



FORMISSION

Appeals Policy and Procedure 2023-24

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1. Appeals against the results of examinations and assessments

- 1.1 This policy and procedure relating to academic appeals was developed to comply with the UK Quality Code Chapter B9 Academic appeals and student complaints (April 2013) and with the Good Practice Framework for Handling Complaints and Academic Appeals (December 2014). It is reviewed annually in light of the current guidance from the following:
- The Quality Assurance Agency for Higher Education (QAA), UK Quality Code for Higher Education, Advice and Guidance for Concerns, Complaints, and Appeals.
 - The Competition and Markets Authority (CMA) guidance for higher education.
 - The Office of the Independent Adjudicator for Higher Education's Good Practice Framework.
- 1.2 This policy and procedure are subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability.

Policy

2. Policy introduction

- 2.1 This is the procedure to follow if you want to appeal a decision of the Board of Examiners for Progress and Award, Collaborative Partners Board, or of the Subject-area Assessment Panel ("the examiners"), or Academic Offence Meeting
- 2.2 You can appeal:
- a) the decision not to award you a degree
 - b) the class of degree you receive
 - c) the decision to terminate your study
 - d) the decision on whether you can progress within your programme
 - e) the opportunity for a re-assessment
 - f) the mark you were awarded for an assessment (excluding formative assessments)
- 2.3 You cannot appeal against the academic judgement of the examiners. This is a decision where the opinion of an academic expert is needed, for example, the academic merit of an assessment. You do not have the right to demand any re-marking or moderation of an assessment.
- 2.4 This appeals procedure may only be used where you are seeking to have an examiners' decision reviewed. If you are dissatisfied with teaching or other service provision, you should use the complaints procedure instead. If you submit an appeal that the Vice Principal believes would be more appropriately dealt with as a complaint, the College may

- decide to follow the complaints procedure instead of or as well as the appeals procedure.
- 2.5 These rules apply to all students currently on a course of study leading to a York St John University award from ForMission College, and also to all students currently on a course of study leading to a Newman University award from ForMission College. It also applies to former students who have graduated or exited, as long as the appeal is lodged within 3 months of completion / exiting the programme.
 - 2.6 This procedure applies to you if you are a current student, which includes distance learners and those students who are taking a suspension of studies.
 - 2.7 Indicative timescales for the College's response are provided below. The College will do its best to abide by the time limits set out in these procedures, but it may not always be possible to do so. The College aims to complete all the steps described in this procedure within 90 calendar days of the start of the appeal.

3. Principles

- 3.1 The appeals procedure shall be implemented with due regard to the need to eliminate discrimination, harassment, and victimisation, advancing equality of opportunity, and fostering good relations. The procedure applies equally to all students irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, ethnic origin or national identity, religion or belief, sex, or sexual orientation.
- 3.2 The College is committed to procedures that are fair and transparent, and decisions that are reasonable and have regard to law.
- 3.3 All staff involved in investigating and deciding your appeal will do so impartially. No staff members with a material personal interest in the appeal will be involved in investigating and deciding the appeal.
- 3.4 You will not be treated less favourably by the College as a consequence of making an appeal. You can expect your appeal to be dealt with seriously and constructively, once it is made in good faith.
- 3.5 Where an appeal is upheld, the College will offer what it deems to be an appropriate remedy.
- 3.6 As a general rule, the College does not pay any expenses incurred by a student as a result of an appeal. In exceptional circumstances, the Vice Principal has the discretion to offer a payment to meet reasonable and proportionate incidental expenses arising from the appeal.
- 3.7 As a general rule, the appeal can only be started and progressed by you personally. Nobody can do it on your behalf. (This does not affect your right to have a supporter during a Committee hearing as set out below). In exceptional circumstances, at the discretion of the Dean of Studies, a third party may submit an appeal on your behalf if you provide written consent and a reason deemed acceptable by the Dean of Studies. If either your supporter or representative behaves inappropriately at any stage during the appeal, they will be asked to withdraw their involvement. The College will not unreasonably withhold permission for a student to be represented by another.

