

Higher Education Award Regulations: Part B

Section: 9 – Academic Appeals

Version: 2.7

Academic Year: 2023/24

REVISION HISTORY

Ver	Date	Author	Description
1	May 2014	Scott Smith	Initial Academic Appeals Procedure
2	January 15	Scott Smith	To include admissions, Academic Malpractice and PMC appeals
2.1	September 2015	Scott Smith	Updated to meet the requirements of changes to Liverpool John Moores University Regulations
2.2	September 2016	Scott Smith	Updated to reflect the change in titles
2.3	October 2016	Scott Smith	Updated to reflect revised guidance from the OIA particularly in relation to collaborative partners expectations.
2.4	September 2017	Scott Smith	Changes to the membership of Academic Appeal Panels.
2.5	March 2018	Scott Smith	Updated panel membership
2.6	May 2018	Scott Smith	Various updates following feedback relating to its operation
2.6.1	March 2019	Scott Smith	Removal of reference to the old section of the Quality Code
2.6.2	May 2021	Scott Smith	Removal to the reference to Liverpool John Moores provision and update to the Quality code reference
2.6.3	August 2021	Scott Smith	Ability for the HE Academic Registrar to reject an Academic Appeal
2.6.4	July 2022	Scott Smith	Addition of Stage 3
2.7	July 2023	Scott Smith	Annual update and inclusion of sections from Part A.

APPROVAL

Ver	Committee	Date Approved
1.0	HEAB	May 2014
2	ASDC	Jan 2014
2.1	ASDC	Sept 2015
2.2	ASDC	Sept 2017
2.3	ASDC	Dec 2016
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2.6.2	ASDC	May 2021
2.6.3	ASDC	Oct 2021
2.6.4	ASDC	July 2022
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B9 INTRODUCTION

These regulations relate to the provision of higher education programmes delivered at Blackpool and The Fylde College.

B9: Academic Appeals has been produced following consideration of the UK Quality Code for Higher Education.

An academic appeal differs from a complaint and therefore appeals, and complaints are considered under different procedures. A complaint is defined as a formal expression of dissatisfaction made by either a single student, apprentice or group thereof about the provision of their programme of study or related academic service or facility or any other service provided by the Blackpool and The Fylde College and therefore the Appeals Procedure cannot be used to bring complaints. See Blackpool and The Fylde College's Compliments, Complaints and Feedback policy.

Students have no right of appeal in matters of academic judgement such as marking, grading, awarding or classification. Appeals on this basis will be ruled invalid.

B9.1 SCOPE

An academic appeal is a request for a review of a decision made by the Board of Examiners, Academic Malpractice and Misconduct Panel, Recognition of Prior Learning Panel or Personal Mitigating Circumstances Panel.

The purpose of this procedure is to establish the facts and come to a reasonable and just resolution, which is both relevant and proportionate. A prima facie case for appeal will be deemed to exist if there is evidence of one or more of:

- A material administrative error or irregularity in conduct of assessment which has affected the student's results and/or classification.
- The production of significant new evidence concerning a Personal Mitigating Circumstances, Recognition of Prior Learning or Academic Malpractice panel.
- Prejudice or bias on the part of one or more of the examiners where unfair treatment or discrimination is alleged which is outside the exercise of academic judgement and which for good reason had not been brought to the attention of the Boards of Examiners.

For all cases, evidence should not have been available to the relevant Board of Examiners or panel and will therefore not have influenced an outcome.

B9.2. APPEALS PROCESS

Appeals should be received by the HE Academic Registrar on the Blackpool and The Fylde College Academic Appeals Form within 15 working days of a student or apprentice being notified in writing of the decision against which they wish to appeal. Submissions can either be emailed to appeals@blackpool.ac.uk or handed to any campus reception area.

B9.3 STAGE 1 - INFORMAL STAGE

For academic appeals raised against decisions made by Boards of Examiners, the HE Academic Registrar or nominee will, on receipt of an appeal, arrange for a meeting between the student or apprentice and the HE Academic Registrar to discuss their circumstances. Stage 1, to better support a student, may occur virtually, that is to say that the meeting may not be in person e.g., by telephone or email and will, wherever possible, occur within 15 working days from the receipt of an appeal.

