

RG48 Postgraduate Appeals Policy		Effective date: 03/2024
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# Postgraduate Appeals Policy

## 1. Definition of An Appeal

An appeal is a request from a delegate for a reconsideration either of a decision made by a Programme Assessment Board or Programme Progression Board (hereafter included in the term 'Assessment Board') regarding their assessment, progression or award; or for the reconsideration of an outcome from a request for reasonable adjustments; or reconsideration of a penalty imposed by an Academic Misconduct Panel.

An academic appeal relates to the outcome of an assessment or examination, or a student's progression, and may be based on:

a) Extenuating or mitigating circumstances where, for good reason, the Assessment Board or the nominated staff member responsible for reasonable adjustments was not made aware of a significant factor relating to a delegate when it the original decision was made;

And/or

b) That there was a material error, either in the conduct of an assessment, the proceedings of an Assessment Board, or in the process for reviewing a reasonable adjustment request, which significantly affected the decision;

Or

c) Grounds listed in the RG46 Academic Integrity and Misconduct Policy, following a penalty imposed for academic misconduct.

A successful appeal results in the Assessment Board, Academic Misconduct Panel or the nominated staff member responsible for reasonable adjustments reviewing the original decision in the light of the new information provided by the student, although it does not necessarily mean that the original decision will be changed.

An appeal against the outcome of an Assessment Board may only be made against a published assessment result which has been confirmed by a Programme Assessment Board. This includes

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decisions made by specially delegated Boards and provisional decisions made by a Board at which an External Examiner has not been present.

Delegates who have a complaint or grievance concerning the provision of a programme of study or academic service which they believe has affected the quality of their academic performance, should, before submitting an appeal, follow the process outlined in IF16 Customer Complaints Handling Process.

Delegates may not challenge the academic judgement of examiners and appeals made on this basis will be rejected.

**Management of group appeals:** The principles and timescales outlined in this policy will also apply to a group of delegates. The officer responsible for the management of the appeal will ensure that all members of the group are in agreement as to the nature of the appeal. Individual issues would normally be dealt with separately. With the agreement of the group the officer will respond to and liaise with a spokesperson. The outcome of the appeal will be communicated to all members of the group.

## 2. Early Resolution

A delegate must make every effort to discuss the problem with an appropriate member of staff (e.g. Module Leader or Programme Leader) before submitting an appeal. This may result in the matter being resolved informally and quickly.

In these cases the relevant decision maker, or chair of a decision-making board/panel, will review the case and decide to either have the original decision revisited or that the original decision was based on a fair evaluation and will not be reconsidered.

## 3. Formal Appeal

Formal appeals must be submitted within 28 days of the date that the decision being appealed was published. All appeals should be submitted to [appeals@realgroup.co.uk](mailto:appeals@realgroup.co.uk), including copies of all evidence relevant to the decision being appealed and any new factors that the delegate wishes to be taken into consideration. If it is received later than this, it is likely to be rejected unless a statement is

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attached of the circumstances which prevented the deadline from being met, and this is accepted as valid by the Academic Quality and Compliance Manager.

An acknowledgement of receipt will be sent to the delegate within 5 working days. If this is not received, the delegate should contact the Real Group Exams Office ([examsoffice@realgroup.co.uk](mailto:examsoffice@realgroup.co.uk)) without delay.

In normal circumstances, Real Group shall aim to complete the appeal process within 90 days from receipt of the full appeal. There will occasionally be circumstances when, for good reason, Real Group will need to extend the timeframe and affected delegates will be notified.

## 4. Progression of a Delegate while an Appeal is Being Considered

The decision being appealed remains in force until it is formally notified by the Academic Quality and Compliance Manager to have been rescinded. Therefore the delegate remains responsible for:

- a) Conforming to the requirements for a referral or resubmission of work to be assessed, pending the outcome of the appeal;
- b) The consequence of not complying with these requirements should the subsequent decision of the appeal process not be in the delegate's favour.

