

## TrainPlus Staff Policy

## Student Appeals Policy

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<b>Policy applicable to</b>	<b>ALL EMPLOYEES and FREELANCE STAFF</b>		

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## Introduction

This Student Appeals Policy is to outline the commitment of TrainPlus to ensuring students are allowed to question or challenge any assessment / internal quality assurance whether internal or external.

TrainPlus believe the appeals and disputes procedure to be necessary as part of any approved centres assessment quality systems. Student appeals and disputes have a vital role to play in the overall success of TrainPlus and we must all adopt a positive attitude towards the policy and procedures. All staff will co-operate fully with TrainPlus to enable us to meet our responsibilities.

For Higher Education students this Policy is supported by separate guidance that explains the arrangements in specific areas for carrying out appeals and disputes and the Office for Internal Adjudication (OIA) procedures apply

## Principles and Purpose

The existence of the appeals and disputes procedure needs to be made known and explained to all parties of which it is relevant, ideally for employees this should be done at the induction stage of their employment. For all apprentices and employers, TrainPlus' enrolment information and briefs will make sure that the apprentice and employer are aware of the company's appeals and disputes policy. Information about this policy is available on the TrainPlus Website and is available on request from our e-mail [info@trainplus.co.uk](mailto:info@trainplus.co.uk) and via our support team in the office.

When an apprentice or employer wants to talk about the assessment process or decision, but wish to do so on an informal basis, our support team will respond to such queries. The prior email address can be used to request an informal review, please note in the e-mail that at that moment the appeal or dispute being raised is an informal one.

TrainPlus' assessment process is subject to quality assurance procedures which are approved by the TrainPlus Director and Lead IQA's. All Students of TrainPlus have the right to appeal and dispute against assessment outcomes where the student has valid and reasonable information to do so. There are multiple circumstances that might occur to influence the use of this system. This process might be utilised in different scenarios by varied parties in the quality assurance of new and approved programmes.

## Examinations / End-Point Assessments

Decisions involving exams or the outcomes of accredited or endorsed programmes, recognised by other awarding organisations, should be referred to the relevant awarding organisation.

Assessors cannot make an appeal, they may make initial contact with TrainPlus to seek clarification, however it remains that the employer or apprentice has to make the appeal.

If an appeal or dispute is made over the assessment period, then the assessment window will be paused to allow for the investigation to complete unless it is agreed by all parties that it should continue. This is to prevent the apprentice from becoming disadvantaged. TrainPlus' Director / Lead Internal Quality Assessor will advise the relevant parties of this action.

In consideration of Academic Appeals, no mark or grade will be awarded without evidence that a student has met the associated learning outcomes. It is therefore likely that any successful appeal will result in voiding the original test; receiving a revised mark or an opportunity to take a different test and not necessarily lead to changes of grade or award. All Appeal outcomes must be within TrainPlus Regulations.

If you think you have grounds that entitle you to exercise this right, you are required to inform TrainPlus' Student Support Team using the Stage 1 Academic Appeal form.

TrainPlus advises all parties to refer to the respective assessment plan and or guidance regarding test structure, weightings and content that you are appealing / disputing.

A member of the TrainPlus Support team will respond to the appeal within seven working days. Apprentices and/or employers should make an appeal against an assessment outcome within ten working days of the results being given.

TrainPlus and TrainPlus' Student Support Team can provide impartial guidance and advice to students who wish to submit an appeal, including advice on whether their submission constitutes a valid appeal.

TrainPlus endeavours to resolve all appeals as early as possible and is committed to dealing openly and fairly with you, if you decide to make an appeal. TrainPlus will not penalise you for doing so.

All appeals are considered impartially by someone who is not directly involved in the matter upon which the appeal is based. This impartiality is protected throughout the process. At each stage of an appeal a new member of staff may be appointed. No member of staff is permitted to be part of the process if they are part of the appeal.

The outcome of an appeal cannot constitute a disadvantage. For apprentices, there will be no reduction in your grade or classification of award as a result of appeal, including the outcome of any resubmission or additional opportunity of assessment.

It is important that you understand how an appeal differs from a complaint or a request for the recognition of mitigating circumstances.

- a) TrainPlus operates a complaints policy and a system for considering mitigating circumstances. If you wish to raise a complaint or if you request the consideration of mitigating circumstances, be aware that these need to be made prior to a decision. Matters must be brought to TrainPlus' attention before a specified deadline immediately preceding the relevant assessment.
- b) Academic appeals are only valid in respect of assessment decisions already made. Therefore, the appeals procedure must be followed once an assessment decision and students have received their confirmed results. Note that it is only through the appeals process that issues relating to an Academic decision can be resolved.

