

APPEALS PROCEDURE

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Summary

What is this procedure about?

This document explains the process you should follow if you are unhappy with a decision and feel you have grounds for an appeal. All appeals follow the same process as set out in section 3 below. This procedure should be read alongside the relevant policy or procedures under which you wish to appeal, which will be explained in the official communication explaining the decision/assessment mark about which you wish to appeal.

A flow chart of the procedure is included in Annex A to aid understanding of the procedure.

This procedure should be used if you wish to make any of the following appeals:

- an academic appeal
- an appeal against exclusion
- UK, EU and global admissions appeals
- an appeal against decisions made under the Student Conduct Policy, Fitness to Study (FtS), Fitness to Practise (FtP) & Fitness to Reside (FtR)
- an appeal against a decision of an Extenuating Circumstances claim
- an End Point Assessment appeal
- a postgraduate research review panel (Viva)
- a decision made by a Board of Examiners

Who is this procedure for?

This procedure is for all applicants and students registered with us (the University of Portsmouth), whether full-time or part-time, apprenticeship, UK, EU or Global students, undergraduate or postgraduate, campus-based and distance learning.

This procedure is to be applied and followed by both University of Portsmouth staff and students.

If you are registered with a collaborative partner, you should consult your course documentation or speak to a member of your course team or supervisor to find out whether you should submit your appeal under this procedure to the University of Portsmouth or whether your partner institution has its own local policies that must be followed first. You

can also contact the University's Student Casework team at studentcasework@port.ac.uk for more information.

How does the University know this procedure is followed?

Academic Registry is responsible for reviews and audits to ensure that the procedure is followed.

Who can I contact if I have any questions about this procedure?

If you have any questions about this procedure, please contact studentcasework@port.ac.uk. Your query will be directed to the correct decision-making body/person to respond.

Accessibility Statement

The appeals procedure is designed to be accessible to all students. If you have any additional needs that mean you are unable to use the appeals procedure in the way set out in this procedure, please contact the Student Casework team at studentcasework@port.ac.uk to discuss how the process can be adjusted to fit your needs and to receive this guide in alternative formats.

Students with protected characteristics defined by the Equality Act 2010¹, are entitled to access additional support to participate in this procedure if requested. It is the student's responsibility to declare their additional needs during an appeals procedure.

¹ <https://www.legislation.gov.uk/ukpga/2010/15/part/2/chapter/1>

1. Introduction

1.1 This procedure is designed to ensure that students have a clearly defined process to initiate an appeal in response to decisions made concerning:

- A decision of an examination or assessment board, responsible for deciding on student progression, assessment and awards
- A decision from a postgraduate research review panel, interim examination panel or examiners at the viva voce examination
- End Point Assessment Organisation (for degree apprenticeships only)
- Extenuating Circumstances application
- A decision made related to the Student Conduct Policy, Fitness to Reside, Fitness to Study and Fitness to Practise policies. (Precautionary measures taken under these policies may not be appealed)

Disagreement with the academic judgement of the markers/examiners assessing the merits of an individual piece of work or in reaching any decision based on the marks, grades and other information relating to a students' performance does not in itself constitute acceptable grounds for making an academic appeal.

Exam & Assessment Regulations:

11.6 “Students may not question the academic judgement of the examiners and any requests based on such grounds alone will be dismissed.”

1.2 When considering whether to appeal, the following people can advise you on how the appeals procedure works and how best to deal with the matter.

The Students’ Union Advice Centre UPSU offers professional advice and support through the academic support team in every aspect of the appeals procedure within the University and beyond. The team can assist at any stage within the appeals procedure, including providing advice before an academic decision is reached. A representative from the Students’ Union can accompany you to any interviews, panels and hearings, should you wish. Please contact the Academic Caseworker at

the Students' Union by emailing **advice@upsu.net** or telephoning them on 023 9284 3478. This service is available to all University of Portsmouth students.

Global Student Advisers who can provide immigration advice and support to international students studying at the university.

Your Head of School. Your course or degree is located in a school, and the Head of School has responsibility for all students and staff associated with the school. They will be able to advise you on procedural matters, including who you need to approach in dealing with your appeal.

The Student Casework team. The Student Casework team in Academic Registry deals directly with the appeals procedure and can advise whether you have grounds for an appeal. The team can be contacted at studentcasework@port.ac.uk.

