



Effective from: Jan 2017 Review Date: Dec 2017

POLICY ON ACADEMIC APPEALS AND COMPLAINTS

Appeals Policy

Introduction

European College of Law (ECL) aims to ensure that all decisions affecting learners are processed fairly, in order to produce reliable and valid judgments. Despite this there may be incidents when ECL decisions are questioned. ECL has developed procedures in order to allow candidates to enquire about, or appeal against, decisions that have been made. This policy is in line with our main awarding organisation Pearson's appeals policy.

Grounds for appeal

The College's assessment process is subject to quality assurance procedures which are approved by its awarding Organisations and which conform to the guidance issued by the Quality Assurance Agency in its Quality Code. In certain circumstances, students of the College have the right of appeal against the decision of an Examination Sub Committee.

1.1 The appeal process is available to students who are not satisfied with the grade awarded. Students can also appeal against a sanction that has been imposed by the College following any malpractice investigation. The procedure for that is detailed separately below.

1.2 Other matters of concern, which are not related to assessment decisions but may affect the quality of a student's learning opportunities, can be raised as a complaint, for example against a member of staff, a student, or about facilities.

1.3 If any student thinks they have grounds that entitle them to exercise these rights, they are required to follow the appropriate process. The Welfare Officer is able to provide impartial guidance and advice to students who wish to submit an appeal, including advice on whether their submission constitutes a valid appeal.

1.4 The College endeavours to resolve all appeals as early as possible and is committed to dealing openly and fairly with the appellant. If any student decides to make an appeal they will not be penalised for appealing. There will be no indication on their academic record that they have made an appeal.

1.5 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.

1.6 The outcome of an appeal cannot constitute a disadvantage. There will be no reduction in their grades or classification of award as a result of appeal, including the outcome of any resubmission or additional opportunity of assessment.

1.7 It is important that the students understand how an appeal differs from a complaint or a request for the recognition of extenuating circumstances (mitigation).

1.8 The College operates a complaints procedure and a system for considering mitigating circumstances, which is given below as a separate heading.

1.9 The College will only consider an appeal from students if they are directly affected as an individual by the Examination Sub Committee's decision. Appeals by third parties, or appeals which are made anonymously, will not be considered. If a student is one of a group of students on a taught course affected by the same set of circumstances, they may wish to make a collective appeal through a single spokesperson with the agreement of all members of the group.

1.10 Should students appeal against a decision that affects their progression to another module or level in the course they will not normally be permitted to attend classes until their appeal is upheld. However, the Director of Studies may exceptionally permit attendance, where non-attendance would have a detrimental impact on your academic progress should their appeal be upheld. This does not constitute formal progress until such a time that a successful outcome of the appeal has been achieved.

1.11 Should a situation arise that a student is not happy with the assessment decision, it is advised that they consult with the assessor or the Welfare Officer in order to resolve the matter informally.

1.12 If the matter is not resolved that way, students are advised to make a formal appeal using the prescribed Appeal Form (Appendix 3).

