

## ACADEMIC APPEALS POLICY AND PROCEDURE

Version	1.0
Effective date	September 2019
Review date	September 2020
Policy owner	Managing Director
Reference points	RSL Centre delivery guide, RSL Quality Manual, RSL Appeals for Vocational Qualifications Policy
Audience/handling notes	Public
Dissemination and implementation plan	<p>This Academic Appeals Policy and Procedure will be published on the student area of the NHAM system for reference by students, staff and other stakeholders.</p> <p>Administrative and teaching staff will be given training on how to apply this policy and procedures. They will also be directed to where it is published. The Managing Director will be responsible for the dissemination of this policy and procedures to academic staff; the Education Administrator will be responsible for the dissemination of the policy and procedures to support staff. Education Administration will be responsible for the application of the policy and procedures.</p> <p>Students will be informed by email that this information has been updated and is available on the student area of the NHAM system.</p>

### Initial Equalities Impact Assessment (EIA) Questions for NHAM policies

Equality Impact Assessments (EIA) are a legal requirement of public bodies and form part of the specific duties on universities and colleges to help them meet their general equality duties. For more information on EIA, please refer to the NHAM Equality and Diversity Policy.

An EIA involves gathering and using evidence to make a judgement about how a particular policy or practice affects, or is likely to affect, protected equality groups of people when it is implemented. Protected groups<sup>1</sup> are identified in the Equality Act 2010 as sharing a particular characteristic against which it is illegal to discriminate. The assessment should identify whether the policy and its related procedures affect people from different equality strands in different ways and if they do then it should establish whether the differential impact is positive, negative or neutral. This form is intended to provide a quick assessment of whether a policy requires a Full EIA. It is also intended to be used to EIA all new policies.

a) Is there any aspect of the policy, procedure or practice that is likely to have a differential impact (negative or positive) on any of the protected characteristics?

No

If yes, identify how the impact would affect the specific equality strand:

b) Is there a possibility of unlawful discrimination, directly or indirectly, on any of the protected characteristics?

No

c) Could there be an effect on relations between certain groups?

No

d) Can the above differences be justified?

N/A

e) What mechanisms are in place to monitor the application of the policy, procedure or practice across people from all protected equality groups? Please explain:

Education Administration will record the number and type of Academic Appeals received in an academic year to identify trends, evaluate the effectiveness of and make enhancements to the Academic Appeals Policy and Procedures.

## **Academic Appeals**

### **Policy Statement**

1.1. This policy describes how the Notting Hill Academy of Music (NHAM) looks upon the issue of Academic Appeals.

1.2. This policy applies to all students and is designed to ensure that students are treated in a fair and equitable manner.

1.3. The Managing Director is responsible for managing and reviewing this policy and Education Administration staff are responsible for the effective operation of the Academic Appeal Policy and Procedures outlined below.

1.4. The content of this policy aligns with the regulations of NHAM's qualification partner, RSL Awards and other external stakeholders to whom NHAM must make reference.

1.5. Academic Appeals have a direct link the following policies and procedures:

- Academic Misconduct
- Assessment
- Deferral of Assessment
- Equality and Diversity
- Extenuating Circumstances
- Student Complaints & Grievances

1.6. If the Student is dissatisfied with the outcome of NHAM's Academic Appeal procedure they have the right to appeal to the awarding organisation for their qualification. The regulations and policies for the awarding organisation, RSL Awards are available from NHAM's Education Administrator and can be requested by email.

## 2. Objectives

2.1. To explain in an open, transparent and accessible way how NHAM approaches an appeal against the decision of an NHAM Student Progression and Assessment Board or Final Exam Board.

2.2. To describe the steps of the NHAM Academic Appeal process.

## 3. Academic Appeals

### 3.1. Definition of an academic appeal

An academic appeal is a request from a student for the decision of a Student Progression and Assessment Board or Final Exam Board to be reviewed because it is believed that an injustice has occurred.

3.2. A successful academic appeal results in the Student Progression and Assessment Board or Final Exam Board reviewing its decision in the light of the new information provided by the student, although it does not necessarily mean that the original decision of the Student Progression and Assessment Board or Final Exam Board will be changed.

3.3. An appeal may only be made against a **published** assessment result which has been confirmed by a Student Progression and Assessment Board or Final Exam Board.

3.4. Students wishing to understand a grade which has *not* yet been approved by a Student Progression and Assessment Board or Final Exam Board should first do so **informally** through the marker of the assessment, the unit tutor (if different from the marker) and then the Managing Director if the issue cannot be resolved at this level.