The End Point Assessment Organisation. The End Point Assessment Organisation may have its own appeals procedure which can be followed. Support will be given if apprentices are required to initiate the appeal with the organisation and any steps that are required. This is for Degree Apprenticeship courses only.

- 1.3 You may wish to appeal a decision provided by another organisation on behalf of the higher education provider, for example, a placement provider or the signing off of NHS skills by NHS staff. In such cases, you will need to contact the appropriate organisation directly. If you have not been told who to contact, your course leader should be able to give you the details.
- 1.4 Some professional bodies will have required that the University change its academic regulations to comply with their rules. This may involve changes to course content or structure, higher pass marks or limits to the number of resit attempts. You will be informed about this by your course teams. It will not be possible to appeal against these changes as they are necessary for you to achieve the relevant qualifying status with the professional body.
- 1.5 An appeal should be raised in the first instance by you, as the student. If you then wish to appoint a representative for the duration of the appeal, for example, a student representative, family member or UPSU Elected Officer, you may do so. If you do appoint a representative, all future correspondence will be directed only to

your representative. This appeals procedure is not a legal process so your representative doesn't need to be a member of the legal profession.

- 1.6 If an appeal contains elements that should be dealt with as a complaint under the [Student Complaints procedure](#), the Complaints team and Academic Registry will decide the most appropriate course of action, whether this is for the procedures to run concurrently or consecutively. Key factors in this decision will include the best chance of early resolution bearing in mind the complexity of the issues raised.
- 1.7 All deadlines within this procedure should be met by both students and the University whenever possible, but If, in rare cases, the investigation cannot be completed within that time, we must tell you in writing and give the reasons why more time is needed as well as the intended date the investigation will be completed.
- 1.8 You should not be disadvantaged or discriminated against as a result of raising a genuine appeal. If you believe you are treated differently as a result of appealing, you should raise this with your Head of School / Department as soon as possible. If you remain dissatisfied after speaking to your Head of School / Department, you should raise a complaint under the Student Complaints Procedure.
- 1.9 However, if you are abusive in your communications or towards the staff dealing with your appeal, or if you contact staff so often that it is not possible to respond to each communication, we will issue you with a warning that should you continue this behaviour, we may stop consideration of your appeal either until your behaviour changes, or completely. At this point, you would be issued a Completion of Procedures letter to allow you to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 1.10 The University expects all parties to a complaint to respect and adhere to the confidentiality of the Appeals procedure. You may discuss the procedure but you are not permitted to share any of the information you receive as part of the investigation.

We will treat any documentation associated with your appeal confidentially, both produced by you and by other parties, however there may be times when it is

necessary to share this information, consent will be sought by all parties before any information is shared to help progress the appeal process.

- 1.11 You can be helped and accompanied to any meetings during the process, by a friend or a representative of the Students' Union. The University will consider your appeal against certain criteria as set out in section 2.1 of this Appeals procedure and in the light of any evidence you submit. It is possible that you may not receive the outcome you want, but whatever the outcome, we will give your appeal serious consideration under the procedure and inform you of the reasons for the decision and action taken.
- 1.11 It is expected that all appeals will be dealt with under stage 1 of the procedure and that we will only use the further stages if stage 1 has not been successful in dealing with an appeal to your satisfaction.

2. What are the Grounds for Appealing?

- 2.1 There are two possible reasons why an appeal might be made:
- a) the University or End Point Assessment Organisation has made an administrative error / not followed its own procedures (which you can evidence) when arriving at the decision being appealed, or
 - b) you were prevented from completing a process/procedure for reasons related to your personal circumstances, that you were unable to disclose, for a sound and acceptable reason related to the circumstances themselves, before the decision you are appealing was made.

