



# Ruskin College Oxford

## ACADEMIC APPEALS (HE), ADMINISTRATIVE APPEALS AND COMPLAINTS POLICY AND PROCEDURE

**Created:** February 2017

**Approved:** SLT

**Last Reviewed:** May 2020

**Responsibility for Review:** SLT

**Next Review:** May 2022

**Related Documents:** Academic Appeal Form; Administrative Appeal Form; Appeal Investigation Form; Complaint Form; Complaint Investigation Form; Regulatory Framework for Validating Body

# Academic Appeals and Complaints

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

QAA Quality Code

<https://www.qaa.ac.uk/quality-code/advice-and-guidance/concerns-complaints-and-appeals>

Open University Regulations for Validated Awards

Newman University Collaborative Provision Handbook

## 1. Introduction

- 1.1 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.
- 1.2 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.
- 1.3 The Complaints procedure outlined below covers the action to be taken should a student wish to complain to the College about anything that happens to them whilst in College or during their learning experience.
- 1.4 For matters connected with the assessment of academic work, the student should follow the academic appeal procedure.
- 1.5 The appeal procedure also applies to decisions and assessments related to practice learning.
- 1.6 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.

## 2. Scope

- 2.1 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. The College is committed to seeking early resolution of complaints and academic appeals where it is possible to do so.
- 2.2 Students can raise matters of concern without the risk of disadvantage but the College will not consider anonymous complaints.
- 2.3 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.

- 2.4 Complainants and appellants are required to be truthful and courteous at all times during the process. Documentation and other information as required should be submitted by the stated deadline. The Appeal Panel has the right to exclude documentation submitted after the published deadline. The College will take very seriously any vexatious claims, which may be dealt with under the Student Disciplinary Policy.
- 2.5 Complaints and appeals are generally regarded as confidential and procedures and outcomes are treated on a 'need-to know' basis within the College.
- 2.6 Complainants or appellants with disabilities can ask the Head of Student Services to make adjustments to the process to accommodate any reasonable needs.

### 3. Definitions

- 3.1 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.
- 3.2 Under this process an Academic Appeal 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.
- 3.3 An Administrative Appeal is an appeal or request for the review of a decision made about any aspect of the student's access to learning and the student experience that does not relate to academic progression, assessment and awards. This may cover issues concerning registration, fee liability, financial support or special arrangements and reasonable adjustments. (N.B this is not a prescriptive list but an indication)
- 3.4 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.
- 3.5 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 (Please note this form of feedback can be done in person to the module tutor or Programme Coordinator, through your Class Representative at the Programme Board or when you complete your Module Evaluation).
- 3.6 A Complaint may be raised by applicants at any time during the admissions procedure or for up to 1 month following its completion.
- 3.7 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.
- 3.8 Students can raise a complaint for up to 6 months following the completion of their course or withdrawal from the University.
- 3.9 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.

## **4. Grounds for an Academic Appeal**

- 4.1 If a student thinks they have grounds for an appeal, the Examiners may be asked to reconsider their decision.
- 4.2 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
- 4.3 and/or evidence of a flaw or irregularity in the assessment procedure
- 4.4 Disagreement with the decision of the Examiners cannot of itself constitute grounds for an appeal.

## **5. Grounds for an Administrative Appeal**

- 5.1 A student may request a review of any administrative decision if there are grounds relating to the fairness or adequacy of the procedures followed, including in this the consideration of all relevant evidence, the correct application of rules, how a decision was communicated, bias, and the overall reasonableness of the decision made.
- 5.2 Appeals can be made on the grounds of material administrative error, e. g. regarding fees, funding or bursaries. You must provide documentary evidence in support of your appeal.

## **6. Complaints**

- 6.1 In the first instance, the College expects the student to discuss their dissatisfaction with the person believed to be causing it. Most difficulties can be resolved quickly and easily by doing this.
- 6.2 If the complainant does not feel able to do this, or if they are still dissatisfied, please follow the procedure set out below.
- 6.3 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 or administrative decisions, both of which are governed by the appeal procedure.

## **7. Academic Appeals Procedure**

- 7.1 To appeal, the appellant must put their case in writing on the correct form (See Appendix 1) together with any evidence, to the Academic Registrar 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.

- 7.2 Upon receipt of an academic appeal, the Academic Registrar will convene an appeal panel to hear the appeal. Normally, this will be within ten working days weeks of receipt of the student's appeal. They will invite a response from the relevant Programme Co-ordinator.
- 7.3 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.
- 7.4 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 five working days before the appeal panel hearing.
- 7.5 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.
- 7.6 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.
- 7.7 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. The Academic Registrar will notify the appellant of the outcome of the appeal, normally within 5 working days of the hearing. The Academic Registrar 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.
- 7.8 An appeal may be upheld or not upheld. If an appeal is upheld, the Academic Registrar 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 have recourse to the examination board Chair's Action to ensure a student may resubmit work at their earliest opportunity and remain in sequence on their programme.
- 7.9 The Academic Registrar will issue the appellant a Completion of Procedures letter as required by the Office of the Independent Adjudicator for Higher Education. Normally, this will be issued within 10 working days. 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 if they remain dissatisfied with the outcome of the appeal.