While the appeal is being processed:

- a) The delegate shall normally be permitted by the Programme Assessment Board to continue to the next stage of their studies, unless there are circumstances preventing it other than the decision in question of the Programme Assessment Board. This will not prejudice the outcome of the appeal.
  - i. If the appeal concerns expulsion following an investigation into academic misconduct, the delegate is suspended and written permission is required from the Deputy Vice Chancellor, Provost or nominee of Middlesex University for the delegate to continue to the next stage of their studies. The delegate shall email the request to [appeals@realgroup.co.uk](mailto:appeals@realgroup.co.uk). The Deputy Vice Chancellor, Provost or nominee has discretion not to permit the delegate to continue pending the outcome of the appeal.

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ii. This right is designed solely to ensure that a delegate whose appeal is upheld is not academically disadvantaged and it shall not be interpreted as acceptance of a failed delegate whose appeal is subsequently dismissed on a later stage of the programme, nor shall satisfactory progress during such attendance be admissible as evidence at any stage in the appeal procedure.

b) The delegate may, if a final qualification has been made, inform employers of the qualification awarded but that the decision may be reviewed following the appeal. Real Group will produce on request a letter confirming this, should a delegate need it for their employment.

c) The delegate may, if a finalist, attend the Middlesex University Graduation Ceremony.

The entitlement of the delegate to proceed on the programme of study will continue until the date of the letter formally notifying the delegate of the final outcome of their appeal (i.e., dismissal of the appeal or reviewed decision). This letter will inform the delegate whether they are entitled to continue on the programme.

Delegates shall receive regular communication regarding the progress of their appeal.

## 5. Confidentiality

The appeal is kept as confidential as possible and within Real Group and Middlesex University. Delegates who notify Real Group that information has been included of a highly confidential and personal nature will, if requested, be informed in advance of the names of persons to whom the information will be disclosed.

## 6. Consideration of an Appeal

### Initial Scrutiny

Once an appeal has been received it will be reviewed by the Academic Quality and Compliance Manager, or their nominee, and either the Programme Leader or Academic and Professional Lead responsible for the programme the delegate is registered on. They will decide whether to proceed with consideration of the appeal or to dismiss it based on it not meeting the definition of an appeal outlined above. An delegate who's appeal has been dismissed will be notified in writing within 50 days of the full appeal being submitted.

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Should an appeal be dismissed, the delegate may request that this is reviewed independently within Real Group, as outlined below in section 10, or that the decision is reviewed by the Office of the independent Adjudicator for Higher Education (OIA).

Delegates who wish to approach the OIA for review, and who are not seeking an internal review under section 10 of this policy, will require a Completion of Procedures Letter to be issued by the Real Group. A request for this letter must be made by email to the Academic Quality and Compliance Manager within 28 days of the date the outcome notification was sent. A delegate may request a Completion of Procedures Letter after this deadline. The Completion of Procedures letter will state that the delegate has not completed the Real Group's internal processes. The delegate will be required to present exceptional reasons to the OIA for not requesting Real Group to review the appeal.

## 7. Establishing the Grounds for Appeal

Where the Academic Quality and Compliance Manager considers that there may be grounds for and appeal:

- a) They may offer the appellant an informal settlement of their appeal, normally within 50 days from receipt of the full appeal.
  - i. An informal settlement means that the Chair of the Assessment Board has agreed, on the recommendation of the Academic Quality and Compliance Manager, that the Assessment Board will review its decision. This does not necessarily mean that the original decision of the Assessment Board is changed.
  - ii. Where appropriate the Chair of the Assessment Board may take Chair's Action in the delegate's favour, and this decision must be reported, in due course, to the Assessment Board.
  - iii. The Assessment Board review shall involve full consideration of the delegate's case and shall be attended by the Academic Quality and Compliance Manager, or their nominee, to ensure that the reconvened Assessment Board has taken due and proper account of the delegate's case.
  - iv. The Assessment Board shall make special arrangements (which must involve External Examiners if appropriate) for reviewing an assessment decision as soon as

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possible after the Chair's agreement to offer an informal settlement to the appeal and at latest during the next scheduled meeting.

v. The Academic Quality and Compliance Manager shall notify the delegate of the decision of the reconvened Assessment Board within 28 days of the date of the Board.

vi. The delegate must notify the Academic Quality and Compliance Manager of their intention to accept the offer within 10 working days of the date on the letter offering the informal settlement.

vii. The delegate may choose not to accept the offer of an informal settlement, but should note that an Appeal Panel may also only request an Assessment Board to review its decision. A letter from the delegate stating the decision not to accept this offer must be received by the Academic Quality and Compliance Manager within 10 working days of the date on the letter offering the informal settlement.

b) They may convene a meeting of an Appeal Panel because the option for representation by the delegate is warranted. The delegate should note that an Appeal Panel shall not necessarily require an Assessment Board to review its decision.