3. How to Make an Appeal

3.1 Stage 1 Early Resolution

- 3.1.1. Regardless of the type of appeal you wish to make, you will have received an official communication from the University, outlining the decision you are unhappy about. You have 10 working days from the date of this official communication to submit your appeal to the member of staff making the decision you are appealing against. Should the decision letter be sent by your Academic Services team, please submit your appeal to the Head of School (i.e. Board of Examiners decision). We recommend you use this time to seek advice from the sources listed in section 1.2 above before submitting your appeal, however, you can submit your appeal at any time during these 10 working days, particularly if you need an urgent decision
- 3.1.2. Any member of staff that receives an appeal and identifies an obvious error on behalf of the University or End Point Assessment Organisation, should take steps to have that error rectified and, where relevant, the effect of this change applied to the relevant record. This resolution will be confirmed with you at the time the changes are applied and should hopefully resolve your appeal.
- 3.1.3. If the member of staff does not identify an obvious error, or needs to investigate the reasons for not providing evidence before the appeal deadline, they will advise you in writing that this is the case, and provide a deadline by which you must submit an appeal under the Stage 2 procedure if you are unhappy with their decision (see section 3.2 below).
- 3.1.4 The member of staff has 10 working days from receipt of your Stage 1 appeal to complete Stage 1.

3.2 Stage 2 - Formal Appeal

- 3.2.1 You will have 10 working days from being informed of the outcome of your Stage 1 appeal (section 3.1.3 above), to submit a Stage 2 appeal. You can use this time to seek advice from the sources listed in section 1.2 above before submitting your appeal, but you can submit your appeal at any time during these 10 working days, particularly if you need an urgent decision.
- 3.2.2 To submit a Stage 2 appeal you must complete the [Appeals Form](#) which will be submitted for consideration. For your appeal to be accepted for consideration, it is required that you:

- submit your appeal within the appropriate period (or provide evidence suggesting the reason you were unable to submit your appeal before the 10 working days deadline) (in section 3.2.1 above)
- have at least one of the grounds of appeal shown in section 2.1 above
- submit any relevant evidence in support of your appeal
- state your desired outcome
- (if appropriate) submit any grounds for requesting that the appeal be handled more urgently than in the usual timeline set out in section 3.2.9 below

3.2.3 Once the information required above has been checked, your appeal will be processed in line with one of the following processes:

- a) your appeal may be referred to another University department for consideration under a different process, for example, the Student Complaints procedure. The member of staff in the Student Casework Team dealing with your submission in section 3.2.2 above will contact you to explain this decision and to offer a discussion about the decision.
- b) your appeal may be rejected because it does not meet the criteria in 3.2.2 above. You will be advised of this by the member of staff in the Student Casework Team dealing with your submission. You will be able to request a review of this decision (stage 3 of the Appeals procedure) at this point, carried out by someone with no prior involvement in the case, as explained in section 3.3.1 below.
- c) your appeal may be accepted for formal consideration and assigned to a senior member of staff depending on the subject of your appeal.
- d) the formal appeals process will be introduced, and an independent staff member will review your appeal and communicate in writing their decision.

3.2.4 In order to carry out a Stage 2 appeal investigation, a senior member of staff will consider your appeal documentation, look at any other documents they need, which may include attendance and engagement data, have an individual discussion with any key staff they believe it is necessary to speak to in order to consider your appeal,

and notes will be made of those conversations. These notes will be made available to you after the meeting. Depending on the course and/or circumstances, it may be necessary for the member of staff to speak to people who are not University staff, for example, staff in an NHS Trust.

- 3.2.5 It may be helpful to the appeal investigation to hold a meeting with you as the appellant. A meeting will be set up aiming, where possible, to give you at least 5 working days' notice. You can be helped, and accompanied to any meetings during the process, by a friend or a representative of the Students' Union. If it is identified that a meeting is deemed necessary for the progress of an appeal, these will usually be held virtually via Zoom.
- 3.2.6 All participants at a virtual meeting must appear on the screen at least at the beginning of the meeting to ensure the correct people are attending. The meeting is concluded when the senior member of staff confirms that the individual(s) has made their representations. No further discussion can be held unless a further meeting is held and notes taken.
- 3.2.7 Recordings may be made of virtual meetings by the host of the meeting, but these will only be retained until formal notes of the meeting have been agreed with all parties. No other recordings may be made of the meeting. Once agreed, the notes of the meeting will be used in deciding your appeal outcome.
- 3.2.8 The member of staff considering your appeal may discuss their initial findings and recommendations with another member of staff, to clarify their thinking and apply consistency in consideration of the submitted appeal. This step in the procedure is not compulsory.
- 3.2.9 The member of staff dealing with your appeal will advise you in writing of their outcome and decision. The member of staff will advise you of:
- whether or not they have upheld your appeal
 - their reasons for reaching their decision
 - any actions that either you or any staff members need to take depending on the outcome of your appeal.

