



**UCQ**  
UNIVERSITY  
CENTRE QUAYSIDE

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# Appeals Procedure

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## 1. Introduction

All University Centre Quayside (UCQ) staff have a responsibility to give full and active support to a student or applicant by ensuring the appeals procedure is known, understood and implemented.

## 2. Academic appeals

The academic appeals procedure is intended to provide a formal means for reviewing a decision made on a student's academic progress or award and resolving the student's concerns in a fair and consistent manner. The Academic Council may consider all applications to intervene or alter the workings or procedures where it is felt that the workings or procedures contravene the principles of natural justice, reasonableness or fairness, when applied to the specific case referred to in the application.

### 2.1 Principles

A student's mark will not be lowered as a consequence of submitting an appeal. Further, the privacy and confidentiality of the student will be respected, and the disclosure of information provided by a student in the course of an appeal will be restricted to those individual officers directly involved in consideration of the appeal. The appeal will be considered in accordance with UCQ's Equality and Diversity Policy.

### 2.2 Grounds for academic appeals

A student may not appeal if their results are not as good as they had hoped or worse than they believe they deserve. Appeals which simply challenge the academic judgement of internal or external examiners or the Board of Examiners are not permitted. Those grounds for academic appeals which are permitted include:

#### 1) Significant mitigating circumstances

There are circumstances that materially affected the student's performance, for which supporting evidence exists **and** these were not known to the Board of Examiners or other academic body at the time the decision was taken, **and** it was not reasonably practicable for the student to make them known prior to the decision being made.

#### 2) Procedural irregularities

There were procedural irregularities in the conduct of examination or assessment procedures of such a nature as to create a reasonable possibility that the result may have been different if it had not occurred.

**NB:** Should there be an established case of procedural irregularity the staff involved shall be investigated directly by the Principal & CEO. All subsequent disciplinary procedures will be undertaken by the Principal & CEO in this case.

### 3) Prejudice or bias

There is evidence of prejudice or bias or lack of proper assessment on the part of one or more of the markers.

## 3. Admission appeals

The appeals procedure for admissions is intended to provide a formal means for reviewing a decision made on an applicant's admission into University Centre Quayside. The Academic Council may consider all applications to intervene or alter the admissions decision where it is felt that the workings or procedures contravene the principles of natural justice, reasonableness or fairness, when applied to the specific case referred to in the application.

### 3.1 Principles

The privacy and confidentiality of the applicant will be respected, and the disclosure of information provided by an applicant in the course of an appeal will be restricted to those individual officers directly involved in consideration of the appeal. The appeal will be considered in accordance with UCQ's Equality and Diversity Policy.

### 3.2 Grounds for admission appeals

An applicant may submit an appeal regarding an admission decision to the Academic Council based on at least one of the following grounds:

- 1) There has been an irregularity in the conduct of the selection, which was material enough to affect the outcome of the application
- 2) If an applicant believes there was an irregularity in the processing of the admissions application, which may have affected the outcome of the admissions decision
- 3) If the decision has been made not to support the application on UKVI academic progression grounds and the applicant believes that the decision would be affected by additional information that was not available at the time of the initial decision

## 4. All other appeals

The appeals procedure for all other appeals is intended to provide a formal means for reviewing a decision made by UCQ with regards to a complaint or other formal decision that has directly impacted the individual. The Academic Council may consider all applications to intervene or alter the formal decision where it is felt that the workings or procedures contravene the principles of natural justice, reasonableness or fairness, when applied to the specific case referred to in the application.

### 4.1 Principles

The privacy and confidentiality of the applicant will be respected, and the disclosure of information provided by an applicant in the course of an appeal will be restricted to those individual officers directly involved in consideration of the appeal. The appeal will be considered in accordance with UCQ's Equality and Diversity Policy.

