

UCEM Code of Practice

Student Appeals and Complaints

Version: 16.00

Status: Final

Date: 31/05/2024

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Student Appeals and Complaints

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1. Introduction

This Code of Practice chapter and the accompanying documents (see appendices) apply to all UCEM programmes, including those delivered in collaboration with partners. They have been developed with reference to the *Office of the Independent Adjudicator for Higher Education (OIA) Good Practice Framework for handling complaints and appeals* and *QAA UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals*. UCEM has separate procedures for dealing with Student Complaints and Student Appeals and these are available via the Virtual Learning Environment (VLE) and UCEM website (see also the appendices to this document). UCEM's Quality Standards and Enhancement Committee retains ultimate responsibility for approving the operational framework for Student Appeals and Student Complaints procedure and for instigating a rolling programme of review.

UCEM aims to treat all complaints and appeals appropriately, fairly and with regard to applicable law, and in line with [UCEM's Code of Practice chapter on Equality and Diversity \(opens new window\)](#) and on [Neurodiversity, Disability and Wellbeing \(opens new window\)](#). Both the UCEM Student Appeals and Student Complaints procedures give due consideration to the needs of UCEM students to raise issues of concern with the assurance that such issues will be treated in confidence and with impartiality. UCEM has designated contacts for students that want to seek advice and support when making a complaint or an appeal. UCEM has an obligation to ensure that students submitting a complaint, or an appeal are placed on an equal footing procedurally; this may involve facilitating a student in making a complaint or an appeal. There is the opportunity within both the complaints and appeals processes for the student to present their case.

UCEM however reserves the right to exclude or remove a student from a programme if they make repeated, unfounded, or vexatious appeals and/or complaints regarding the programme and/or its delivery where, in the opinion of UCEM, their conduct is considered to be mendacious or frivolous. Making repeated and/or unfounded false, malicious and vexatious appeals and/or complaints may be considered misconduct and result in the application of the [Disciplinary Policy and Procedure \(opens new window\)](#).

Both the Appeals and Complaints process are stand-alone processes. Any student raising an appeal/complaint should continue to engage with their studies, including any resubmissions on the premise that the original decision stands until an outcome is provided. Former students may complain or appeal, according to the timelines set out in this Code of Practice chapter.

(see [Section 2.1: The appeal process](#) and [Section 3.1: The complaints process](#) and the process diagrams in [Appendix B: Overview of the UCEM appeals process](#) and [Appendix C: Overview of the UCEM complaints process](#)).

2. Appeals

UCEM defines an appeal as *'a request for a review of a decision taken by an individual or body (i.e. one of the UCEM committees) charged with determining applications for admission and making decisions about students' progression, assessment, and awards.*

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Appeals are normally, but not exclusively, related to decisions of the Board of Examiners¹ (i.e. results), decisions of Mitigating Circumstances Panel, the Academic Misconduct Panel or the Fitness to Study Panel, Disciplinary decisions, decisions on the Provision of Reasonable Adjustments, or decisions on Admissions or Registration. Appeals cannot be made against academic judgment.

UCEM has a designated Appeals Officer to oversee the process and to offer support and guidance to students in making an appeal. Details of appeals, including outcome, will be reviewed on a quarterly basis by the UCEM Senior Leadership Team and Board of Trustees. An anonymised summary of appeals and how they have been managed will also be reported annually to UCEM's Quality Standards and Enhancement Committee.

2.1 The Appeal process

The UCEM appeals process is defined within the [Student Appeals Procedure \(opens new window\)](#) document. The UCEM appeals procedure consists of three stages as shown in [Appendix B: Overview of the UCEM appeals process](#).

Before making an appeal, it is recommended that students seek advice and guidance from a trusted source, such as the Lead Student Representative, Student Advice, the Apprenticeship Team, or relevant module leader. The Appeals Officer will be pleased to provide impartial advice regarding the Student Appeals Procedure.

The Appeals procedure is evidence based. Supporting documentation should be provided within the appeal submission to support the grounds for appeal and any circumstances cited within the appeal.

All UCEM staff are encouraged to deal with issues raised by students in a timely and effective manner in line with UCEM's appeals process. Appeals should be raised in the first instance at **Stage 1 (Informal Appeal)** of the procedure with the exception of appeals against Disciplinary decisions and Fitness to Study Panel decisions which must start at Stage 2. Stage 1 appeals should be raised as soon as possible and normally no later than 10 working days after receiving the decision.

