



PROAP 7.1 Appeals Procedure

All College policies and procedures adhere to the guidelines and ethos of Equality and Diversity

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Date of Origin	Last Updated	Proposed Review Date	EQIA Date	DPIA Date	Responsibility for Review
August 2015	August 2023	August 2025	August 2018		Assistant Principal: Education and Student Success

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1. Procedure

This document will outline the procedure to be followed when a student is requesting the review of a decision which has been made and which they consider to be unfair in the areas of Internal Assessment or Student Behaviour.

Standard documentation has been prepared to support the implementation of this procedure. Templates can be found on the Clan, in the Policies and Procedures area under the "Appeals" heading.

- 1.1 In the first instance the student should discuss any potential informal appeal in relation to an internal assessment with the person who made the decision and ask for the decision to be reviewed (but see also 1.2). This discussion must take place within 5 working days of the student being notified of the decision. The Assessor should inform the Academic Leader regarding the potential appeal, who may, at this stage, arrange for the Internal Verifier to review the decision.
- 1.2 Alternatively, the student may prefer to discuss any potential internal assessment appeal with his/her Guidance Tutor, Student Adviser or School Development Manager, who will help to try to settle the issue in an informal way. As in paragraph 1.1, this discussion must take place within 5 working days of the student being notified of the decision. Where the student is attending College but is still the responsibility of a partner school, then the student is to be referred to the School Development Manager, who will discuss the potential appeal with the student.
- 1.3 If action as described in paragraph 1.2 is followed, the Guidance Tutor, Student Adviser or School Development Manager should arrange a meeting between the student and the member of staff involved in making the original decision to try and effect agreement which is acceptable to all. This will be done within 10 working days of the student being notified of the decision.
- 1.4 If after discussion, the student is still dissatisfied and is considering making a formal appeal against a College assessment decision, arrangements should be made for the student to speak to the Academic Leader or Head of Department in relation to their course. The student may wish to be accompanied by their Guidance Tutor/Student Adviser/School/College at this meeting. NB students who are still the responsibility of a partner school must be accompanied by the or School Development Manager at this meeting, and students who are under the age of 16 are also to be accompanied by their parent or parent's representative.

This is still an informal process aimed at trying to resolve the basis of the internal Assessment Appeal. The student should be notified at this stage, that their informal appeal will not be logged. If the student is still dissatisfied with the

original decision and the explanation given, he/she has the right to make a formal appeal.

- 1.5 Any formal appeal in relation to internal assessment decisions or student behaviour should be made to the Assistant Principal: Education and Student Success who will call together an Appeals Panel. This must be done within 5 working days of the date on which the final informal attempt was made to resolve the situation or five days following the decision of the Disciplinary Hearing Panel. The appeal may be made by e-mail: (learnerappeals@nclan.ac.uk) or letter or by completing a FORAP 7.1.1 Appeal Request Form. This form is available on the College website, the staff intranet (The Clan) or on request from a Student Adviser.
- 1.6 The request for an appeal should outline the basis for the appeal, and include any specific information which the student wishes to highlight. Any such appeal in relation a Disciplinary Hearing would be made, on the basis of:
 - The findings of the Disciplinary Hearing Panel
 - The sanction imposed on the student
 - The failure of the College to follow published procedures.
- 1.7 Students requiring help to complete the Appeal Request form should contact the Student Adviser.
- 1.8 All written requests for an appeal will be acknowledged by Assistant Principal: Education and Student Success within 5 working days of receipt, and every appeal will be investigated, and a formal written response will be provided.
- 1.9 An Appeal Hearing will be arranged by the Assistant Principal: Education and Student Success within 10 working days of the receipt of the request for appeal. The purpose of an Appeal Hearing is to allow the student to explain the basis of the appeal in order that the decision may be reviewed fairly by the Appeal Hearing Panel.
- 1.10 A minimum of 5 working days before the Appeal Hearing, the student will receive a completed Notice of Appeal Hearing (FORAP 7.1.2) indicating the date, place and time of the hearing and the members of the Panel. The student has the right to be accompanied at an Appeal Hearing by a nominated person e.g. a friend, a representative from the Students' Association, or the Student Adviser. NB Students who are under the age of 16 must also be accompanied by their parent or parent's representative. Written notification of the Appeal Hearing will be sent therefore to the partner school as appropriate, who will communicate and co-ordinate arrangements with the parent or parent's representative.

1.11 The Appeal Hearing Panel will consist of:

- Assistant Principal: Education and Student Success who will chair the Panel, two college managers from out with the student's department, to ensure impartiality

No-one on the Appeal Hearing Panel should have been involved in the original decision which is the cause of the appeal.