## 4.2 Grounds for all other appeals

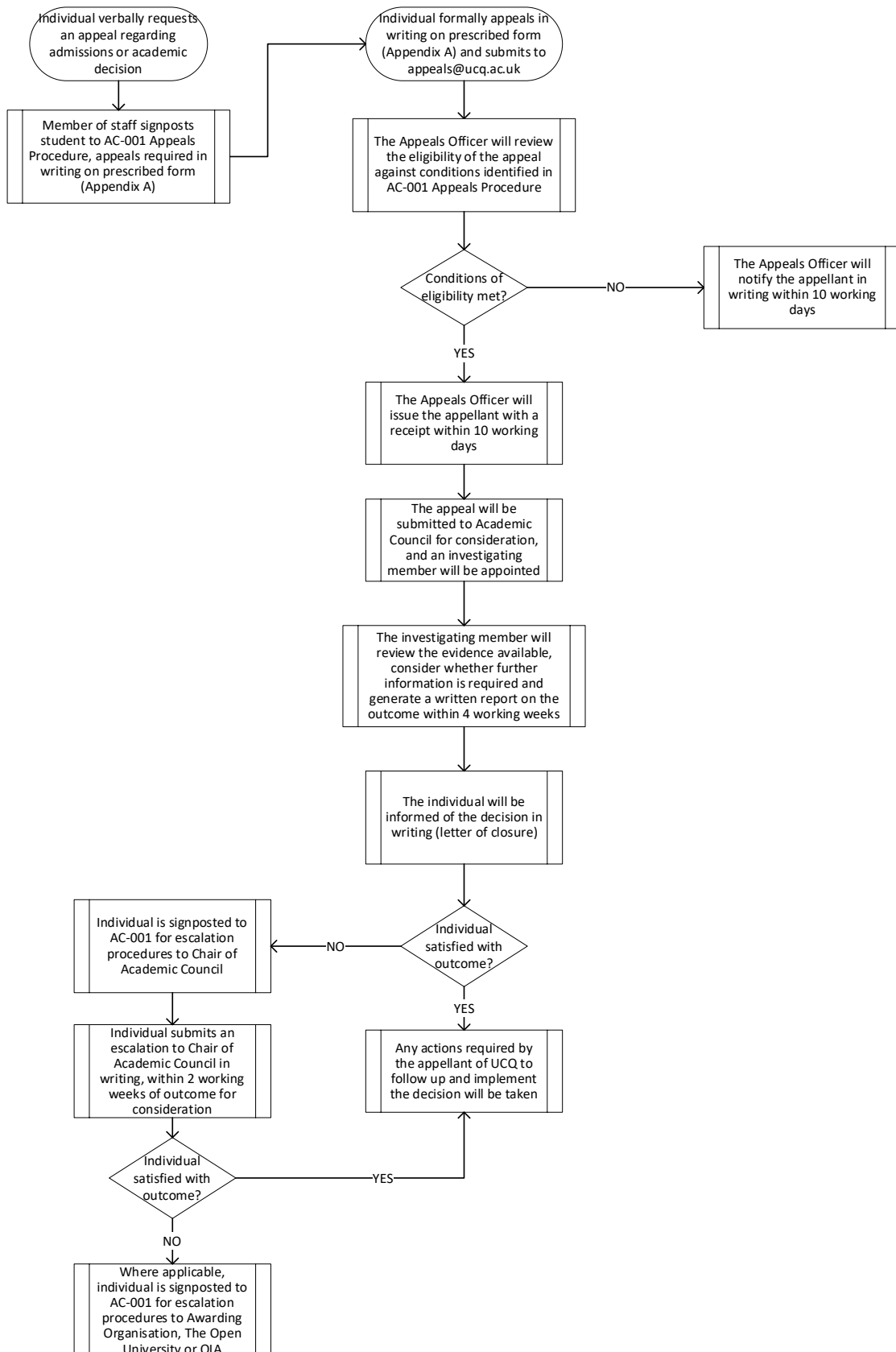
An individual may submit an appeal regarding a formal decision to the Academic Council based on at least one of the following grounds:

- 1) The appropriate policy or procedure was not adhered to or correct procedures were not followed in considering or handling the matter (i.e. procedural irregularity)
- 2) The decision was made without due regard to facts, evidence or circumstances
- 3) The decision, was manifestly incorrect or unjust or the penalty, where applicable, exceeds the nature of the offence.

## 5. Deadlines for all appeals

An appeal must be lodged within four working weeks of the decision of the relevant authoritative body the appeal relates to. An appeal lodged out of time will only be considered where the appellant is able to prove to the satisfaction of the Academic Council that he or she was mentally or physically incapable of lodging an appeal within the prescribed time limit.

