



Appeals against Assessment Decisions Policy
For use by: Students and Curriculum staff
Approved by: Executive Group
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**Appeals Against Assessment Decisions Policy
For use by Curriculum Staff and Students**

STUDENT APPEALS AGAINST ASSESSMENT DECISIONS

- 1.1 You have the right to appeal if you disagree with an assessment decision.
- 1.2 The appeals procedure varies according to the qualification that you are on target qualification and therefore the specific appeals process for each qualification is available separately on request from the relevant Head of School or from the Examinations Office of the college.
- 1.3 Appeals Procedures for the main qualifications offered by the college can be found at Appendix 1, 2, 3 and 4 of this policy:
 - Appendix 1 – BTEC (Awards)
 - Appendix 2 – City & Guilds
 - Appendix 3 – GCSE/AS/A Level, BTEC (First/National)
 - Appendix 4 – Higher Education courses

Those wishing to make an appeal are advised to contact their Head of School, Registry Office (HE Courses) or the Examinations Office (FE Courses) for the most up to date Appeals Procedures.

Appendix 1. Student Appeal Procedure (BTEC Awards)

Students indicate their agreement with a BTEC assessment decision by signing the summative assessment document. If a student does not agree with the assessment decision, they have the right to appeal. The procedure is as follows:

1. Student declines to sign summative assessment document
2. **Stage 1:** Student requests the assessment is referred to the Internal Verifier via their course tutor.
3. The Internal Verifier, will second mark the assessment and give written feedback to the student.
4. **Stage 2:** If the student is still not happy with the assessment decision, the Quality Office will advise on re-assessment and referral to the Quality Nominee or Lead Internal Verifier.

This is a local procedure which is designed to deal with any issues that arise in the hope that the awarding organisation does not have to become involved.

5. **Stage 3:** If the student is still not satisfied with the decision at Stage 3 and this procedure has been fully exhausted, the student can contact the appropriate Awarding Organisation.

All records should be kept in accordance with the Data Protection Act. The original copy of the appeal should be kept in the IQA file. A copy should be given to the student.

Students are advised to check whether these are still current at the time of considering an appeal.

Appendix 2

Student Appeal Procedure (Assessment Decisions) – City & Guilds and other vocational qualifications

Stage 1: Assessor

A student wishing to appeal against an assessment decision must discuss the reasons for the appeal with the assessor. If the student remains dissatisfied with the decision reached, he/she should lodge a written appeal with the Internal Quality Assurer. This must be done within 5 working days of receiving the assessment decision.

Stage 2: Referral to Internal Quality Assurer (IQA)

The IQA will reconsider the assessment decision. The IQA will notify the student of their decision in writing within 5 working days of receiving the appeal.

If the assessment was by observation of performance, unless there is a recording of the activity, it will need to be repeated. The repeated performance should be recorded and will be assessed again by the IQA or another assessor.

Stage 3: Referral to Quality Office of the college

If the student is still unhappy with the reconsidered assessment decision, the IQA will forward the documentation to the Quality Office. This should be done within 5 working days of the re-assessment decision being given to the student.

The Head of Learning and Quality will convene a panel to consider the appeal within 10 working days of the IQA's decision.

The appeal panel will be made up of three members to include:

- Head of School (or nominee)
- Head of Learning and Quality
- Quality nominee for centre
- An independent (internal) IQA or assessor who has not been involved in the assessment process or decision.

The panel will make a decision based on the evidence supplied by the Assessor, IQA and student. The Head of Learning and Quality will notify the student of the panel's decision in writing.

If the student is still not satisfied with the decision at Stage 3 and this procedure has been fully exhausted, the student can contact the appropriate Awarding Organisation.

All records should be kept in accordance with the Data Protection Act. The original copy of the appeal should be kept in the IQA file. A copy should be given to the student.