## 8. Appeal Panel

An Appeal Panel will normally be convened within 20 working days of notification of the outcome of initial scrutiny. It will normally consist of three members of staff drawn from the following groups: Directors, Academic Leads, Programme Leaders, and Deputy Programme Leaders.

If the delegate chooses not to attend the Appeal Panel meeting, the Panel will normally proceed in their absence.

The Academic Quality and Compliance Manager shall make agenda papers available including all the appeal documents, if relevant, to the delegate (and their companion), members of the Appeal Panel, the Chair of the Assessment Board, those in attendance and witnesses.

The Appeal Panel will consider the appeal and may:

a) Uphold the appeal and refer the case back to the Assessment Board, or other relevant decision relevant, for reconsideration;

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b) Dismiss the appeal as without grounds. A Letter of Outcome will be issued, normally within 10 working days of the date of the Appeal Panel meeting, providing reasons for the appeal being dismissed.

Should an appeal be dismissed, the delegate may request that this is reviewed independently within Real Group, as outlined below in section 10, or that the decision is reviewed by the Office of the Independent Adjudicator for Higher Education (OIA).

Delegates who wish to approach the OIA for review, and who are not seeking an internal review under section 10 of this policy, will require a Completion of Procedures Letter to be issued by the Real Group. A request for this letter must be made by email to the Academic Quality and Compliance Manager within 28 days of the date the outcome notification was sent. A delegate may request a Completion of Procedures Letter after this deadline. The Completion of Procedures letter will state that the delegate has not completed the Real Group's internal processes. The delegate will be required to present exceptional reasons to the OIA for not requesting Real Group to review the appeal.

The Appeal Panel has power to make any recommendations to the Pedagogy and Learning Standards Committee, the Academic and Professional Lead for Masters Programmes, the Programme Assessment Board, the Dean of Faculty at Middlesex University, or Middlesex's Academic Board; but the Appeal Panel may not dispute the academic judgement of the Assessment Board.

If the Chair of the Appeal Panel and the Academic Quality and Compliance Manager consider that the reconvened Assessment Board has not taken due and proper account of the recommendations of the Appeal Panel they will prepare a brief account of the circumstances for report to the Academic Board of Middlesex University under G9 of the Academic Regulations for Taught Programmes.

## 9. Review of an Appeal

If a delegate is dissatisfied with the outcome of an appeal, they may, within 10 working days of receiving notification that the internal appeal procedures of Real Group have been completed, request a Review of the academic appeal process on any of the following grounds:

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- a) That there is new and relevant evidence that the delegate was demonstrably and for the most exceptional reasons unable to present to the Academic Quality and Compliance Manager during the appeal process;
- b) That the appeal regulations and procedures were not complied with in such a way that materially affected the decision.
- c) That the decision reached was unreasonable based on the information that had been available to Real Group when the case was considered.

This is not a re-opening of the original appeal. Dissatisfaction with the outcome of the appeal is not alone a valid reason for requesting a Review.

The Review will be undertaken by a neutral Senior staff member drawn from the following groups: Directors, Academic Leads, Programme Leaders, Deputy Programme Leaders, who has not previously been involved in the appeal case, and who will be nominated by the Academic Quality and Compliance Manager.

The Review will include, but is not constrained to consideration of:

- a) Whether the outcome of the formal appeal process was reasonable in all the circumstances;
- b) Whether the relevant procedures were followed during the formal appeal stage;
- c) Whether the delegate has received clear reasons why the appeal was rejected or dismissed at the formal stage;
- d) Whether the delegate has provided valid reasons for not supplying new material evidence at an earlier stage.

In normal circumstances, Real Group shall aim to complete the Review process within 10 working days from receipt of the Review request. There will occasionally be circumstances when, for good reason, the University will need to extend the timeframe and affected delegates will be notified.

