



**Brooksby Melton College**

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## **Higher Education Academic Appeals and Complaints Policy and Procedure**

## 1. Introduction

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We take students' concerns seriously at BMC and the procedure is designed to enable their effective consideration and the enacting of timely remedies as appropriate. If a more appropriate route exists to consider the substantive concern, the student will be advised to engage with the relevant alternative procedure.

1.1 The **Academic Appeals Procedure** is intended to allow the formal raising of concerns by BMC Students undertaking taught or research programmes **regarding their academic results or circumstances relating to them.**

1.2 The **Academic Complaints Procedure** is intended to allow the formal raising of concerns by BMC students undertaking taught or research courses **regarding academic matters not relating to academic results.**

## 2. Purpose & Scope

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All Students of the College are entitled to use this Academic Appeals and Complaints procedure. The Course Tutor or Student Services team will assist students who wish to access the procedure.

Separate procedures exist for the following:

- **Complaints from Parents/Carers/Guardians of current Students at the College, Customers, and External Organisations and individuals** which are covered by the College Complaint Procedure.
- Allegations of discrimination (covered by the Single Equality Scheme)
- Whistle blowing (covered by the Public Interest Disclosure Policy and Procedure)

Students who submit a case under this procedure will not be unfavorably treated for having done so. Any student who believes that s/he has been less favorably treated as a result of submitting a case should immediately contact the relevant Director of Curriculum.

BMC expects that students will not engage in frivolous or malicious appeals or complaints. It should be noted that if an appeal or complaint is found to have been brought with mischievous or malicious intent this may provide grounds for disciplinary action against the student.

BMC will operate in accordance with its Equal Opportunities Policy when applying the Appeals and Complaints Procedure.

Students should be aware that any information they supply will be treated with due discretion and on a 'need to know' basis. All personal information will be processed by BMC in accordance with the Data Protection Act 1998.

Training will be provided for all HE staff involved in the processing of appeals and complaints.

## 3. The Procedure

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3.0 The Academic Appeals and Complaints Procedure comprises of three parts:

- an informal stage;
- a formal Stage One, in which the Academic Review Board (ARB) considers the appeal.
- a formal Stage Two, which a Student may follow if dissatisfied with the outcome of the Stage One appeal and if the submission meets the required conditions for consideration.

#### First Steps to Try to Resolve Concerns

3.1 Students are encouraged to seek an informal resolution of the matter about which they are concerned before beginning the formal procedure. Informal explorations of possible ways in which a matter may be resolved will not prejudice the consideration of a later formal submission. Such matters should be taken up with the relevant Programme Team Manager (PTM) to seek an informal resolution.

3.2 If an informal resolution cannot be found then a formal stage 1 resolution is required. In these cases, all written appeals or complaint should be forwarded to:

The Director of Curriculum (Director of Landbased and Student Services - Brooksby Campus or Director of Curriculum (GFE and HE) – Melton Campus) Brooksby Melton College, Melton Campus, Asfordby Road, Melton Mowbray, Leics. LE13 OHJ. These will be acknowledged by the Executive Office within 5 working days.

3.3 The Executive office will acknowledge receipt of the complaint. The relevant Director of Curriculum will arrange for the most appropriate PTM to carry out an investigation and that PTM will make an initial written reply within 10 working days of them receiving the complaint.

3.3.1 Where a complaint relates to a Higher Education Programme being run on behalf of another institution, the College will ensure that the institution is made aware of the complaint and resulting action.

3.3.2 Except in circumstances where lengthy investigations are necessary, a full response to complaints will be made by the Director of Curriculum or the designated PTM within one calendar month of receipt of the complaint.

3.3.3 Where a complaint is found to be unsubstantiated, an explanation of the College reasons will always be given.

#### 4. The Nature of the Appeal/ Complaint

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4.1 **Academic Appeals** cover any of the following: i) A degree result ii) Confirmed marks (i.e. following internal moderation) iii) Failure to be transferred to a Top Up programme iv) Required withdrawal from a course v) A penalty applied in respect of plagiarism and/or collusion vi) A refusal to permit the late submission of work for assessment or to approve a delayed first sit.

4.2 Only those decisions/ judgements/ outcomes detailed at 4.1 above can be cited as the object of an academic appeal and any appeal based on grounds not covered by 4.1 above shall be rejected without consideration by the ARB.

4.3 **Academic complaints** may address any aspect of a student's academic experience about which s/he is dissatisfied with the exception of those grounds detailed at 4.1 above.

## **5. Submitting an Academic Appeal or Complaint**

- 5.1 Students must submit a completed Academic Appeal Form or a completed Stage One Academic Complaint Form to relevant Director of Curriculum as noted in 3.2.

Forms can be downloaded from Moodle or available via your Tutor or Student Services. Students should be guided by Section 4 (above) in selecting the appropriate form. Students should submit all relevant evidence with their form.

- 5.2 The Director of Curriculum may suspend the Academic Appeal or Complaint where appropriate, pending clarification by a student that s/he has tried to resolve the matter s/he is concerned about informally before beginning the formal procedure.
- 5.3 A student may decide to withdraw an appeal or complaint at any time prior to its consideration by the ARB.
- 5.4 The PTM shall be notified of the substance of the appeal or complaint and may choose, within the limits of his/ her authority, to reverse the action or decision giving rise to the appeal or complaint in advance of the ARB meeting to consider the case. Where this occurs it shall be regarded as an informal resolution of the appeal or complaint subsequent to a confirmation by the student that they are now content that the appeal or complaint has been satisfactorily addressed.
- 5.5 Until such time as the appeal or complaint has been resolved the student should continue in accordance with such requirements as are placed upon them with regard to their situation as it stands at the point of submission. For example students appealing against a failing mark should continue to engage with any reassessment opportunities they are required to undertake.