If no resolution is reached at stage 1, students have the right to raise their issue to **Stage 2 (Formal Appeal)**, using the 'Student Appeals Form', within 10 working days of the Stage 1 outcome.

If it is determined that the student has demonstrated valid grounds for appeal in their Student Appeal Form for Stage 2 (as outlined in the Student Appeals Procedure), their appeal will be reviewed by a member of the Senior Leadership Team. Stage 2 will normally be completed within 40 working days of receipt of the Stage 2 appeal.

After Stage 2, if the student is not satisfied with the response, they may request a **Stage 3 Review** within 10 working days of the Stage 2 outcome.

Stage 3 is undertaken by an external independent reviewer, normally an Independent Trustee from the Board of Trustees, who sits outside of UCEM's management structure. The purpose of the review is to ensure that the correct procedure has been followed by UCEM, and the outcome is reasonable. The review will not re-investigate the appeal unless new evidence has been presented.

¹ A Board of Examiners is one of the following: Module/Unit Board, Progression and Awards Board, or a Resubmission Progression and Award Board

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At any stage, if an appeal is upheld, UCEM will undertake to offer the appropriate remedial action, depending on the nature of the appeal.

Any appeals submitted outside of an appeal window (10 working days after receiving a decision) will be rejected unless they are accompanied by acceptable evidence of mitigating or other circumstances which impacted the student's ability to submit the appeal within the required timescale. This could include issues related to mental health.

If you submit a late appeal and UCEM makes the decision not to allow the appeal to proceed, you will be provided a 'Completion of Procedures' letter detailing UCEM's final response to the appeal.

If all internal procedures are exhausted and the student remains dissatisfied with the outcome of the appeal, then the case may be eligible for consideration by the [Office of the Independent Adjudicator \(OIA\) \(opens new window\)](#).

UCEM will not get involved in any appeals in relation to the apprenticeship end point assessment conducted by external bodies. All appeals should be sent directly to the relevant external end point assessment awarding body.

3. Student Complaints

UCEM defines a complaint as '*an expression of dissatisfaction by one or more students about UCEM's action or lack of action, or about the standard of service provided by, or on behalf of UCEM*'. If a complaint is considered to be an appeal as defined in section 2 above, then the appeals process will apply, and the student will be notified of this.

When handling complaints, UCEM is committed to resolving complaints in a timely manner in line with UCEM's complaints process and with due regard given to confidentiality and potential conflicts of interest.

UCEM has a designated Complaints Officer to oversee the process and to offer support and guidance to students in making a complaint. Details of complaints, including outcome, will be reviewed on a quarterly basis by the UCEM Senior Leadership Team and Board of Trustees. An anonymised summary of complaints and how they have been managed will also be reported annually to UCEM's Quality Standards and Enhancement Committee.

3.1 The Complaints process

The UCEM student complaints process is detailed within the [Student Complaints Procedure \(opens new window\)](#) document. A student should submit their own complaint. There is a separate process for complaints for employers of apprenticeship students (please see the [UCEM Complaints Policy and Procedure for Employers of Apprentices \(opens new window\)](#)).

Before making a complaint, it is recommended that students seek advice and guidance from a trusted source, such as the Lead Student Representative, Student Advice, the Apprenticeship team, or relevant module leader. The Complaints Officer will be pleased to provide impartial advice regarding the Student Complaints Procedure.

All UCEM staff are encouraged to deal with issues raised by students in a timely and effective manner in line with UCEM's complaints process. Complaints should be raised as soon as possible and normally no later than 20 working days after the issue arises. Every effort will be made to resolve complaints at Stage 1 (informally) at source in the first instance. The department at the source of the complaint should respond to the Stage 1 complainant as soon as possible and within 20 working days of UCEM's receipt of the informal complaint.

As shown in [Appendix C: Overview of the UCEM complaints process](#), if the complainant is not satisfied with the outcome of Stage 1 they have the right to raise their issue to **Stage 2**

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(Formal Complaint). Students wishing to escalate should complete and send the 'Student Complaint Form' and any relevant documentation to the Complaints Officer within 20 working days of the Stage 1 outcome.