- your right to request a review of their decision if you are unhappy with the outcome (Stage 3 review)
- the grounds available to you for requesting a review (see section 3.3.2 below) and
- the time limit for submitting a request for a review (moving to Stage 3) which is 10 working days from when you were told the outcome of your Stage 2 appeal.

3.2.10 If the outcome of your Stage 2 appeal is upheld it will be referred back to the original decision-making body/person, that body/person has 10 working days to inform you of the outcome of the reconsideration of your appeal (section 3.2.9 above).

3.2.11 This Stage 2 appeal should be completed within 20 working days of acceptance of your appeal. If it is determined that a meeting is required, this deadline should be adjusted to ensure that a full 20 working days for consideration can be applied for all parties.

3.2.12 If you do not submit an appeal in the time frames explained in this procedure, without providing a good reason for the delay, your right of appeal will have expired. You will be provided with a Completion of Procedures letter so that you may submit a complaint about this decision to the Office of the Independent Adjudicator for Higher Education (see section 4.1 below).

3.3 Stage 3 - Review Stage

3.3.1 If you are not satisfied with the decision made at Stage 2 of the appeal process, or if you have new evidence you were unable to submit earlier for reasons you can evidence, you may request a review of the decision within 10 working days of receiving the official letter via the [online form](#) by submitting a Review request to the Academic Registrar. The Academic Registrar will consider all requests for a review of an appeal decision to allow for continuity and consistency, although this review stage may be delegated to another member of staff if the Academic Registrar is unavailable.

3.3.2 The Academic Registrar or their nominee, will check that the procedures were followed properly and to determine whether the outcome was reasonable in all the

circumstances. If you supply new evidence at this stage, it will be necessary for you to explain why it was not possible to provide this evidence earlier in the process.

3.3.3 Appropriate grounds for requesting a review of a decision will be

- the fact that you do not believe the appeal procedure was followed correctly
- the fact that the investigation was not completed within the normal time period (or the longer period set out in 3.2.9 above),
- you have new evidence that you were unable, for valid reasons, to provide earlier in the process
- you do not believe that the decision reached was reasonable in all of the circumstances.

If you wish to request a review, you will need to explain your reasons for your request and provide evidence (if appropriate) of your reasons.

3.3.4 The Academic Registrar or their nominee will write to you to confirm what is to be reviewed. This must be done within 5 working days of receipt of review and the agreement reached by 10 working days of receipt of review (as set out in section 3.3.1 above).

3.3.5 The Academic Registrar or their nominee will then carry out a paper review of the Stage 2 - formal appeal investigation and report, and your reasons for requesting a review.

3.3.6 The Academic Registrar or their nominee will write to you within 10 working days of agreeing on the grounds of review, to provide their decision (with reasons). Either the review is accepted and the Academic Registrar or their nominee will state what should now be done to return you to the correct position within the University's procedures or the review is rejected and a Completion of Procedures (CoP) letter will be issued. A CoP letter allows you to submit a complaint about this decision to the Office of the Independent Adjudicator for Higher Education (see section 4.1 below).

4. The Office of the Independent Adjudicator for Higher Education (OIA)

- 4.1 You may apply to the Office of the Independent Adjudicator for Higher Education (OIA) once we have issued a CoP letter as explained in section 3.3.6 above, or at an earlier time if it is believed you have not submitted your appeal within the correct time period as explained at section 3.2.12 above.
- 4.2 You must fill in an electronic OIA Complaint Form and submit it to the OIA within 12 months of the date of the CoP letter. Further information on how to do this can be found at www.oiahe.org.uk.
- 4.3 The OIA may try to settle the matter before carrying out a full investigation if it believes the matter could be dealt with in this way. Or, if the OIA completes a full investigation, it will provide a 'complaint outcome' which may include recommendations to resolve the complaint.

5. Keeping Appeal Documents

- 5.1 We keep documents relating to this appeals procedure in line with our Record Retention Schedule for appeals ([11 - Student and Course Records – Retention Schedule](#)). We keep documents relating to appeals and their outcomes for six years following the end of the academic year in which the appeal is resolved and then destroy them.

Annex A - Appeals Flowchart

Appeals Process Flowchart