As a consequence of this meeting one of the following outcomes must be agreed.

- No prima facie case for appeal is found by the HE Academic Registrar, such cases will be considered as having exhausted the Academic Appeals process and will not proceed to Stage 2; where appropriate, an appeal may then be considered by the awarding body or in the case of Blackpool and The Fylde College awards considered by the OIA, also see B9.5
- Proceed to the formal stage.

Students or apprentices will, in all cases, be informed of the outcome of the informal stage in writing, where no prima facie case for appeal is found, the correspondence will contain all the relevant information to enable the student or apprentice in escalating their appeal. Any student or apprentice able to proceed their appeal to Stage 2 should inform the Student Administration Manager in writing or by email to: appeals@blackpool.ac.uk within 10 working days of receiving the decision of Stage 1.

B9.4 STAGE 2 – FORMAL STAGE

Where a student or apprentice wishes to continue with their appeal the Student Administration Manager will convene an Academic Appeal Panel to hear the formal stage of the appeal.

B9.4.1 APPEALS PANEL

To avoid any conflict of interest, members of any appeal panel must not have been party to any preceding decision that may have initiated the appeal.

The Panel will consist of:

- Director of Higher Education (Chair) or nominee
- Assistant Academic Registrar or nominee
- Independent Head of Curriculum

In attendance:

- The Student Administration Manager (minutes)

B9.4.2 DOCUMENTATION AVAILABLE TO THE PANEL

The Student Administration Manager is responsible for providing documentation to the Academic Appeal Panel. This may consist of any documentation deemed relevant to the appeal and may be submitted by an academic colleague or by the student or apprentice in question where either party believes it may assist the panel in their deliberation. All documentation must be provided to all parties prior to the meeting.

B9.4.3 PANEL PROCESS

Students and apprentices have a right to be accompanied at the Stage 2 Academic Appeal Panel; any person accompanying them is present in a supporting role and as such should not contribute to the meeting unless at the behest of the student or apprentice and only when invited to do so by the Chair. There is no right for a student or apprentice to have legal representation at an Academic Appeal Panel.

The timing of the panel will be arranged to try to ensure the student or apprentice can attend. If they do not attend, the Academic Appeal Panel, the Panel may continue to consider the appeal in their absence. The Panel may, if it wishes, postpone the meeting if reasonable grounds for non-attendance have been provided (e.g., sickness absence).

The Student Administration Manager will convene the Academic Appeal Panel. The panel will receive copies of the appeal pro-forma alongside any other evidence submitted in relation to the appeal.

The chair may at any point in the proceedings adjourn a panel meeting; such an adjournment would normally be for the purpose of seeking clarification on a particular issue so as not to disadvantage a student or apprentice. Where a case implicates more than one student or apprentice, Blackpool and The Fylde College may vary the structure and timings of meetings to ensure that all aspects are fully considered before reaching a conclusion.

A short meeting will take place before the panel meeting with panel members and the Student Administration Manager only to familiarise members with the case. The

student or apprentice will then be asked to join the meeting to present their case to the panel.

Once the panel has heard the evidence and asked any further questions of clarification, the student or apprentice, and anyone accompanying them will be asked to leave the meeting. The panel will then discuss the case and use the awarding body regulations to inform their discussions and decisions. Once a decision has been reached, the student or apprentice will be invited to re-join the meeting.

Normally, the student or apprentice will be advised of the panel decision verbally by the Chair on the day.

B9.4.4 POSSIBLE OUTCOMES

- To uphold the appeal based on the evidence presented and to amend the record of the student or apprentice accordingly.

Or

- To partially uphold the appeal based on the evidence presented and to amend the record of the student or apprentice accordingly.

Or

- To dismiss the appeal

The Student Administration Manager is responsible for ensuring that the student or apprentice is informed in writing, normally within 10 working days of the Academic Appeal Panel of its decision. The letter, where appropriate, will advise the student or apprentice of their right to refer the matter if they are unsatisfied.