At **Stage 2** (formal complaint), the Complaints Officer will allocate the complaint to an Investigating Officer who is a member of the Senior Leadership Team who has had no previous involvement with the complaint. A written response will normally be issued to the student within 20 working days. If the student is dissatisfied by the outcome at Stage 2, the complaint can be referred to Stage 3, (review stage) within 20 working days of the Stage 2 outcome.

Stage 3 is undertaken by an external independent reviewer, normally an Independent Trustee from the Board of Trustees, who sits outside of UCEM's management structure. The purpose of the review is to ensure that the correct procedure has been followed by UCEM, and the outcome is reasonable. The review will not re-investigate the complaint unless new evidence has been presented.

At any stage, if a complaint is upheld, then UCEM undertakes to offer appropriate remedial action, depending on the nature of the complaint, and meet where appropriate, incidental expenses necessarily incurred by the complainant.

4. Final arbitration

4.1 Office of the Independent Adjudicator for Higher Education (OIA)

All students also have access to a final stage of recourse to escalate their appeal or complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is the final arbitrator for complaints for students on Higher Education Programmes only (i.e. programmes at level 4 to 7, including apprenticeships). Any complaints referred to the OIA must be sent within 12 months of the student being issued with a completion of procedures letter.

4.2 Completion of Procedures

For both student complaints and appeals, a Completion of Procedures Letter will be issued, or offered, to the student complaining or appealing at the end of the internal procedures, when there are no matters outstanding, and the final decision has been reached by UCEM regarding the matter raised. This will confirm one of the following complaint/appeal outcomes:

- a) Justified;
- b) Partially justified;
- c) Not justified.
- d) Submitted out of time

The letter will contain the following information:

- Date of completion of internal procedures;
- Summary of the issues raised;
- Summary of the issues considered;
- Details of UCEM's final decision;

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- What procedures/ regulations were applied;
- Details of final (external) arbitration, including the deadline for submission

Completion of Procedures Letters will be issued no more than 28 days after the completion of UCEM's internal procedures, or the request by the student, as appropriate.

Completion of Procedures Letters will not be issued while there are still outstanding matters under the same procedure, for example, where UCEM is awaiting reconsideration of results by an exam board following a successful appeal.

4.3 Education and Skills Funding Agency (ESFA) – Apprentices only

If you are an apprentice student and have completed all internal procedures and are still not satisfied, you can contact the Education and Skills Funding Agency (ESFA). The ESFA may be able to consider your complaint under their [Complaints Procedure](#).

Please note that the ESFA will not usually investigate complaints more than 12 months after the original decision or action has been taken.

A complaint may be escalated to the ESFA via email to customer.complaints@education.gov.uk, or in writing to:

Customer Service Team,
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry CV1 2WT

See also: [the ESFA Procedure for dealing with complaints about providers](#) (opens new window).

4.4 Office for Students (OfS) Freedom of Speech Complaint Scheme

The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its [website](#).²

5. Additional information and support

The Complaints and Appeals Officer will provide advice and guidance throughout the processes.

² Effective as of 1st August 2024

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Issues may be raised which fall into the category of both a complaint and an appeal. In such circumstances, UCEM will inform and advise the student complaining/appealing on which specific matters will be considered under which procedure. In such circumstances, UCEM may suspend the consideration of an appeal until the complaint procedure has been completed or vice versa. A formal complaint cannot be raised whilst a matter is in the process of being considered as an appeal. UCEM will keep all parties informed throughout the processes.

UCEM has a dedicated Disability and Welfare Team that can provide information, advice, and guidance to support disabled students to fully engage with UCEM processes. If students are experiencing any barriers to engaging in a process or are finding their mental health is being impacted, they can contact wellbeing@ucem.ac.uk for support.

Students can seek support from the Lead Student Representative throughout the complaints/appeals process.

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Appendix A: Related policies

This policy should be read in conjunction with the following:

Reference

[QAA UK Quality Code for Higher Education – Advice and Guidance on Concerns, Complaints and Appeals \(opens new window\)](#)

Benchmarked Guidance

[The Office of the Independent Adjudicator \(OIA\) Good Practice Framework \(opens new window\)](#)

[OIA Guidance Note Regarding Completion of Procedures Letters \(opens new window\)](#)

[Education and Skills Funding Agency Complaints about post 16 education and training provision \(opens new window\)](#)

UCEM Policies and other documents

[UCEM Student Appeals Procedure \(opens new window\)](#)

[UCEM Student Complaints Procedure \(opens new window\)](#)