1.12 Appeals should be submitted in writing to the principal and the following areas to be covered.

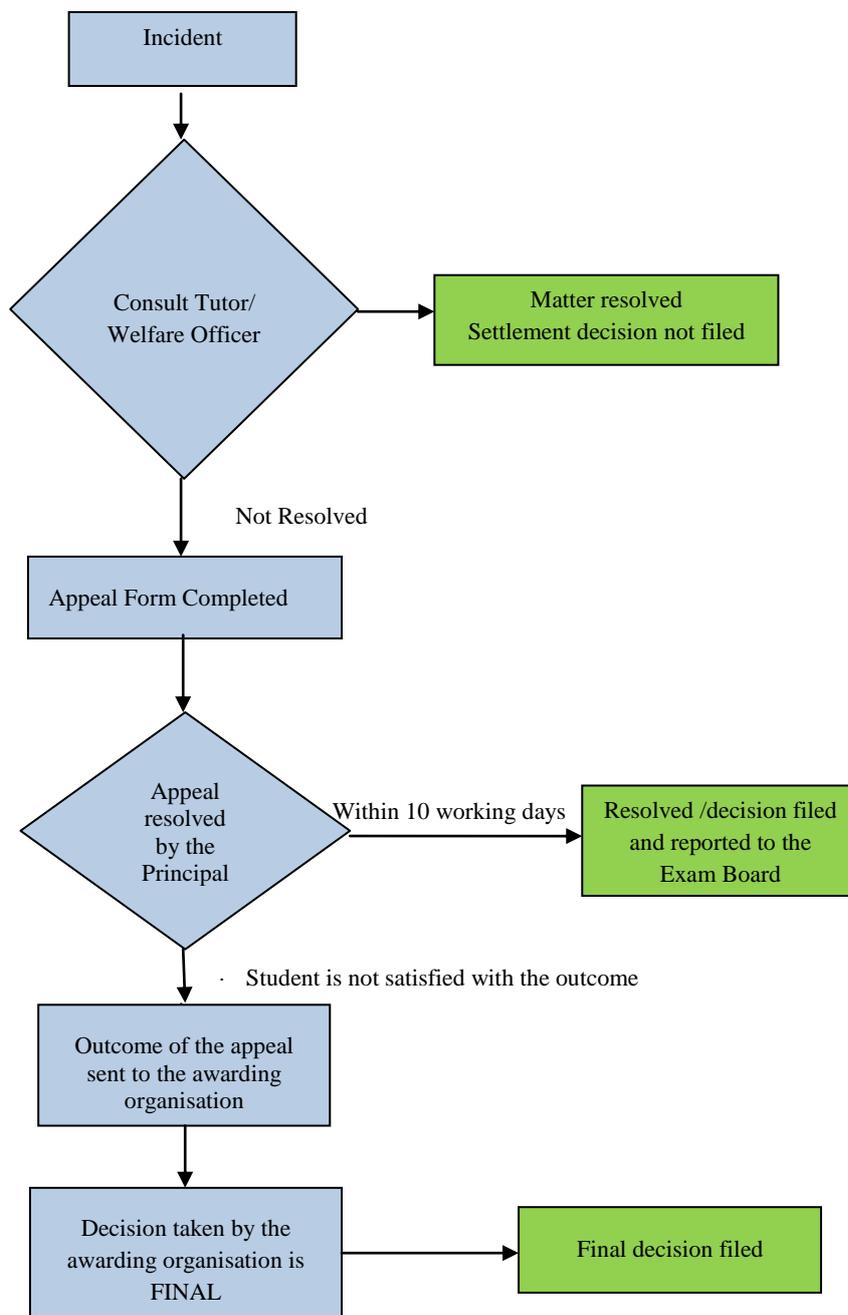
- a) stating clearly the grounds for the appeal giving details that the decision was unfair,
- b) the student need to provide the desired outcome from the appeal and
- c) copies of all documentary evidence which the student wishes to be considered.

The Principal shall ensure that the appeal is investigated within 10 working days of receipt of the appeal. Once the outcome of the investigation is at hand, an Appeal/Complaints Panel meeting will be convened to inform the judgement decision of the Appeal. The Panel will comprise three members of the Senior Management Team, not involved in prior stages of this procedure, one of whom will act as the Chair.

The Principal shall inform the student of the outcome of the investigation, and also remind the student of the awarding organisation appeals process, should they remain dissatisfied. If a decision was unsatisfactory to the appellant, the College will forward the outcome of the appeal to the awarding organisation together with a copy of the appeal received within 10 working days.

The appeal process is shown using a flow diagram below (Appendix 1) for the ease of understanding.

