



Academic appeals and complaint procedure for students studying for The Open University awards 2023-24

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| Member of management responsible | Adam Fahey |
| Author of policy/procedure | Matthew Twitchett |
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South Essex College Group

Significant changes following review

Academic appeals and complaint procedure for students studying for The Open University awards 2023-24

| Page Number or Heading Name | Details of significant change | Changes made by |
|--|--------------------------------------|------------------------|
| n/a | No significant Changes | Matthew Twitchett |

This policy has been approved by The Open University through its Institutional and administrative revalidation complete in June 2023.

1.0 Definitions - Complaint, administrative appeal or academic appeal.

- 1.1 What is a Complaint? The OU defines a complaint as 'an oral or written expression of dissatisfaction concerning the provision of a programme of study or related academic or administrative service, which is not an appeal against a decision'. Concerns about the provision of a service or facility or the failure to provide a service or facility, where the standard of the service or facility has fallen below the standard that might reasonably be expected or where there is a reasonable expectation that the service or facility would be provided would be covered by the Complaints Procedure
- 1.2 What is an administrative appeal? The OU defines an administrative appeal as 'a request for a review of a decision taken by an individual or body charged with making decisions about any aspect of a student's access to learning or learning experience with the OU which is not an academic decision', decisions about registration processes, fee liability, financial support, exceptional arrangements and reasonable adjustment which are not academic in nature are covered by the Administrative Appeals Procedure.
- 1.3. What is an academic appeal? The OU defines an academic appeal as 'a request for a review of a decision of an academic body charged with making decisions on admission, assessment, student progression and awards.' Decisions about entry requirements, reasonable adjustments for teaching and assessment for students with disabilities, progression rules, academic misconduct, assignment marks, module results, thesis submission and the award and classification of qualifications would be covered by the Academic Appeals Procedure

2.0 Grounds for an academic appeal

- 2.1 There shall be no appeal against an assessment result where the overall module mark has been determined as per the assessment strategy detailed in the module specification and published in the Programme Handbook, **except on the grounds that the approved policy for moderation has not been followed.**
- 2.2 A student who passes all components of a module shall be awarded the credit for that module. The amount of credit for each module is set out in the programme specification and published in the Programme Handbook.
- 2.3 A student may appeal against a decision of a Board of Examiners only if one or more of the following grounds apply:
- (a) Where the student provides written evidence in support of a claim that performance in the assessment was adversely affected by extenuating circumstances which the student was unable or, for valid reasons, unwilling to divulge before the Board of Examiners reached its decision; or
 - (b) Where there is prima facie evidence, whether provided by the student or otherwise, that:
 - (i) there has been a material administrative error; or
 - (ii) the examinations or other assessments were not conducted in accordance with the regulations for the programme and/or special arrangements formally agreed; or
 - (iii) some other material irregularity relevant to the Board of Examiner's decision has occurred.

- 2.4 Disagreement with the academic judgement of a Board of Examiners cannot constitute grounds for an appeal.
- 2.5 An appeal must be made within the time limits and in the manner prescribed in the appeals procedure set out in paragraph 3.0.
- 2.6 A formal complaint is an expression of dissatisfaction with a service provided or the lack of a service. It must relate to services that students were led to believe would be provided. Students should refer to the procedure set out in paragraph 5.0 below.
- 2.7 Where a student raises a matter of concern that does not meet the grounds for appeal highlighted above, the matter may be dealt with as a formal complaint. In the event that a complaint is upheld, where there is no right of appeal, an assessment result or a decision of a Board of Examiners cannot be changed.

3.0 Academic appeals procedure

- 3.1 Any student who believes they have grounds for appeal should email ITETeam@southessex.ac.uk. You must contact the College within 28 days of the decision. If your query is received more than 28 days after the decision, it will be considered as out of time, unless there are exceptional circumstances for extending the time limit. Advice and guidance on the process and which appeal form to use will be provided by the HE student support team or students can visit HEstudent support services in *The Forum* hesupport@southessex.ac.uk.

Informal Stage

- 3.2 The informal resolution stage seeks to resolve straightforward concerns swiftly, this will be completed within 5 working days. At any meeting, the student has the right to appoint a representative to accompany them. If a student's appeal relates to a grade they have received during the year and prior to the publication of the results they should contact their programme leader or tutor and raise their concerns in the first instance. If they remain dissatisfied with the response they should email ITETeam@southessex.ac.uk and provide a summary of the grounds for appeal.
- 3.3 If the appeal relates to the decision of a Board of Examiners, students should email ITETeam@southessex.ac.uk and provide a summary of their grounds for appeal within 28 days of receiving the outcomes from the examinations board. Students will be provided with the opportunity to attend an appeals surgery to discuss the formal appeals process and the process for appeal. If students are unable to attend a surgery they will be provided with this advice by email/telephone.
- 3.4 The outcome of the informal stage should be one of the following outcomes:
- (a) the student is content not to continue with their appeal; or
 - (b) proceed to formal stage.
- 3.5 If the student wishes to proceed to the formal stage, the student should send to the ITETeam@southessex.ac.uk within 15 working days of the outcome of the informal stage a full explanation of the academic appeal ensuring it meets the criteria identified in section 2.0 above. The student should provide as much documentary evidence as possible to support

their appeal. The College will respond within 10 working days of receipt of the formal appeal of the outcome or whether further time is needed if required.