Appendix 3

The College Post Results Service for GCE/GCSE qualifications, BTEC (Firsts/Nationals)

PURPOSE

This fact sheet is to provide information on the services available from the College following the publication of GCE, GCSE and AS/A2 level results. These services are available for students to look in more detail at their results e.g. to appeal for a remark, clerical re-check or to gain a better understanding of the marks received for future reference. For the services a fee is payable and the services are available after each series of GCE level examinations. These are:

Request for PRIORITY photocopy of marked exam script	see 1a)
Request for Non-Priority original marked exam script	see 1b)
Request for clerical re-check of script	see 2a)
Request for remark	see 2b)

1. Access to Scripts services* (to review a result)

There are 2 services available to enable individuals to obtain their marked scripts – each service has a specific deadline.

All requests must be made via Curriculum Team Managers / HoS / Head of Faculty to the Examinations Office.

a) Priority (Photocopied) Scripts

- Request to help decide whether to lodge an Enquiry About Results appeal.
- Deadline for requests are available from the Examinations Office.
- Students will be contacted in writing when scripts are available for collection from the Examinations Office.

b) Non-Priority (Original) Scripts (GCE & GCSE)

- Request to gain a better understanding of marks given. (Do **not** request your original script back if you intend to lodge an Enquiry About Results).
- Deadline for requests are available from the Examinations Office.
- Students will be contacted in writing when scripts are available for collection from the Examinations Office.

****Please Note: Certain components are excluded from the Access to Scripts service e.g. orals audio/video tapes and all centre assessed coursework.***

2. Enquiries About Results (EAR) services (to launch an appeal)

NOTE: Any enquiry/appeal about a result could lead to subject grades being confirmed, raised or lowered.

a) EAR Service 1 – Clerical Re-check

- Use this service when you wish to check the marks on the script have been totaled correctly and that any allowances, e.g. for special consideration (for instance due to illness), have been applied.

- You may request a photocopy of the re-checked script(s) (see above) before you decide whether to use this service. Requests for a re-mark must be received by dates set by the College in-line with JCQ deadlines.
- b) EAR Service 2 – Remark**
- Use this service when your primary concern is the result issued. It consists of a clerical re-check as described above and also the assessment of the paper/unit against the approved mark scheme by the senior examiner.
 - You may wish to request a photocopy of the re-checked script(s) (*see above*) before you decide whether to use this service.
 - Requests for a remark must be received by dates set by the College in-line with JCQ deadlines.

FURTHER INFORMATION & POST RESULT SERVICE REQUEST FORM

More detailed information regarding the Post Results Services, together with the necessary forms for completion and payment details can be obtained from the Examinations Office located in room F304 on the 3rd floor of the main college building.

Summary of Post Results Services Available During the Academic Year

Services
EAR (Enquiry About Results)
EAR 1 – Clerical Check
EAR P2 –Priority Re-mark
EAR 2 - Remark
ATS (Access to Scripts)
Photocopy of script
Original Script

Please note: The above services are not available to all GCE units and may vary between awarding bodies; please enquire at the Examinations department for details and exceptions

PAYMENT

Payment for each service, based on costs available from the Examinations office, must be made to the Finance Office and then the completed application and receipt must be brought to the Examinations Office for processing. The fees supplied in information letters to students will be correct at the time of printing and no refunds will be given if the fees are confirmed to be lower than those stated.

Appendix 4

Higher Education Assessment Appeals Procedure

1 Background

- 1.0 The procedure applies to decisions on assessments made by Assessments Boards. This includes decisions made by bodies that report to the Assessment Board: the AP(E)L Committee, the Mitigation Panel and the Academic Misconduct Panel.
- 1.1 A candidate may not lodge an appeal on the grounds of dissatisfaction with the design, curriculum or delivery (teaching, departmental support, etc.) of a course.
- 1.2 The College's Procedure for Complaints, Suggestions and Commendations exists in part to deal with such issues.
- 1.3 However, the investigation of a complaint from a student may reveal issues that would have formed grounds for an appeal under the Assessment Appeals Procedure. When this is the case, a student must not be prevented from exercising the right to appeal subsequent to the findings of the complaints investigation on the grounds of its being 'out of time'. In such instances, the deadlines set out in this procedure must be calculated from the date at which the complainant received the information as an outcome of the complaints investigation that might form the basis of her/his appeal.
- 1.4 The Vice Principal for training, skills and HE is empowered to refer the matter as an appeal to whichever is the appropriate forum for its consideration. Equally, if a student submits as a complaint, which is wholly or partly an appeal on one of the four grounds then it is an obligation of the College to ensure that the issue is considered under the Assessment Appeals Procedure.
- 1.5 It is important to ensure that the deliberations and decisions of assessors, examiners and Assessment Boards and any consequences of such decisions are dealt with strictly in relation to assessment.

