appeals and student case requests shall be conducted in accordance with these regulations and the precepts set out in the Office for Students Regulatory Framework, the UK Quality Code for Higher Education, and as embodied in the academic regulations approved by the TEC Partnership governing body, and shall seek to uphold the principles of fairness, consistency, equity and equal opportunities.

1.2 This code of practice applies to all higher education conducted at TEC Partnership including the Grimsby Institute of Further and Higher Education, East Riding College, Modal Training, Scarborough TEC and Skegness TEC.

1.3 It is the responsibility of the Higher Education Curriculum, Quality and Standards Committee (HECQS) to oversee compliance with the Appeals and Student Case Requests Code of Practice, to interpret then where necessary and to issue appropriate guidance.

1.4 HECQS delegates its authority to the Academic Appeals and Student Case Committee, which consists of three voting members from HECQS, the Group Academic Registrar and a member of HE Quality. The members must nominate a chair, and the Group Academic Registrar is not a voting member. Quoracy for this committee is the three voting members from HECQS.

1.5 The Academic Appeals and Student Case Request Committee is not empowered arbitrarily to award any credit or other qualification, to order the raising or lowering of any mark, or Degree classification. However, they are empowered to instruct a Board of Examiners to review a decision.

1.6 Academic Appeals are defined in this process as a request to appeal a formal academic decision made by the assessment process, exam board, committee or panel of TEC Partnership, that has a direct impact on the students progression or award. The grounds for making an academic appeal are covered in section 7.

1.7 Student Case Requests are requests made by students where they wish to have a decision made that is outside of the approved academic regulations of TEC Partnership as a degree awarding body. These are covered in section 10.

## 2.0 Impartiality of Decision-Makers

2.1 No person shall be permitted to take part in the making of a decision regarding an appeal where they have an interest through being a member of the same academic department in which the appellant is registered. Any person who may be involved in the making of a decision regarding an appeal shall be required to declare any interest where they have any other material connection with the appellant and shall thereby be disqualified from being involved in the making of the decision.

2.2 Where a student is making a request for a decision outside of regulations through a Student Case Request, all members of HECQS including faculty staff of the student can be involved providing the quoracy requirements of the committee are met.

### 3.0 Distinction between Appeals and Complaints

3.1 This Code of Practice shall apply only to academic appeals and student case requests as defined in section 1. Other matters of dispute involving a student and TEC Partnership, or department, shall be termed "complaints" and subject to TEC Partnership's HE Code of Practice governing concerns and complaints. Complaints can be submitted here <https://tecpartnership.com/partnership-feedback/#1501672889199-d0950462-b97c>.

3.2 In the event of a set of circumstances legitimately giving rise to grounds for both appeal and complaint the Group Academic Registrar, and the person responsible for investigating the complaint in accordance with the Complaints Code of Practice, shall jointly determine in consultation with the appellant/complainant the manner in which the two matters shall be resolved, and the appropriate timescale. All parties shall ensure that the requirements of the respective regulations are fully adhered to.

### 4.0 Timeliness and management of process

4.1 TEC Partnership recognises that academic appeals can be stressful for staff, as well as for the appellant. These regulations are designed to ensure the interests of staff, including those handling the appeal, and the appellant are safeguarded at all times.

4.2 At all stages of the appeals process, the appellant and/or the TEC Partnership are expected to submit and/or manage an appeal expeditiously.

4.3 Each stage of the appeals process is defined through clear stages and indicative timescales. However, these regulations require that every appeal is fully investigated. This may mean that a response cannot be given as quickly as the appellant or the TEC Partnership would normally wish to, particularly if the appeal is complex or extensive, was submitted during TEC Partnership closure, or at a time when key staff are temporarily away from the work.

4.4 Equally, it is recognised that there may be delays reasoned by necessary absences on the part of the appellant which may mean the appellant is not able to submit their appeal within specified timeframes. Where this is the case, the appellant will be required to submit authentic and reliable evidence to demonstrate why their appeal could not be submitted within the TEC Partnership's indicative timescales.

### 5.0 Privacy, Confidentiality and Data Protection

5.1 All evidence submitted by an appellant in support of an appeal should be treated with respect for the privacy of the appellant, and should be confidential to those members of staff concerned with the

matters raised in the appeal. All staff involved with any appeal in any capacity must ensure that the Data Protection Act (2018) is complied with at all times.