Appeal Process Flow Diagram



Complaints Policy

Introduction

The College greatly values the views of its staff and students. It aims, therefore, to manage their complaints in a way that is sensitive to the needs of each specific case and supportive of the College's goal of providing an exceptional experience. There are a number of informal channels through which it is hoped that most problems can be resolved. If, however, you need to pursue a complaint formally, you can be sure that the College will treat it seriously and impartially, on the basis set out in this document.

Scope of the policy

- (i) The College complaints Policy is available to all students of the College to enable them to raise any concerns about service provision, including matters relating to discrimination in any form.
- (ii) The policy of the College is that no person (student, staff or visitor) is discriminated against, either directly or indirectly, on the grounds of their race, colour, ethnic or natural origin or nationality, gender, marital status, age, disability, sexual orientation, religious or political beliefs, disability or offending background. No person shall be discriminated against or adversely affected for making a complaint.

Grounds for Complaints

Grounds for complaint might include:

- ❖ Dissatisfaction with standards of *academic provision* (e.g. the academic framework such as course design, content and structure; resources and facilities; arrangements for assessment; and information provided on the course)
- ❖ Dissatisfaction with the *quality of supervision and tuition*
- ❖ *Failure to meet obligations*, such as those set out in the Prospectus, Student Handbook, the Equal Opportunities Policy etc or other promises or assurances agreed
- ❖ *Deficiencies in standards of service*, including lack of *support* facilities such as administrative services
- ❖ *Harassment, bullying and victimisations*, and
- ❖ Other deficiencies impacting on the quality of students' learning experience.

Aims of the policy

The aims of the procedure are to:

- Encourage local resolution in as many cases as possible
- Be simple, open and accessible
- Be accountable
- Be non-adversarial
- Be fair to all parties involved and avoid allocating unnecessary blame to individuals
- Lead to prompt resolution
- Lead to service improvement

Successful resolution

A successful resolution at any stage of the procedure should:

- Be honest
- Be fair to all parties
- Include an apology and/or other form of recompense if appropriate
- Include corrective and/or preventive action or provide a clear and honest explanation of what has happened and why further action is not appropriate

The detailed procedure of the complaint

The complaint must be about a matter relevant to the College's activities and be made by a student, or a group of students, who must have a relationship with the College of prospective, accepted, enrolled or past student status albeit that a student who has withdrawn or left the College can invoke the procedure within **three months** of their leaving. (In the case of a complaint from a group of students, the complaint should be submitted on their behalf by a nominated and named student from that group, preferably a student representative).

Where the student, or any individual against whom the complaint is made, participates in any investigation they are entitled to relevant documents (at least the complaint and any record of the outcomes of any previous stage) and to be accompanied and/or represented by another member of the College community at any hearing or interview. However, any person accompanying the complainant at such meetings must not be a legal representative. ECL aims to balance the rights of the student complainant and those of any person complained against; all parties must be treated with fairness and dignity. A student should not expect to suffer any reprisals for making a complaint in good faith.

Any evidence of recrimination should be brought immediately to the attention of the Welfare Officer. If, however, **a complaint which is not upheld was found to have been made maliciously, the student may be subject to disciplinary procedures.**

How to complain

The Complaints Procedure contains the following stages:

Stage 1: Informal discussion of the complaint with the individual(s) directly involved

Stage 2: Formal investigation by the Principal

Stage 3: Review by the Appeal/Complaint Panel

At any point prior to the completion of Stage 3 review, a request for mediation made by a complainant will only be dealt with the agreement of all parties involved, and the formal complaints procedure will be suspended while mediation takes place.

Stage 1: Informal complaint

Complaints of a minor nature can frequently be sorted out quickly by talking directly to the tutor or to the person providing the service. It is anticipated that informal resolution of a complaint will be an oral process, no written record will be made and that the majority of complaints will be resolved in this manner.

Students are therefore encouraged wherever possible and/or appropriate, to try to resolve their complaint informally by raising it with the College or service where the problem first occurred. This may be achieved by having a dialogue with the staff concerned or by meeting a member of the senior management such as the CEO, Principal.

