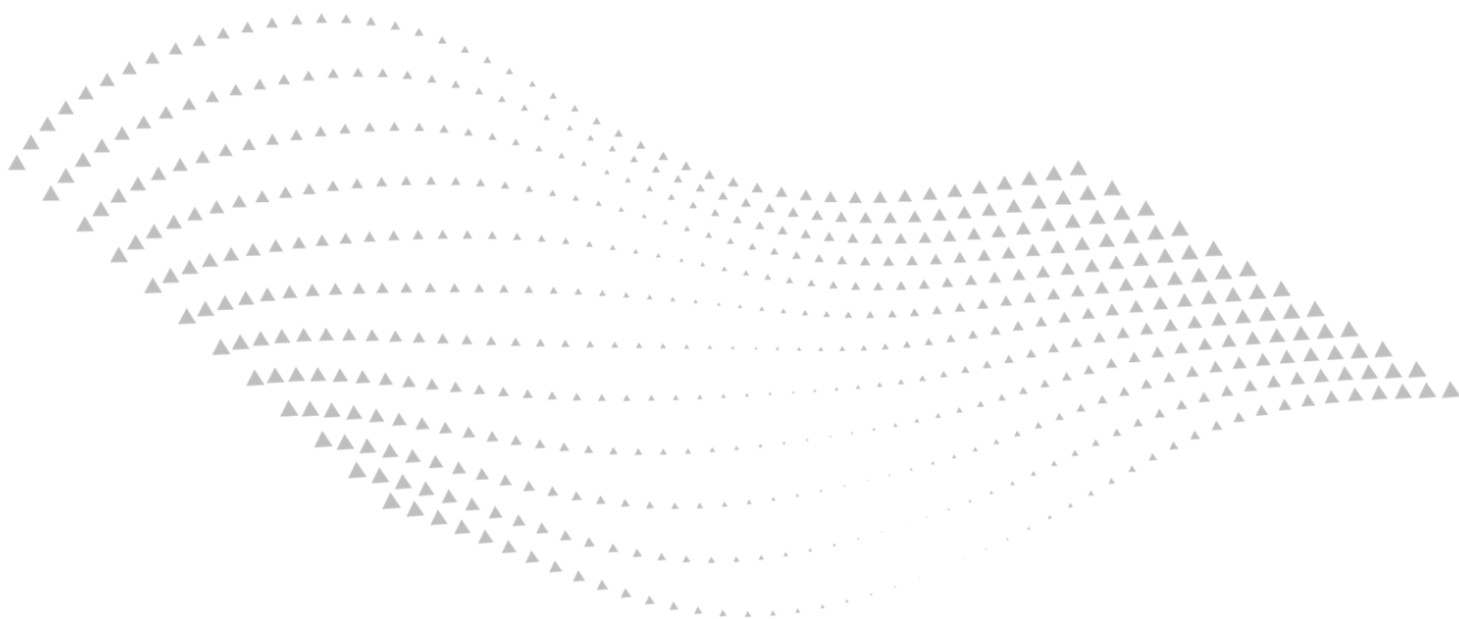


BIMM
UNIVERSITY

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Further Education Appeals Procedure



Last approved: September 2022

Approved by: Academic Board

Next review due: September 2026

1 **Introduction**

- 1.1 This Procedure applies to all Further Education (FE) qualifications delivered up to and including FEHQ Level 3 at BIMM University.
- 1.2 In the case of Assessment Appeals, this procedure precedes the [awarding organisation's own appeals procedure](#) and must be exhausted before an appeal is submitted to the awarding organisation. Students cannot appeal directly to the awarding organisation.
- 1.3 The University will not accept requests for review of assessment outcome / appeals directly from a third party or anonymous sources – these must be submitted directly by the student. The student may, however, nominate a third party to represent them via the appeals process (see accompanying form).
- 1.4 Each College will nominate an Investigating Officer to deal with appeals; this officer will normally be appointed by the College Principal and confirmed with the Quality Assurance team, which manages the appeals process centrally.
- 1.5 A student who wishes to raise an appeal must wait until the formal publication of their results, normally in August of each year (not after being informally advised of their results by their college). Students who submit a case under this procedure will not be disadvantaged for having done so.
- 1.6 Students studying on an FE course can also appeal the outcomes of Student Disciplinary Panel Hearing (see Section 5 below).

