

Higher Education Academic Appeals Policy and Procedure

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Version	Date	New/Replacement	Summary of Changes
1.1		Replacement	Updated contacts, references and links to external partner websites
2		Replacement	Procedure has been revised to reflect current practices and the regulatory framework.
2.1		Replacement	Section 2 - Scope: Updated to apply to Pearson Level 5 Diplomas and reference included to external appeal processes for Skills and Education Group Awards. Section 8 – new section added to provide information on appeals to Pearson.
2.2	Nov 2023	Replacement	Updated grounds for appeal

This document outlines the commitment of UCEN Manchester to ensure that all higher education students have access to an academic appeal process. If you need any further advice on how this procedure works, you should contact the UCEN Manchester Directorate.

Department Contacts: UCEN Manchester HE@ucenmanchester.ac.uk

This document is available in alternative formats on request to the UCEN Manchester Directorate.

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1. Purpose

This policy is designed to:

- Ensure that the student has a clear understanding of how to make an appeal
- Ensure procedural parity between all applicants making an appeal
- Protect the interests of the applicant making an appeal
- Provide scope and a definition of types of appeals
- Enable UCEN Manchester staff to manage appeals effectively

2. Scope

This procedure applies to appeals on academic matters only. If a student is dissatisfied regarding any other matter, they should utilise the relevant LTE Group/UCEN Manchester policy, for example, the Complaints Policy.

An academic appeal differs from a complaint and therefore appeals, and complaints are considered under different procedures. A complaint is defined as a formal expression of dissatisfaction made by a student about either:

- The provision of their programme of study or related academic service/facility.
- Any other service provided by UCEN Manchester.

Therefore, the Academic Appeals Procedure should not be used to bring complaints.

This policy applies to all Higher Education (HE) students who are studying on a UCEN Manchester validated courses, a **Higher National Pearson** course or **Pearson Level 5 Diploma** at UCEN Manchester.

If the course is delivered by UCEN Manchester and awarded by the Skills and Education Group Awards (SEG) e.g., Level 4 Diploma in Therapeutic Counselling, please refer to their policies and procedures:

<https://skillsandeducationgroupawards.co.uk/policies-and-procedures/>

If the course is delivered by UCEN Manchester but is in partnership with a university, then academic appeals need to be directed to the partner university.

In the first instance, speak with the Programme Leader or Head of Department to try and resolve the matter informally.

For the **Manchester Metropolitan University**, please refer to their Academic Appeals Policy and Procedures:

[Procedure for academic appeals and review of assessment-related matters \(mmu.ac.uk\)](http://mmu.ac.uk)

For **Sheffield Hallam University**, please refer to their Academic Appeals Policy and

Procedures:

<https://www.shu.ac.uk/-/media/home/myhallam/university-life/rules-and-regs/study/appeals-and-complaints/appeals-policy-and-procedure.pdf>

For the **University of Huddersfield**, please refer to their Academic Appeals

Policy and Procedures: <https://www.hud.ac.uk/policies/registry/regs-taught/section-9/>

3. Grounds for Appeal

- 3.1.1 An academic appeal can only be based on the following grounds:
- 3.1.2 Assessment
- 3.1.3 Maladministration
 - a material error has occurred in the conduct of assessment, or that the examinations or assessments or the proceedings of the Assessment Board or other relevant body were not conducted in accordance with the relevant regulations or that some other material irregularity in the conduct of their assessment had occurred and that the error, conduct, or irregularity was of such a nature as to cause reasonable doubt as to whether their result might have been different had it not occurred.
- 3.1.4 Incapacity
 - defined as academic achievement or progression being affected by incapacity which has clearly prevented you from submitting a Mitigating Circumstances Application in time for due consideration by the relevant Mitigating Circumstances Board, or where you were unable, for valid and evidenced reasons, to divulge information before the Assessment Board reached its decision.
- 3.1.5 Breach of Regulations
 - Defined as where your performance was adversely affected because an examination (or other assessment) was not conducted in accordance with the current published Academic Regulations.

3.2 Mitigation

the decision of a mitigating circumstances claim decision on either or both the following grounds:

- i) that the decision of the mitigating circumstances claim was not reasonable (including any decision that the claim or supporting

evidence was submitted too late to be considered). If the student's academic achievement or progression was affected by incapacity which clearly prevented the student from submitting a 'Mitigating Circumstances' application in time for due consideration by the Academic Services Panel, or where the student was unable, for valid and evidenced reasons, to divulge information before the Assessment Board reached its decision. The request must be supported by a clear statement detailing the 'incapacity' and/or explaining why the student was 'unable' to submit mitigating circumstances at the appropriate time, together with medical certificates or other documentary evidence acceptable to the Review Panel.