## 6. Appeals process



## 7. Lodging an appeal

### 1. Procedure

For an appeal to be formally considered by the Academic Council the appeal must be made, in writing, on the prescribed form (appendix A) and submitted to the Appeals Officer (appeals@ucq.ac.uk). The information provided must include:

- the appellant's full name, student number (where applicable) and signature
- the result or decision for which the appeal is made
- the ground(s) of appeal
- evidence in support of the appeal
- list of any other person(s) who has (have) relevant information

### 2. Evidence

It is important that the appellant submits evidence to support their appeal. It is the appellant's responsibility to obtain the required evidence. UCQ will not contact doctors or others on the appellant's behalf. Evidence must be new and not already submitted and considered by the Board of Examiners or other formal body or department. The evidence must be objective and authoritative and if not provided in English, a certified English translation must be provided at the time of submission.

## 8. Initial review

The Appeals Officer or nominee from the Academic Council will issue the appellant with a receipt (either electronic or printed) within 10 working days of the written application for appeal being submitted by the appellant. Should the appeal not meet the conditions of eligibility as set out below, the appellant will be notified in writing, along with their receipt.

### Conditions of appeal eligibility

To meet the threshold conditions for an eligible appeal, the appeal must:

- have been made in writing on the appropriate form, and bear all of the information requested on the form
- identify the grounds of appeal
- have been received within the identified time limit
- have evidence and grounds which are reasonably arguable

## 9. Consideration of the appeal

Should the appeal meet the conditions of eligibility it will be submitted to the Academic Council for consideration. The Academic Council will appoint an investigating member, who has no conflict of interest with the appeal, who will review the evidence available, consider whether further information is required and generate a written report of the outcome.

The investigating member must reach a decision within four working weeks.

## 10. Outcome

The Academic Council member shall find either:

- that the appeal be dismissed, and the consequent action be implemented/processed as normal; or
- uphold the appeal, in whole or in part, and stipulate specific actions to be taken

## 11. Action following appeal procedure

Within four working weeks, the appellant will be sent a letter of closure setting out the decision that has been made and the reasons for reaching that decision, together with any actions required by the appellant or UCQ to follow up and implement that decision. The letter of closure will also include details of any further right of appeal available if they remain dissatisfied with the final outcome of the institution's procedures. This will include, where applicable, the right to appeal to The Open University.

## 12. Escalation

Should the appellant consider that their appeal has not been properly investigated they may escalate to the Chair of Academic Council to review their appeal. The appellant must submit, in writing, the grounds on which the appeal should be reviewed and the resolution that the appellant seeks. This review will only be considered further by Academic Council where:

- the request for review has been received by the Chair of Academic Council within 2 working weeks of the notification of the outcome of the appeal; or
- there were procedural irregularities in the investigation; or
- new evidence can be presented which could not reasonably have been available to the investigator of the appeal

This will be the final route of escalation within UCQ. Therefore, if the appellant remains unhappy after following the internal appeals procedure, the appellant must follow the process in sections 13 to 15.

## 13. Academic and admissions: Escalation to Awarding Organisation

If the appellant remains unhappy after following UCQ's internal appeals procedure, they will need to contact the Awarding Organisation directly. Contact details of the Awarding Organisation can be found on their website. To confirm who the relevant Awarding Organisation is, please contact the UCQ Student Services Team on 0191 275 5015 or review the Individual Learning Plan (ILP).

Should the appellant address the appeal to the relevant Awarding Organisation and remain unhappy with the outcome, they may raise the appeal with the relevant qualification regulator. Either a representative of UCQ or the Awarding Organisation will be able to offer guidance on the appropriate qualification regulator in each instance and provide contact details.



## 14. Academic and admissions: Appeals to the Open University

For those studying on the BA (Hons) Professional Management, the Awarding Organisation is The Open University. There shall be a final right of appeal to The Open University against a decision of the Academic Council only if the appeal meets the following criteria:

- the appeal relates only to a programme that has been validated by the Open University;
- all appropriate internal procedures at UCQ have been exhausted;
- there are reasonable grounds to believe that UCQ's internal procedures and regulations for dealing with appeals were not implemented correctly or fairly.

