



Three Stage Academic Student Appeals Procedure

This document consists of two sections

SECTION A: Appeals procedure for all higher education awards delivered by ICST with a validating partner.

SECTION B: Appeals procedure for all ICST courses or programmes which do not form part of a validated higher education programme.

SECTION A

Appeals procedure for all higher education awards delivered by ICST with a validating partner.

1. Introduction

This Appeals procedure relates to all ICST validated higher education programmes only.

A formal appeal is 'a request for a review of a decision of an academic body charged with decisions on student progression, assessment and awards' [QAA, 2007]. This document describes the processes for submitting formal appeals against academic decisions of the Institute or its awarding bodies in other words decisions relating to the administration of the marking process, progression and the awarding of qualifications.

Academic decisions for all ICST validated higher education programmes are:

- Decisions of Examination Boards;
- Decisions of Extenuating Circumstances Panels;
- Decisions taken through the academic misconduct process.

A student may not appeal against the operation of academic judgement. This means that students may not appeal against a mark just because they believe that the mark is wrong, but only on the grounds set out below.

2. Grounds for appeal

All appeals must have relevant grounds.

3. Examination Board

The only ground for appeal against the decision of an Award and Progression Examination Board is:

- The availability of evidence that is likely to have altered the decision of the Examination Board if it had been made known to the Examination Board when it made its original decision. This evidence must relate to a material error by the Institute in its conduct of the assessment of the student.

An appeal on the above grounds must be supported by evidence.

4. A penalty imposed for academic misconduct

The grounds for appeal against a penalty imposed as a result of an investigation of an allegation of academic misconduct are:

- Material error that affected the conduct of the academic misconduct investigation;
- New evidence that was not made available to the academic misconduct investigation for valid reasons;
- Extenuating Circumstances that were not made known to the academic misconduct investigation for valid reasons.

An appeal on any of the above grounds must be supported by evidence.

5. The decision of an Extenuating Circumstances Panel

A student may appeal against the following decisions of an Extenuating Circumstances Panel:

- 'Claim rejected, reasons for non-submission of evidence not accepted'
- 'Claim rejected, grounds not established or insufficient evidence'
- 'Claim rejected, deadline for submission not met'.



An appeal against the decision of an Extenuating Circumstances Panel (other than a decision of 'claim rejected, deadline for submission not met') can only be brought on the grounds that a material error occurred that materially affected the decision of the Extenuating Circumstances Panel or Chair, and must be supported by evidence. If the decision is 'claim rejected, deadline for submission not met' then an appeal may be made where there are valid reasons why they could not have been disclosed via a claim for Extenuating Circumstances in good time.

6. Extenuating Circumstances not submitted on time

A student who has valid Extenuating Circumstances (ECs) which, for good reason, they were unable to submit to the Extenuating Circumstances Panel in good time may make an appeal. A student's unwillingness to disclose Extenuating Circumstances to an EC Panel for reasons of embarrassment and/or shame which are later disclosed during the Appeals Process will not constitute a good reason for an initial failure to submit Extenuating Circumstances within deadline.

7. Limits on grounds for appeal

A Student may not appeal against the decision of a Subject Area Examination Board to award a particular mark. Students who are notified of a mark following a Subject Area Examination Board and believe that their performance was affected by extenuating circumstances may submit their extenuating circumstances to the Extenuating Circumstances Panel. If the relevant deadline has passed, they may appeal on the grounds of Extenuating Circumstances not submitted on time, provided they have evidence of a valid reason.

A Student may not appeal in relation to the same submission of an assessment more than once by means of the student appeals process.