- ii) that the correct procedures were not followed in the consideration of the claim.

If students wish to submit additional evidence to support a mitigating circumstance claim they should submit this through the mitigating circumstances process.

3.3 Academic Misconduct

The decision of an Academic Misconduct Panel on the following grounds:

- i) there is significant and new evidence which could not have been made available to the original hearing;
- ii) that the original hearing was not conducted fairly;
- iii) that a decision of guilt or the penalty imposed was manifestly unreasonable; in this context, unreasonable shall be taken to mean perverse: i.e., that the decision was not a possible conclusion which a similar hearing might have reached.

The Procedure may not be used:

- i) to challenge the academic judgment of UCEN Manchester staff or to challenge Assessment Boards in reaching a decision on progression or on the final level of award, based on the marks, grades and other information relating to a student's performance. Any such cases will be rejected.
- ii) to challenge the academic judgment of Assessment Boards to express dissatisfaction with results where a case cannot be made under section 3.1 above;
- iii) to pursue allegations that poor teaching, supervision or guidance affected performance. These matters should normally be progressed through the Student Complaints Procedure.

4. Compliance with Regulations

All appeals shall be conducted in accordance with these and shall seek to uphold the principles of fairness, consistency, equity and equal opportunities.

5. Impartiality of Decision-Makers

No person shall be permitted to take part in the making of a decision regarding an appeal where s/he has an interest through being a member of the same academic department in which the appellant is registered, or through being a member of the Assessment Board which made a decision against which the appeal is made.

Any person who may be involved in the making of a decision regarding an appeal shall be required to declare an interest where s/he has any other material connection with the appellant and shall thereby be disqualified from being involved in the making of the decision.

6. Underpinning process

UCEN Manchester recognises that academic appeals can be stressful for staff, as well as for the appellant. This procedure is designed to ensure the interests of staff, including those handling the appeal, and the appellant are safeguarded at all times.

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

Each stage of the appeals process is defined through clear stages and indicative timescales; however, this procedure requires that every appeal is fully investigated. This may mean that a response cannot be given as quickly as the appellant or UCEN Manchester would normally wish to, particularly if the appeal is complex or extensive, was submitted during UCEN Manchester closure, or at a time when key staff are temporarily away from UCEN Manchester.

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 UCEN Manchester's indicative timescales.

7. Timescales and Stages

Students studying on programmes validated by an awarding partner/University (other than Pearson) should submit an academic appeal in line with the relevant validating university regulations and any application must be submitted in accordance with the relevant validating university regulations and in line with their timelines. For any appeals submitted to an awarding partner University, a copy should be sent to appeals@ucenmanchester.ac.uk so that progress can be monitored.

Deadlines for Submitting Appeals

Grounds for Appeal	Deadline
Against Mitigating Circumstances decision	Within 14 calendar days of receiving the Mitigating Circumstances decision
Against Academic Misconduct decision	Within 14 calendar days of receiving your Academic Misconduct decision
Material Irregularity	After the Assessment Board within 14 calendar days of receiving the results.

Stage 1

Stage One: Initial consideration by the Academic Services Panel.

The Academic Services team will undertake an initial review of an Appeal. There are two potential outcomes from the Academic Services Panel:

- **A clear error is identified:** this can be addressed without the case being considered by an Appeals Panel. If a change to an assessment status is approved, the appellant will be informed of this and the Appeal will not proceed to an Appeals Panel unless the appellant request this.
- **No clear error identified:** Where an appeal falls within permitted grounds the Appeal will automatically be referred to an Appeals Panel for further consideration. The appellant will be informed of this and will be asked if they would like to provide any further evidence.

If an appeal falls outside the permitted grounds this will be explained to the appellant. Upon receipt of the explanation, the appeal can still proceed but this would need to be requested. The Academic Services Team may also refer all or part of an Appeal for consideration through another procedure such as the Complaints Procedure or the Mitigating Circumstances Procedure. Only those cases that are considered by Appeals Panels will be formally recorded as academic appeals.