2 **Review of Assessment Outcome** (see also Flowchart – Appendix 1)

- 2.1 A student shall have the right to request a Review of Assessment Outcome if they are dissatisfied with a result awarded to their work. A request for Review of Assessment Outcome may relate to one of the following categories:
 - An assignment grade.
 - An assessment criteria grade.
 - A unit grade.
 - A qualification grade.
- 2.2 In the first instance, the student should approach their tutor to discuss their concerns. The tutor will discuss the assessed work with the student to explain the grading decisions made.
- 2.3 If the explanation of the grading decision is deemed acceptable by the student, no further action will be taken. If the explanation is not acceptable, a student may raise a Review of Assessment Outcome under provision 2.1 above and must raise this at the earliest opportunity (normally within 5 working days of the mark(s) being released) and sent to feappeals@bimm.co.uk.
- 2.4 The Quality Assurance Team will inform the relevant Investigating Officer that a request for Review of Assessment Outcome has been raised.
- 2.5 The relevant Investigating Officer will acknowledge receipt of the notice of request for Review of Assessment Outcome via the student's email account within 5 working days of receipt.
- 2.6 The Investigating Officer may request additional written evidence from the student and present for consideration of any such evidence that they think is in the interests of a just outcome.

- 2.7 The Investigating Officer should contact the relevant staff requesting that they provide any information that they believe to be pertinent to the request for Review of Assessment Outcome.
- 2.8 The Investigating Officer shall inform the Course Leader (or equivalent) that is responsible for the course that a request for Review of Assessment Outcome has been made.
- 2.9 The Course Leader (or equivalent) shall arrange for the assessment to be reassessed by an Internal Verifier. *(NB – if the work has already been assessed by an Internal Verifier, there will be no right to review an assessment outcome and the student will only be able to appeal based on one of the grounds outlined in section 3.1 – the tutor will explain this during the informal stage).*
- 2.10 The student will be notified via email of the decision, normally within 10 working days of receipt of request. NB - All mark(s) confirmed by the second assessor will be final, regardless of outcome, i.e., the original mark(s) may increase, decrease, or remain the same.

3 Making an Assessment Appeal (see also flowchart – Appendix 2)

- 3.1 An assessment which has already been assessed by an Internal Verifier can only form the basis of an appeal on the following grounds.
 - a) There was a material administrative error in the assessment process, or when the University uploaded the awards to the awarding organisation.
 - b) The assessment had not been conducted in accordance with the [FE Assessment & Marking Procedures](#).
 - c) Any other extenuating circumstance that may have affected the assessment decision.
- 3.2 A student wishing to exercise the right of appeal as outlined in section 3.1 must give notice in writing via the FE Appeals form, which should be sent to feappeals@bimm.co.uk. The completed form must clearly indicate the ground(s) on which the appeal is being made and must be made within 10 days of the results being announced.
- 3.3 Upon receipt of the appeal, the Quality Assurance team will inform the relevant Investigating Officer that an assessment appeal has been raised; within 5 working days the Investigating Officer will then confirm receipt of the appeal to the student’s email account.
- 3.4 Students must include documentary evidence to support their appeal. The Investigating Officer has the right to call for additional written evidence from the student and to present for consideration any such evidence as they think is in the interests of a just outcome.
- 3.5 The Investigating Officer shall contact the relevant staff requesting that they provide any information that they believe to be pertinent to the appeal.
- 3.6 The Investigating Officer shall inform the relevant Course Leader (or equivalent) that an appeal has been lodged.
- 3.7 The Investigating Officer shall review the assessment appeal documentation to ensure it meets the relevant criteria as detailed section 3.1.

If the decision is that the appeal is upheld (found in favour of the student):

If the criteria have been met and there is enough evidence to warrant a review the appeal, the College Principal will submit an appeal to the awarding organisation. The awarding organisation will only consider an appeal once the University’s own internal FE Appeals Procedure has been exhausted.