Stage 2: Formal complaint (should the Complaint not resolved informally)

If the complaint cannot be resolved informally, the complaint should be submitted to the Principal in writing using the College Complaint Form stating the following information:

- Complaining Student Name, Student ID and name of the programme
- Nature of the Complaint, date of the incident and the outcome sought
- What steps have already been take by the complainant to resolve the matter informally.

Following receipt of the complaint, the complainant will be offered the opportunity to discuss the matter, either in person or over the phone, if this is helpful. In the interest of transparency,

fairness and integrity, the investigation will be conducted through a process of open correspondence, unless there are pressing reasons for any information or communications to remain confidential.

Following investigation, the Principal will seek either to resolve the complaint informally through mediation, or following further enquiries, either

- Uphold the complaint (and take action accordingly)
- Dismiss the complaint if there is no case to answer; or
- Dismiss the complaint if it is judged to be trivial, vexatious or malicious (and take further action if appropriate).

The Principal will provide a response within 10 working days of receiving a complaint (albeit that complex case will, unavoidably, take longer to investigate with due care and thoroughness).

The Principal will reply to the complainant, setting out the outcome and the evidence upon which it has been based. The complainant responds to appeal against the decision.

Stage 3: Review complaint

On receipt of the outcome from the Principal, the complainant may make an appeal to review the decision within 10 working days of the complaint decision on the following grounds:

- ❖ Any procedural irregularity which has materially disadvantaged the complainant
- ❖ The emergence of new and relevant material that was not available at the time the complaint was first submitted, and
- ❖ Evidence that the judgment of the Principal was perverse.

On receipt of such an appeal, the Appeal/Complaints Panel will be convened to discuss the grounds of appeal and come up with a conclusive decision. The Panel will take 10 working days to come to a final decision. The Principal on behalf of the panel write a letter to the complainant informing the decision of the Panel.

The letter will also notify the complainant of the College's intention to issue a Completion of Procedures Letter, in accordance with the provisions of the Office of the Independent Adjudicator for Higher Education (OIA). However, complaints at further education level are not dealt with by OIA and College's internal decision is final against any complaints.

Office of the Independent Adjudicator for Higher Education (OIA)

Once the complainant has been issued with a Completion of Procedures letter they will be able to have their complaint considered by the OIA. Information about the OIA will be sent with the Completion of Procedures letter or the student can contact the OIA directly:

OIA, Third Floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3AA

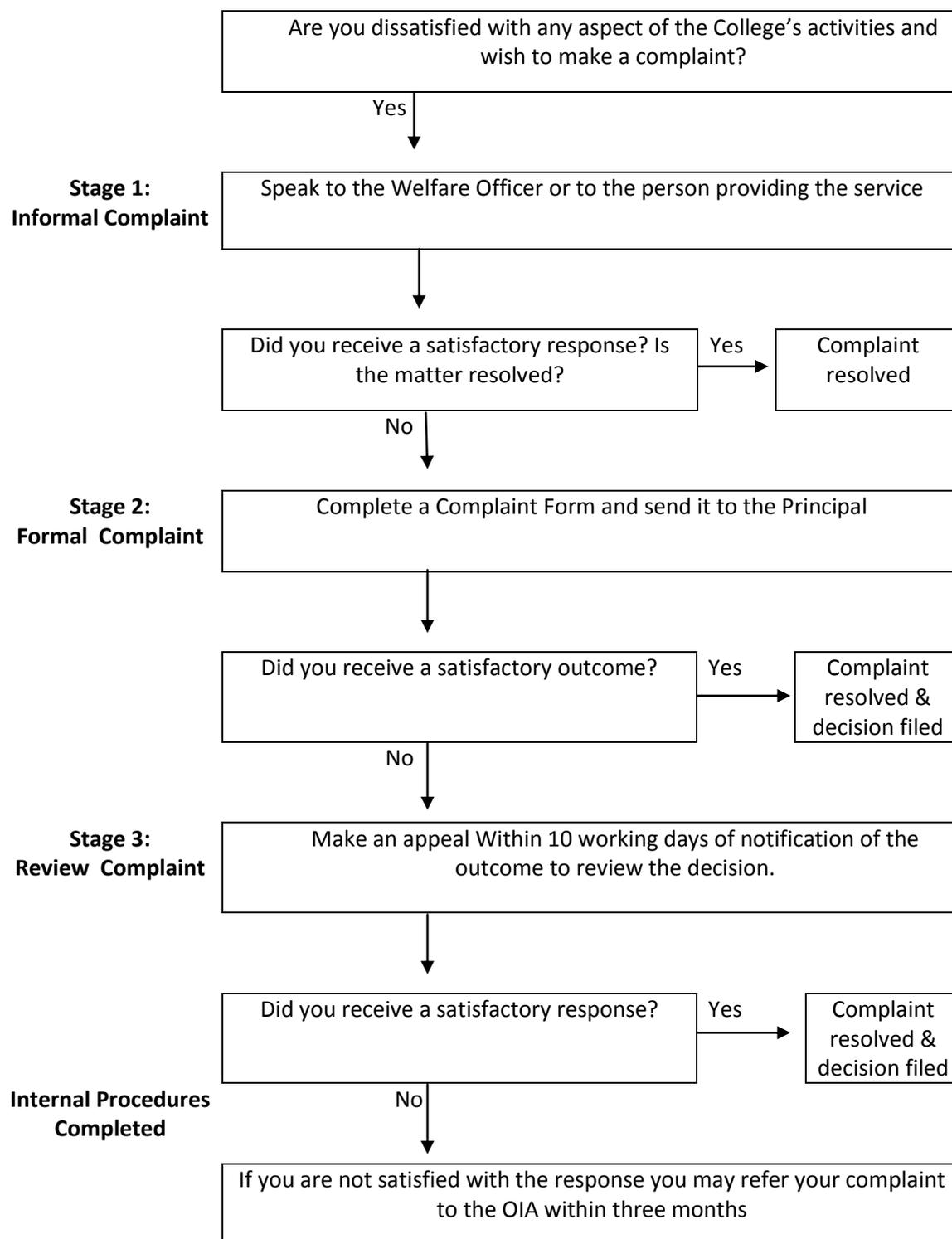
Telephone No. 0118 959 9813

E-mail: enquiries@oiahe.org.uk

Further and specific details about the OIA can be obtained from the Welfare Officer or from the following website: <http://www.oiahe.org.uk/>

A complaint will not be considered by the OIA unless it is received within **three months** from the date of issue of the Completion of Procedures letter.

Complaints Procedure flow Diagram



SECTION 3: Please detail the date of the incident giving rise to your complaint, the nature of your complaint and the specific outcome that you are seeking as a resolution to it. Please detail each individual complaint point and resolution you are seeking separately and attach any additional evidence that you might have to substantiate your complaint. Please use separate sheets, if necessary.

Date of Incident	Nature of Complaint	Evidence provided	Outcome sought

SECTION 4: Please describe what action you have taken to resolve your complaint / appeal informally. If you have not attempted to mitigate this please explain why.

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SECTION 5: Declaration

In accordance with the data Protection Act 1998 we are required to obtain your consent to disclose the information that you have provided to authorised members of the College staff connected with the investigation of your complaint / appeal.

Please sign below to confirm that the information you have provided is accurate to the best of your knowledge and to indicate your consent for the information provided to be used as detailed above.

Signed		Date	
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We would welcome your feedback on the Complaints / Appeals process. If you wish to make any comments or suggestions, once you have completed the process, please submit these to Administration section, European College of Law, Forest House, 4th Floor, 16-20 Clements Road, Ilford, IG1 1BA

Your feedback will be used to make improvements to the process and the way in which complaints/appeals are to be handled in the future. All information provided will be dealt with in the strictest confidence.