Stage 2

Stage Two: Appeals Panel

The appellant will be informed if the case has been referred to an Appeals Panel. If the case is referred, it will be considered by an Appeals Panel. Appeals Panel will

consist of the Panel Chair (Director of Academic Standards), two senior members of curriculum staff with no prior involvement in the case. The appellant will have the opportunity to submit further evidence or an additional statement at this stage should they wish.

As part of the investigation that is undertaken of every appeal, Appeals Panels will consider whether there is evidence of bias or perception of bias, and whether the outcome is reasonable and proportionate in the circumstances.

In exceptional cases, where the facts and evidence of a case are complex or contentious, the Panel Chair may invite students to attend a hearing in person. This is at the discretion of the Panel Chair. Students normally receive a brief summary decision by email within 7 days of the Appeal Panel meeting, followed by a full written report within 28 days.

Stage 3

Stage Three: Review Stage

If the appellant is dissatisfied with the decision of the Appeals Panel, you may request an internal review. This can only be requested on the following grounds:

- That the correct procedures were not followed in the consideration of the case through the earlier stages of the Procedure;
- That the outcome of the Formal Stage of the Procedure was not reasonable;
- That there is new material evidence that for good reason was not available at the earlier stages of the Procedure.

The Reviewer will be the Vice Dean of UCEN Manchester (or nominee) who has had no prior involvement in the case. The Reviewers will be supported by the Academic Services Team. In all cases, reviewers will also be asked to consider whether there is evidence of bias or perception of bias.

If the appellant wish to request a review, they must do so within 14 days of receiving the full written outcome report from the Appeals Panel by e-mailing appeals@ucenmanchester.ac.uk. A Review cannot be requested before receiving this report. Further information about how to request a Review will be included in the report.

The outcome of the Review will normally be communicated within 28 days of the Academic Services Team receiving the request for a Review. If the appeal is not upheld, the students will receive a Completion of Procedures (CoP) letter. If the appeal is upheld students can request a CoP letter. A Completion of Procedures letter allows the appeal to be reviewed by the [Office of the Independent Adjudicator](#) (OIA) (see section 8).

This is the end of the UCEN Manchester Appeals Procedure.

The formal and review stages of this Procedure will be completed within 90

calendar days. The 90-day period will begin when a case proceeds to the formal stage.

8. Reporting procedures for academic appeals

On an annual basis the Director of Quality, Standards and Strategic Partnerships will present a report to the Curriculum Quality and Standards Committee containing an anonymised analysis of formal academic appeals which detail:

- i. the number and reason for the appeals considered and the outcomes thereof
- ii. an analysis of appeals by the characteristics protected by the Equality Act 2010 based on information supplied and consented to at enrolment
- iii. an analysis of appeal by full time and part time mode of attendance
- iv. the time taken to complete the appeal process at each stage

Appeal reports make a positive contribution to UCEN Manchester's quality assurance and enhancement frameworks. To this end, anonymous appeals summary reports must 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 UCEN Manchester's policies and procedures.

9. Appeals to Pearson

Students have a final right of appeal to Pearson, but only if the procedures in place at the UCEN Manchester have been fully utilised or if the student is dissatisfied with the outcome. Further details are given in the <https://qualifications.pearson.com/content/dam/pdf/Support/policies-for-centres-learners-and-employees/enquiries-appeals-pearson-vocational-qualifications.pdf> and the following link can be used to contact Pearson <https://support.pearson.com/uk/s/qualification-contactus>.

10. Office of the Independent Adjudicator

Once all stages of this procedure have been exhausted, students have the right to refer the case to the Office of the Independent Adjudicator (OIA) for Higher Education for further review. An application to the OIA must be made within 12 months of the issue of a Completion of Procedures letter.

The Office of the Independent Adjudicator for Higher Education runs an independent scheme to review student complaints. LTE Group trading as The Manchester College and UCEN Manchester is a member of this scheme. If the student is unhappy with the outcome, they may be able to ask the OIA to review your appeal. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

The student will normally need to have completed the appeals procedure before they complain to the OIA. We will send the student a letter called a

“Completion of Procedures Letter” when they have reached the end of our processes and there are no further steps they can take internally. If your appeal is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your appeal is upheld or partly upheld, you can ask for a Completion of Procedures Letter if you want one within 28 days of the appeal outcome. The OIA must receive a student’s Complaint Form within 12 months of the date of the Completion of Procedures Letter. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: [Completion of Procedures Letters - OIAHE](#) The OIAHE will not deal with complaints about academic judgement but will look at academic appeals.