## **6. Consideration of the Stage 1 Appeal or Complaint**

- 6.1 Appeals and complaints that meet the grounds for consideration (see 4.i-4.iii above) shall be considered by the ARB, which shall meet with a frequency that ensures that the time between submission and consideration by a panel does not exceed 20 working days for any case (normally this will require monthly meetings).
- 6.2 The student's submission including any supporting documentation must be received no later than 10 working days after: i) Appeals - the date on which the student was formally notified of the outcome against which they are appealing or, where informal resolution has been sought, the date of the last communication to the student regarding the outcome of the informal stage (this may include, inter alia, meetings, emails, and letters) ii) Complaints – the date on which the attempt to resolve matters informally was concluded. This date shall be the date of the last communication to the student regarding the outcome of the informal stage (this may include, inter alia, meetings, emails, and letters)
- 6.3 Appeals or complaints submitted after the deadline may with good reason for the delay may still be considered. The student should contact the relevant PTM/Director of Curriculum if s/he is unable to meet this deadline.
- 7.3 The decision by the relevant Director of Curriculum or PTM as to whether a late submission should be accepted shall be final and not subject to appeal.

7.4 In normal circumstances the student shall be advised of the outcome of his/her appeal or complaint within 10 working days of the date of the ARB meeting. Where the complexity of the case prevents this the student shall be notified of the delay.

## 8. **Actions and outcomes**

8.1 ARB will uphold appeals where any of the following are found: i) Correct procedure was not followed which undermined the validity of the academic result. ii) Prejudice and/or bias affected the academic result. iii) Significant changes were made to a course without being properly communicated and/or were not properly taken into account. iv) The teaching, supervision or training provided was insufficient. v) Extenuating circumstances were not fully and properly considered. vi) Natural Justice dictates that the appeal be upheld. vii) The learning support provided was unsatisfactory or inappropriate.

8.2 ARB will uphold complaints where any of the following are found: i) Correct procedures were not followed. ii) The student experienced prejudice and/or bias. iii) Significant changes were made to a course without being properly communicated and/or were not properly taken into account. iv) The teaching, supervision or training provided was insufficient. v) Natural Justice dictates that the complaint be upheld. vi) The learning support provided was unsatisfactory or inappropriate.

8.3 The possible remedies to an upheld complaint will, by the nature of complaints, be too individual to summarise here. They shall be determined by the ARB, will not involve any adjustment to academic outcomes (since academic outcomes must be addressed through the Appeals route) and where a concession would be needed to allow the proposed remedy to apply the Chair of the relevant Assessment/Exam Board as appropriate.

8.4 ARB shall be able to agree compensatory payments to be made to students in relation to upheld complaints after seeking advice from Assistant Principal.

8.5 In all cases the secretary to the ARB shall write to advise the student of the outcome of the consideration of their case in accordance with 7.4.

The letter shall advise the student that a Stage Two Appeal or Complaint can only be submitted if the student believes that correct procedures were not followed at Stage One (for example, evidence was not fully and properly considered). The letter shall advise the student that, if they do not intend to pursue a Stage Two Appeal or Complaint on those grounds, the student may treat the Stage One outcome letter as a completion of procedures notification and, if they wish, exercise their entitlement to contact the Office of the Independent Adjudicator.

## 9. **Submitting a Stage Two Academic Appeal or Complaint**

9.1 A Stage Two Appeal or Complaint can only be considered where the student claims that there was a procedural irregularity at Stage One. It is fundamental to the proper operation of the academic appeals and complaints procedure that panels consider all evidence fully and properly. Where a student believes that evidence was not fully and properly considered at Stage One this shall be regarded as a claimed procedural irregularity and any Stage Two Appeal or Complaint submitted on this basis shall be duly considered.

9.2 A student must submit a completed Stage Two Academic Appeal or Complaint Form. The student must submit all documentation no later than 15 working days after the date on which the student was formally advised of the Stage One outcome.

- 9.2 Where the Stage Two submission makes a claim of procedural irregularity at Stage One this will be investigated by the Assistant Principal or their nominee.
- 9.3 Where the Assistant Principal is satisfied that there is evidence of procedural irregularity at Stage One the student will be advised that his/her Stage Two Appeal or Complaint has been upheld. An outcome letter will be provided to the student with the full detailed reasons for upholding the appeal and the actions agreed to make a final resolution.
- 9.4 Where the Assistant Principal is not satisfied that there is evidence of procedural irregularity at Stage One, an outcome letter will be provided to the student with the full detailed reasons for not upholding the appeal. This consideration will constitute the conclusion of BMC's procedures; the subsequent outcome letter will advise the student of his/her entitlement to contact the Awarding Body and if unsuccessful then the Office of the Independent Adjudicator
- 9.5 Where there is no evidence that correct procedure has not been followed the appeal or complaint shall be rejected and there shall be no further right of appeal or complaint within BMC.
- 9.6 Where 9.5 applies a completion of procedures letter shall be sent to the student by the Executive Office advising the student of their entitlement to contact the Awarding Body and if unsuccessful then the Office of the Independent Adjudicator.
- 9.7 On completion of the stage of this procedure BMC will provide Completion of Procedure (COP) Letter. The COP Letter must be issued "not more than 28 days after the internal complaints procedures have been exhausted" Rule 4.3 OIA.

<b>IMPACT ASSESSMENT:</b>	This policy has been considered for impact upon age, disability, family responsibility, marital status, race, colour, ethnicity, nationality, religion or belief, gender and sexual orientation.
<b>DATE FOR REVIEW:</b>	September 2017
<b>RESPONSIBILITY: CMT</b>	Approved by Operational Planning Group September 2015
<b>APPROVED BY BOARD: N/A</b>	