B9.5 STAGE 3 – FINAL INTERNAL STAGE

B9.5.1 OVERVIEW

Stage 3 is the final stage of an academic appeal process and as such exhausts the College's internal procedure.

Students or apprentices, if unsatisfied with the decision of Stage 2, on receipt of the outcome letter and within 10 working days, may choose to enact a Stage 3 Review; to do so they must contact the Student Administration Manager at the following address:

Blackpool & The Fylde College
Park Road
Blackpool
FY1 4ES

Or by email: appeals@blackpool.ac.uk

The correspondence should include the request for a Stage 3 Review academic appeal meeting whilst also stating the grounds for which they are unsatisfied with the outcome of Stage 2. An acknowledgement letter will be provided within 10 working days.

B9.5.2 STAGE 3 REVIEW

A Stage 3 Review is heard by the Vice Principal HE and Student Enhancement. The purpose of the review is to consider and evaluate the findings of the Stage 2 meeting.

Where an appeal has not been upheld and relates to a Blackpool and The Fylde College award, the College will issue a Completion of Procedures letter at the conclusion of Stage 3.

B9.6 ADJUDICATION

Once all internal procedures have been exhausted, which for students or apprentices on programmes validated by Lancaster University may include the right to refer the appeal to the University, if the student or apprentice is still not satisfied and following the issuing of a Completion of Procedures letter, they have the right to take the case to the Office of the Independent Adjudicator (OIA) for Higher Education, for further review.

The application to the OIA must be made within 12 months of the issue of the Completion of Procedures letter. Information about the OIA and its processes can be found at <http://www.oiahe.org.uk/>

B9.7 GENERAL DATA PROTECTION REGULATION

Students and apprentices should be aware that any information submitted to an Academic Appeal Panel will always be treated as confidential. There may be occasion however where documents could be used in conjunction with another College procedure. In the event of such a case the College will endeavour to inform the student or apprentice prior to its use.

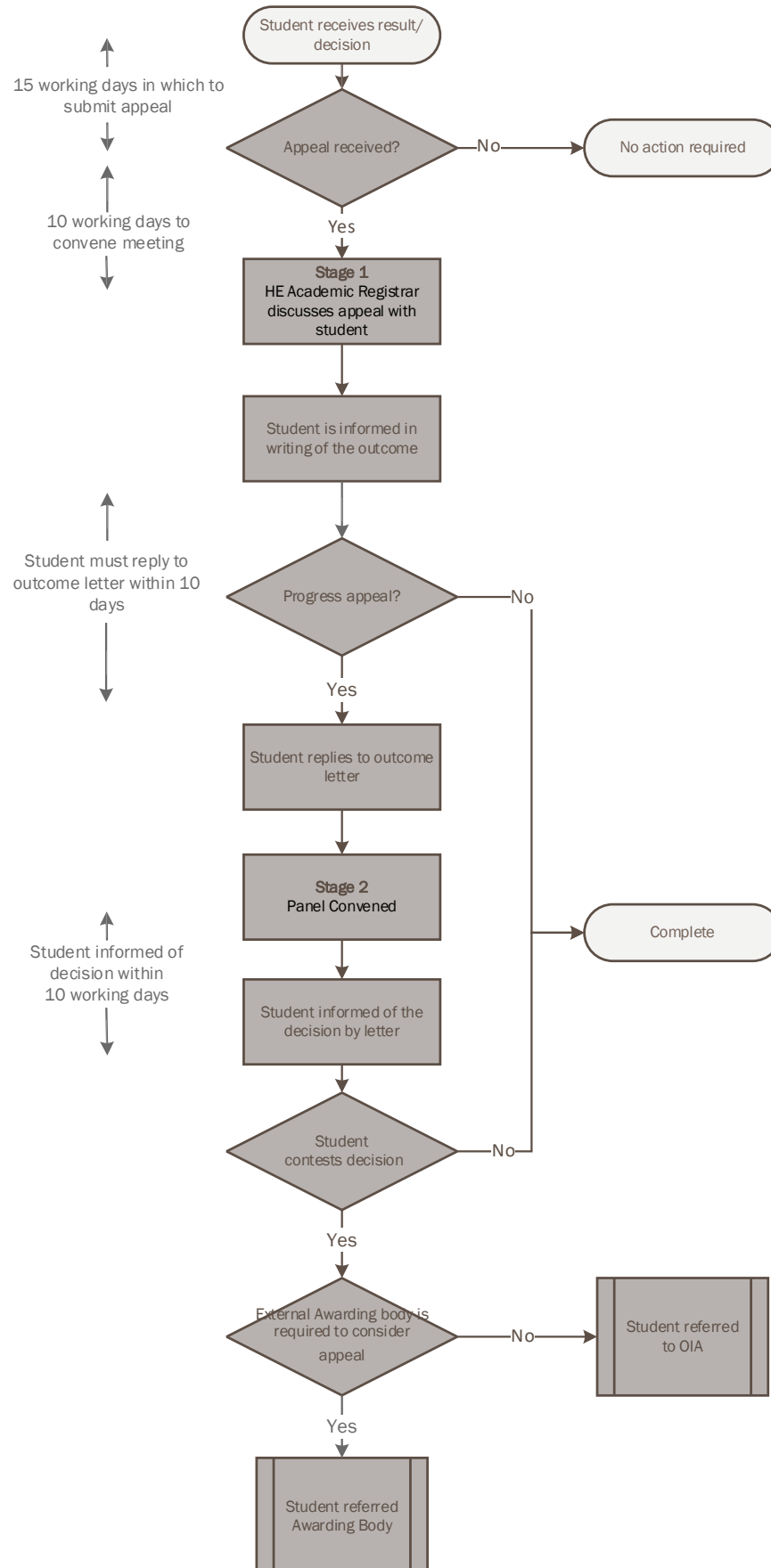
Under UK General Data Protection Regulations, Retaining Personal Data (Principle 5), personal data should not be kept any longer than is necessary for the purpose for which it was obtained. Any documentation should meet the requirements specified in Blackpool and The Fylde College's Data Protection Code of Practice.