2 Grounds for Appeal

- 2.0 A request for a review of an assessment decision may be made on one or more of the following grounds:
- (1) that a candidate had submitted evidence of mitigating circumstances as specified in the course/programme handbook but these were not considered by the Mitigation Panel
 - (2) that the Mitigation Panel was not aware of mitigating circumstances affecting the candidate's performance because the candidate had been for valid reasons unable to bring them to the attention of the Assessment Board before the decision was reached.
NOTE: It is only in exceptional circumstances that an appeal will be heard on the basis of evidence submitted after the meeting of an Assessment Board. The student will have to show valid reason why the evidence was not presented to a Mitigation Panel. The attention of students is drawn to the Mitigation Procedure.
 - (3) that the assessment procedures were not followed in accordance with the regulations resulting in an error in the candidate's assessment;

(4) that some other material irregularity had led to a breach of the procedures or regulations resulting in a decision detrimental to the student.

2.1 These are the only grounds for appeal. There is no right of appeal against assessment decisions which are matters of academic judgement.

3 The Procedure for Appeal

3.0 Students may wish to take advice as to whether to appeal or not. Their personal tutors, the Head of Faculty/Curriculum Team Manager or the Head of School are all suitable members of staff from whom to obtain advice about how to use the Appeals procedure. However, the College recognises that the student may feel that these are not unbiased sources as they are involved to varying degrees with the assessment decision against which the student may wish to appeal. In such instances, the student may wish to consider the following:

- 1) Contact the President of the Students' Association, who can either offer advice or direct the student to a suitable source of advice;
- 2) If the student prefers, the Registry Manager can refer her or him to another member of the College, who would not be involved in the assessment decision, and is qualified to explain the appeals procedure.

3.1 Whatever source of information the student chooses, it is their responsibility to choose whether to appeal, the grounds upon which they do so and the evidence they decide to present.

3.2 For assessments dealt with by Assessment Boards, a student, who wishes to appeal against a decision of the Assessment Board must write to the Registry Manager to invoke the Academic Appeals Procedure **within 6 weeks of the date of the letter from the Secretary or Chair of the Assessment Board that provides the student's result.**

3.3 For recommendations made by the Mitigation Claims Review Panel, a student who wishes to appeal must write to the Registry Manager to invoke the Academic Appeals Procedure within 3 weeks of receipt of the letter from the Chair of the Mitigation Claims Review Panel.

3.4 A request for a review must state the decision concerned, the grounds (i.e. one or more of the acceptable grounds given above) and be accompanied by documents that are evidence for the case on these grounds.

3.5 The Vice Principal for Training, Skills and HE shall make an assessment of the validity of the case and decide whether or not it should be put before the Assessment Appeals Panel. The decision to proceed with such a request will only be taken if it has been established that:

- the case is based, prima facie, on additional information about a candidate's personal circumstances

or

- on evidence of procedural irregularity;

and

- is not one which challenges the academic judgement of the Assessment Board or the AP(E)L Committee.

- 3.6** This decision should normally be made within 10 working days of receipt from the student, and be advised to them in writing.
It is the appellant's obligation to provide the evidence for the Vice Principal for Training, Skills and HE to consider. It is not the duty of the Vice Principal for Training, Skills and HE to obtain evidence on behalf of the appellant for the appeal. Her/his decision must be based only on the evidence provided and the case made by the appellant.