- 3.8 Where the issues raised affect a number of students, you may submit a group appeal. The College retains the discretion to communicate directly with some or all of the students individually, particularly where the substance or circumstances of the appeal differ, and to reach different decisions where it deems this to be appropriate. In processing a group appeal, the College may ask the group to nominate one student to act as group representative, to communicate on the group's behalf with the College and to liaise with the other students. Each student needs to communicate in writing to the Vice Principal their wish to be represented by the designated individual.
- 3.9 You may withdraw the appeal at any point in the process by sending a letter or email marked "withdrawal of appeal" to studentservices@formission.org.uk. Once the appeal has been withdrawn, it cannot be reinstated.
- 3.10 Details of your appeal will be kept confidential, except where the disclosure is necessary to progress your appeal or implement a decision on the appeal, or where it is required by law or in the public interest. If there are elements of your appeal that are particularly sensitive and you have particular concerns about their confidentiality, you are welcome to indicate this fact to the Vice Principal who will discuss with you how disclosure can be minimised.
- 3.11 You are responsible for providing all the necessary supporting documentation related to your appeal. Those deciding your appeal will draw any conclusions they see fit from this material.
- 3.12 You have the right of access to information and documents that have informed the decision, subject to considerations of privacy, confidentiality and the reasonable interests of any third parties.

4. Grounds for appeal

- 4.1 You can appeal against an assessment decision if you believe and have evidence that any of the following apply:
 - a) There were relevant mitigating circumstances (for example, illness), and you have a good reason for failing to notify the examiners of these sooner. Normally you must inform the examiners before the results of the assessment are published, by using the extensions request policy. A 'good reason' means that circumstances beyond your control prevented you from disclosing the relevant circumstances at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances are not considered 'good reason' for the purposes of an appeal.
 - b) You did notify the examiners earlier about mitigating circumstances or some other disruption of the assessment process, but there is clear evidence that the mitigating circumstances procedure was not correctly followed. The fact that you disagree with the way in which your mitigating circumstances were considered is not in itself grounds for appeal.
 - c) A procedural irregularity has occurred; the assessment was conducted unfairly or

improperly; the assessment was biased.

5. Support and advice before making an appeal

- 5.1 Before making an appeal, the College recommends that you request an informal discussion with appropriate staff from your Hub. This is to ensure that you fully understand the decision, the reasons behind it and the implications for your progression and/or award. Your results will not be changed as a result of this discussion, but it may help you to clarify whether an appeal is an appropriate step to take. It is important to understand that the College must maintain academic standards, so an assessment outcome will only be changed as a result of an appeal where there is clear evidence that the original outcome was unsound.

6. Records, monitoring and review relating to the policy and procedure on appeals against the results of examinations and assessments

- 6.1 The College will keep and dispose of all correspondence relating to appeals in accordance with its data protection policy.
- 6.2 A report on appeals and their outcomes will, if relevant, be produced annually and submitted to the ForMission Board for consideration. This process will ensure appropriate monitoring of all appeals and related outcomes and is intended to facilitate learning from appeals.
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Procedure

7. How to appeal

- 7.1 Appeals should be made by emailing studentservices@formission.org.uk or by post to the Vice Principal setting out the circumstances and nature of the appeal. If sending it by email, you are advised to request a “read receipt”. Appeals must be written and submitted by the student only. Students may receive appropriate assistance from a student rep. Appeals that are written and/or submitted by another third party, including a member of staff, will not be considered.
- 7.2 In the email/letter, you must make a full statement of all grounds of appeal and provide all necessary supporting evidence. This may include copies of emails to and from academic staff concerning your issue, death certificates, and notes from doctors concerning health conditions. You will generally not be allowed to introduce new material later in the appeal process. Supporting evidence should be provided in English. Where the original document is in another language, you must provide both the original document

and a translation into English. This need not be a professional translation – you may provide your own translation. You can expect the College to check the accuracy of your translation.

