



Name of policy or procedure:	Academic Appeals (Higher Education) and Complaints
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Version	Changes
V 0.1	Original Document
V 1.0	Draft to include updates referring to the Office for the Independent Adjudicator for HE and the inclusion of Newman University as a validating body.
V 1.1	Draft following review by Academic Registrar
V 1.2	Final draft for approval

1.0 Academic Appeals and Complaints

1.1 Related external reference points:

Office of the Independent Adjudicator (<http://www.oiahe.org.uk/>)

Competition and Markets Authority (CMA) UK higher education providers - advice on consumer protection law.

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/428549/HE_providers_-_advice_on_consumer_protection_law.pdf)

QAA Quality Code Part B Chapter 9 Academic Appeals and Complaints

(<http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b>)

Open University Regulations for Validated Awards

Newman University Collaborative Provision Handbook

2.0 Introduction

2.1 Ruskin College is committed to providing the best possible service for its students. In order to do this, the College wishes to be informed when it fails to meet student expectations.

2.2 This procedure covers the action to be taken should a student wish to **complain** to the College about anything that happens to them in College. For matters connected with the assessment of academic work, the student would **appeal**. The appeal procedure also applies to decisions related to practice learning.

2.9 The College will monitor and evaluate the effectiveness of the academic appeals and complaint procedures and reflect upon the outcomes of those procedures for enhancement purposes. The College has established different procedures to deal with academic appeals and complaints and these are outlined in this document. Appeals relating to admissions are covered in the Admissions Policy.

3.0 Scope

3.1 Ruskin College requires all complaint or academic appeal proceedings to be conducted fairly. In order to secure fairness to all parties, those investigating or deciding on them need to act impartially and identify any actual or potential conflict of interest or any circumstance in which they might materially benefit from the outcome.

3.2 The College is committed to seeking early resolution of complaints and academic appeals where it is possible to do so.

3.3 Students can raise matters of concern without the risk of disadvantage but the College will not consider anonymous complaints.

3.4 The College will endeavour to ensure that complaints and academic appeals are dealt with in accordance with the timescales outlined in this document (below). At certain times of the year, when specific staff may not immediately be available, the College will make the arrangements as soon as practically possible.

3.5 Complainants and appellants are required to be truthful and courteous at all times during the process particularly when preparing cases and talking to the Panels (where

applicable). Documentation and other information as required should be submitted by the stated deadline. The Appeal Panel has the right to not consider documentation that has been submitted after the deadline. The College will take very seriously any vexatious claims and they may be dealt with under the Student Disciplinary Policy.

3.6 Complaints and appeals are generally regarded as confidential with procedures and outcomes treated on a 'need-to know' basis within the College.

3.7 Complainants or appellants with disabilities can ask the Head of Student Services to make adjustments to the process to accommodate any reasonable need.

Appeals

3.8 If a student thinks they have grounds for an appeal, the Examiners may be asked to reconsider their decision. Appeals must be based on:

- Additional information about a student's circumstances which has not been taken into account and which the student was unable to divulge before the Examination Board determining the result at that level reached its decision and/or
- Evidence of a flaw or irregularity in the assessment procedure.

3.9 Disagreement with the decision of the Examiners cannot of itself constitute grounds for an appeal.

3.10 To appeal, the appellant must put their case in writing on the correct form (available as below in document) together with any evidence, to the Head of Student Services within two weeks of the date on the letter confirming the result. The College will only communicate with the appellant via their Ruskin College email address.

Complaints

3.11 In the first instance, the College expects a complainant to discuss their dissatisfaction with the person believed to be causing it. Most difficulties can be resolved quickly and easily by doing this. If the complainant does not feel able to do this, or if they are still dissatisfied, please follow the procedure set out below.

3.12 This procedure covers the action to be taken should anyone wish to complain to the College about anything that happens in College, other than matters connected with the assessment of academic work, which is governed by the appeal procedure.

4.0 Definitions

4.1 An **Academic Appeal** is a request for the review of a decision of an Examination Board. An Examination Board is an academic body which makes decisions relating to student progression, assessment and awards. An Academic Appeal under this process can only be made by a Higher Education student of the College. An Academic Appeal must be made in the required format within ten working days of the date of the letter giving the outcome of the Examination Board.

4.2 A **Complaint** can be made by a student, an applicant or a member of the general public and is an expression of a specific concern about any aspect of their own relationship with the College. A Complaint relates to the specific treatment of an individual and is different from critical feedback about a programme which is welcomed by the College as part of its quality assurance process (in person to the module tutor or Programme Coordinator, through your Class Rep at the Programme Board or when you complete your Module Evaluation). A Complaint may be raised by applicants at any time during the admissions procedure or for up to 1 month following its completion. Complaints by the general public can be raised for up to 1 month after the incident which is the subject of the Complaint. These complaints are subject to a different process from the one available to students. Students can raise a complaint for up to 6 months following the completion of their course or withdrawal from the University.