4 The Function of the Assessment Appeals Panel

- 4.0** The Assessment Appeals Panel will consider appeals against assessment decisions of Assessment Boards. The decisions of their sub-boards, the Academic Misconduct Panel and the Mitigation Claims Review Panel, which are reported by the Assessment Board, are considered for the purpose of the appeal process to be decisions of the Assessment Boards. It will establish whether there is, prima facie, a justified case of appeal and if so to consider whether
1. to uphold the decision of the Assessment Board
 2. to overturn the decision of the Assessment Board or
 3. to require the Assessment Board whose decision has been challenged, to reconsider that decision.

5 The Constitution of the Appeals Panel

- 5.0** The membership of the Assessment Appeals Panel shall be:
- as Chair, Head of Learning and Quality or her/his nominee who has not previously been involved in the assessment decision and is a member of Senior Management;
 - a manager of at least Head of Faculty/Curriculum Team Manager level who has not previously been involved in the assessment decision;
 - a member of a higher education programme's teaching staff, not directly concerned with the course/programme, in which the course and the appellant are based;
 - the secretary to the Panel, normally the Registry Manager or his/her nominee.

NOTE: Any potential member who has been involved in teaching, assessing, counselling or advising an appellant will be ineligible to serve on the committee hearing the case of that appellant.

- A quorum of the Assessment Appeals Panel requires all three members, plus the Secretary.

- 5.1** The Secretary of the Panel:
- Is responsible for ensuring that the procedures are appropriately adhered to;
 - Shall convene meetings of the Assessment Appeals Panel;
 - Shall ensure that decisions are notified to all parties concerned and that appropriate action is taken.

6 Convening of Assessment Appeals Panel

- 6.0** The Secretary shall convene a meeting of the Academic Appeals Panel on the first convenient date, which shall not normally be more than twenty working days after the request has been lodged.

Ten working days' notice of any meeting of the Academic Appeals Panel shall be given to the members, the appellant and any other persons being required to attend.

The appellant should normally be present and may be accompanied by one person of his/her choosing. If the appellant is unable to appear, the appeal will be held in the appellant's absence. If there is reasonable doubt about the appellant having received the papers or notification of the date, then the meeting will be postponed, until the appellant has had due notice of its sitting.

The Assessment Appeals Panel and/or the appellant may summon to appear any other person(s) whom they may reasonably consider to be a material witness.

7 Conduct of Assessment Appeals Panel Hearing

7.0 Prior to the hearing, all parties to the appeal will have been circulated with written statements setting out the appellant's grounds for appeal and any written statements of those responsible for the assessment decision which is being appealed against.

7.1 If the appellant is present, the Panel will start by hearing an opening statement from the appellant, or the appellant's representative, on the grounds for the appeal.

NOTE: Students with learning difficulties and / or disabilities will be allowed appropriate support. At this point, the Panel may question the appellant and / or her / his representative (if there is one).

If the appellant is not present, the Panel will receive any further documentary evidence in support of the appeal at this point. The Panel will then consider the appeal in the appellant's absence.

7.2 The Panel will next hear from any witnesses the appellant wished to offer followed by witnesses to the assessment decision which is the subject of the appeal.

7.3 Witnesses will be heard individually and separately. No witnesses shall be allowed to remain in the room in which the hearing is taking place either before or after they have given their evidence.

7.4 Witnesses may be questioned by the appellant or the appellant's representative and then by the Panel.

7.5 The Chair of the Panel must ensure that witnesses are only questioned about matters germane to the case of the appellant on the grounds permitted by the Procedure. Questions may not be used to discuss complaints or other matters of dissatisfaction of the appellant.

7.6 The Chair must also ensure that witnesses do not question any party to the appeal and do not make statements that are not relevant to the questions they are asked.