Students and apprentices should make every effort not to provide details that relate to a third party. Where such information is provided, under UK GDPR Article 14, the College may be required to notify third parties that it is processing their data. Where

possible and appropriate any such information should have personal information redacted, if information is received that has not been redacted the Student Administration Manager will redact personal information immediately following its presentation to a panel.

Colleagues of Blackpool and The Fylde College who participate in an Academic Appeal Panel should be aware that information about them acting in their professional capacity may be disclosed to the OIA if it formed part of the information which has been considered under the Blackpool and The Fylde College process.

APPENDIX B9-A – APPEALS PROCESS



APPENDIX B9-B – TERMS OF REFERENCE

Chair	<ul style="list-style-type: none"> • Director of Higher Education or nominee
Membership	<ul style="list-style-type: none"> • Assistant Academic Registrar (or nominee) • Independent Head of Curriculum <p>Academic Appeals Panel will be considered quorate only when all the above members are in attendance.</p>
In attendance	Curriculum area academic representative
Minuting	Student Administration Manager
Frequency	As required
Summary of purpose	Responsible to HE Academic Board; to ensure the fairness and reliability of all judgments and formal decisions relating to the outcomes of Blackpool and The Fylde College's assessments and, to where appropriate, make recommendations of any remedial action to be taken by the College in the light of the considered appeal. To adjudicate on matters relating to Personal Mitigating Circumstances, Recognition of Prior Learning and Academic Malpractice Panels decisions.
Terms of Reference	<ul style="list-style-type: none"> • To provide an opportunity to any individual to appeal against a final decision of an academic body charged with making decisions on student progression, assessment and awards. • Under agreed College procedures, the Chair of the Panel will be able to substitute a decision on behalf of the College. • To monitor the outcomes of individual cases through reporting to HE Academic Board. • To report on trends and issues, including any need for policy change arising from consideration of an individual case or cases through reporting to HE Academic Board. • To make judgements on the relevance of evidence that was not submitted in accordance with the deadline for Personal Mitigating Circumstances (PMC) applications. • To make judgements and adjudicate on decisions made by the Academic Malpractice Panel. • To make judgements and adjudicate on decisions made by the Recognition of Prior Learning Panel.
Date of last review	July 2022