4.3 In the case of both Appeals and Complaints, should the appellant or complainant not be satisfied with the outcome of the internal College processes, they may raise the issue through the processes of the relevant validating body or if a Completion of Process letter has been issued by the College or a validating body, direct their complaint to the Office of the Independent Adjudicator.

APPEALS

5.0 Procedure

5.1 Upon receipt of the appeal form from an appellant, the Academic Registrar will convene an appeal panel to hear the appeal normally within ten working days weeks of receipt of the student's appeal. They will invite a response from the relevant Programme Co-ordinator.

5.2 The panel will consist of an independent chair, normally a member of the College Senior Leadership Team, an external advisor to the College on academic matters and a tutor from another academic area of the College. Where the appeal concerns practice learning, there will be an additional panel member drawn from a relevant professional organisation. No member of the panel will have had any previous involvement with the matter in question.

5.3 The student's appeal and the response of the Programme Co-ordinator will be sent to the panel in advance. The appeal panel will have the opportunity to seek further evidence and to seek clarification from any member of staff or other sources (e.g. plagiarism meeting), as appropriate. All evidence to be considered will be sent to the student at least seven days before the appeal panel hearing.

5.4 The appellant will have the right to be present throughout the appeal hearing, though they will be excluded from the portion in which the panel deliberates to reach its final or any interim decision. The appellant has the right to be accompanied by a student union representative or a friend if they so wish.

5.5 The Appeal Panel will only uphold an appeal on the following grounds:

- that the appellant has established to the satisfaction of the Panel that performance in the assessment was adversely affected by illness or factors which the appellant was

unable to divulge before the Examination Board reached its decision. In such a case, the appeal must be supported by medical certificates that cover the time period being considered or other relevant and timely documentary evidence,

and/or

- that the Panel is satisfied on the evidence produced by the appellant that there has been a material administrative error, or that the assessment was not conducted in accordance with the regulations or that some other material irregularity has occurred.

5.5 Should the appeal be upheld by the Appeal Panel, the Examination Board, at its next meeting and after considering the evidence and advice of the Panel, will consider whether to amend or confirm its original decision about the award at this level.

5.6 The Head of Student Services will notify the appellant of the outcome of the appeal, normally within seven days of the hearing. The head of Student Services will further notify the appellant of the outcome of any resultant reconsideration by the Examination Board, where applicable, normally within seven days of the Board having met.

5.7 At this point, the appellant will be issued with a Completion of Procedures letter as required by the Office of the Independent Adjudicator for Higher Education. A template of this letter is included below. The complainant is then able to bring the matter to the attention of the Office of the Independent Adjudicator.

6.0 Outcomes

6.1 The appellant will be contacted in writing by the College within the above outlined timescales. The College will clearly outline the process undertaken and evidence reviewed and will state the outcome of any investigation.

6.2 An appeal may be **upheld** or **not upheld**. If an appeal is upheld, the Head of Student Services will contact the appellant with a plan for the resubmission or reconsideration of the work that was the subject of the appeal. The College may allocate examination board Chair's action to ensure a student may resubmit work at their earliest opportunity and remain in sequence on their programme.

Completion of procedures

6.3 Upon the completion of the College's internal processes relating to appeals, the appellant will be issued with a **Completion of Procedures letter** as required by the Office of the Independent Adjudicator for Higher Education. A template of this letter is included in the appendix to this policy. The complainant is then able to bring the matter to the attention of the Office of the Independent Adjudicator.

6.4 If an **appellant** remains unsatisfied with the outcome and all the College's internal appeals procedures must have been exhausted, they may refer their appeal to the relevant validating body (The Open University (OU) or Newman University (NU)). In this event the appellant must refer to the relevant University appeals procedure. These processes are available on the College's intranet



Higher Education Student Appeal Form

Use this form if you wish to appeal against the decision of an Examination Board. You should also refer to the document “**Academic Appeals (Higher Education) and Complaints**”, which explains how the appeal process works. A copy is supplied with this proforma.

Student number:

Name (in full):

Programme/Course:

Level:

The College will only contact you on your Ruskin College email address in all matters relating to your appeal. Please ensure that you check this on a regular basis..

Please indicate any periods when we will be unable to contact you about your appeal:

E.g. holidays:

Telephone number:

About your appeal:

State the decision of the Examination Board against which you are appealing (e.g. requirement to re-take specified modules, degree classification etc):

If your appeal relates to your results in particular modules, list the modules and module codes (where applicable):

What are the grounds for your appeal? (please continue on a separate sheet if necessary).