A Student may not appeal against an academic decision:

- a) On the grounds that s/he considers the mark awarded to be too low;
- b) On the grounds that s/he did not understand, or was not aware of, programme or Institute regulations or procedures such as those for: academic misconduct, seeking an extended date for submitting coursework; for submitting a claim for Extenuating Circumstances within deadline; for finding out examination results, or for interruption of studies. Students are expected to be aware of the Institute's rules and procedures, as well as those of its validating partners, and to apply them.
- c) The Institute also takes administrative decisions such as the decisions of local managers in the disciplinary process or to deem a student has withdrawn where the student has a persistent lack of attendance. Where appropriate, the academic regulations set out a right of appeal against these administrative decisions. The appeal in these cases is made to a senior manager who reviews the decision informally and swiftly, and may overturn it if necessary. If a Student is still dissatisfied with an administrative decision after any permitted administrative appeal, they may use the complaints procedure. The complaints procedure may not be used where a Student is dissatisfied with an academic decision.

8. Frivolous or vexatious appeals

The Institute may suspend or terminate consideration of an appeal if it considers it to be frivolous or vexatious, or if the behaviour of the Student submitting an appeal becomes frivolous or vexatious. Examples of such cases or behaviour include, but are not limited to:

- Appeals which are obsessive, harassing, or repetitive;
- Insistence on pursuing non-meritorious appeals and/or unrealistic or unreasonable outcomes;
- Insistence on pursuing what may be meritorious appeals in an unreasonable manner;
- Appeals which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

In such cases, the Institute will write to the Student explaining why it is terminating consideration of the Student's appeal. In order to appeal against this decision, the Student must set out his/her reasons and submit them and any supporting evidence in writing to the Director of Student Services within ten working days of the date of the Institute's letter. The Director of Student Services (or his/her nominee) will inform the Student of the outcome of his/her appeal within ten working days of receiving his/her appeal.



9. Timeframe for appeal

Appeals should normally complete the Institute's appeals processes within ninety calendar days of the first submission of Stage Two appeals. This ninety-day timeframe requires Students to meet all of the Institute's stipulated deadlines for submission of materials at each stage of the student appeals process. There may be cases, where, for good reason(s), the Institute will need to extend the ninety calendar day timeframe for resolution of an appeal. When this is the case, the Institute will notify the affected Student(s), and will keep the Student regularly informed of the progress of the case.

Stage One: Preliminary Review

10. Stage One: Request for a Preliminary Review

A preliminary request for an appeal is initiated when a student requests a review of an academic decision by means of a meeting with his/her Course Director (or an alternative academic member of staff). The request by the student must be received by the Course Director (or an alternative academic member of staff) within ten working days of the publication of the relevant decision against which the student wishes to make an appeal. Working days do not include Saturdays and Sundays, bank holidays and/or days of official Institute closure. The meeting should take place within five working days of the student's request.

When a Stage One preliminary request for an appeal has been submitted validly, the Course Director (or an alternative academic member of staff) will set up a dedicated preliminary review meeting between the Student and the Student's Course Director (or an alternative academic member of staff) within five working days of the submission of the preliminary request for an appeal. This meeting may take place face-to-face, or it may take place via a scheduled phone call or via Skype, or via an email/electronic messaging exchange, or by any other medium which facilitates such a meeting.

11. Purpose of the Preliminary Review Meeting

The preliminary review meeting is the Student's opportunity to engage constructively with an academic member of Institute staff from the Student's department, in order to attempt early resolution of the Student's academic problem(s) and/or concerns. The meeting may help to offer, clarify or build insight into the Student's understanding of the relevant academic context of the issues raised, and may also offer an opportunity to manage the Student's expectations of the remit of the academic appeals process. The Student will be expected to attend this meeting unless there are good reasons why the Student is unable to do so. The consequence of not attending this meeting without good reason(s) for absence is that the Student will not be considered to have completed Stage One of the process, and will not be entitled to enter the formal Student Appeals Process. If the Course Director (or an alternative academic member of staff) is satisfied that the Student has satisfactorily presented and evidenced good reasons for non-attendance, the preliminary review meeting will be rescheduled to go ahead as soon as reasonably possible. A failure by the Student to read email communications from the Institute in good time and/or failure of ICT equipment will not constitute good reasons for absence.

The preliminary review meeting will be with the Student's Course Director, unless he or she is unavailable and/or if the Student's case relates materially to him/her, in which case an alternative member of academic staff of appropriate seniority will meet the Student. The Student will not bring any other person to this meeting, unless the Student can demonstrate with evidence that it is a reasonable adjustment to the student appeal process to do so under relevant equality and disability regulations and legislation.