You may only appeal if you are a registered student. Your acceptance of an award certificate at graduation implies acceptance of the award and the closure of any action/appeal within the TrainPlus procedure. This equally applies if you do not return a certificate or an award letter that has been sent to you in the post within 10 working days.

If the appeal is made at the point all assessments have been completed, where possible TrainPlus will delay making a completion claim until the matter or matters have been resolved.

You may only appeal if you are a registered apprentice and in good academic standing. Although you may appeal while sanctioned for academic reasons, no appeal outcome will be implemented until your position in TrainPlus as a registered Learner has been recovered.

You will not normally be permitted to appeal based on bereavement or for a suspension of studies. In neither of these cases is an appeal appropriate, because appeals are retrospective,

and these matters are difficult to resolve fairly in retrospect. You are advised to use TrainPlus' support services in these cases.

If your appeal is not based on the grounds specified in this Policy or accompanied by appropriate supporting evidence, or is submitted out of time, TrainPlus may inform you that no action will be taken. You will be informed of your right to request a Completion of Procedures Letter if you wish to pursue the matter further with the Office of the Independent Adjudicator for Higher Education.

It is your responsibility, when submitting an appeal, to state clearly which one or more of the basis for appeal specified in this policy you are giving as the basis of your appeal, and to explain why you are raising any matters of personal circumstance after the decision and not within TrainPlus mitigating circumstances process. You must also provide evidence of any claims you make and specify clearly the units and assessments to which your appeal refers.

## Scope

An academic appeal is a request for review of a decision related to assessment results, academic progression or award. Where a complaint is specified as having an impact on assessment results, academic progression or award, it must be treated as an academic appeal. No mark or grade will be awarded without evidence that a student has met the associated learning outcomes.

Academic appeals are only valid in respect of a reached decision. Therefore, the appeals procedure must be followed after a decision is made or after a student has received their confirmed results. It is only through the appeals process that the issues relating to a decision can be resolved. The Student Complaints Procedure is to be used prior to a decision, ensuring that matters that have potentially impacted on student performance are brought to the attention of the relevant parties. Matters that are considered as academic appeals may not subsequently be considered as complaints.

As far as possible, within the effective operation of this process, impartiality and confidentiality of both individuals and proceedings will be maintained.

The Director and Lead IQA's will annually review the operation of the appeals procedure in order to evaluate its effectiveness. Exceptions granted under the Academic Appeals Policy are recorded by the Student support team.

Where there are a number of cases emerging with the same operational problem, so that the matter can be reviewed as such rather than as a series of individual appeals. This will be measured over a period of 3 months to ascertain whether cases of a similar nature are reoccurring.

Complaints about the procedural operation of this process must be raised through the Student Complaints Process. Such complaints may not request further review of the academic decision previously appealed but must be confined to the expression of a specific concern related to the operation of the appeal process.

### Grounds for Appeal

All persons involved in the assessment and internal quality assurance processes have the right to appeal against assessment or internal or external quality assurance decisions which are unclear or seem unfair. The reasons for appeal are:

- One or more parties affected by the assessment and quality assurance process believes the assessment and/or quality assurance process or decision has been unfair
- One or more parties affected by the assessment and quality assurance process believes not all the appropriate evidence of competence or presented documentation or assessment or quality assurance decisions has been considered

- One or more parties affected by the assessment and quality assurance process thinks that the assessor or assessment process has misunderstood the context of the evidence generated
- One or more parties affected by the assessment and quality assurance process believes their requirements under special considerations were not supported or appropriately addressed and this adversely impacted on the assessment or quality assurance outcome
- Disagreement with Multiple Choice Question test results

If the appeal or dispute does not meet the above criteria, feedback will be provided within 10 working days of receipt of the associated correspondence, with reasons for this decision.

Apprentices should initially on an informal basis raise any concerns they may have with relevant members of staff. An appeal can thereafter be formalised by making a subsequent submission, in writing. TrainPlus will normally seek to resolve matters of concern as close as possible to the level at which they arise. Only when such channels are fully exhausted can students escalate academic appeals to a higher level. **Apprentices must therefore complete the first stage of appeal before beginning a second stage of appeal, as below, to The TrainPlus panel.**

## Policy

For apprentices on a taught course (including any taught component of research programmes)

Circumstances in which academic appeals may be made

Students of TrainPlus who are registered or whose period of registration has ended following an Academic decision may submit appeals.

Appeals may relate either to (a) an award made at the end of the final stage of a course or (b) a decision that would result in an interruption of studies or disadvantage at an intermediate stage of a course. The latter may include an interruption of the normal progress of a student, a requirement either to withdraw from a course, to undertake referrals, to repeat an element of a course, or to register for/receive an award other than the target award at the point of appeal, and the award of a grade that can be demonstrated not to reflect a student's performance in circumstances of full opportunity.