3.5. Students who have a **complaint** or **grievance** concerning the provision of a course of study or academic service which they believe has affected the quality of their academic performance, should, **before submitting an academic appeal**, follow NHAM's Student Complaints and Grievance Procedures.

## 4. Reasons for Making an Academic Appeal

4.1. Academic Appeals against Student Progression and Assessment Board or Final Exam Board decisions may be made on any of the following grounds:

4.1.1. That a student's performance in an assessment suffered through illness or other factors which the student was unable or for valid reasons unwilling to inform the Student Progression and Assessment Board or Final Exam Board through the extenuating circumstances procedures before it reached its decision.

4.1.2. That there has been an administrative or procedural error in the management of the assessment. If the appeal is upheld, NHAM and RSL will only offer an uncapped re-sit of the examination or assessment.

4.1.3. That the assessment was not run in accordance with RSL Awards' regulations.

4.1.4. That the Student Progression and Assessment Board or Final Exam Board has failed to consider material circumstances, relating to the delivery of a unit, which have adversely affected a student's performance in assessment. This ground will only be considered acceptable if:

4.1.4.1. the circumstances have been the subject of a Student Complaints and Grievance procedure, **and**

4.1.4.2. the case of the complaint has been upheld, **and**

4.1.4.3. steps have not been taken to mitigate the effects of the circumstances.

4.1.5. An Academic Appeal against a penalty imposed for malpractice or maladministration by RSL Awards

4.1.6. That some other irregularity has occurred.

## 5. Reasons why an Academic Appeal will Normally be Rejected

5.1. An appeal may be rejected by Education Administration for any of the following reasons, or if it is judged to be vexatious or frivolous, without further recourse to the Academic Appeals procedures.

5.2. The Academic Appeal is a disagreement with the academic judgement of a Student Progression and Assessment Board or Final Exam Board in assessing the merits of academic work, or in reaching a decision on progression, or on the final classification of a qualification, which has been reached in accordance with the regulations.

5.2.1. The student did not understand or was not aware of the published assessment regulations and procedures for a unit or course.

5.2.2. The appeal is on grounds that poor teaching, supervision or guidance affected academic performance. In such circumstances a student should submit a complaint in accordance with the **Student Complaints and Grievance Procedure**.

5.2.3. That no contemporaneous, independent, medical or other evidence has been submitted to support an application that academic performance was adversely affected by factors such as ill health (as per the Deferral of Assessment or Extenuating Circumstance policies and procedures).

5.2.4. The student was not aware of the procedures for presenting extenuating circumstances to the Student Progression and Assessment Board or Final Exam Board. These extenuating circumstances include health or other problems.

5.2.5. No valid reason, i.e. circumstances beyond a student's control, has been submitted as explanation for not submitting extenuating circumstances to the attention of the Student Progression and Assessment Board or Final Exam Board before it met.

5.2.6. The academic appeal concerns a long-standing health problem, which the student was aware of at enrolment.

5.2.7. The student was subject to a disturbance or illness during an examination and that there is no valid reason for it not to have been brought to the attention of the Student Progression and Assessment Board or Final Exam Board before it met (see policy and procedures on Examination Rules for Candidates).

5.2.8. The student had changed address without informing Education Administration, resulting in assessment information being sent to an out-of-date address.

5.2.9. Education Administration receives the appeal beyond the time limit specified in 3.9 without good cause. **It is the student's responsibility to ensure that the appeal is submitted to Education Administration on time.**

5.3. Should an Academic Appeal arise following due process of the Academic Misconduct procedure, it may be rejected by the Education Administrator if it does not conform to the grounds stated in the Decisions of the Assessment Board policy and procedures.

## 6. Before Making an Academic Appeal

6.1. Except where 3.10.1 or 3.10.2 applies, there is a time limit of 10 working days from the date of the Student Progression and Assessment Board or Final Exam Board results being published for submission of a formal appeal to Education Administration.

6.2. Except where 3.10.1 or 3.10.2 applies, during this time the student must make every effort to discuss the problem with the Managing Director or any other appropriate member of the academic staff. This may result in the matter being resolved informally and quickly.

6.2.1. If an appeal arises following due process of the **Student Complaints and Grievance Procedure**, the time limit is 10 working days from the date the student receives the written result of this procedure. Regulations 3.11 and 3.12 shall not apply.

6.2.2. If an appeal arises following due process of the **Academic Misconduct Procedure**, the time limit is 10 working days from the date the student receives the written result of this procedure. Regulations 3.11 and 3.12 shall not apply.

