

Maxcebo® Wellbeing Academy Ltd

Last approved: 15th November 2020

Approved by: The board of directors

Next review due: November 2022

1 Scope

1.1 This Academic Appeals Procedure applies to all students registered on a course at The Maxcebo® Wellbeing Academy Ltd (collectively referred to as “the Academy”).

2 Purpose

2.1 The Academic Appeals procedure is intended to provide a formal means for reviewing a decision made on student assessment, progression or award, and for resolving a student's concerns in a fair and consistent manner. This is different from the Student Complaints Procedure, which provides a means for resolving other problems that may arise during the academic year, such as those relating to teaching provision or other services. If a student needs advice about whether the matter they wish to raise is categorised as a complaint or an appeal, they should consult either the Academy Principal or Head of Student Services.

3 What academic decisions can students appeal against?

3.1 Students can appeal against:

- Failure of a course of study
- The recommended category of award
- A decision that they are required to withdraw from a course because they have failed to satisfy the requirements for academic progress
- A decision that a student is required to submit one or more assessment units, having failed to satisfy the requirements for academic progress (this can include a decision that a student is required to repeat a year)
- A particular assessment result (this can include a penalty for late submission, or failure to submit a piece of work, but not matters of academic judgement as listed below)
- A decision by the Academy to withdraw a student.

3.2 There is also a right of appeal against the following:

- Academic Misconduct Panel outcome
- Mitigating Evidence Committee outcome
- Refusal to allow an alternative mode of assessment

4 What can't students appeal against?

4.1 Students cannot appeal against matters of academic judgement and student work cannot be remarked, unless the claim satisfies at least one of the grounds for appeal as outlined in this procedure.

4.2 Academic judgement is any decision where only the judgement of an academic expert will suffice. The Academy considers academic judgement to include:

- The appropriateness of feedback in relation to a given mark.
- The appropriateness of a mark.
- The appropriateness of a research topic.
- The appropriateness of a research or essay question.
- Judgment regarding whether learning outcomes have been met.
- The decision of an exam board regarding whether or not condoned credit should be awarded.
- The decision of an exam board regarding whether or not an opportunity to retrieve credit should be offered and which retrieval opportunity should be offered.
- A judgement by the appropriate member of staff, in line with our procedures, as to whether plagiarism has occurred and the extent of that plagiarism.
- A judgement by the appropriate member of staff, in line with our procedures, as to whether academic misconduct has occurred and the extent of that misconduct.
- Whether the marker has appropriate academic expertise.

4.3 When assessing a piece of work, the marker is required to make an academic judgement about the quality of that work. Making such an academic judgement, by definition, requires the marker to use their academic expertise and subject knowledge combined with the grade descriptors contained within the Academy's Generic Marking Scheme to come to a decision about the quality of the work. The academic judgement of the marker and Exam Boards in higher education institutions such as the Academy is protected by UK law and, therefore, students are not entitled to appeal against matters of academic judgement.

5 Principles of the Student Appeals Procedure

5.1 Students lodging an appeal will not be disadvantaged by doing so. Privacy and confidentiality will be respected, and disclosure of information provided by a student in the course of an appeal will be restricted to those individual officers directly involved in consideration of that appeal, which may include Chairs of Mitigating Evidence Committees and Exam Boards. The appeal will be considered in the first instance by the Academy Principal, who may appoint another member of staff as the Investigating Officer for the case. The appeal will be considered in accordance with the Academy's Equal Opportunities & Diversity Policy. There is no right of appeal against matters of academic judgement, however students do have the right to appeal against certain academic decisions such as:

a. That there existed circumstances affecting the student's performance of which the Exam Board was not aware when its decision was made, and which could not reasonably have been presented to the Exam Board.

The Academy recognises that sometimes situations will arise that prevent students from submitting a piece of work on time, or that might affect the standard of work submitted. The usual procedure for dealing with such circumstances is to apply to the Mitigating Evidence Committee (MEC) as and when such a situation arises.

Students intending to lodge an appeal on these grounds should note that, for an appeal to succeed, they will need to show that all three criteria listed below are met:

1. *Circumstances affecting the student's performance...*
Evidence of these circumstances should be submitted with a clear explanation of the period of time and specific pieces of assessed work that were affected.
2. *of which the Exam Board were not aware when its decision was taken...*
An appeal will not have strong grounds for being upheld where the examiners were already aware of the circumstances described and made their decision in the knowledge of those circumstances.
3. *which could not reasonably have been presented to the Exam Board*
An appeal can usually only be considered where the student has been unable to follow the normal procedure for submitting evidence to the MEC and it would not be reasonable to have expected them to have done so. An example might be that the student was in hospital or was suffering from mental health difficulties which meant they were unable to make an application to MEC at the appropriate time. It is not sufficient for the student to say that they were unaware of the procedure for making an application to MEC or had chosen not to do so.

b. There was a procedural irregularity (including administrative error) or other inadequacy in the conduct of the examinations, or processing of marks or grades, or the categorisation of an award.