5.2 Exceptionally, the appellant may request in writing to the Group Academic Registrar that information which they specify is not disclosed (save to the appeal panel). The Chair of HECQS Committee must determine whether such exceptional circumstances exist.

5.3 Where the Chair determines that exceptional circumstances do not exist, the Chair (or nominee) must inform the appellant in writing of that decision and the reasons for it and must provide the appellant with the opportunity to have a summary of the evidence, which balances the request for confidentiality against the ability of TEC Partnership to respond to the appeal. If the appellant is unable to accept either option, the appeal shall be deemed to have been withdrawn by the appellant.

## 6.0 Communication

6.1 All communication by TEC Partnership will be to the email account provided by TEC Partnership upon enrolment. It is the responsibility of the appellant to ensure access to this account is maintained. TEC Partnership staff will respond to a request from a personal email addresses once to inform the student that a response has been given to the TEC Partnership email.

## 7.0 Appeals Definitions

7.1 There are four grounds for academic appeal covered in this policy. Maladministration, Assessment Process and Academic Judgement, Regulation Decisions including Exam Boards and Academic Misconduct Appeals.

7.2 Maladministration.

7.2.1 Should a student feel that their academic achievement or progression has been affected by incorrect public information or the misapplication of a code of practice, they should write to the Group Academic Registrar providing details of the issue. This process is with regards to published information by TEC Partnership and issues arising from verbal explanation or hearsay.

7.2.2 The request must be on form HE16A. The appeal must be supported by a clear statement detailing the decision which has been made and how this decision does not match a regulation or code of practice and the impact it has had on achievement or progression. There is an expectation that additional evidence e.g. emails, screen shots, published documents should be submitted with the evidence.

7.2.3 The Group Academic Registrar should check all details, gathering further evidence as required, and come to a judgement whether on evidence produced by a student or any other person, that the student's performance in an examination (or other assessment) was adversely affected by a material administrative error attributable to TEC Partnership or to an agent acting on behalf of TEC Partnership.

### 7.3 Assessment process and Academic Judgement.

7.3.1 The mark to be awarded for an individual piece of work – whether coursework, written examination or similar, and whether formative or summative shall be regarded as the academic judgement of the examiner or examiners, or the Board of Examiners concerned, and as such shall not be appealable under these or any other regulations or procedures of TEC Partnership.

7.3.2 A candidate who wishes to question academic judgement is entitled to ask the examiner, or Board of Examiners to confirm that the work has been marked in accordance with the regulations and procedures of the awarding body, such matters as second marking, and referral to the external examiner. Provided such confirmation is provided in writing, with an explanation of the procedures followed, the matter shall be deemed closed and the mark or other decision upheld. The request must be on HE16A.

7.3.3 The Group Academic Registrar should check all details, gathering further evidence as required, and come to a judgement whether on evidence produced the correct assessment procedures have been followed for the module.

7.3.4 If the Group Academic Registrar is satisfied that the assessment procedures have been followed the appeal is not upheld. The student must be responded to giving the reasons for the decision. This will be to the appellant's email address provided by the TEC Partnership. The appeal shall be considered complete at stage 1a.

### 7.4 Regulations Decisions including Exam Board Decisions.

7.4.1 A student has the right to appeal an exam board decision if they feel the academic regulations have not been applied correctly by a Board of Examiners. An appellant normally has 28 days from the publication of the results to give notice in writing to the Group Academic Registrar of their intention to appeal, stating the grounds for appeal. This can be done by submitting form HE16A.

7.4.2 The Group Academic Registrar should check all details, gathering further evidence as required, and come to a judgement whether on evidence produced by a student or any other person, that the TEC Partnership or to an agent acting on behalf of TEC Partnership has not followed the published academic regulations.

### 7.5 Academic Misconduct Appeals.

7.5.1 A student has a right to appeal the decision of an Academic Misconduct Panel if they disagree with the decision of the panel or if they feel the academic misconduct regulations have not been applied correctly by the Academic Misconduct Panel. An appellant has 14 days from receiving the notification of the Academic Misconduct Outcome to write to submit form HE16A, stating their intention to appeal.

2.5.2 The appeal must be supported by a clear statement detailing the decision which has been made and how they disagree with the decision or the application of the regulations. There is an

expectation that additional evidence e.g. emails, screen shots, assessments should be submitted with the evidence.