- Additional information about an appellant's circumstances which has not been taken into account and which the student was unable to divulge before the Examination Board determining the result at that level reached its decision and/or
- Evidence of a flaw or irregularity in the assessment procedure.

Please provide additional information to support your appeal. Provide as much information about your case as you can - this may help speed up the process (continue on a separate sheet if necessary). In particular tell us why you believe you have grounds for appeal. (Please note, if you are appealing on the basis of mitigating circumstances, please make use of the Mitigating Circumstances policy).

Please list below and attach the evidence you have to support your case and any documents you are relying on.

Say what outcome you would wish your appeal to achieve.

Signed:

Date:

This form must be submitted to:
The Academic Registrar
Ruskin College, Dunstan Road
Headington
Oxford
OX3 9BZ

Appeal Panel Report Form

This form should be completed by Secretary of the Appeal Panel after the appeal has been heard.
Student number:
Name (in full):
Programme/Course:
Level:
State the Examination Board outcome against which the student was appealing (e.g. requirement to re-take specified modules, degree classification etc):
If their appeal relates to results in particular modules, list the modules and module codes (where applicable):
What are the grounds for the appeal? (please continue on a separate sheet if necessary). <ul style="list-style-type: none"> ○ Additional information about a appellants' circumstances which has not been taken into account and which the student was unable to divulge before the Examination Board determining the result at that level reached its decision and/or <ul style="list-style-type: none"> ○ Evidence of a flaw or irregularity in the assessment procedure.

State what additional information was provided to support the appeal.

Please list the evidence that was provided to support their case (e.g. Doctor's note):

Outcome of the appeal

Why was this decision made?

Signed:

Date:

COMPLAINTS

7.0 Procedure

7.1 In the first instance, the College expects a complainant to discuss their dissatisfaction with the person believed to be causing it. Most difficulties can be resolved quickly and easily by doing this. If the complainant does not feel able to do this, or if they are still dissatisfied, please follow the procedure set out below.

7.2 Formal complaints are to be submitted in writing on the correct form to the Leadership Team Secretary. A copy of the form is available in the appendix to this policy. Complaints will be:

- Acknowledged within five working days
- Taken seriously and investigated by the appropriate manager, who will not have been previously involved with the matter complained about.

7.3 Following the investigation, the College will inform the complainant of the outcome. The College will aim to conclude the investigation within ten working days, though in some circumstances and at certain times of the year may mean that there is a delay in concluding the investigation. In any event, the College will respond to the complainant outlining the outcome or with a response indicating when the investigation will be concluded.

7.4 If the complainant is unhappy with the outcome of the investigation, they may write to the Assistant Principal (or their nominee) on the correct form. The process outlined in paragraphs 5.9 to 5.10 above will then be followed.

7.5 At this point, the complainant will be issued with a Completion of Procedures letter as required by the Office of the Independent Adjudicator for Higher Education. A template of this letter is included in the appendix to this policy. The complainant is then able to bring the matter to the attention of the Office of the Independent Adjudicator.

8.0 Outcomes

8.1 The complainant will be contacted in writing by the College within the above outlined timescales. The College will clearly outline the process undertaken and evidence reviewed and will state the outcome of any investigation.

8.2 A complaint may be **upheld** or **not upheld**. If a complaint is upheld, the Head of Student Services will contact the complainant with the proposed resolution or restitution.

Completion of procedures

8.3 Upon the completion of the College's internal processes relating to **appeals and complaints**, the appellant or complainant will be issued with a **Completion of Procedures letter** as required by the Office of the Independent Adjudicator for Higher Education. A template of this letter is included in the appendix to this policy. The complainant is then able to bring the matter to the attention of the Office of the Independent Adjudicator.

8.4 Should a **complainant** remain unsatisfied with the outcome, they may raise the complaint with the relevant external bodies:

8.5 For programmes and courses funded by the Skills Funding Agency, the complainant may bring the matter to the attention of that body at:

Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry. CV1 2WT

A copy of the Skills Funding Agency Complaints about Providers leaflet is available on the College's intranet.

8.6 For higher education programmes, it is not normally possible to complain to the Higher Education Funding Council for England unless the matter concerns allegations of financial mismanagement.

8.7 For programmes validated by the Open University, the complainant may instigate the Open University complaints procedure that is published on the College's intranet.

8.8 For programmes validated by Newman University, the complainant may instigate the Newman University complaints procedure that is published on the College's intranet.

8.9 For complainants studying for a degree in Social Work course, unresolved complaints may be brought to the attention of the Health and Care Professions Council. The process for instigating such a complaint may be found on the Social Work pages of the intranet.