Valid bases for appeal in respect of an academic outcome are:

Exceptional mitigating circumstances

- a) These arise where a student establishes to the satisfaction of TrainPlus (by submitting medical certificates or other documentary evidence acceptable to TrainPlus) that his/her assessment performance was adversely affected by illness or some other reason which he/she was unable, or for valid reasons unwilling, to divulge before a decision was reached.

Note: Academic Appeals may not normally be submitted on the basis of bereavement. TrainPlus' Mitigating Circumstances process must be used in such cases.

Medical and other circumstances that should have been reported to TrainPlus at the time of their occurrence will not normally be accepted as grounds for appeal. Students are expected to contact Student Support at the time of the occurrence and follow TrainPlus' Mitigating Circumstances process where appropriate.

Where a student has been absent from their studies without TrainPlus' knowledge, they may not normally subsequently appeal in relation to that period.

## Operational problems impacting on academic outcome

This arises where TrainPlus is satisfied on the basis of evidence produced by the student or derived from any other source that the assessments were not conducted in accordance with the relevant Regulations, or that a material administrative error or some other material irregularity occurred in relation to teaching or assessment (including project and placement units), such that assessment performance was materially and adversely affected.

TrainPlus only considers appeals that are based within the Regulations. It will not consider any appeal that is based solely on a request for the student to be given another opportunity to change a grade, or any attempt to alter the outcomes of academic judgement reached through due academic process.

Appeals may not be made in respect of matters relating to academic performance before they have reached their decisions regarding such matters.

Where the claim of operational problems includes allegations of victimisation or unfair discrimination, TrainPlus will, in the first instance, investigate these claims through TrainPlus Student Complaints Procedure, to inform the appeal process.

Students who are sanctioned for financial or academic reasons may submit and receive a response to their appeal, but no outcome will be actioned before their good standing is recovered.

Requests to suspend studies will not normally be granted in retrospect through this appeals process (i.e. where the request is made after the pre-examination-board deadline). Requests relating to multiple assessments over a period will normally be considered as requests for additional opportunity without penalty.

The Student Adjudication Team will respond to any issues lodged as academic appeals, but which fall outside the scope of academic appeal, confirming that the appeal is not valid and indicating alternative approaches where relevant.

It is expected that the need to appeal will only occur as a last resort; students must ensure that, as far as possible, TrainPlus is informed prior to its meeting of any circumstances which might have adversely affected their performance.

Acceptance of an award certificate or a failure to respond within 10 working days of receipt constitutes acceptance of the award and the closure of any appeal within TrainPlus' procedures.

The Student Adjudication Team will report after the end of each academic year on the activity and outcomes of academic appeals.

The Appeal Reviewer is empowered to take four courses of action following its consideration of an appeal by a student on a taught course:

- i. to reject an appeal, in which case the decision is final.
- ii. to uphold the appeal and require an Investigator to review or revise the decision or process where one or both of the two possible grounds for appeal is found to have had material impact on the performance or progression of an apprentice.
- iii. To require an Investigator to reconsider or revise the decision where an appeal, as presented, is not upheld, but other material factors emerge in the course of investigation or appeal.
- iv. To determine that for reasons other than the non-provision of information and evidence by the appellant, an appeal cannot be resolved at stage one and should proceed to stage two.

Neither a Reviewer nor an Academic Appeal Panel has authority to set aside the decision or recommend award.

No decision will be revised within this Academic Appeals Policy to the detriment of a student.

A revised decision of an Academic decision resulting from this process shall be final and may not be the subject of further appeal unless it can be evidenced that:

- the basis of any further appeal is new information that was not available at the time of the earlier appeal.
- the new appeal arises from circumstances obtaining only because of the earlier appeal
- the appeal relates to the implementation of the earlier appeal outcome.

Where there is evidence that an appellant or their representative may have provided misinformation to influence the outcome of an academic appeal, disciplinary action may be taken after the conclusion of the appeal process.

## Procedure

### Submitting an appeal

Your Stage 1 appeal should normally be submitted to TrainPlus at [info@trainplus.co.uk](mailto:info@trainplus.co.uk). In certain instances, the Director is to whom you should send your appeal at [lisashort@trainplus.co.uk](mailto:lisashort@trainplus.co.uk). Please only send this form to the director if you have already contacted [info@trainplus.co.uk](mailto:info@trainplus.co.uk) regarding this appeal or alternately seek advice from the Student Support Team at 01268 574299.

The student must specify precisely the grounds on which the appeal is based and provide all supporting documentary evidence that they wish to be considered. The Stage 1 appeal reviewer or Stage 2 appeal review panel will normally receive and consider the following in support of an appeal:

- A completed academic appeal form
- Supporting evidence referenced in the appeal form
- Material provided by those directly involved at a panel meeting.