2.5.3 Within 14 days of receipt of the appeal, the Group Academic Registrar should investigate whether the academic misconduct panel has correctly applied the Regulations as set out in HE. If further information is requested from the appellant or others, this stage may take longer than 14 days. If this is the case the appellant will be informed of the reasons for this.

2.5.4 If the Group Academic Registrar is not satisfied that the Academic Misconduct Panel followed the correct process and the penalty was proportionate then the Group Academic Registrar will judge the appeal to be upheld.

2.5.5 If the Group Academic Registrar is satisfied that the Academic Misconduct Panel followed the correct process and the penalty was proportionate then the Group Academic Registrar will judge the appeal to be not upheld.

## 7.6 Additional Consideration Appeals.

7.6.1 Should a student feel that the result of an additional consideration decision has not followed the code of practice or has been unfair a student has the right of appeal when submitted within 7 days of the notification of the outcome.

7.6.2 The appellants request must be on Form HE16A including any evidence they wish to submit.

7.6.3 The Group Academic Registrar should check all documents and come to a judgement whether the mitigating circumstances panel should reconsider the case. The application will then be referred to the mitigating circumstances committee for review. This panel should then act independently of the decision to prompt the review and make its judgement on merit in line with the policy HE10 Mitigating Circumstances and Short Extensions.

## 8.0 Appeals Process

8.1 Evidence requirements. All requests for appeals, whether informal or formal, must be supported by a statement from the student and appropriate evidence that supports the request being made. Evidence must fully support the statements being made by the student, and the student must be made aware that failure to provide appropriate evidence can adversely effect the progress of their appeal.

### 8.2 Early Resolution (the informal process).

8.2.1 If a student considers that s/he may have grounds to request a reconsideration of any decision defined as Mitigation and Incapacity, Maladministration, Assessment Process and Academic Judgement, and Regulation Decisions including Exam Boards, they would normally be expected to, in the first instance, attempt to obtain informal resolution of the case by undertaking informal discussion with the appropriate curriculum area manager or nominated representative of their curriculum/subject area, as identified by the Group Academic Registrar.

8.2.2 At the conclusion of the Informal Stage, a written response must be sent by curriculum area manager or nominated representative confirming the decision of the Informal Stage. A copy of the documentation must be provided to the student to serve as a record of the outcome. A copy must also be kept in the student's learning record, and copies may be circulated, in confidence, to members of academic staff involved in the investigation of the facts relevant to the application.

8.2.3 In the event that agreement has not been reached, a student may submit a formal TEC Partnership Academic Appeal Application Form (HE16A). This will at first be investigated by the Group Academic Registrar or representative as a Formal Investigation 1a

### 8.3 Formal Investigation 1a

8.3.1 A formal investigation will be undertaken by the Group Academic Registrar once a completed form HE16A has been received from a student.

8.3.2 The Group Academic Registrar should check all details, gathering further evidence as required, and come to a judgement depending on the subject that has been appealed. More details on this are in section 7.

8.3.3 The process for this should take 14 Days, if investigations are taking longer the Group Academic Registrar must inform the appellant.

8.3.4 In all cases at stage 1b, the appellant will be informed about the actions taken by email to their TEC Partnership email address. If the appellant is not satisfied with the response, then they have the right to ask for 1b formal stage to be enacted by emailing the Group Academic Registrar.

8.3.5 If the appeal is not upheld the student must be responded to giving the reasons for the decision. This will be to the appellant's email address provided by the TEC Partnership. If the appellant is not satisfied with the response, then they have the right to ask for 1b formal stage to be enacted by emailing the Group Academic Registrar.

8.3.6 If the appellant is not satisfied with the response, then they have the right to request the appeal to move to stage 1b. This should be done within 14 days of receipt of response at stage 1a. The exception is a stage 1a appeal for assessment process.

### 8.4 Formal Stage 1b Appeals Committee.

8.4.1 Upon notification of the appellant's written request to progress the appeal to stage 1b, the Group Academic Registrar will convene the Academic Appeals and Student Case Request Committee.

8.4.2 If the appellant requests a move to Stage 1b, the Group Academic Registrar will put together the evidence pack for the committee. The student must be given 7 days in which they can submit any further evidence or a statement to be included in the pack that is submitted to the committee.



8.4.3 The appellant will not be invited to the committee hearing, any evidence from the appellant must be provided to the Group Academic Registrar to include with the evidence pack.

