

ACADEMIC APPEALS POLICY AND PROCEDURE

Version	4.0
Effective date	September 2024
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Policy owner	Head of Quality
Reference points	QAA UK Quality Code Complaints & Appeals: https://www.qaa.ac.uk/the-quality-code/2018/advice-and-guidance-18/concerns-complaints-and-appeals Office of the Independent Adjudicator for Higher Education Complaints Wizard: https://www.oiahe.org.uk/students/can-you-complain-to-us/
Audience/handling notes	Academic, Staff, Students, Public
Dissemination and implementation plan	This Academic Appeals Policy and Procedure will be published on the NHAM website, staff and student portals for reference by students and in the student handbook. Lecturers will receive training in how to apply this policy and its procedures. They will also be directed to where it is published. The Programme Leader will be responsible for the dissemination of the policy and procedures to academic staff; the Academy Manager will be responsible for training support staff on academic appeals for those involved in pastoral or personal tutoring.
Linked Policies, Procedures and Forms	Student Handbook, Assessment (Policy), Academic Integrity (Policy), Student Code of Conduct, Student Disciplinary (Policy), Deferral of Assessment (Policy), Extenuating Circumstances (Policy), External Examiners (Policy).
Date approved	September 2024

1 Introduction

This policy describes how the Notting Hill Academy of Music (NHAM) looks upon the issue of Academic Appeals. This policy applies to all students and is designed to ensure that students are treated in a fair and equitable manner.

The Head of Quality is responsible for managing and reviewing this policy and all academic staff are responsible for the effective operation of the Academic Appeals Policy and Procedures outlined below.

The content of this policy aligns with the regulations of NHAM's collaborative partner (validating institution), and other external stakeholders to whom NHAM must make reference.

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

- Academic Integrity
- Assessment
- Deferral of Assessment
- Extenuating Circumstances
- Student Complaints & Grievances
- Student Code of Conduct
- Student Disciplinary

If the Student is dissatisfied with the outcome of NHAM's Academic Appeal procedure, they have the right to appeal to NHAM's collaborative partner (validating institution) for their qualification. The regulations and policies for our collaborative partner(s) are available from the Academy Manager and are in the Student and Staff Handbooks.



2 Purpose

The purpose of this policy is to explain in an open, transparent and accessible way how NHAM approaches an appeal against the decision of an NHAM Education Committee or collaborative partner (validating institution) Final Exam Board; and to describe the steps of the NHAM Academic Appeal process.

3 Academic Appeals

Definition of an academic appeal

An academic appeal is a request from a student for the decision of a Quality Assurance process in relation to assessment or a Final Exam Board to be reviewed because it is believed that an injustice has occurred.

A successful academic appeal results in the Head of Quality 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 Education Committee or Final Exam Board will be changed.

An appeal may only be made against a published assessment result which has been confirmed by the Education Committee or Final Exam Board.

Students wishing to understand a grade which has not yet been approved by a Education Committee or Final Exam Board should first do so informally through the marker of the assessment, the module tutor (if different from the assessor) and then the Programme Leader if the issue cannot be resolved at this level.

Students who have a complaint or grievance concerning the provision of a programme 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 to ensure that this issue is resolved first.

Reasons for Making an Academic Appeal

Academic Appeals against Education Committee, Quality Assurance processes or Final Exam Board decisions may be made on any of the following grounds:

- 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 a member of the academic team or Final Exam Board about - through the extenuating circumstances procedures - before they reached a decision.
- That there had been an administrative or procedural error in the management of the assessment. If the appeal is upheld, NHAM and its collaborative partner(s) will only offer an uncapped resit of the examination or assessment and not simply grant a requested grade.
- That the assessment was not run in accordance with the relevant collaborative partner's (validating institution's) regulations.
- That the Education Committee or Final Exam Board has failed to consider material circumstances, relating to the delivery of a module, which have adversely affected a student's performance in assessment. This ground will only be considered acceptable if:
 - the circumstances have been the subject of a Student Complaints and Grievance procedure, and
 - the case of the complaint has been upheld, and
 - steps had not been taken to mitigate the effects of the circumstances.
- An Academic Appeal against a penalty imposed for malpractice or maladministration by a collaborative partner.
- That some other irregularity has occurred.