Complaint Form



This form is to be completed by any student, applicant or member of the public who wishes to make a formal complaint against any process, individual or groups of individuals in the College, or any off-site provision.

If you have any difficulty completing this form, students can seek the advice of the Ruskin Students' Union.

Regardless of any other representation, complaints only become formal when the College Academic Registrar has received a fully completed complaint form.

Complainants are advised that anything appearing in this form will be disclosed to the subject of the complaint during the course of any investigation and are advised to exercise caution regarding use of language and avoid personal abuse.

In order to administer your complaint effectively, please complete all sections below as fully as possible. Please circle where necessary.

Complaint with respect to -

Nature of complaint -

(Please continue on separate sheets as necessary - put your name and/or student number on all additional sheets)

Have you tried to resolve this complaint informally? YES / NO

Please provide details of attempts to resolve informally including names of people contacted, dates contacted etc. These people may be contacted in the course of any investigation.

If you have not attempted informal resolution, please detail the reasons.

What resolution are you seeking?

Stating the resolution you are seeking will not prejudice any final remedy determined.

Please complete your details as requested below. In giving your details, you can be assured that you will not be disadvantaged in any way as a result of submitting a formal complaint in good faith.

Contact address.....

.....Post Code.....

Student Number (if applicable).....

Name.....

Signature.....

Date.....

(Please print clearly)

Once you have completed this form as fully as you are able to, please submit to the College Leadership Team Secretary in an envelope clearly marked 'Private and Confidential'.

**Complaint Investigation Report
Form - Internal Use only**



This form is to be completed by the member of staff designated to investigate the complaint.

Complainants have been advised that anything appearing in this form will be disclosed to the subject of the complaint during the course of any investigation and are advised to exercise caution regarding use of language and avoid personal abuse.

Name of Complainant:

Complaint with respect to -

Nature of complaint -

Has the complainant tried to resolve this complaint informally? YES / NO

Who have you contacted in relation to this investigation?
What information were you provided with?
Has the complaint been upheld?
Why was this decision made?
What resolution do you recommend?

Contact address.....
.....
..... Post
Code.....
Student number (if applicable).....
Name..... Signature.....
Date.....
(Please print clearly)

Once you have completed this form as fully as you are able to, please submit to the College Leadership Team Secretary in an envelope clearly marked 'Private and Confidential'.

Dear XXXX,

Completion of Procedures Letter

Please note that Completion of Procedures letters may only be issued by persons authorised to do so. In most cases this is the Principal or Academic Registrar.

This letter completes the College's consideration of your:

- Appeal
- Complaint
- Exclusion or suspension (inc disciplinary procedures)
- Decision involving student being removed from accommodation
- Complaint and appeal which is related to the same, or related issues

Your **complaint/appeal etc** concerned XXXX - give brief summary.

This was considered in accordance with the College's [**insert Regulation and Procedure reference**].

When making a final decision in this matter the College considered XXXXXX

The final decision taken by the College was that your **complaint/appeal etc** was not upheld. This is because XXXXX

Ruskin College subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of your **complaint / appeal etc** to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form must be received by the OIA within 12 months of the date of this letter, that is, it must be received by the OIA on or before [**insert date - e.g. if the Completion of Procedures Letter is dated 5 November 2015, this date should be 5 November 2016**]. [**Include here any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly.**] *E.g. the student is subject to deadlines for completing the course, the course or module the student is studying is being discontinued or the programme in in teach out or the remedy the student is seeking will be impossible to implement after a certain date.*

You can fill in the OIA's complaint form online or download a copy from the OIA website.

<http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>.

The OIA also publishes An Introduction to the OIA Scheme for Students, which can be downloaded from http://oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf.

Alternatively, you can telephone or write to the OIA for a form. You should send a copy of this letter to the OIA with your OIA Complaint Form.

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the University's internal procedures.

Yours sincerely,

1. If it is a complaint that does not relate to the validated programme, the complainant should be advised that they have the right to take their complaint to the OIA. - **this needs to be stated in the reply letter to the complainant, and then they be given this letter**
2. If it is a complaint that relates to a validated programme, but is not an academic appeal, the complainant should be advised that they have the right to take their complaint to The Open University in the first instance. If they are unhappy with any outcome following investigation by The Open University, they will then have the right to take the appeal to the OIA. - **this needs to be stated in the reply letter to the complainant, and then they be given this letter**
3. If it is an academic appeal, then the appellant should be advised that they have the right to take their complaint to The Open University in the first instance. If they are unhappy with any outcome following investigation by The Open University, they will then have the right to take the appeal to the OIA. - **this needs to be stated in the reply letter to the appellant, and then they be given this letter**