8.4.4 The committee should convene within 14 days of the date the appellant notifying the Group Academic Registrar. In extraordinary circumstances it may take longer for a committee to be convened. If this is the case, then the Group Academic Registrar will write to the appellant to keep them informed of progress.

8.4.5 The Group Academic Registrar should provide the papers and evidence associated with the appeal and those present should decide whether there is a case to answer. The Group Academic Registrar must not form part of the voting process.

8.4.6 Once the committee has reached its decision, the appellant will be informed of the result of the appeal by the Group Academic Registrar in writing and normally within 7 days of the meeting.

8.4.7 The decision of the committee must be communicated to the Chair of the Board of Examiners at the same time as the student is informed. In the event of the appeal being upheld the Board of Examiners will be informed by the committee that there are prima facie grounds for amending the original decision. The Board of Examiners must make those adjustments accordingly which must be subsequently ratified by Higher Education Curriculum, Quality and Standards.

8.4.8 If the appeal is not upheld the student must be responded to giving the reasons for the decision. This will be to the appellant's email address provided by the TEC Partnership or the email from stated on the appeal form. If the appellant is not satisfied with the response, then they have the right to request a review of the academic appeal at Stage 2.

#### 8.5 Formal Stage 2 Review of Appeal.

8.5.1 If not satisfied the appellant may request a review of the decisions by writing to the Group Academic Registrar. They should include any new material evidence which they were unable, through valid reasons, to present earlier.

8.5.2 The Group Academic Registrar will identify a relevant member of SLT or ELT to review the decisions made at Stage 1b. The member of staff must not have been involved in any of the earlier stages of the appeal. The full pack from the earlier stages will be provided to the reviewer.

8.5.3 The reviewer may overturn the decision made by the Academic Appeals and Student Case Request Committee if they find that clear errors were made. If the reviewer feels that a change should be made but it is matter of interpretation, then a referral should be made back to the Academic Appeals and Student Case Request Committee.

8.5.4 The following criteria are used in consideration of the review:

- Were the relevant procedures followed during the formal stage?
- Was the outcome reasonable in all the circumstances?

- Has the student received clear reasons why the academic appeal was rejected at the formal stage?
- If new material evidence has been provided has the student given valid reasons for not supplying this earlier?

8.5.5 If the academic appeal is not upheld, the outcome of the review stage should be communicated to the student in writing by issuing a Completion of Procedures letter as soon as possible and within 28 days. This should include a clear explanation and outline the reasons for the decision in straightforward language. This will help the student decide whether or not to pursue the matter further. The decision should also advise the student about their right to submit a complaint to the Office of the Independent Adjudicators for review (or to partner university appeal where appropriate).

8.5.6 Where an academic appeal is upheld, the TEC Partnership will provide the appellant with a written outcome and explain how and when it will implement any remedy, and where appropriate offer an apology.

## 9.0 External review of appeals

9.1 For students on TEC Partnership or Pearson programmes, once the review stage has been completed, the student is entitled to ask the OIA, the independent ombudsman service, to review their complaint about the outcome of the provider's academic appeals process. The request should be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.

9.2 For students on partner university validated courses once TEC Partnerships procedures have been completed, they have the right to appeal to the relevant university partner.

9.2.1 Students on programmes validated by the University of Hull must make their appeal to the University's Student Case Committee within 15 days of the Completion of Procedures letter.

9.2.2 For students on Pearson programmes, once TEC Partnership procedures have been completed, they have the right of appeal to Pearson and the OIA. Please see appendix 1 for further clarification.

9.2.3 Students on programmes validated by the University of Huddersfield must make their appeal to the DALO.

## 10.0 Student Case Requests Definitions

10.1 There are two grounds for requesting a decision outside of regulations, that can be made by a student, covered in this policy; Mitigation and Incapacity and Requests for repeat years or assessments.

10.2 Mitigation and Incapacity. The code of practice HE10 Additional Consideration and Short Extensions states that students have the right to apply for up to 14 days after an assessment was due.

Should a student feel that their academic achievement has been affected by incapacity, and they have failed to apply for relevant mitigation within 14 days of the assessment or they have had mitigation turned down due to late application because their situation prevented application, then this would be reason for a student case request.

10.3 Requests for Repeat Years of Assessments. Should a student feel that their academic achievement or progression on programme has been affected adversely, for example due to extenuating circumstances in their personal life, then the student can ask for a decision to be made outside of regulations for a repeat year or to repeat a particular assessment.