Reasonable adjustments will be made to the conduct of the Appeal Hearing with regard to the individual needs of the student.

1.12 The Appeal Hearing Panel will listen to both the student and the member of staff or Chair of the Disciplinary Hearing who made the original decision. The student should explain why they think the decision is unfair and the member of staff/Chair should respond to the student's points. The Panel will convene in private to consider their decision.

1.13 If the student fails to appear at the Appeal Hearing, the Hearing can take place in their absence as long as the Panel is satisfied that due notice of the Hearing was given to the student.

1.14 An Appeal Hearing can make the following decisions. It can:

- Uphold the appeal
- Reject the appeal

1.15 The Chair of the Appeal Hearing Panel will inform the student and appropriate College staff of its decision in writing within 5 working days of the Hearing (FORAP 7.1.3).

Where the student is under the age of 16, the Panel's decision will also be communicated to the partner school/LEA as appropriate, who will communicate the decision to the parent or parent's representative.

Where the appeal has been heard in relation to the College's Learner Behaviour Policy and Procedures, and the student is attending College under the auspices of an employer or other external agency, the Panel's decision will also be communicated to them.

All timescales noted will be adhered to, however, there may be an exceptional circumstance which could result in a delay. The College will keep the student updated with the reason for the delay.

Further to the student being notified of the outcome of the appeal, the Assistant Principal: Education & Student Success will consider other pertinent issues arising from the Appeals Panel discussions, and an Action Plan (FORAP 7.1.5 Appeals Action Plan) will be created to address associated matters.

- 1.16 Records of all formal appeals will be maintained by Assistant Principal: Education and Student Success. A copy of the written decision of the Appeal Hearing Panel will be retained by the College.
- 1.17 For SQA qualifications if students are undertaking HNs or NQs, they have no further right of appeal against internal assessment decisions.
- 1.18 If a student undertaking a regulated qualification (including all SVQs) submits an appeal to the college, and they are dissatisfied with the outcome of that appeal or the way in which we handled your appeal you can:
 - Appeal to the Awarding Body
 - Appeal to SQA Accreditation if you feel that the College and/or the awarding body has not dealt with your appeal appropriately.

SQA Accreditation cannot overturn internal assessment decisions or academic judgements but may investigate the effectiveness of the College and/or the awarding bodies' appeals process and require corrective action.

The College is also able to appeal on a student's behalf against a decision in an SQA external assessment. For qualifications accredited by SQA Accreditation, this right applies where the assessment forms part of an approved assessment strategy. The college can appeal by requesting a review of the decision, provided that SQA (awarding body) is solely responsible for this external assessment. Please see following SQA link for more information about the processes: [Appeals process: information for Centres \(sqa.org.uk\)](https://www.sqa.org.uk/peopleservices/centres/peopleservices-centres) - Appendix 1 Pages 20-23.

- 1.19 For City & Guilds qualifications, if the student is unsatisfied with the outcome of their appeal, the student can make a request for the College to appeal to City & Guilds on their behalf. City & Guilds has a three-stage appeals process however, should the student disagree with City & Guilds final stage decision, the final point of escalation is to the regulatory body, SQA Accreditation via accreditation@sqa.org.uk. The regulatory body is unable to overturn assessment decisions or academic judgements.
- 1.20 In September of each year, statistics relating to the application of this Procedure in the previous academic session will be collated by the Assistant Principal: Education and Student Success and presented to the Learning and Teaching Committee at its first meeting of the session. A copy of these annual statistics will be given to the Equality, Diversity and Inclusion Adviser for collation with other equalities monitoring records.

2. Timeframes

The College acknowledges that there might be circumstances that make submitting an appeal within the timeframes stipulated within the Appeals Policy and Procedure difficult. In the event of an unplanned circumstance that affects a student's ability to submit an appeal within the deadline there may be legitimate grounds to submit an appeal beyond the deadline. These grounds may include:

- the student being incapacitated due to ill-health
- the student suffering a close personal bereavement
- the college suffering some significant incident affecting continuity of service whereby it is closed due to unforeseen circumstances.

Each delayed appeal will be considered on its own facts and circumstances. The College may ask for supporting evidence to assist in deciding whether to accept a delayed appeal.

3. Records Management

All records relating to matters raised under this policy will be held and processed in accordance with the College's Data Protection and Data Security Policy, the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR). Information relating to the College's Data Protection arrangements (including Privacy Notices) is available on the College website [here](#).

