Fairfield School of Business

# Appeals Policy and Procedure

Version 4.4

Approved by the Board of Governors

Last Amendment: August 2020

The following sets out procedures for receiving and considering students' appeals against formal decisions made by the School, which may affect their academic or enrolment status.

It has been reviewed and developed in line with the *UK Quality Code for Higher Education* and takes on board the Code's accompanying guidance with regard to Complaints, Concerns and Appeals; due regard is also given to the Office of the Independent Adjudicator (OIA)'s *Good Practice Framework*

Note: This Policy does not cover appeals against admissions decisions; applicants challenging a decision by the School not to make an offer of study should refer to the Admissions Policy.

## Document Information

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*The document owner is responsible for maintaining and updating the content of this document and ensuring that it reflects current practice at the School.

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## 1. Principles for Handling Appeals

1.1. The following sets out the policy and procedures for handling students' appeals against formal decisions made by Fairfield School of Business (FSB), or by its awarding bodies, which may affect their academic or enrolment status.

1.2. FSB works in partnership with its awarding bodies to ensure that:

i. all appeals are handled in manner which is fair, objective and timely to facilitate speedy resolution;

ii. no student will be discriminated against or in any way disadvantaged as a result of having made an appeal, regardless of whether or not the appeal is upheld;

iii. specific procedures are readily accessible to students, taking into account equality and diversity issues and barriers to access;

iv. training and guidance is available for staff in conducting appeals procedures or complying with awarding bodies' procedures;

v. where possible and to maintain impartiality, staff dealing with any stage of escalation of an academic appeal will not have been involved in any of the previous stages, except in an advisory capacity where required;

vi. appropriate action is taken promptly following an appeal process, and such actions are recorded, monitored and reviewed for the purpose of supporting continued enhancement;

vii. students submitting an appeal are treated respectfully and courteously at all times throughout the appeals process; the substance of an appeal and any supporting evidence submitted will be treated in confidence and in accordance with the School's *Data Protection Policy*.

1.3. FSB's procedures for handling students' complaints, concerns and appeals are informed by the Office for the Independent Adjudicator (OIA)'s Good Practice Framework; students who remain dissatisfied with the way FSB or their course's awarding body has handled their appeal may have recourse to request a review of the matter by the OIA, once the appeal procedure has concluded.

1.4. In all instances, appeals must be submitted within 10 days of notification of the decision the student wishes to appeal; FSB will assist students in the process of submitting an academic appeal in the correct format.

1.5. FSB will attempt to resolve all appeals within 90 days of an appeal being submitted, and where this is not possible will explain to the student in good time the reason for the delay.

1.6. Upon induction to the School, students will be made aware of their right to appeal formal decisions made by the School affecting their personal studies. Guidance on submitting an appeal will be given within Student Handbooks. Student Support staff will additionally provide assistance to any student seeking to lodge an appeal.

## 2. Definition and Scope

2.1. For the purposes of this policy, an appeal is defined as: "a request for a review of a decision of an academic body charged with making decisions on assessment, student progression and awards". The School will ensure that appeals procedures are flexible enough to accommodate issues which fall under more than one process (for example disciplinary or attendance-related issues decisions). This policy does not however apply to:

i. Those applying to study at the School (see Admissions Policy, Procedure and Regulations); and

ii. Third parties wishing to raise an appeal on behalf of a student, for example parents, guardians, relatives or the spouse or partner of a student.

2.2. This policy applies to all FSB students, including students who have left the School within the 40 working days prior to lodging an appeal (including recent graduates). Only in exceptional circumstances will appeals be considered outside of this timescale. Appeals may additionally be brought by groups of students affected by a common issue.

## 3. Grounds for Appealing a Formal Decision

3.1. This policy may be used to challenge:

a. a particular assessment result (only if based on a claim of procedural irregularity, as defined below);

b. a decision by the Assessment Board;

c. a decision that a student is to be withdrawn from the School (other than as a result of disciplinary/academic offences) e.g. because s/he has failed to satisfy the attendance or attainment requirements;

d. A decision that Academic Misconduct has occurred and/or the application of penalties or sanctions;

e. A decision to refuse to grant special consideration for mitigating circumstances.

3.2. Such appeals may be made where there is compelling evidence of:

i. Procedural or administrative errors where the process leading to the decision has not been carried out correctly. This would include arithmetical or other errors of fact;

ii. Irregularities in the conduct of procedures leading to the decision in question, that can be shown to have had a tangible effect on the outcome of the decision itself;

iii. bias or an unacknowledged conflict of interest where this can be shown to have had a tangible effect on the decision;

iv. exceptional mitigating personal circumstances which were not known to the School, and where the student can show good reason why such circumstances could not have been notified to the School using the Mitigating Circumstances Procedure before the decision was passed – these will be referred to the Mitigating Circumstances Panel

3.3. The following circumstances will not be considered grounds for appeal:

- Perceived past shortcomings in tuition, communicated instructions, supervision or support not previously raised with the School cannot be considered as grounds for appeal. Students should use the School's Complaints procedures to address these issues as they arise.