In some cases, the Course Director (or his/her alternative) may exercise his/her discretion to issue an outcome to the case without the need for a preliminary review meeting. The Course Director (or his/her alternative) will only do so when he/she has evidence of a manifest material error by the Institute, which may be corrected satisfactorily by quick administrative action, for example, a wrongly entered or missing mark on a Student's permanent record of exam assessments. A Course Director (or his/her alternative) may also issue an outcome when a scheduled preliminary review meeting has not taken place in circumstances where he/she is not satisfied of good reasons for absence by the Student.

If the Student has documentary evidence which the Student wishes to present as part of the Student's case, the Student will need to bring the original documents along to the meeting.

Once the scheduled preliminary review meeting with the Student's Course Director (or an alternate member of academic staff) has taken place, the Course Director (or an alternate member of academic staff) will make a permanent record of the meeting in the Institute's dedicated student appeal system. This will normally happen within five working days of the



meeting taking place. This record will summarise the content of the meeting with the Student, and will include one of three possible recommended outcomes:

- a) There is no case for appeal. This may be because the Student's case has been resolved, with one or more remedial actions which have been agreed and taken, or which will follow within a reasonable timeframe. It may also be that no further actions will be taken, as no grounds for appeal have been satisfied. The reason(s) for this outcome will be recorded.
- b) The Student's case cannot be resolved at this time, and the Student is recommended to pursue his/her case by entering Stage Two of the Institute's formal Student Appeal Process. The reason(s) for this outcome will be recorded.
- c) The Student's appeal is out of time, and has been raised too late without valid reason(s) to enter Stage Two of the Appeals Process.

An email will be sent from the Institute's student appeal system to the Student, informing the Student of the outcome of this preliminary review meeting. This communication will include information in relation to the Student's eligibility to enter Stage Two of the Appeals Process.

In circumstances where, without good reason or sufficient notice to the Student, the Course Director (or an alternate member of academic staff) has failed to hold a preliminary review meeting and/or to make a permanent record of the meeting in the Institute's dedicated student appeal system and/or to send the Student an outcome decision within the stipulated timeframes set out above, the Student will be considered validly to have entered Stage Two of the Student Appeals Process by default of the Institute.

If the Student is dissatisfied with any of these outcomes (a), (b) or (c) listed above, within five (5) working days of the date of the issuing of the outcome to the preliminary review meeting, the Student may submit a formal appeal to enter Stage Two of the Institute's Student Appeal Process.

Stage Two: The Appeals Panel

12. Submission of Stage Two appeals

The Student must set out and submit his/her formal appeal using the electronic appeal application form for Stage Two of the Process, provided for this purpose on the ICST online student portal; no other document will be considered, except for appeals from Students:

- a) With disabilities for whom some other mode of submission represents an appropriately evidenced reasonable adjustment; and/or
- b) Students studying at partner institutions who may not have standard student profiles recorded on the Institute's electronic student record system; and/or
- c) Students unable to access their own individual student account on the ICST electronic student portal because enrolment has ceased; and/or
- d) Students registered for a higher research degree of the Institute by research (M.Phil. or PhD.).

Students in any of these categories (a) to (d) above who have valid reasons for being unable to submit electronically via the application form for Stage Two Appeals of the Process, provided for this purpose on the ICST student portal, may contact Student Services via the ICST admin department within five working days of the date of the issuing of the outcome at Stage One of the Process, to seek alternative means of submitting a formal appeal at Stage Two of the Process.

The deadline for submission of all Stage Two appeals is five working days from the date of the outcome recorded by the Course Director (or an alternate member of academic staff) following the preliminary review meeting at Stage One of the Appeals Process. Working days do not include Saturdays and Sundays, bank holidays and/or days of official Institute closure.

You must support your appeal by relevant evidence and documentation from your Stage 1 appeal.