4. Retention of Records

All materials relating to the appeal, including copies of student evidence, assessment and internal verification records should be retained until the appeal has been resolved for all types of qualifications. However, there are further routes of appeal to SQA for accredited and regulated qualifications, there is therefore an additional requirement to retain assessment and internal verification records for six years thereafter unless there is a legitimate reason to retain records for a further period.

These records will be retained securely and confidentially in the Motherwell Campus for the required retention periods. All records and materials relating to an appeal will be disposed of by the end of the calendar year in which it was due to be disposed.

History of Changes

Date	Page Number/Paragraph/Section/Form	Description of Change	Rationale for Change
1 August 2021	Front Page	Update College logo	Internal review - updated branding
1 August 2021	Front Page	Update job title at "Responsibility for Review"	Internal review – updated staffing structure
1 August 2021	All pages	Candidate(s)/Learner(s) changed to student(s)	Internal review – consistency of terminology
1 August 2021	Page 5 – new section 2 – "Timeframes"	Introduction of new section to support any student who has exceptional personal circumstances, which may cause a delay in submitting an appeal, within the specified timeframe.	Internal review – enhance the procedure
1 August 2021	Page 5 – Section 3 – Records Management	Was previously "Retention of Records", now changed to "Records Management", with a new Paragraph 1 informing the reader about how records will be managed.	Internal review – enhance the procedure
1 August 2021	Page 5 – last paragraph	Updated/enhanced paragraph to inform the reader about where the records will be kept/how long they will be kept/when they will be disposed by.	Internal review – to enhance the policy.
1 April 2022	All pages	Curriculum and Quality Leader (CQL) changed to Academic Leader	Internal review
1 April 2022	Front page	Deputy Principal: Student and the Curriculum to Assistant Principal: Education and Student Success	Responsibility For Review
1 August 2022	All pages	CQA 10.1 changed to PROAP 7.1	Internal review
May 2023	All pages	School/College Partnership Co-ordinator removed	Internal review
30 May 2023	Section 1.18	All references to OFQUAL/Qualifications Wales are removed from this section, as SQA have now created a bespoke policy for qualifications	Internal review/awarding body guidance

		regulated by these two regulatory bodies.	
30 May 2023	Section 1.18	Last paragraph – new. To provide info re process for appeals for external assessment.	SQA update
30 May 2023	Section 1.20	Update to title of committee which the Assistant Principal presents appeals statistics to (previously read Quality Enhancement and Audit Team, now reads Learning and Teaching Committee).	Internal Review
30 May 2023	Section 1.20	Last sentence. Update of the job title of person that the equalities data will be shared with (previously read Assistant Principal: Education and Student Success, now reads the Equality, Diversity and Inclusion Adviser).	Internal Review

Forms

1 August 2021	CQA 10.1.1 Appeal Request Form	<ul style="list-style-type: none"> Update Logo Update references to candidate(s)/learner(s) throughout to read “student(s)” Job titles updated to reflect new staffing structure. Updated email address to where appeals can be submitted* 	Internal review – updated branding, consistency of terminology and updated staffing structure. *Updated email address to where appeals can be submitted.
1 August 2021	CQA10.1.2 Notification of Appeal Hearing	<ul style="list-style-type: none"> Update references to “learner(s)” throughout to read “student(s)” Appropriate job titles updated to reflect new staffing structure. 	Internal review – Consistency of terminology and updated staffing structure.
1 August 2021	CQA10.1.3 Confirmation of Result of an Appeal Hearing	<ul style="list-style-type: none"> Update references to “learner(s)” throughout to read “student(s)” Appropriate job titles updated to reflect new staffing structure. Additional person to be CC’d into any confirmation letter (Department Representative) 	Internal review – consistency of terminology and updated staffing structure.

			Internal review – lesson learned from previous alleged malpractice instance.
1 August 2021	CQA10.1.4 Appeal Record	<ul style="list-style-type: none"> • Update Logo • Update references to “learner(s)” throughout to read “student(s)” • Update terminology (Faculty) to read Department. 	Internal Review – updated branding, consistency of terminology and updated Academic/staffing structure.
1 August 2021	CQA10.1.5 Appeals Action Plan	New Action Plan	Internal Review – this form has been created to enhance the Appeals process, so that any actions identified as part of the Appeal can be tracked/monitored.
1 April 2022	All pages	Curriculum and Quality Leader (CQL) changed to Academic Leader	Internal review
1 April 2022	Forms as required	Deputy Principal: Student and the Curriculum to Assistant Principal: Education and Student Success	Responsibility For Review
1 August 2022	All forms	CQA changed to FORAP	Internal review
May 2023	FORAP 7.1.4 and FORAP 7.1.5	Care Leaver changed to Care Experienced	Internal review