## **8. Administrative Appeals Procedure**

- 8.1 If a student has grounds to believe that a decision relating to their registration or student experience is wrong, they should in the first instance notify Student Services.
- 8.2 The student should be able to show why or how the decision that they are querying did not follow college policies, procedures or regulations. Please note that a student cannot query a decision simply because they do not agree with it.
- 8.3 In the first instance, the student should contact the Student Services Manager with details of their concern, either by e-mail or phone, within 15 working days of the decision.
- 8.4 In the event that the Student Services Manager cannot propose a suitable outcome or have the decision overturned, then the student will have recourse to the formal appeal stage.
- 8.5 In this case the student should complete the Administrative Appeals Form (See Appendix 2), in which they should set out the grounds for an appeal. These should be based upon the following criteria:
  - That college regulations, policies or procedures have not been followed correctly
  - That there was clear evidence of bias in making the decision
  - That the procedure followed was not fair or adequate
  - That the decision was made by a person or member of the college without the requisite authority
  - That relevant evidence was not considered
  - That the reason for the decision was not clearly communicated
- 8.6 The Administrative Appeal Form should be sent to the Student Services Manager within ten working days (two calendar weeks).
- 8.7 Upon receipt of an administrative appeal, the Student Services Manager will convene an appeal panel to hear the appeal. Normally, this will be within ten working days weeks of receipt of the student's appeal. They will invite a response from the relevant Manager.
- 8.8 The panel will consist of an independent chair, normally a member of the College Senior Leadership Team, an external advisor to the College on administrative matters and a member of staff from another area of the College. No member of the panel will have had any previous involvement with the matter in question.
- 8.9 The student's appeal and the response of the relevant manager 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. welfare meeting), as appropriate. All evidence to be considered will be sent to the student at least five working days before the appeal panel hearing.
- 8.10 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.
- 8.11 The Appeal Panel will only uphold an appeal on the following grounds: that the appellant has established to the satisfaction of the Panel that the new evidence provided means the original decision will be overturned and evidence produced by the appellant demonstrates a material administrative error, or that a decision was not made in accordance with the regulations or that some other material irregularity has occurred.
- 8.12 Should the appeal be upheld by the Appeal Panel, The Student Services Manager will notify the appellant of the outcome of the appeal, normally within 5 working days of the hearing.

**8.13** The Student Services Manager will issue the appellant a Completion of Procedures letter as required by the Office of the Independent Adjudicator for Higher Education. Normally, this will be issued within 10 working days. 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 if they remain dissatisfied with the outcome of the appeal.

## **9. COMPLAINTS PROCEDURE**

**9.1** 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.

**9.2** Formal complaints are to be submitted in writing on the correct form to the PA to the Principal. (See Appendix 3).

**9.3** 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.

**9.4** 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.

**9.5** 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

8.7 to 8.13 above will then be followed.

**9.6** 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.

## **10. Outcomes**

**10.1** The complainant will be contacted in writing by the College within the above outlined timescales.

**10.2** The College will clearly outline the process undertaken and evidence reviewed and will state the outcome of any investigation.

**10.3** 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.

## **11. Completion of procedures**

**11.1** Should a complainant remain unsatisfied with the outcome, they may raise the complaint

with the relevant external bodies.

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

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

**11.3** 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.

**11.4** For students on a HE programme, 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 Appendix 4. The complainant is then able to bring the matter to the attention of the Office of the Independent Adjudicator.

**11.5** For complainants studying for a degree in Social Work, unresolved complaints may be brought to the attention of Social Work England. The process for instigating such a complaint may be found on the course site for Social Work on Moodle.

# Appendix 1

**Higher Education Student Academic Appeal Form**

Use this form if you wish to appeal against the decision of an Examination Board. You should also refer to the document “ <b>Academic Appeals (Higher Education), Administrative Appeals and Complaints</b> ”, which explains how the appeal process works. A copy is supplied with this proforma.
Student number:
Name (in full):
Programme/Course:
Level:
<b>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..</b>
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

### Academic 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 modulecodes (where applicable):
What are the grounds for the appeal? (please continue on a separate sheet if necessary). <ul style="list-style-type: none"> <li>○ 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</li> </ul> and/or <ul style="list-style-type: none"> <li>○ Evidence of a flaw or irregularity in the assessment procedure.</li> </ul>

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:

## Appendix 2

### Higher Education Administrative Appeal Form

<p>Use this form if you wish to appeal against a decision regarding registration or your overall student experience. You should also refer to the document “<b>Academic Appeals (Higher Education), Administrative Appeals and Complaints</b>”, which explains how the appeal process works. A copy is supplied with this proforma.</p>
<p>Student number:</p>
<p>Name (in full):</p>
<p>Programme/Course:</p>
<p>Level:</p>
<p><b>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..</b></p>
<p>Please indicate any periods when we will be unable to contact you about your appeal: E.g. holidays: Telephone number:</p>
<p>About your appeal: State the decision against which you are appealing (e.g.):Fitness to Study Policy, fee liability.....etc.</p>

<p>What are the grounds for your appeal? (please continue on a separate sheet if necessary).</p>
<p>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.</p>
<p>Please list below and attach the evidence you have to support your case and any documents you are relying on.</p>
<p>Say what outcome you would wish your appeal to achieve.</p>
<p>Signed:</p> <p>Date:</p>
<p>This form must be submitted to: The Student Services Manager Ruskin College, Dunstan Road Headington Oxford OX3 9BZ</p>

## Appendix 3



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)	
<b>Once you have completed this form as fully as you are able to, please submit to the PA to the Principal in an envelope clearly marked 'Private and Confidential'.</b>	

**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.....  
.....

Postcode.....

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 PA to the Principal in an envelope clearly marked 'Private and Confidential'.**

Appendix:  
Sample Completion of Procedures

Letter Date

Name  
Address

## Appendix 4

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 form 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](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**  
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**  
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**