If the decision is that the appeal is not upheld (rejected)

If there is not enough evidence to meet the criteria for a review, the Investigating Officer will advise the student via their email account, normally within 10 working days of acknowledgement of appeal.

4 Review of Appeal Outcome

4.1 In the cases where an appeal has not been upheld (rejected) internally - if the student is not satisfied that their application for appeal has been reviewed correctly, they may raise this with the University via emailing feappeals@bimm.co.uk. Appeals will only be reviewed if it meets 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.

4.2 Requests for internal review must be submitted to feappeals@bimm.co.uk within 5 working days of receiving the outcome letter 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 5 working days.

4.3 The Internal Reviewer can reach the following outcomes:

- To overturn the original decision and make a new decision on behalf of the University (e.g., deciding to refer the student's appeal to the awarding organisation).
- To uphold the original decision made by the University.

4.4 The student will be advised of the outcome of the internal review process by email within 10 working days of submitting the request.

5. Appealing the Outcome of a Student Disciplinary Panel Hearing

5.1 An Appeal against a disciplinary decision taken under the [Student Disciplinary Procedure](#) must state in full the grounds for appeal and must be submitted in writing to cap@bimm.co.uk within 14 days of notification of the outcome. Any Appeal not submitted within this timeframe will be rejected.

5.2. Receipt of an Appeal will be acknowledged in writing within 5 working days and the Institute aims to complete the Appeals process within 20 working days. Where this is not possible, the Responding Party will be advised in writing of the reasons why not and given a revised timeframe for the conclusion of the process.

5.3. An Appeal against disciplinary decisions taken under this Procedure will only be considered on the following grounds:

- a) Irrationality: the findings of fact in support of the decision were manifestly perverse.
- b) Procedural Irregularity: the process was not conducted in accordance with the Procedures set out in the [Student Disciplinary Procedure](#).
- c) New evidence has become available that could not be presented at the time of the investigation or Hearing which could have materially affected the decision, and there is good reason why this new evidence could not have been presented previously.
- d) The sanctions imposed were disproportionate.

- 5.4. An Appeal against a disciplinary decision is a review of the outcome and will not re-hear or re-investigate the case. Therefore, it will be a paper-based exercise, no interviews will take place and no witnesses will be called. If it is accepted that new evidence is to be considered, the case should be referred back to a new Disciplinary Panel in cases of Major Misconduct or an appropriately authorised staff member in cases of Minor Misconduct.
- 5.5. A member of the Institute’s Executive Management Team will be appointed as Reviewing Officer and may reject any appeal that does not establish grounds that fall under one or more of those listed above. Following completion of the review, the Reviewing Officer may decide as follows:
- a) To reject the Appeal.
 - b) To refer the matter back for a rehearing or reconsideration in light of new evidence or procedural error.
 - c) To overrule the original disciplinary decision and remove any sanction.
 - d) To uphold the original decision but reduce the original sanction.
- 5.6. If the Appeal is rejected, the Responding Party will be informed that this decision is final and will be issued a Completion of Procedures Letter, summarising the reasons for the rejection of the Appeal and confirming their right of referral to the Office of the Independent Adjudicator, as set out below.