For academic appeals, the final right of appeal to the Open University must also relate to either:

- progression from one stage of the programme to the next; or
- a final award;

## 15. Office of the Independent Adjudicator (OIA)

UCQ subscribes to the independent scheme for the review of **higher education student** complaints. Once UCQ's internal procedures have been exhausted and the appellant remains dissatisfied after escalating their case to The Open University, they may be able to apply for a review of the appeal to the Office of the Independent Adjudicator (OIA), providing that the appeal is eligible under its Rules.



This Appeals Procedure aligns to the good practice framework as published by the OIA in December 2016.

16. Initial equalities impact assessment

<b>Department:</b> All	<b>Completed by:</b> Tara Henderson, Head of Policy & Governance	<b>Date of initial assessment:</b> 20/03/2021
<b>Area to be assessed:</b>	AC-001 Appeals Procedure	
<b>Existing or new policy/procedure:</b>	Existing	
<b>What evidence has been used to inform the assessment and policy? (please list only)</b>		
<b>External guidance and requirements:</b>		
<ul style="list-style-type: none"> <li>➤ OIA Good Practice Framework</li> <li>➤ QAA UK Quality Code; <i>Concerns, Complaints and Appeals</i></li> </ul>		
<b>Internal guidance and requirements:</b>		
<ul style="list-style-type: none"> <li>➤ Consultation with Senior Leadership Team</li> </ul>		

<b>1. Describe the aims, objectives or purpose of the policy/procedure</b>	<p>This procedure sets out UCQ’s arrangements for appeals.</p> <p>All University Centre Quayside (UCQ) staff have a responsibility to give full and active support to a student or applicant by ensuring the appeals procedure for both admission and academic appeals is known, understood and implemented.</p>			
<b>2. Which stakeholders/groups are intended to benefit from this policy/procedure?</b>	All stakeholders			
<p><b>The Equality Act 2010 requires public bodies to have ‘due regard’ to the need to:-</b></p> <p>(1) Eliminate unlawful discrimination, harassment and victimization</p> <p>(2) Advance equality of opportunity between different groups; and</p> <p>(3) Foster good relations between different groups</p>	<p><b>3. Could the policy/procedure have a disproportionately negative effect impact in terms of the aims set out in (1) to (3) of the Act on any of the protected characteristics?:-</b></p> <p><b>High</b></p> <p><b>Medium</b></p> <p><b>Low</b></p> <p><b>No effect</b></p>	<p><b>4. Briefly explain how the policy/procedure furthers or prevents the aims set out in (1) to (3).</b></p>	<p><b>5. If there is a disproportionately negative impact on any protected characteristics, can it be justified on the grounds of promoting equality or any other reason? If yes, please explain.</b></p>	
<b>Protected characteristics</b>	<b>Age</b>	No effect	Not applicable	Not applicable
	<b>Disability</b>	No effect	Not applicable	Not applicable
	<b>Gender</b>	No effect	Not applicable	Not applicable
	<b>Gender reassignment</b>	No effect	Not applicable	Not applicable
	<b>Marriage and Civil Partnership</b>	No effect	Not applicable	Not applicable
	<b>Pregnancy and Maternity</b>	No effect	Not applicable	Not applicable
	<b>Race</b>	No effect	Not applicable	Not applicable
	<b>Religion or Belief</b>	No effect	Not applicable	Not applicable

	<b>Sexual Orientation</b>	No effect	Not applicable	Not applicable
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<b>6. Has there been any consultation/engagement with the appropriate protected characteristics?</b>		Not applicable as no negative PC impact identified
<b>7. What action(s) will you take to reduce any disproportionately negative impact, if any?</b>		None required
<b>8. Based on the information in sections 1 to 7, should this policy/procedure proceed to Full Impact Assessment? (recommended if one or more 'High' under section 2)</b>		No
<b>Assessor signature:</b> 	<b>Approved by:</b> Michelle Elliott 	<b>Date approved:</b> 20/03/2021

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## Appendix A - UCQ Appeals Form

### **Applicant Appeal**

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Name of applicant: \_\_\_\_\_

Student No. (if applicable): \_\_\_\_\_

Applicant signature: \_\_\_\_\_

Relevant programme (if applicable): \_\_\_\_\_

Date of decision: \_\_\_\_\_

### **Section 1: Result or decision for which the appeal is being made**

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### **Section 2: The ground(s) for appeal**

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### **Section 3: Evidence in support of the appeal**

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### **Section 4: Information of any other person(s) who has/have relevant information**

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