- Disagreement with the academic judgment of an Assessment Board, and the student will not be permitted to argue the academic merits of his/her work. The student's feeling that the result unfairly reflects the merit of their work or their ability does not constitute grounds for appeal.

## 4. Deadline for Appeals

4.1. Appeals should be submitted within 10 working days of the student receiving notification by letter or email of the decision they wish to appeal against (or the publication of assessment results) unless a different date has been agreed.

4.2. An appellant, who is unable to lodge an appeal within the 10 working day period shall, within that period, submit a declaration of intent by letter/email to do so with the Registry Office, who may impose a time limit for the submission of the full appeal. Any appeal submitted beyond these limits

must include reasons and evidence showing why, through no fault on the part of the student, the request could not have been made within the time limit.

4.3. The Head of Registry will make a prima facie judgement as to whether the Appeal has been made of any of the above grounds; if it does not, the appeal will be rejected summarily and the student will be informed by letter/email of the reasons. Any such decision will be made within 10 working days of receipt of the appeal.

## 5. Submitting an Appeal

5.1. All appeals shall be made on the Application for Appeal Form, which is available on the Virtual Learning Environment or can be requested from the Student Support Team. The form should be submitted to the Registry Office at the below address and shall include a statement indicating which of the grounds set out in 3.2 the appellant wish to base their appeal on and a statement of the facts that constitute the basis for the appeal.

*F.A.O Head of Registry;*
*THE CITYLINK WEST, 2 ADDISCOMBE ROAD,*
*CROYDON, CR0 5TT*

Or submitted electronically to: registry@fairfield.ac

5.2. If the Registrar considers that these facts are not adequately stated, they may require the appellant to submit a further statement and may prescribe time limits within which any such statement shall be submitted. Any such response will be made within 10 working days of receipt of the appeal.

## 6. Appeals Procedure

6.1. When all relevant information has been gathered together and advice sought, an initial decision as to whether or not the appeal is admissible will be made by the Registry Office on the basis of the evidence available and advice from relevant officers; this initial decision will be made within 20 working days of receipt of the appeal, and the student notified of the outcome by letter/email.

6.2. Where the appeal request does not constitute sufficient grounds for an appeal (i.e. does not satisfy any of the grounds for appeal given above, or there is insufficient supporting evidence presented), the case will be considered inadmissible. This includes instances where:

- the student has provided no substantial, relevant evidence of a procedural irregularity or no third-party evidence has been provided of prejudice or bias.

- the procedural irregularity claimed by the student clearly could not have affected the decision to an extent that would have led to a different decision.

- the student has provided no substantive reasons as to why evidence of mitigating circumstances could not have been provided at an earlier time.

6.3. If the appeal is considered inadmissible, a letter/email with the reasons for the decision will be sent to the student.

6.4. Where it is believed that there may be grounds, the appeal will be considered to be admissible and it will be considered by the Appeals Panel the appellant will be notified of the outcome of the Appeals Panel's decision by letter/email within 20 working days of the referral by the Registry Office.

*6.5.* Appellants should note that the original decision will be considered to be 'in-effect' whilst the appeal is being investigated; lodging an appeal will not usually have the effect of temporarily suspending the original decision. However, the School may, at its discretion, postpone certain actions resulting from the original decision until the matter has been fully investigated.

## 7. The Appeals Panel

7.1. Appeals which satisfy the grounds given above and for which credible evidence has been presented, will be reviewed by the School's Appeals Panel. The membership of the Panel will vary to ensure that no person involved in the original decision under review has any influence over the outcome of the Panel's deliberations.

7.2. The Appeals Panel will act as an advisory body and will make recommendations to the appropriate managers or decision-making bodies, with the expectation that such recommendations will be implemented or, where this not possible, referred back to the Panel with good reason.

7.3. The Panel will be guided by principles of natural justice and will make its recommendations based upon the evidence presented to it, ultimately arriving at one of the following courses of action:

i. REJECT: If the Panel believes that the original decision was fair and does not contravene School regulations or policy the appeal will be rejected. An appeal may also be rejected because the grounds for appeal are not clearly stated or the appeal has been received late.

ii. **UPHELD:** If the Panel believes that the original decision was unfair or contravened School regulations it will decide to uphold the appeal. If this happens, the Panel will write to the relevant academic committee recommending a course of action to resolve the situation.

iii. **DEFER:** If the Panel believes that further information is required before it can make a decision it will defer the case and ask the relevant Registry Officer to write to the student requesting more details. Where a case is deferred, every effort will be made to obtain the additional information in time for the case to be considered at the next meeting.