13. Investigation of Stage Two Appeals

Director of Student Services or his/her nominee will investigate all Stage Two appeals and will normally, within fifteen working days of receipt of the appeal, issue a decision consisting of one of three possible outcomes:



- a) To dismiss the appeal;
- b) To make further investigations;
- c) To send the appeal for review at the Institute's Student Appeals Panel.

If the decision of the Director of Student Services (or his/her nominee) is to dismiss the appeal at this point in the process, a letter will be sent to the Student to explain the reason(s) for the decision, and will include further information in relation to the eligibility of the Student to enter his/her appeal into Stage Three of the Student Appeals Process. This letter will normally be sent within fifteen working days of the first submission of the appeal at Stage Two.

If the decision of the Director of Student Services (or his/her nominee) is to make further investigations, a letter will be sent to the Student to explain in brief the reason(s) for the decision, and will indicate a likely timescale in which these further investigations are expected to be concluded. Internal investigations within the Institute should normally take no longer than a further ten working days. It is good practice for the student to be given timely updates if it appears that further investigations, internal or external, may take longer than a further fifteen working days to complete.

If the decision of the Director of Student Services (or his/her nominee) is to send the appeal for review at the Institute's Student Appeals Panel, this Panel review should normally take place within ten working days of the date of this decision being taken. The Director of Student Services (or his/her nominee) will normally inform the Student that his/her case will be reviewed at Panel within 25 working days of submission of the appeal at Stage Two.

14. Terms of Reference of the Appeals Panel

The Terms of Reference of the Appeals Panel are:

- a) To consider and decide the outcome of appeals submitted to it for review by the Director of Student Services (or his/her nominee);
- b) To direct any Extenuating Circumstances Panel, Examination Board or Academic Misconduct Panel to perform anything within the terms of reference of that Board or Panel;
- c) To direct the Director of Student Services (or such other official of the Institute as the panel may deem appropriate) to write letters of apology to Students;
- d) To advise the Director of Student Services of any evidence of a material administrative and/or procedural error where corrective action may be required to improve practice;
- e) To initiate the fitness to study process.

The Appeals Panel meets as often as required and at least annually. These meetings may take place face-to-face, or they may take place via an email/electronic messaging exchange, or by any other medium which facilitates such a meeting. In considering each appeal the Panel will have access to the original appeal application forms and any documents submitted at Stage One and Stage Two by the student, and any additional evidence gathered during the investigation of the appeal, including recommended outcomes at Stage One. At Stage Two of the appeals process, the Panel will not normally meet or interview the Student in person.

Following consideration of the evidence, the Panel will either:

- Make a final decision on the appeal, including the reason(s) for that decision, having regard to the recommendation(s) of the Course Director (or his/her alternative) at Stage One and any and all relevant information arising from investigations undertaken at Stage Two by the Director of Student Services (or his/her nominee); or
- Defer its decision on the appeal until a subsequent session of the Panel, or via Chair's Action, pending any further investigation considered to be appropriate.

When the Panel decides an appeal, it is explicitly authorised to overturn the decision of any Extenuating Circumstances Panel or Examination Board or any decision taken within the Academic Misconduct process, and to substitute its own decision.

15. Membership of the Appeals Panel

The Appeals Panel will be made up of members of a standing group of experienced academic staff drawn from across the Institute and any validating partner. Each session of the Panel will be chaired by a senior member of Institute staff or validating partner nominated from the standing group of experienced academic staff by the Director of Student Services. The quorum will be two members. At the discretion of the Chair of the Panel, a Panel that is already quorum may go ahead. Where the appeal involves issues such as practice placements the Panel will include at least one member with relevant experience.



Where a member of the Panel has a potential conflict of interest (for instance they have participated in the decision which the Student is appealing against, this individual has a potentially significant relationship with that Student) he/she will explain this potential conflict to the other members of the Panel before the review of the case begins, and will withdraw from any further participation in the discussion and decision-making upon the case by the Panel. This withdrawal will be minuted by the Secretary to the Panel in the permanent record of the proceedings of the case. Where individual panel members have knowledge of a Student but no meaningful conflict of interest (for instance where they teach on that Student's course), they are careful to avoid introducing irrelevant knowledge into any discussion.