6 Referral by the Student to the Office of the Independent Adjudicator (OIA)

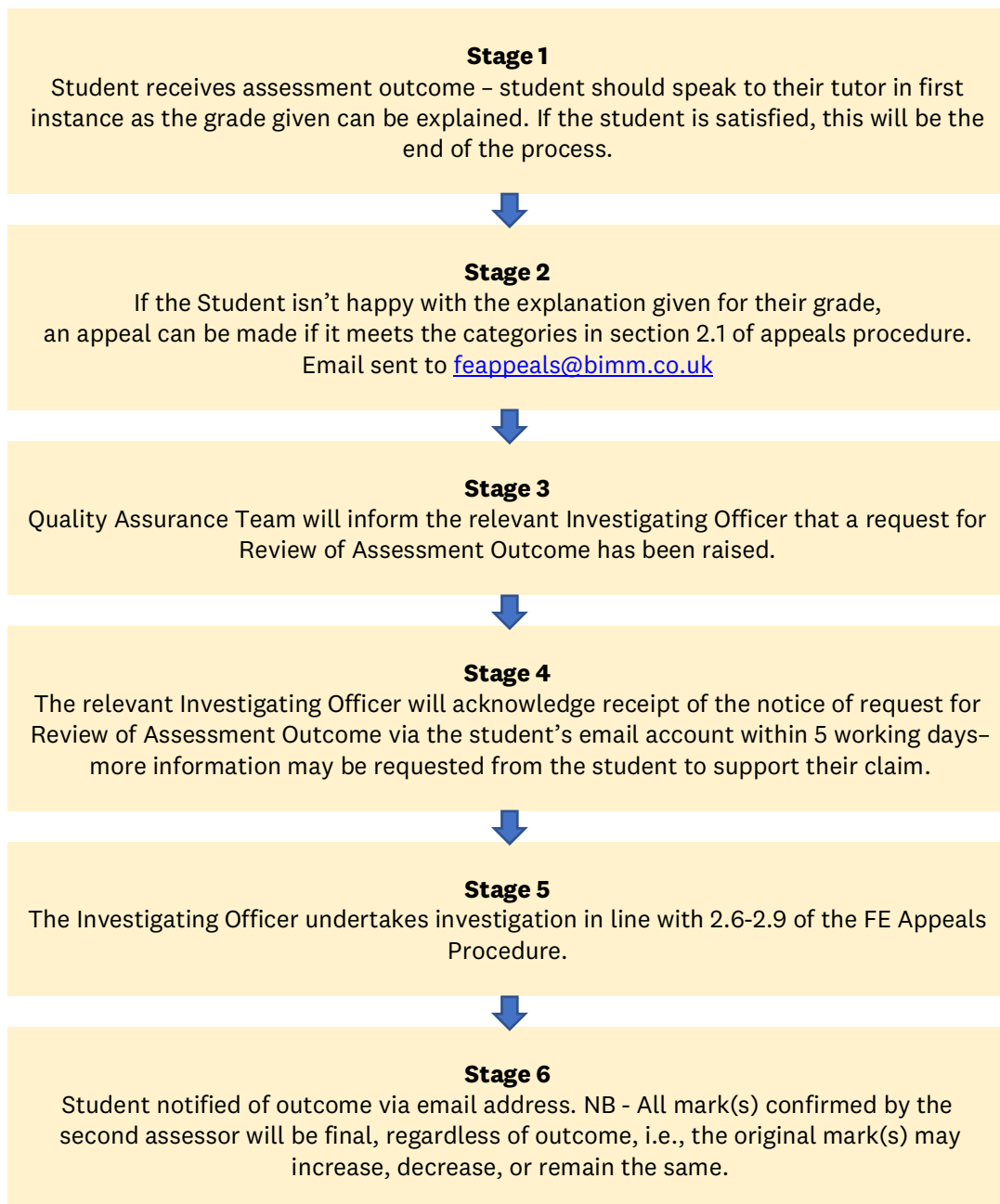
- 6.1 Where a student is not satisfied with the outcome of this procedure, they may request a review by the OIA. The OIA provides an independent scheme to enable the review of unresolved student complaints, including appeals.
- 6.2 The student must refer their case to the OIA within one year of receiving the Institute's Completion of Procedures Letter. An appeal to the OIA can be made by completing an application form, which can be downloaded from the OIA website (www.oiahe.org.uk) or requested via email to enquiries@oiahe.org.uk.

7 Option to complain to the Education and Skills Funding Agency (ESFA)

- 7.1 As well as the student having the opportunity to have their appeal independently reviewed by the OIA, where a student is on a funded FE course at the University and is dissatisfied with the handling of their appeal by the University they may also be able to raise this as a complaint with the Education and Skills Funding Agency (“ESFA”). The student must contact the ESFA within 12 months after the incident about which they have complained, and it must meet certain criteria to be considered. More information can be found [here](#).

The student can email their complaint to the ESFA complaints team: complaints.ESFA@education.gov.uk. The ESFA will reply to inform the student of the next steps. If the student is unhappy with the way in which the ESFA has dealt with their complaint, they can contact the Department for Education.

Appendix 1: Review of Assessment Outcome Flowchart



Appendix 2: Assessment Appeals Flowchart