- 7.7 After all witnesses have been heard, the appellant or her/his representative may make a concluding statement summarising what has been presented to the Panel.
- 7.8 The Assessment Appeals Panel is not empowered to consider any appeal on grounds other than those lodged by the appellant at time of giving notice of the appeal. Any grounds other than those made within the six week period for the notice of appeal, will not be considered and will be deemed 'out of time'.
- 7.9 The Panel will then deliberate in private and announce its decision publicly to the appellant and the appellant's representative.
- 7.10 The Panel's decision will also be communicated in writing within 7 working days to:
1. The appellant;
 2. The appellant's representative, if there is one;
 3. The Dean of Higher Education;
 4. The Associate Dean of Higher Education
 5. The College Information Systems Manager;
 6. The Chair of the Assessment Board which made or recorded the decision against which the appeal has been made;
 7. The Chair of the AP(E)L: Panel, where the appeal was against the decision of the AP(E)L Panel;
 8. The head of Faculty / Curriculum Team Manager of the programme to which the appeal refers;
 9. The appellant's personal tutor.

8 Decisions of the Assessment Appeals Panel

- 8.0 The Assessment Appeals Panel shall consider the appeal and if it finds that the appellant has established a valid case, will either:
1. overturn the decision of the assessment board or
 2. require the Assessment Board whose decision has been challenged, to reconsider that decision.
- 8.1 Where the Assessment Appeals Panel finds that the appellant has not established a valid case for a review of the decision, it will uphold the Assessment Board's decision. This outcome shall be communicated to the appellant by the Secretary of the Panel. There is no further right of appeal within the College. But see L10 below regarding the right to appeal to the awarding body.
- 8.2 When a decision has been referred back to an Assessment Board Chair they shall reconsider, within three calendar months, the appellant's case, giving due consideration to the comments and recommendations of the Assessment Appeals Panel. They will either confirm their decisions or make such adjustments as in the circumstances they deem just.
- 8.3 The Chair of the Assessment Board will report the decision to the Secretary of the Appeals Panel who will inform the appellant and take any further necessary action.

- 8.4** If, after consideration in the circumstances detailed above, the Assessment Board does not modify its decisions, or the modified decision is still considered to be in error by the Academic Appeals Panel, then the Academic Appeals Panel may annul that decision if it considers that insufficient account has been taken of the relevant factors.
- 8.5** In cases of procedural or other irregularity, or where it is not possible to reconvene an Assessment Board, the Appeals Panel has the power to annul a decision of an Assessment Board. If an error or irregularity is found to have affected more than one candidate, the Appeals Panel may annul the whole assessment or any part of it. The decision of the Appeals Panel shall be final.
- 8.6** The person with responsibility for conducting the appeal at each stage of the procedure, has the responsibility to communicate the outcome to:
- the Head of School / Curriculum Team Manager / Head of Faculty who has responsibility for the course;

9 Confidentiality

- 9.0** It is a requirement for all those involved in this process that information on personal circumstances presented by candidates is treated as strictly confidential and only made known to other colleagues if this is essential for due consideration to be given to the candidates' cases.
- 9.1** Once an appeal has been accepted there must be no discussion of any sort between interested parties and members of the Assessment Appeals Panel or any other such communication regarding the case.

10 Right of Appeal to the Awarding Bodies

- 10.0** If an appeal is rejected, the appellant must be informed at the time s/he is given the decision that s/he has the right to request the awarding body to review the College's implementation of its assessment appeals process. In such circumstances, the appellant must be provided with the address to which to send her/his request.

This applies to qualifications awarded by professional bodies as well as to the partner university.

If the appeal held at the partner institution is not upheld, the student has the right to appeal to the Vice Chancellor of the University of Sussex who will ascertain that the correct procedures were followed. The decision of the University indicates the completion of the appeals procedure.

Where the student is not satisfied with the outcome of the procedure s/he may request a review by the Office of the Independent Adjudicator for Higher Education (OIA). The OIA provided an independent scheme to enable the review of unresolved student complaints including appeals. The student must submit an appeal to the OIA within three months of receiving the notification of the decision of the University of Sussex. An appeal to the OIA is made by completing a Scheme application form. Copies of this form should be made available within the partner institution and are also available at:

www.oiahe.org.uk