4.0 Action following formal appeal procedures

- 4.1 The student will be sent a written statement within 10 working days setting out the decision that has been made and the reasons for reaching that decision, together with any actions required by the student or the College to follow up and implement that decision, the timeframe for doing so and further right of appeal to the Office of the Independent Adjudicator (OIA) and The Open University.

5.0 Appeals to The Open University

- 5.1 You can only request that the OU reviews your academic appeal if all of the following are true:

Your academic appeal is against an institutional body, such as an assessment board, or admissions board, and the decision related to one or more of the following:

- Your final award
- Your progression from one stage or level of the programme to the next
- Your assessment on the programme
- Your admission to the programme and you can demonstrate that you have exhausted all appropriate internal procedures open to you at your institution and you have grounds to believe that the partner institution's internal procedures and regulations for dealing with appeals were not interpreted or implemented correctly or fairly.
- Disagreement with the academic judgement of an institutional body - an assessment board, or an admissions board - cannot of itself constitute grounds for an appeal.
Reconsideration of decisions may only take place if:
 - You produce documentary evidence that performance was affected by factors which you were unable, or for valid reasons unwilling, to divulge before the institutional body made its decision or
 - You produce evidence that there has been a material administrative error, or that the assessments were not conducted in accordance with the current regulations for the programme, or that some other material irregularity has occurred.
 - If the matter that concerns you does not meet these conditions, it may be possible to request further consideration by requesting that the OU review a complaint about the matter. Please refer to the OU's Complaints Procedures (section 6) for further information.

- 5.2 The procedure for appealing to The Open University is set out in The Open University Handbook for Validated Awards, which can be located on the College Website

6.0 Complaints procedure

- 6.1 If there is concern about an aspect of a course or any of the College's services, the staff member most directly involved or someone already known should be contacted. Where there is uncertainty over who to contact or a student does not want to approach the person most directly involved, then the Programme Leader, tutor or a relevant member of management (which can include a Head of Department) from the department where the programme resides ("relevant manager") can be contacted.

- 6.2 If the issue cannot be resolved within the programme team, a complaint can be made. Complaints should be sent to Student Services in the first instance, who will acknowledge

the complaint and provide details of the Investigating Manager. An appropriate person from the relevant programme team will investigate the complaint and take appropriate action. A response will normally be received within 10 working days. If the College is unable to do this it will make contact to advise the target date for completion.

6.3 All complaints will be acknowledged within 5 working days of receipt and an initial response provided within 10 working days, further responses may be provided where appropriate.

6.4 Please note that if you have a cause to complain about any aspect of your student experience you should ensure your complaint is lodged with Student Services as soon as possible after the service failure and no more than 28 days after the event.

7.0 Appealing the outcome of a complaint decision

7.1 If a complaint is not resolved using the complaints procedure there is the right to appeal the outcome of the complaint. An appeal of the outcome of the complaint should be lodged with Student Services within 20 working days of the unsatisfactory outcome of the formal complaint. An extension of these time limits will only be possible in exceptional circumstances.

7.2 In order to appeal:

- write to or telephone Student Services directly on ComplimentsComplaints@southessex.ac.uk / 01702 220452
- detail what steps have been taken to resolve the complaint and explain why the outcome is not considered satisfactory.

7.3 Appeals will be acknowledged within 5 working days of receipt and responded to within 15 working days. Some appeals, especially if they are complex, may take longer. If it is going to take longer to respond Student Services will provide an update.

7.4 After completing South Essex Colleges internal complaints procedure a student is entitled to submit a complaint to the Open University if they are unsatisfied with the response. This is Subject to it being a legitimate complaint about a service, or lack of service for which South Essex College is responsible and this impacts directly and substantively on the academic standards of the OU validated programme on which the student is studying.

7.4 Once the appeal against complaint outcome stage has been completed, you are entitled to ask the Office of the Independent Adjudicator (OIA), the independent ombudsman service of last resort, to look at your complaint. All applications to the OIA must be made within twelve months of the date of the Completion of Procedures letter issued by the College to the student.

7.5 The OIA considers complaints from people who remain dissatisfied at the conclusion of the College's internal complaints procedure. The OIA looks at issues such as whether the College followed its procedures, whether these procedures were reasonable, and whether the College's final decision was reasonable in all the circumstances. The OIA cannot normally look at complaints:

- where the student has not progressed through all stages of the College's complaints procedures
- where the complaint refers to matters more than three years old

- where the Completion of Procedures letter is received outside the twelve month time limit
- where matters have been or are being considered in court.

Full details of the scheme are available at

www.oiahe.org.uk.