For students studying on programmes validated by partner University’s, the letter of completion will be issued by the University. For students studying on UCEN Manchester validated courses or Pearson Higher National programmes/ Level 5 Diplomas, UCEN Manchester will issue the Completions of Procedures letter.

If the course is delivered by UCEN Manchester but is in partnership with a university, then academic appeals need to be submitted in accordance with the relevant validating university regulations and in line with their timelines. For any appeals submitted to an awarding partner University, **a copy** should be sent to appeals@ucenmanchester.ac.uk so that progress can be monitored.

This form is to be completed by students on Higher National provision wishing to submit an Appeal.

Appendix 1: Academic Appeal Form

UCEN Manchester Academic Appeal Form

1. Personal Details

Full Name:	UCEN Manchester ID:
Programme Title:	
Address (Please do not give an address you might be moving from in the near future):	
Contact Phone Number:	
Preferred Email Address:	
<i>(Please note – all communication about your appeal will be sent by email)</i>	

2. Disability, Specific Learning Difficulties or Long-term Health Conditions

Are you Disabled or do you have a Specific Learning Difficulty (such as Dyslexia) or a long-term health condition that you believe is relevant to your appeal? *(Please select one of options):*

No, I do not – *Proceed to section 3*

Yes - *Please give further details below:*

3. What Are Your Grounds for Appeal?		
<i>Appeals can only be considered on the following grounds:</i>		Please tick
Appeals against the decision on a Mitigating Circumstances claim:		
Please provide a copy of your Mitigating Circumstances form, statement, evidence, and outcome when you submit this form.)		
1a.	The decision on your Mitigating Circumstances claim was not reasonable.	
1b.	The correct procedures were not followed in the consideration of your Mitigating Circumstances claim.	
Material Irregularity:		
2.	There has been a material irregularity in the conduct of the assessment which casts reasonable doubt on the validity of the result. You will need to explain what material irregularity has occurred and how it has affected your assessment.	
Appeals against a decision of an Academic Misconduct Panel e.g. plagiarism):		
3a.	There was mitigation for your actions that you did not submit to the Academic Misconduct Panel prior to its making a final decision.	
3b.	The proceedings of the Academic Misconduct were not conducted in accordance with the relevant regulations or some other material irregularity occurred.	
3c	There is new material evidence that you were not, for valid reasons, able to submit at an earlier stage of the process.	
3d	That the penalty imposed was disproportionate, or not permitted under the procedure.	

4. Supporting Information	
4.1 – Which Units and Assessments Were Affected?	
Unit Name and Code	Assessment(s) & Weighting

4.2 – What Remedy Are You Seeking?

4.3 – What evidence have you included?

If your Appeal relates to an Mitigating Circumstances claim decision:

- Please provide a copy of your Mitigating Circumstances form, your statement, evidence and the Mitigating Circumstances decision when you submit this form.
- If you have new evidence, **you should submit a new Mitigating Circumstances claim following the Mitigating Circumstances procedure and include your new evidence.**

All evidence must be genuine.

4.4 - Supporting Statement

- **You will need to explain the reasons for your appeal and the effects of this on your assessments.**
- **Continue on a separate sheet if necessary.**

5. Important Information – Please Read Before Submitting

Date Form Completed: _____

By submitting this form you agree to the following:

1 - Privacy Notice

LTE Group (trading as UCEN Manchester) is the Data Controller in respect of the personal data you provide via this form. LTE Group is registered as a Data Controller with the Information Commissioner's Office (ICO), and manages personal data in accordance with the General Data Protection Regulation (GDPR) and LTE Groups Data Protection Policy. UCEN Manchester will use the data in order to investigate your appeal. The content of your appeal will be shared with relevant LTE Group staff as appropriate to facilitate this investigation.

Your appeal data will be retained by the UCEN Manchester until the conclusion of your complaint plus six years. The data will be stored securely by the UCEN Manchester, and will not be shared with any third parties; the exception being if you refer a complaint to the [Office of the Independent Adjudicator](#), there may be a need to share personal data with them in order to respond accordingly. If you have any queries about this privacy notice or the processing of your personal data in managing the appeal process please contact the HE@ucenmanchester.ac.uk. For further information about the processing of your personal data by the LTE Group and your data subject rights please see the [Student Privacy Policy](#).

2 - False Claims

Submission of false or fraudulent documentation is an academic offence, which will be dealt with under the [Disciplinary Policy](#). UCEN Manchester reserves the right to check on the validity of the document(s) submitted by contacting the third party directly.