Reasons why an Academic Appeal might be rejected

An appeal may be rejected by the Education or Governance Committees for any of the following reasons, or if it is judged to be vexatious or frivolous, without further reprogramme to the Academic Appeals procedures:

- The Academic Appeal is a disagreement with the academic judgement of an Education Committee 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.
- The student did not understand or was not aware of the published assessment regulations and procedures for a module or programme.
- 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.
- 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).
- The student was not aware of the procedures for presenting extenuating circumstances to the Education Committee or Final Exam Board. These extenuating circumstances include health or other problems.
- 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 Education Committee or Final Exam Board before it met.
- The academic appeal concerns a long-standing health problem, which the student was aware of at enrolment but did not disclose.
- 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 Education Committee or Final Exam Board before it met.
- The student had changed address or phone number without informing Student Services, resulting in assessment information being sent to an out-of-date address or phone number.
- Education Administration receives the appeal beyond the time limit specified, without good cause. It is the student's responsibility to ensure that the appeal is submitted to the team handling the complaint or appeal on time.

Before Making an Academic Appeal

You can submit a formal appeal up to 21 working days after you receive your grades. Before you can submit your formal appeal, you should seek any further clarification on the grade from your academic lecturer or Programme Leader first. This may result in the matter being resolved informally and quickly.

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.

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.

The Programme Leader will consider the case and may advise the student:

- That the Education Committee or Final Exam Board will reconsider its decision taking account of this new information;
- That the Education Committee or Final Exam Board's decision was based on a fair evaluation of the student's assessment performance and will not be reconsidered;
- In any other way deemed appropriate, including that the student should make a formal appeal to NHAM's collaborative partner (validating institution).

Students should only make a formal appeal if:

- They have been unable to contact the Programme Leader and other relevant members of staff;
- They are dissatisfied with the outcome of these informal discussions;



- They have been advised to do so by the Programme Leader or another relevant member of staff.

Progression of an appellant while an appeal is being considered

The decision of the Education Committee 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:

- Conforming to the requirements for a referral, resubmission of work to be assessed or re-sitting an examination pending the outcome of the appeal;
- The consequence of not complying with these requirements should the subsequent decision of the appeal process not be in the student's favour.

While the appeal is being processed, the appellant:

- Shall normally be permitted by the Programme Leader to continue to the next stage of their studies, unless there are circumstances preventing it other than the decision in question of the Programme Leader. This will not prejudice the outcome of the appeal.

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

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.

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.

The entitlement of the appellant to proceed on the programme 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 Education Committee or Final Exam Board's reviewed decision). This letter will inform the appellant whether they are entitled to continue on the programme.

Appellants shall receive regular communication from Student Services regarding the progress of their appeal.

4 Confidentiality

The appeal is kept as confidential as possible and within NHAM. Appellants who notify Student Services or the Programme Leader 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.

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.

5 Procedure for considering an appeal

If the Secretary to Education Committee or Final Exam Board considers that there may be grounds for appeal, the Chair of that Committee or any other appropriate person will be requested to submit a written statement in a form suitable for use as evidence at an Appeals Panel.

In normal circumstances, within 2 months of receiving the full appeal, the Secretary to Education Committee or Final Exam Board decides whether, at first sight, there are grounds for the appeal to proceed by



considering the following documents, where appropriate:

- The documentation, full details and any evidence relevant to the appeal submitted by the appellant;
- The relevant record of the Education Committee or Final Exam Board including the appellant's detailed confirmed assessment grades;
- Provisional assessment grades where relevant;
- Written statements made to the Education Committee or Final Exam Board concerning the case;
- For an appeal against a penalty imposed for academic misconduct: the academic misconduct file provided by the Education Committee or Final Exam Board.