## 11.0 Student Case Request Process

11.1 A student can apply for a decision to be made outside of regulations by using form HE16B and emailing this to the Group Academic Registrar at heqa@tecpartnership.ac.uk. The application must include a statement from the student setting out the circumstances that have affected them and the student must supply evidence such as pictures, screen shots or other documentation that they have available.

11.2 A Student can make a request at any point in the academic year, however all requests for a given academic year must have been received by 30 September in the following academic year.

11.3 Formal Investigation 1a.

11.3.1 The student must submit their request using HE16B and their request must be supported by a clear statement detailing their case and including any other documentary evidence that supports their case.

11.3.2 The Group Academic Registrar will then check all of the documents and consider whether the case submitted should be considered by the Additional Consideration Panel.

11.3.3 This should take no longer than 14 days, if it takes longer the student must be informed in writing.

11.3.4 If the Group Academic Registrar finds that the case should be reviewed, then any Additional Consideration Panel that sits must operate in accordance with HE10 Additional Consideration and Short Extensions. Any decisions made must be communicated to the Board of Examiners, and consideration should be given to a chairs action so that student progression is not impacted.

11.3.5 if the request is not upheld, then the students must be informed in writing giving the reasons for this decision. The student can request that this moves to a stage 1b review. They have 14 days from the receipt of the response to do this.

11.4 Formal Stage 1b Student Case Request Panel Meeting.

11.4.1 Upon notification of the student's written request to progress the request to stage 1b, the Group Academic Registrar will submit the request to Academic Appeals and Student Case Request Committee. For decisions outside of regulations, the Group Academic Registrar and relevant Head of Area/Head of Faculty can form part of the voting process. The committee must be formally minuted.

11.4.2 Once the committee has reached its decision, the student will be informed of the result of the request for a decision outside of regulations by the Group Academic Registrar in writing and normally within 7 days of the meeting.

11.4.3 The decision of the committee must be communicated to the Chair of the Board of Examiners at the same time as the student is informed. In the event of the student case request being upheld the Board of Examiners will be informed by the committee that there are prima facie grounds for amending the original decision. The Board of Examiners must make those adjustments accordingly which must be subsequently ratified by Higher Education Curriculum, Quality and Standards Committee.

11.4.4 If the request is not upheld the student must be responded to giving the reasons for the decision. This will be to the student's email address provided by the TEC Partnership or the email stated on the appeal form. If the student is not satisfied with the service, proceedings or fairness of the process, then they can complain under HE20 Concerns and Complaints.

## 12.0 Reporting and Monitoring

12.1 The Group Academic Registrar will present analysis to Higher Education Curriculum, Quality and Standards (HECQS) about the number of, outcomes of and lessons learned from appeals and student case requests. This must as a minimum be on an annual basis, and should be as timely as possible to HECQS.

12.2 The Group Academic Registrar will also present an annual report to the Corporations Quality and Standards Committee, containing anonymised analysis of appeals and student case requests which will detail:

- i. the number and reason for the appeals/decisions outside of regulations considered and the outcomes thereof.
- ii. an analysis of appeals/decisions outside of regulations by the characteristics protected by the Equality Act 2010 based on information supplied and consented to at enrolment.
- iii. an analysis of appeals/decisions outside of regulations by full time and part time mode of attendance
- iv. the time taken to complete the process at each stage.
- v. The impact of lessons learned from the appeals.

12.3 Appeal reports make a positive contribution to the TEC Partnership's quality assurance and enhancement frameworks. To this end, anonymous appeals summary reports may be published to staff and students with a view to improving awareness of the procedures themselves but also to

enhance the confidence of students and staff in the transparency and effectiveness of the Partnership's regulations and appeals procedures.

## Appendix 1

Extract from Pearson *Enquiries and appeals about Pearson vocational qualifications and end point assessment policy* (October 2017)

### **Enquiries and appeals for learners taking Higher National Certificates or Diplomas**

2.5 Learners taking Higher National Certificates (HNC) and Higher National Diplomas (HND) in England and Wales may have the option to present their appeal to the Office of the Independent Adjudicator for students in Higher Education (OIAHE). You can check if your centre is a provider that is covered by the OIA scheme [here](#).

2.6 Following the OIAHE process does not prevent learners from pursuing a complaint or appeal with us and they may choose whichever route(s) that they feel to be the most appropriate.

Appendix 2

Academic Appeals Flowchart