7.4. The outcome of the Appeals Panel will be distributed to the appellant and all other stakeholders within 2 working days of a Panel meeting being held. This communication will detail the Panel's rationale concerning its recommendations and confirm any outstanding actions to be taken by the School.

*NB: Appellants should note that when an appeal is upheld regarding the marking of an assessment, the Panel cannot substitute the appealed mark with one of its own or make a judgment on the quality or standard of a student's work; in this instance the Panel's recommendations will be provided to the relevant Assessment Board who will coordinate a reassessment of the work before ratifying the new grade with the awarding body.*

## 8. Review of Procedures

8.1. If a case is rejected by the Appeals Panel, a student may submit a revised case to the Registry Officer by completing the *Review Stage 1 Academic Appeals Form*, within 10 working days of receiving notification of the outcome of their appeal.

8.2. An application for review can only be made in the following circumstances: -

- if the student has new evidence that was not available or could not reasonably have been obtained in time for consideration by the Academic Appeals Panel;
- there was a procedural error in the consideration of the appeal by the Academic Appeals Panel that contravenes this policy.

8.3. Where a request to review the Appeal Panel's decision is received, it will be referred to the Principal, who will either: -

i. refer the matter back to the next Academic Appeals Panel for reconsideration at the earliest opportunity (within 30 days of the review request or where practical to do so), with their comments. The membership of the Panel may be different to previous one to ensure its impartiality;

ii. overturn the decision and substitute their own; or

iii. refuse the appeal; the appellant will be immediately notified of the Principal's decision and the rationale behind it in writing.

8.4. Where an appellant remains dissatisfied with the outcome of an appeal after the School's procedures above have been concluded, they may have recourse to request a review of the decision by the awarding body:

i. **Students on Higher National Award (HNC/HND) programmes validated by Edexcel (Pearson)** should direct enquires to vocationalqualitystandards@pearson.com within 14 days of the Appeal Panel's Outcome. The Panel's official outcome letter should be attached as evidence of internal procedures being fully carried out by FSB.

ii. **Students on undergraduate and degree top-up courses validated by London Metropolitan University** should submit their enquiries to casework@londonmet.ac.uk within 10 days of the Appeal Panel's Outcome. The Panel's official outcome letter should be attached as evidence of internal procedures being fully carried out by FSB.

8.5. Any further actions arising from the awarding body's consideration of the appeal will be agreed between the School and the awarding body, and will be promptly notified to the appellant in a Completion of Procedures (CoP) letter, which will set out in detail the steps taken in considering the appeal, any action taken to resolve it and the rationale for the School and the awarding body's final decisions. The CoP letter will advise students of their potential eligibility to request a review of the matter by the office of the independent adjudicator.

8.6. **The Completion of Procedures letter will mark the conclusion of the internal appeals process.**

## 9. Review by the Office of the Independent Adjudicator

9.1. The School subscribes to the scheme for the independent review of complaints and appeals by Office of the Independent Adjudicator (OIA). Appellants who believe their appeal has not been properly or fairly handled by the School or the awarding body can request for an independent review to be conducted by the OIA; where such requests are eligible for review, the OIA will investigate in accordance with its rules.

9.2. An appeal to the OIA must be made within 12 months of the date of the Completion of Procedures Letter, and should be submitted using the OIA's complaints form, which can be found here: http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx

## 10. Fair Treatment of Appellants

10.1. FSB seeks to preserve an environment in which students feel confident in challenging formal School decisions where they have reasonable grounds to do so, without fear of intimidation or reprisal. Where a student feels that they have been victimised or unfairly placed at a disadvantage as a result of having made an appeal, regardless of the outcome of that appeal, they should pursue this using the Student Complaints Procedure.

## 11. Protection of Personal Data

11.1. Staff members presiding over the appeals process will routinely be in receipt of potentially sensitive information regarding students' personal or medical circumstances in order to make sound and informed judgments. This information will be treated as controlled information in accordance with the *Data Protection Act (2018)* and shared only in the strictest confidence as per the guidance set out in the School's Information Sharing Procedure and Data Protection Policy.

11.2. Student or applicant information provided to Panel members will not under any circumstances be shared externally to the committee without redaction or removal of sensitive information with the exception of where this information is provided to the Principal.

## 12. Review and Update of this Policy

12.1. This Policy will be periodically reviewed by the Head of Registry to ensure it remains fit for purpose and consistent with all awarding body and external regulatory. Changes to this policy will be reviewed by the Executive Committee, and ratified by School's Board of Governors.

## Version History

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