If the grounds for appeal are not established

In every case unless rejected under *Reasons why an Academic Appeal will Normally be Rejected*, where the Secretary to the Education Committee or Final Exam Board considers that there is no ground for appeal on the evidence available, they shall consult a senior member of staff neutral to the appellant (usually the Chief Executive).

In normal circumstances, within 3 months of receiving the full appeal, they may dismiss the appeal provided that the Chief Executive agrees.

A decision on an appeal by the Secretary to the Education Committee or Final Exam Board with the agreement of the Chief Executive is final and no further appeal is possible against it.

The academic appeal procedures of NHAM are now complete. Should the appellant wish to take the matter further, they must follow the Academic Appeals Policy of NHAM's collaborative partner, if eligible to do so.

If the grounds for appeal are established

Where the Secretary to Education Committee or Final Exam Board or the Chief Executive or nominee considers that there may be ground for appeal:

In normal circumstances, within 3 months of receiving the full appeal, if appropriate they may offer the appellant an informal settlement of their appeal. An informal settlement means that the Chair of the Education Committee or Final Exam Board has agreed, on this recommendation that the Education Committee 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 the Education Committee or Final Exam Board has agreed, on the recommendation of the Chief Executive or nominee, that the Education Committee or Final Exam Board will review its decision but will not necessarily alter it.

Where appropriate, the Chair of the Education Committee or Final Exam Board may take Chair's Action in the student's favour, and this decision must be reported, through due process, to the Education Committee or Final Exam Board and onwards to NHAM's collaborative partner (validating institution).

The Education Committee or Final Exam Board review shall involve full consideration of the appellant's case and shall be attended by the Secretary to Education Committee or Final Exam Board or Chief Executive or their nominee to ensure that the reconvened Education Committee or Final Exam Board has taken due and proper account of the appellant's case.

The Education Committee 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.

The Secretary to Education Committee or Final Exam Board shall notify the appellant of the decision of the reconvened Education Committee or Final Exam Board within one month of the date of the Board.

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 Education Committee or Final Exam Board within 10 working days of the date on the letter offering the informal settlement.



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.

A decision on an appeal by the Education Committee 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 NHAM's collaborative partner (validating institution) for their programme.

6 If the student is dissatisfied with the outcome of NHAM's Academic Appeal procedure

If the student is dissatisfied with the outcome of NHAM's Academic Appeals procedure, they can appeal to our collaborative partner, for qualifications awarded by that institution.

If the appellant is unhappy with the decisions reached by the collaborative partner, they may take their appeal to the relevant regulatory authority, in England this is the Office of the Independent Adjudicator for Higher Education. Details of the kinds of complaints the OIA can investigate can be found here:

<https://www.oiahe.org.uk/students/can-you-complain-to-us/>

7 Guidance for students: making an academic appeal

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 Student Services no later than 10am on the day of the deadline. During this time, you should make every effort to resolve the issue informally.
3. Student Services logs receipt of *Academic Appeals* form and supporting evidence.
4. Programme Leader assesses evidence and makes a recommendation.
5. Student Services informs student of decision via NHAM formal Notification of Appeal Outcome and updates NHAM records systems.

8 Enforcement, monitoring and review

The appellant will be contacted via email after 1 month to ask them to comment on the success of the academic appeals process. If NHAM's academic appeals process has not resolved the issue, the appellant will be advised on how to progress their complaint to NHAM's validating partner.

The nature, volume, impact and resolution of academic appeals will be considered as a standing agenda item at NHAM's Governance Committee to ensure oversight of all academic appeals at the institution. It will provide an annual statement on academic appeals as part of its annual monitoring and programme review processes.

Every two years, the Academy must review this policy to ensure that:

- it remains up to date and continues to meet the expectations of the UK Quality Code and Office for Students, applicable legislation or guidance;
- areas of improvement, or any concerns, raised by students, relevant external colleagues, or professional bodies have been addressed; and
- opportunities to reduce unnecessary bureaucracy have been taken.