## 10. Consideration of a Review

The Reviewer shall:

- a) Scrutinise the documents received from the appellant, the full appeal case file including all documents available to and considered by Real Group in reaching its decision on the



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appeal, and, where relevant, the appropriate module and programme handbooks, Real Group policies, and University regulations;

- b) Request and consider any further information considered necessary to reach a just decision.
- c) Make their decision known in writing to the delegate and to members of staff within 10 working days. If further action is not required by Real Group, they shall also request that the Academic Quality and Compliance Manager issues a Completion of Procedures Letter, normally within 20 working days of receipt of the Review request;
- d) Seek to resolve any injustice identified through appropriate action, which may include seeking a proposed solution from the Assessment Board, or referring the case back to the formal appeal stage for reconsideration.
  - i. Any proposed change to the formal appeal decision will be made with the agreement of the Assessment Board. The Assessment Board shall make special arrangements (which must involve the External Examiner Subject Board and External Examiner Faculty/School Board if appropriate) for reconsidering an assessment decision if required to do so as a consequence of the Review, as soon as possible and at latest during the next scheduled meeting.
  - ii. Following completion of the Reviewer's recommended course of action, the appellant will be informed in writing of the decision and the Academic Quality and Compliance Manager shall issue a Completion of Procedures Letter.

The decision of the Reviewer is final and no further appeal or request for review is possible against it.

The academic appeal review procedures of Real Group are now complete. Should the delegate wish to take the matter further, they must follow the guidance below in section 11.

## 11. Office of the Independent Adjudicator for Higher Education

Should the delegate wish to take the matter further, they may, within twelve months of receiving the Academic Appeal Letter of Outcome or, following an Internal Review, the Completion of Procedures

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letter, write to the OIA, Second Floor, Abbey Wharf, 57-75 Kings Road, Reading RG1 3AB, United Kingdom, enclosing a copy of the Completion of Procedures letter requested from Real Group or issued by Real Group following an Internal Review, and stating reasons for seeking redress from the Higher Education Independent Adjudicator. Email enquiries may be sent to [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). The website address is [www.oiahe.org.uk](http://www.oiahe.org.uk).

If the delegate requests Real Group to provide the Completion of Procedures letter beyond the 28 day deadline specified in the Academic Appeal Letter of Outcome, the twelve month period of time for bringing the complaint to the OIA will run from the date of the Academic Appeal Letter of Outcome.

## 12. General

Any change of decision by the Assessment Board due to the appeal process shall not be to the delegate's disadvantage.

The Academic Quality and Compliance Manager has discretion not to consider an appeal from a delegate who has, without good reason, not complied with any given Real Group or Middlesex University requirement made of delegates in general.

Students who knowingly submit false or forged evidence at any stage of the appeal process forfeit their right to consideration of the case and render themselves liable to disciplinary proceedings.

If a delegate formally withdraws their appeal at any stage in the procedure no further action will be taken.

The consideration of an appeal is an internal matter and the papers are confidential to Real Group and Middlesex University. The delegate may seek advice from any source. Should a delegate instruct solicitors at any stage of the appeal process the Academic Quality and Compliance Manager may consult the Real Group solicitors. The appeal procedure does not allow legal representation at an Appeal Panel hearing. Documents shall be kept on file for up to six years. After that, apart from a copy of the notification to a delegate of the final decision, they may be destroyed.

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The Academic Quality and Compliance Manager reserves the right to dismiss an appeal because of breach of confidentiality by the delegate or where delay in reaching a decision is (in their opinion) caused by the delegate's failure to provide information upon request. In the latter case the delegate shall be warned in writing that the appeal shall be dismissed unless such information is received within 10 working days of the date of the written warning.

Real Group shall report annually to Middlesex University on the number, distribution, grounds and outcome of appeals, and the Academic Board shall undertake any necessary review of appeals work.

References to the Academic Quality and Compliance Manager include references to an Acting Academic Quality and Compliance Manager should they be unavailable.

The term 'Assessment Board' is used in these regulations to refer to Programme Assessment Boards, and covers all meetings where a decision is made concerning progression, module grades or degree classification.

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## Related Documents

- IF16 Customer Complaints Handling Process
- RG46 Academic Integrity and Misconduct Policy
- RG51 Reasonable Adjustments Policy

## Document history

### Issue 1

Initial release