The Director of Student Services will instruct a member of staff to act as secretary to the Panel, who will make a record of the proceedings.

Communication with the Student

The Director of Student Services (or his/her nominee) will normally inform the Student in writing of the outcome of the appeal within five working days of the meeting of the Panel.

If the decision of the Panel is delayed beyond ten working days, the Director of Student Services (or his/her nominee) will normally inform the Student in writing of the delay and the reasons for the delay.

If the appeal has not been resolved before the next available assessment of the module(s) to which the appeal relates, the Student will be permitted, without prejudice to the outcome of the appeal, to take the resit examination(s) or resubmit coursework by the date agreed for referred, deferred or repeat assessment. Such assessment is undertaken at the Student's own risk.

If the appeal has not been decided before the start of the next academic year or the next stage of the Student's programme, the Student will normally be permitted to continue provisionally on the course pending the outcome of the appeal; this includes the opportunity to attempt all assessments as they arise. Such assessment is undertaken at the Student's own risk, and marks will be held in abeyance until the outcome of the appeal is known. Exceptions to provisional continuation will include cases where the next stage of the course involves a placement which cannot be undertaken until the Student has passed the assessment which is the subject of the appeal, and also cases where the design of the course precludes progression before the assessment is passed.

Stage Three: The Review Panel

16. Submission of Stage Three appeals

The Student's request for review of his/her appeal at Stage Three must be submitted by email to the Director of Student Services. The deadline for submission of Stage Three appeals is five working days from the date of the final outcome issued at the end of Stage Two of the appeals process. Working days do not include Saturdays and Sundays, bank holidays and/or days of official Institute closure.

17. The Academic Reviewer

The Director of Student Services will nominate one or more experienced academics or senior managers of the Institute to act as Academic Reviewers at Stage Three of the appeals process. Students who are not satisfied with the final outcome or decision by the Appeals Panel at the end of Stage Two may request a review of that decision by the Academic Reviewer. If the reviewer has a conflict of interest in any case, he/she will ask the Director of Student Services to nominate an alternative reviewer.

The only grounds for review are either:

- a) Material error by the Institute in its prior conduct of the appeal; or
- b) That the outcome or final decision at Stage Two of the student appeals process was unreasonable.

A decision is reasonable if it has taken into account all the relevant factors in a balanced way. A decision is not unreasonable simply because another reasonable decision could have been taken. A decision is not unreasonable simply because the Academic Reviewer disagrees with it. No new evidence may be submitted at the review stage.

The Academic Reviewer will consider the case and determine whether there was a material error by the Institute in its prior conduct of the appeal, and whether the outcome of the appeal is reasonable in all the circumstances.

If the Academic Reviewer is satisfied that the appeal was conducted properly, and/or that the outcome at Stage Two was reasonable in all the circumstances, the Academic Reviewer will write to the student, rejecting his/her appeal at Stage Three



of the appeals process. When the reviewer has upheld the outcome of the appeal at the end of Stage Two, this letter will be a Completion of Procedures (COP) Letter, representing the exhaustion of the Institute's internal student appeals process. The completion of procedures letter will set out the reason(s) for the decision, as well as information as to the student's eligibility to pursue the appeal externally with the Office of the Independent Adjudicator for Higher Education (OIA). If the Academic Reviewer is not satisfied that the appeal was conducted properly, and/or is not satisfied that the outcome at Stage Two was reasonable in all the circumstances, the Academic Reviewer will write to the student to inform him/her that the appeal will be sent for review by a Stage Three Review Panel convened and chaired by the Principal. The Academic Reviewer's review will normally be completed within ten working days of the receipt of the request for review at Stage Three. The Student Services Review Panel should normally meet within fifteen working days of the Academic Reviewer's request to convene such a Panel. The timeframe for the meeting of this Panel may be extended in consultation with The Principal and the Student, in order that each party has been granted sufficient and satisfactory notice to attend the meeting.