6.3. The Education Administrator will consider the case and may advise the student:

6.3.1. That the Student Progression and Assessment Board or Final Exam Board will reconsider its decision taking account of this new information;

6.3.2. That the Student Progression and Assessment Board or Final Exam Board's decision was based on a fair evaluation of the student's assessment performance and will not be reconsidered;

6.3.3. In any other way deemed appropriate, including that the student should make a formal appeal to our awarding organisation RSL Awards.

6.4. Students should only make a formal appeal if:

6.4.1. They have been unable to contact the Managing Director and other relevant members of staff;

6.4.2. They are dissatisfied with the outcome of these informal discussions;

6.4.3. They have been advised to do so by the Managing Director or Education Administrator.

## **7. Progression of an appellant while an appeal is being considered:**

7.1. The decision of the Student Progression and Assessment Board or Final Exam Board remains in force until it is formally notified by the Secretary of the Student Progression and Assessment Board or Final Exam Board to have been rescinded. Therefore, the student remains responsible for:

7.1.1. Conforming to the requirements for a referral, resubmission of work to be assessed or re-sitting an examination pending the outcome of the appeal;

7.1.2. The consequence of not complying with these requirements should the subsequent decision of the appeal process not be in the student's favour.

7.2. While the appeal is being processed, the appellant:

7.2.1. Shall normally be permitted by the Managing Director and Education Administrator to continue to the next stage of their studies, unless there are circumstances preventing it other than the decision in question of the Managing Director and Education Administrator. This will not prejudice the outcome of the appeal.

7.2.2. If the appeal concerns expulsion following an investigation into academic misconduct, the appellant is suspended and written permission is required from the Education Administrator or nominee for the appellant to continue to the next stage of their studies. The Education Administrator or nominee has discretion not to permit the appellant to continue pending the outcome of the appeal.

7.2.3. This right is designed solely to ensure that a student whose appeal is upheld is not academically disadvantaged and it shall not be interpreted as acceptance of a failed student whose appeal is subsequently dismissed on a later stage of the programme, nor shall satisfactory progress during such attendance be admissible as evidence at any stage in the appeal procedure. During any such interim period of attendance, no fees would be demanded. In the event of the appeal ultimately being resolved in the student's favour and the student being formally reinstated onto the programme, the appropriate fee would be payable.

7.2.4. If a final qualification has been made, the appellant may inform prospective employers of the qualification but that the decision may be reviewed following the appeal.

7.2.5 The entitlement of the appellant to proceed on the course will continue until the date of the letter formally notifying the appellant of the final outcome of their appeal (i.e., dismissal of the appeal or Student Progression and Assessment Board or Final Exam Board's reviewed decision). This letter will inform the appellant whether they are entitled to continue on the course.

7.3 Appellants shall receive regular communication from Education Administration regarding the progress of their appeal.

## **8. Confidentiality**

8.1. The appeal is kept as confidential as possible and within NHAM. Appellants who notify Education Administration that information has been included of a highly confidential and personal nature will, if requested, be informed in advance of the positions of persons to whom the information will be disclosed.

8.2. Documents will be kept on confidential file for up to five years. After that, apart from a copy of the notification to a student of the final decision, they may be destroyed.

## **9. Procedure for considering an appeal**

9.1. If the Secretary to Student Progression and Assessment Board or Final Exam Board considers that there may be grounds for appeal, the Chair of the Student Progression and Assessment Board or Final Exam Board or any other appropriate person will be requested to submit a written statement to the Secretary to Student Progression and Assessment Board or Final Exam Board providing the required information. These written statements should be in a form suitable for use as evidence at an Appeal Panel.

9.2. In normal circumstances, within 2 months of receiving the full appeal, the Secretary to Student Progression and Assessment Board or Final Exam Board decides whether, at first sight, there are grounds for the appeal to proceed by considering the following documents, where appropriate:

9.2.1. The appeal submitted by the appellant;

9.2.2. The relevant record of the Student Progression and Assessment Board or Final Exam Board including the appellant's detailed confirmed assessment grades;

9.2.3. Provisional assessment grades where relevant;

9.2.4. Written statements made to the Secretary to Student Progression and Assessment Board or Final Exam Board concerning the case;

9.2.5. For an appeal against a penalty imposed for academic misconduct: the academic misconduct file provided by the Secretary to Student Progression and Assessment Board or Final Exam Board.

## **10. The grounds for appeal are not established:**

10.1. In every case unless rejected under '**5. Reasons why an Academic Appeal will Normally be Rejected**', where the Secretary to Student Progression and Assessment Board or Final Exam Board considers that there is no ground for appeal on the evidence available they shall consult the Managing Director and/or Education Administrator neutral to the appellant.