An appeal may be brought where the student believes that the award, outcome or mark is incorrect because the Academy has made an error. It is not enough to show that an error has taken place - it will be necessary for the student to show that the error resulted in an incorrect decision being made. If the error is clearly demonstrable, it can often be corrected without the necessity to go through a formal appeal process, so students are advised to seek urgent advice from the Academy Principal or their Course Leader in the first instance.

c. There exists evidence of prejudice or bias in the marking, moderation or Exam Board proceedings.

Appeals for bias must be brought after an Exam Board has sat to ensure all internal checks and balances have been carried out. Any appeal brought on these grounds should clearly identify the individual(s) considered to have shown prejudice or bias against the student and should be supported by evidence.

6 Deadlines for Appeal

6.1 Academic Appeals: An academic appeal must be lodged within **21 days** of notification of the Exam Board's decision.

6.2 Withdrawal: If a student wishes to appeal against their withdrawal from a course at the Academy, they will need to appeal within **9 days** of being notified of the decision in writing.

6.3 Fitness to Study Withdrawal: Due to the nature of Fitness to Study panels, students are given slightly longer to appeal, so these must be submitted within **21 days** of being notified of the decision in writing.

6.4 All other appeals: Appeals against any decision not listed above must be submitted within 21 days of the decision being notified to the student.

6.5 All appeals should use the forms available on the website and be submitted to info@maxceboacademy.com

7. Intentionally Deleted

8 How the Appeal will be considered

8.1 Receipt of an appeal will be acknowledged within 7 days. Relevant information will be gathered, which could include Course Leader or Academy Principal comments on the appeal, the student's academic transcript, any Mitigating Evidence Committee records and Exam Board minutes. This process will normally take a minimum of 2-3 weeks and may take longer for particularly complex cases, or when someone who has critical information is unavailable. Students may also be asked for clarification of statements in their appeal or for further evidence. Students must complete an appeal form, available via the link above.

8.2 Students are reminded that it is their responsibility to ensure they have provided enough information and supporting evidence to substantiate their grounds for appeal. Students must ensure that the Academy can contact them quickly about an appeal by keeping us informed of any changes to contact details.

8.3 Once the relevant information has been gathered, a decision will be made as to whether or not the appeal is admissible. An appeal may be rejected if:

- It is submitted late.
- The student fails to make factual allegations that meet the grounds for appeal.
- There is evidence that demonstrates the grounds for appeal have not been met, e.g., if there were circumstances that the Exam Board was unaware of but, on investigation, it is evident that those circumstances had been considered by the Board.
- There is no evidence that supports the grounds for appeal.

8.4 Admissible appeals will be considered further to establish if they can be processed without an Appeals Panel Meeting. The role of the Appeals Panel is to act as the finder of fact in cases that are admissible and where there are disputed issues that would have a material effect on the outcome of a case. For example, if there is conflicting testimony regarding an issue, an Appeals Panel may be convened to establish the facts of the matter. In practice, most cases can be decided without the need for an Appeals Panel. If there are disputed issues that would have a material impact on the outcome of the case, the Investigating Officer may proceed without convening an Appeals Panel. If it is clear that the appeal should be upheld (i.e. a decision should be made in the student's favour) because all parties consulted are in agreement, the student will be notified in writing.

9 Appeals Panel Meeting

9.1 If it has been decided that an appeal is admissible and is to be considered further, the investigating officer and/or other members of staff independent to the processes under scrutiny will first prepare a detailed report on the nature of the appeal, the evidence and the outcomes available under the relevant regulations. A date for reviewing the appeal will be set, and a letter confirming that date will be sent to the appellant's student email account a minimum of 7 days in advance of the Panel meeting. A copy of the report and any other information being sent to members of the Appeals Panel will also be sent to the student's Academy email account.

9.2 The composition of the Appeals Panel will be as follows:

- An Academy Director or Academy Principal (or nominee)
- Two academic members of staff who have not been involved in teaching the student
- A student – usually one of the Student Representatives for the course on which the appellant is studying.

9.3 The Appeals Panel will review the report provided, outlining the details of the appeal and evidence, and will make a decision based on this information.

9.4 The Panel is expected to reach a decision on the day of the Appeals Panel Meeting. If, extraordinarily, this is not possible, the Meeting may have to be adjourned while additional information is sought and shared with the Panel and the student.

9.5 The outcome will subsequently be confirmed in writing within seven working days of the Appeals Meeting and will be summarised in an outcome letter.

10 Internal Review

10.1 The internal review process is available to all students studying on courses leading to an RSL award.

10.2 If the student is dissatisfied with the outcome of their appeal, they are entitled to request an internal review of the decision. A review of the original decision can only be made on the following grounds:

- There were circumstances, or new evidence has come to light, which affects the student's appeal which was not known to the investigators at the time the appeal was considered.
- There existed a procedural error in the Appeals process which could have led to a different outcome had the error not occurred.
- There is evidence of bias in the Appeals procedure which could have led to a different outcome had the bias not occurred.