18. Membership of The Principal's Review Panel

The Principal's Review Panel will be chaired by the Principal or his/her nominee, and will include one senior academic. None of the members of the Panel should have any link with the Student, nor have any prior involvement with the case before it entered Stage Three of the student appeal process.

19. Conduct of the Meeting

The Student will be invited to attend the meeting of the Panel, in order to put his/her case directly to the Panel in person. Copies of all the paperwork that will be available to the Panel at its meeting will be sent to the Student in advance of the meeting. The Student may attend the Panel accompanied by one supporter, who may be a friend or representative from the Student's Union, but who may not be legally qualified as a lawyer, a solicitor or a barrister. The Student's companion's role at the meeting will be to support the Student; he/she may not speak on behalf of the Student, but may be consulted by the Student or by the Panel, from time-to-time during the meeting, for advice and support.

The order and conduct of the meeting will be at the discretion of the Chair, and may include an initial meeting of the members of the Panel in order to familiarise themselves with all the written paperwork available for the case, before an interview with the Student (and his/her supporter) takes place. Once the Student has been granted a reasonable and proportionate opportunity to address the Panel, the Panel may wish to continue and/or to reconvene its membership on a separate occasion, in order to consider all of the evidence and arrive at a final decision upon the case. If the Panel considers that it needs to gather further information before reaching a final conclusion on the case, it should make available copies of any such further information that it gathers available to the Student in good time, and will offer the Student sufficient time in which to submit any further written representations to the Panel the Student may wish to make, which the Panel will consider before reaching any final conclusion upon the appeal.

The Principal will instruct a member of staff to act as secretary to the Panel, who will make a record of the proceedings.

20. Terms of Reference of The Principal's Review Panel

The Principal's Review Panel will be convened at Stage Three of the appeals process, for the following purposes:

- a) To consider and decide the outcome of Stage Three appeals submitted to it for review by the Academic Reviewer; and/or
- b) To direct any Appeals Panel at Stage Two of the student appeals process, any Extenuating Circumstances Panel, any Examination Board or Academic Misconduct Panel to perform anything within the terms of reference of that Board or Panel; and/or
- c) To direct the Director of Student Services (or such other official of the Institute as the panel may deem appropriate) to write letters of apology to Students; and
- d) To advise the Director of Student Services of any evidence of a error where corrective action may be required to improve practice; and/or
- e) To initiate the fitness to study process.
- f) The Principal's Panel meets as often as required.

21. Communication with the Student

The Director of Student Services (or his/her nominee) will normally inform the Student in writing of the outcome of the Panel within five working days of the meeting of the Panel.



22. Office of the Independent Adjudicator (OIA) for Higher Education

If a Student is dissatisfied with the outcome of the appeal review at Stage Three, once Stage Three has been completed, s/he is entitled to a COP Letter to be issued by the Institute, and to refer the appeal to the OIA. Students whose appeals have not fully completed Stage Three of the appeals process are not entitled to a COP Letter.

SECTION B

Appeals procedure for all ICST courses other than higher education awards delivered by ICST with a validating partner.

1. Introduction to Section B

In addition to higher education programmes ICST have a wide variety of courses of differing types and levels with a variety of collaborating partners including medical societies, governments and industry. ICST recognise that students on these courses may from time to time seek a review a decision made as to their progression, assessment and awards on these courses and can expect to receive a formal and timely response to such appeals. In those cases, a less formal but similarly structured approach will be taken to appeals from students as follows:

2. Stage 1 – Informal

Any concern regarding an academic decision can be made by email setting out the nature and grounds of your appeal to the Director of Student Services. The Director will investigate the appeal on your behalf with the relevant member of staff, faculty or partner responsible for the academic content of the course. You will be informed in writing of any decision in writing within 10 days.

3. Stage 2 – Formal

If you are not happy with the response you can ask for the appeal to be reconsidered by the Principal and a senior member of the academic team attached to the particular course who was not involved in the decision at stage 1.

The decision at stage 2 is final and the end of the process. You will receive a COP letter with the decision made at this stage.

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