Appeals must be received by TrainPlus at [info@trainplus.co.uk](mailto:info@trainplus.co.uk) within 10 working days from the date on which the student received formal notification of a decision online via the student results portal on smart assessor.

Students will normally be deemed to have received such formal notification of their assessments, or academic progression decision 48 hours after confirmation of upload.

TrainPlus has the right, under exceptional circumstances, to waive these time- scales, where there is clear evidence provided by an appellant of circumstances that might reasonably hinder an on-time submission. These include the consideration of matters of health and disability where these can be reasonably concluded to have impeded on-time submission within the standard 10 working day timeframe for appeal submissions.

## Stage 1: Appeals to Head of Department

The Student Adjudication Team upon receiving an academic appeal in writing that specifies the basis of the appeal and provides relevant supplementary evidence they will confirm receipt to the appellant. If the appeal is submitted out of time or does not meet the criteria for appeal specified above, the Student Adjudication Team may inform the student that no action will be taken. The student will be informed of their right to request a Completion of Procedures Letter if they wish to pursue the matter further with the Office of the Independent Adjudicator for Higher Education. If the appeal is submitted within time and meets the criteria for appeal specified above.

The role of the Reviewer and, on their behalf where necessary a departmental administrator, will be to identify and examine all evidence that may support the appeal, and to answer questions raised by the reviewer. This should include relevant evidence gathered internally from within TrainPlus, but will not include testimonials from students or staff unless explicitly requested by the reviewer

The Reviewer will aim to respond to the student submitting the appeal, within 10 working days of receipt of the appeal and supplementary evidence (in full), in order to do one of the following:

- a) to uphold the appeal, and to inform the student of the findings of the investigation and confirm that the relevant Academic will be required to review or revise its decision in respect of the student.
- b) to not uphold the appeal, and to provide the student with a clear and complete reason for not doing so.
- c) to confirm to the student a deadline for response (where the appeal circumstances require a protracted investigation) in respect of a) or b) above.
- d) in exceptional circumstances to confirm that a case cannot be addressed adequately at stage one and will therefore proceed to stage two.

Academic appeal decisions relate only to academic credit and will not override Professional, Statutory or Regulatory Body (PSRB) regulations and requirements. Appeal outcome letters will state this proviso in relation to any decision to uphold. Where such regulations and requirements prevent the implementation of an academic appeal outcome, the Faculty Manager must

- a) obtain external examiner confirmation of this constraint,
- b) record this formally in the record for the next relevant Investigator
- c) inform the Student Support Team, so that the revised outcome can be filed along with the initial decision.

Where it is confirmed that TrainPlus does not find the appeal to be substantiated and the stage one appeal is not upheld, a student will, on the proviso that he/she can supply additional and significant evidence or information directly related to the initial appeal, have the right to proceed to stage two of the appeals procedure.

Where a student remains dissatisfied after receiving the outcome of their Stage 1 academic appeal and can clearly demonstrate that permissible grounds exist to have the matter considered further, then the student may make a further and final submission to The TrainPlus panel. This is the last stage of consideration under TrainPlus' internal procedures. Before making a submission to TrainPlus' Panel, students must fully exhaust the first stage of appeal as above. The Panel will not consider cases which have not completed this compulsory earlier stage; students who make a premature submission to the TrainPlus panel will be referred back to Stage 1.

## Stage 2: Appeals to The TrainPlus panel

Students wishing to submit an academic appeal to the TrainPlus panel must fully complete the Stage 2 Academic Appeal form. This form should be completed only by students wishing to submit a Panel appeal and should not be used for making a Stage 1 appeal. Fully complete forms should be sent by email to [info@trainplus.co.uk](mailto:info@trainplus.co.uk) within 10 working days of the decision with which the student is dissatisfied. Once submitted, the student has from that date a period of a further 10 working days to submit the full appeal together with all supporting documentary evidence they wish to rely on. These timescales are designed to provide sufficient time for the thorough preparation of a case. Late submissions may not be considered further by TrainPlus.

## Timescales

Please consult the appropriate section of the Policy above for further details on the relevant timescales covering submissions. In general, it is important that students act promptly in submitting an academic appeal. Submissions are normally time-limited and late submissions may be automatically rejected without further consideration or right of future appeal.

# Communication of The Student Appeals Policy

## **Communication Arrangements**

Copies of the Students Appeals Policy are circulated to all employees, employers and students on its revision and commencement.

Each Staff member undertakes annual Student Complaints and Disputes Training. This is reviewed in their supervision meetings.

A copy of the Students Appeals Policy is held on the TrainPlus website <http://www.trainplus.co.uk/>

A copy of the Students Appeals Policy is included in the Student Handbook which is given to all students on induction and an e-version is available on all students E-Portfolios.

The Students Appeals Policy is monitored and reviewed through quality assurance assessments annually.