- 7.3 The deadline for submission of appeals is 20 working days following the publication of results. Where your progression is affected, you are advised to appeal as soon as possible. Even if your appeal is successful, your progression may still be delayed as a result of the time taken by the appeal process.
- 7.4 Appeals received beyond the specified time period will not normally be considered. Special consideration will only be given exceptionally, where you provide a substantiated, valid reason for any delay, in writing and in conjunction with the late submission. If you believe that a valid, substantiated reason for the delay has been provided but not accepted, you may challenge the decision not to accept by emailing studentservices@formission.org.uk or by post to the Vice Principal within 10 working days of the decision. If the Vice Principal agrees with the challenge, the appeal will be considered in the usual manner described below. If the Vice Principal does not agree with the challenge, an outcome letter will be issued which will allow you to raise the outcome with Committee for Appeals (see 9 below).
- 7.5 You should expect to receive an acknowledgement of your appeal within 3 working days. If you have not received an acknowledgement within 5 working days, please contact the Programme Administrators to check that your appeal has been received.
- 7.6 Any correspondence from the College shall be deemed to have been delivered 48 hours after emailing or posting to the address notified to the College by you. You must keep the College informed of any changes of address.
- 7.7 Our preferred means of correspondence is email as it enables us to communicate quickly and efficiently, but please indicate if you prefer to correspond by letter.
- 7.8 If a student appeals against a decision to exit them from the programme that was based on academic reasons (e.g. failure, or an academic offence), then the student should continue attending class and comply with all of their course requirements whilst the appeal is pending.

8. What will happen

- 8.1 Your case will be reviewed by a Panel (section 9 below), normally composed of at least one of the Programme Directors and may include other senior members of academic staff.
- 8.2 There are four possible outcomes from this Panel review:
 - a) The matter to be remedied without further recourse. This means that you will be offered a remedy without any need for a further Committee hearing.
 - b) The appeal to be heard by the Committee for Appeals (see next section).
 - c) The appeal to be dismissed on the grounds that your application does not on the face of it show that there is a case to be answered.

- d) The appeal to be dismissed on the grounds that there is no valid remedy open to the Panel.
- 8.3 If you are not happy with this decision, you may make a further appeal to the Board of Trustees (section 10 below) within 10 working days from the date on the Panel decision. They will review the case and make a final decision on whether the Committee should consider the appeal further. If they uphold the Panel's decision, you have come to the end of the College's appeal procedure. You will receive an outcome letter. If you remain dissatisfied, you now have the opportunity to apply for a review by York St John University or Newman University, depending on which programme you are registered on (see 10, below).

9. Hearing by the Committee for Appeals

- 9.1 The Committee for Appeals has the power to consider appeals. It will not include any staff previously involved with your appeal, to ensure that the members are independent. Where appropriate, it may co-opt staff members who can offer specialist advice, for example on equality and diversity matters.
- 9.2 If the Committee asks you to appear before it at a hearing, you may choose to bring a supporter with you. Your supporter can be a friend or relative (please see section 13 for details). You will be asked to provide the name and capacity in which the supporter is attending in advance. It is not normally expected that you will have legal representation, but if you believe it is justified in the circumstances, you should make these reasons known to the Vice Principal at least three working days in advance of the hearing. If the Vice Principal believes you have established compelling grounds for legal representation, it will be permitted.
- 9.3 If you are unable to attend the meeting physically, you may request alternative arrangements such as use of videoconferencing. It will normally only be permitted to students who are outside the UK. Exceptionally, you may request that a representative attend to speak on your behalf in your absence. If the Vice Principal believes you have established compelling grounds for such representation, it will be permitted.
- 9.4 If you choose not to appear before the Committee or do not make arrangements for a representative to attend on your behalf, the Committee reserves the right to hear the case in your absence, drawing such conclusions as it deems appropriate. If you fail to attend an arranged hearing without explanation or notice, the College reserves the right to dismiss the appeal.
- 9.5 At the hearing, you or your supporter may make a statement and the Committee may ask you questions. You and your supporter may consult each other. The Committee may also require a member of academic staff to be available to appear before the Committee to answer questions. You can expect the academic representative to be present while you are heard, and for you to be present while the academic representative is heard. Minutes shall be taken.
- 9.6 It is not normally possible to introduce new grounds for appeal at this stage, unless it

relates to evidence that could not have been provided sooner, e.g. a medical specialist's report that you received after you submitted your appeal.