10.3 Requests for internal review must be submitted to info@maxceboacademy.com within 21 days of receiving the outcome letter, using the form on the website, and should be accompanied with supporting evidence. It is the student's responsibility to supply all supporting evidence with their internal review application. A receipt will be issued within 7 days and the Academy aims to complete the review within 28 days of receiving the request.

10.4 The Principal will investigate the case in the first instance. If they have had prior involvement with the case, it may be considered by a member of the Executive Management Team.

11 Outcome of Review

11.1 The Internal Reviewer can reach the following outcomes:

- To overturn the original decision and make a new decision on behalf of the Academy. This could include referring matters to different procedures where appropriate.
- To uphold the original decision made by the Academy.

11.2 In cases where there is doubt as to whether the case should be upheld or not, the Internal Reviewer may refer the case to a fresh Appeals Panel for consideration.

12 Awarding Institution Review

12.1 Awarding institution reviews are available to students on courses awarded by a partner institution who have made academic appeals .

12.2 If an academic appeal is not upheld by the Academy and the student remains dissatisfied, they may invoke the awarding institution's appeal procedures. A student must write to the awarding institution within 21 days of the notification of the outcome of the appeal by the Academy. There is no right of appeal against academic judgement. The awarding institution will ascertain if the correct process was observed. Once the process is finalised, the awarding institution will issue a Completion of Procedure letter.

13 Final Redress – Option for Independent Review by the OIA

13.1 An independent review is available to students studying on HE courses awarded by a UK provider, including those leading to RSL Awards or those of any of its UK partner institutions.

13.2 The Office of the Independent Adjudicator (OIA) provides an independent scheme for the review of student Complaints or Appeals. When all procedures for investigating an Appeal have been exhausted, the Academy or the awarding body will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity of an independent review must submit their application to the OIA within 1 year of the issue of the Completion of Procedures letter. The OIA will not normally consider an Appeal that has not previously been considered under all the procedures available at the Academy and its awarding institutions and will not normally consider.

Appeals where the Completion of Procedures Letter is issued more than three years after the subject of the Appeal.

13.3 The OIA form is available [online](#), or can be requested via email to enquiries@oiahe.org.uk.

13.4 Further advice about contacting the OIA is available from the Heads of Student Services. Students seeking an independent review through the OIA should note that any Appeal at that stage would be in respect of the procedures of the institution that carried out the Review, whether that be the Academy or an awarding institution.

Further Guidance & Frequently Asked Questions

Situations which cannot be appealed against include, but are not limited to the following:

- **Disagreement with feedback received on an assessment**
If feedback is unclear or is written in a way that you don't understand, the Academy can arrange for additional feedback to be issued or arrange a tutorial with an appropriate member of staff to talk through the feedback. In such a situation, you should contact your Head of Education or Course Leader.
- **Receiving lower marks than you have for similar types of assessment**
Past performance does not indicate how well you may have met the learning outcomes for any subsequent assessments. The Academy has a rigorous system of moderation and external examination which ensures that judgments are consistent across students and markers.
- **If you want to appeal based on issues with personal finances, housing situation, visa, employment or other outside interests**
You are expected to manage outside commitments with your study at the Academy. If you are experiencing issues, these must be brought to the attention of Student Services

as soon as they occur, prior to undertaking an assessment. These may not be resolved by way of an appeal.

- **Situations where work was not uploaded correctly to the assessment portal and was not marked, or I lost marks for missing elements**

It is your responsibility to ensure that files are uploaded correctly and work as they should; technical error and human error are not valid circumstances upon which an appeal can be based. For this reason, it is advisable to upload assessments in advance of deadlines so that any issues that may arise can be resolved. Internet connection issues can cause file corruption when uploading, so it is advised that you download the files after uploading to ensure they work correctly before the submission deadline. The IT department at the Academy tracks all system outages with Academy services so, if such factors affect your submission, the Academy will be proactive in fixing the problem and providing reasonable adjustments for assessments affected.

Regarding Mitigating Circumstances

(see also the 'Provisions for Exceptional Circumstances' section of the Academic Regulations)

A student **cannot** receive an adjusted grade or a re-mark for mitigating circumstances. If they successfully fulfil the criteria for appealing on grounds of mitigating circumstances, the only outcomes available are:

- A capped re-sit
- An uncapped re-sit
- Removal of late penalties.

The outcome received will depend on the individual circumstances.

The Academy cannot take mitigating circumstances into account when making decisions based on academic elements. For example, progression decisions are based solely on the credit achieved at each level and we cannot take mitigation into account. As a result, students cannot appeal such decisions based on mitigating circumstances.