10.2. In normal circumstances, within 3 months of receiving the full appeal, they may dismiss the appeal provided that the Managing Director/Education Administrator agrees.

10.3 A decision on an appeal by the Secretary to Student Progression and Assessment Board or Final Exam Board with the agreement of the Managing Director or Education Administrator is final and no further appeal is possible against it.

10.4. The academic appeal procedures of NHAM are now complete. Should the appellant wish to take the matter further, they must follow the Appeals Policy for Vocational Qualifications process outlined by our awarding organisation RSL Awards, as noted in 1.6 above.

## **11. The grounds for appeal are established**

11.1. Where the Secretary to Student Progression and Assessment Board or Final Exam Board or the Managing Director or Education Administrator or nominee considers that there may be ground for appeal:

11.1.1. In normal circumstances, within 3 months of receiving the full appeal, if appropriate they may offer the appellant an informal settlement of their appeal.

11.1.1.1. An informal settlement means that the Chair of the Student Progression and Assessment Board or Final Exam Board has agreed, on the recommendation of the Secretary to Student Progression and Assessment Board or Final Exam Board, that the Student Progression and Assessment Board or Final Exam Board will review its decision but will not necessarily alter it. Where an appeal is against the penalty awarded following academic misconduct, an informal settlement means that the Secretary to Student Progression and Assessment Board or Final Exam Board and the Chair of Student Progression and Assessment Board or Final Exam Board have agreed, on the recommendation of the Managing Director/ Education Administrator or nominee, that the Student Progression and Assessment Board or Final Exam Board will review its decision but will not necessarily alter it.

11.1.1.2. Where appropriate the Chair of the Student Progression and Assessment Board or Final Exam Board may take Chair's Action in the student's favour, and this decision must be reported, in due course, to the Student Progression and Assessment Board or Final Exam Board.

11.1.1.3. The Student Progression and Assessment Board or Final Exam Board review shall involve full consideration of the appellant's case and shall be attended by the Secretary to Student Progression and Assessment Board or Final Exam Board or relevant Managing Director/Education Administrator or their nominee to ensure that the reconvened Student Progression and Assessment Board or Final Exam Board has taken due and proper account of the appellant's case.



11.1.1.4. The Student Progression and Assessment Board or Final Exam Board shall make special arrangements for reviewing an assessment decision as soon as possible after the Chair's agreement to offer an informal settlement to the appeal and at latest during the next scheduled meeting.

11.1.1.5. The Secretary to Student Progression and Assessment Board or Final Exam Board shall notify the appellant of the decision of the reconvened Student Progression and Assessment Board or Final Exam Board within one month of the date of the Board.

11.1.1.6. The appellant may choose not to accept an informal settlement. A letter from the appellant stating the decision not to accept this offer must be received by the Secretary to Student Progression and Assessment Board or Final Exam Board within 10 working days of the date on the letter offering the informal settlement.

11.1.1.7. An appellant's failure to reply in writing within 10 working days of the date on the letter offering an informal settlement shall be taken as acceptance of the offer.

11.1.1.8. A decision on an appeal by a Student Progression and Assessment Board or Final Exam Board is final and no further appeal is possible against it within NHAM. Students have the right to follow the Appeals Process of the awarding organisation for their course.

## **12. If the student is dissatisfied with the outcome of NHAM's Academic Appeal procedure**

12.1. If the student is dissatisfied with the outcome of NHAM's Academic Appeal procedure, they can appeal to RSL Awards, for vocational qualifications accredited by RSL Awards. The RSL Awards Appeals Policy for Vocational Qualifications can be found online at: <https://www.rslawards.com/about-us/policies-and-regulations>

12.2. If the appellant is unhappy with the decisions reached in the third level appeal with RSL Awards, they may take their appeal to the relevant regulatory authority. For England this is Ofqual [www.ofqual.gov.uk](http://www.ofqual.gov.uk).

### **Procedures (Academic Appeals) Students**

1. Student completes *Academic Appeals* form attaching supporting evidence as required, such as relevant emails, reports from staff etc.
2. Student submits *Academic Appeals* form and supporting evidence to Education Administration no later than 10am on the day of the deadline (see 6.1 above). During this time you should make every effort to resolve the issue informally.
3. Education Administration logs receipt of *Academic Appeals* form and supporting evidence.
4. Education Administrator / Managing Director assess evidence and make recommendation.
5. Education Administration informs student of decision via NHAM formal Letter of Appeal Outcome and updates MIS.