- 9.7 You and your supporter will be asked to leave the room while the Committee discusses the case. The academic representative will also leave the room.
- 9.8 The Committee will decide whether you have provided sufficient evidence to substantiate your claim on the balance of probabilities, i.e. that what you have claimed is more likely than not to be the case.
- 9.9 You will not usually receive a final decision on the day of the hearing. You will receive a final decision in writing, including the reasons for the decision, as soon as possible after the hearing, and normally within 10 working days.

10. Review by the Board of Trustees

- 10.1 If you are still dissatisfied with the decision, you may ask the Board of Trustees to review the case. You must make this request by emailing studentservices@formission.org.uk or by post to the College within 10 working days from the date on the letter notifying you of the decision of the Committee for Appeals. The decision on the case by two members of the Board of Trustees will be final as far as the College's internal procedures are concerned.
- 10.2 The Board of Trustees members will review the decision on the following grounds only:
 - a) The decision of the committee was unreasonable in the light of the evidence supplied.
 - b) The procedure for the hearing of the appeal was deficient in a way which materially prejudiced your case.
- 10.3 The Board of Trustees members will base the decision on the written material submitted to the first hearing of the case, a written statement of the outcome of the appeal and your written case. The Board of Trustees members will not normally consider new grounds of appeal or new evidence, unless there is new material evidence which you were unable, for valid reasons, to provide earlier in the process.
- 10.4 The Board of Trustees members may, if necessary, carry out an interview with you, the representatives of the academic area and the Chair of the Committee for Appeals.
- 10.5 The Board of Trustees members will send you the decision in writing as soon as possible and normally within 10 working days. At this point, you have come to the end of the ForMission appeals procedure. If you remain dissatisfied, you now have the opportunity to apply for a review by York St John University or Newman University, depending on which programme you are registered on.

11. York St John University / Newman University

- 11.1 If you remain dissatisfied with the College's decision, you can write to the Registrar at

York St John University or Newman University to seek a review of that decision. Any such appeal should be received within 10 working days of ForMission's decision, setting out the details of your appeal. Suitable staff from the University will review the decision and make a decision, which is final for the purposes of the University's procedures. A 'Completion of Procedures' letter will be issued following the University's decision so that if you are still dissatisfied, you may then apply to have your case reviewed by the Office of the Independent Adjudicator for Higher Education.

12. Office of the Independent Adjudicator for Higher Education

12.1 The Office of the Independent Adjudicator for Higher Education (OIA) is an independent body that was established by the Higher Education Act 2004 to consider student complaints which had not been resolved through an institution's internal procedures. It became the statutory body for dealing with such student complaints on 1st January 2005. If you have received a Completion of Procedures letter and you remain dissatisfied with the outcome, you may ask the OIA to review your appeal. The deadline for an appeal to the OIA will be set out in the Completion of Procedures letter. This service is free to students. For further details, see the OIA website: www.oiahe.org.uk

13. General Notes

- 13.1 In considering appeals, ForMission will apply the procedure in accordance with its Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning difficulty, mental health difficulties, or long-term medical conditions.
- 13.2 Any correspondence from the College shall be deemed to have been delivered 48 hours after emailing. You must keep the College informed of any changes of email address.
- 13.3 Our preferred means of correspondence is email as it enables us to communicate quickly and efficiently, but please indicate if you prefer to correspond by letter. Any delay in the process will be communicated to you. ForMission will monitor all response rates for quality assurance purposes.
- 13.4 Complainants may suspend the process where there is good reason to do so. This includes health grounds.
- 13.5 A supporter is defined as a registered student of the College, a workplace companion or a family member. A 'friend' cannot be a member of staff because this may put them into a position of conflict of interest and their relationship with the complainant may be compromised. The role of the friend is not to be an expert witness. The role of the friend is to act as an observer, give moral support and to assist the complainant to make their case (although they may speak with the permission of the Chair). In addition, where reasonable adjustments are required, a complainant may be accompanied by a supporter e.g. a sign language communicator or a note taker, and a complainant with difficulty in understanding English may be accompanied by an interpreter.