[UCEM Neurodiversity, Disability and Wellbeing Procedure \(opens new window\)](#)

[UCEM Code of Practice on Equality and Diversity \(opens new window\)](#)

[UCEM Student Charter \(opens new window\)](#)

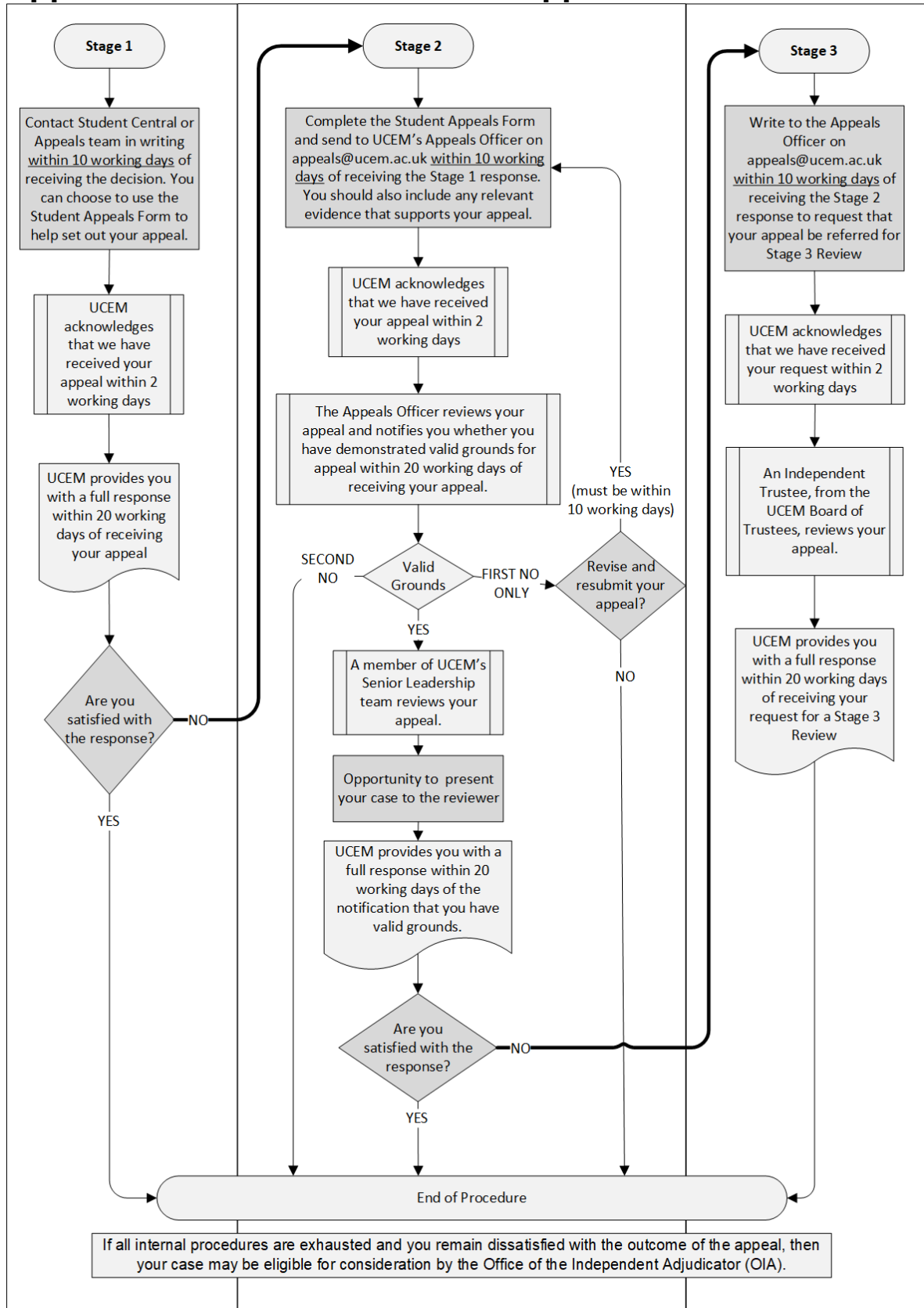
[UCEM Code of Practice Chapter on Student Academic and Behavioural Misconduct \(opens new window\)](#)

[UCEM Safeguarding Procedure \(opens new window\)](#)

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Appendix B: Overview of UCEM Appeals Process



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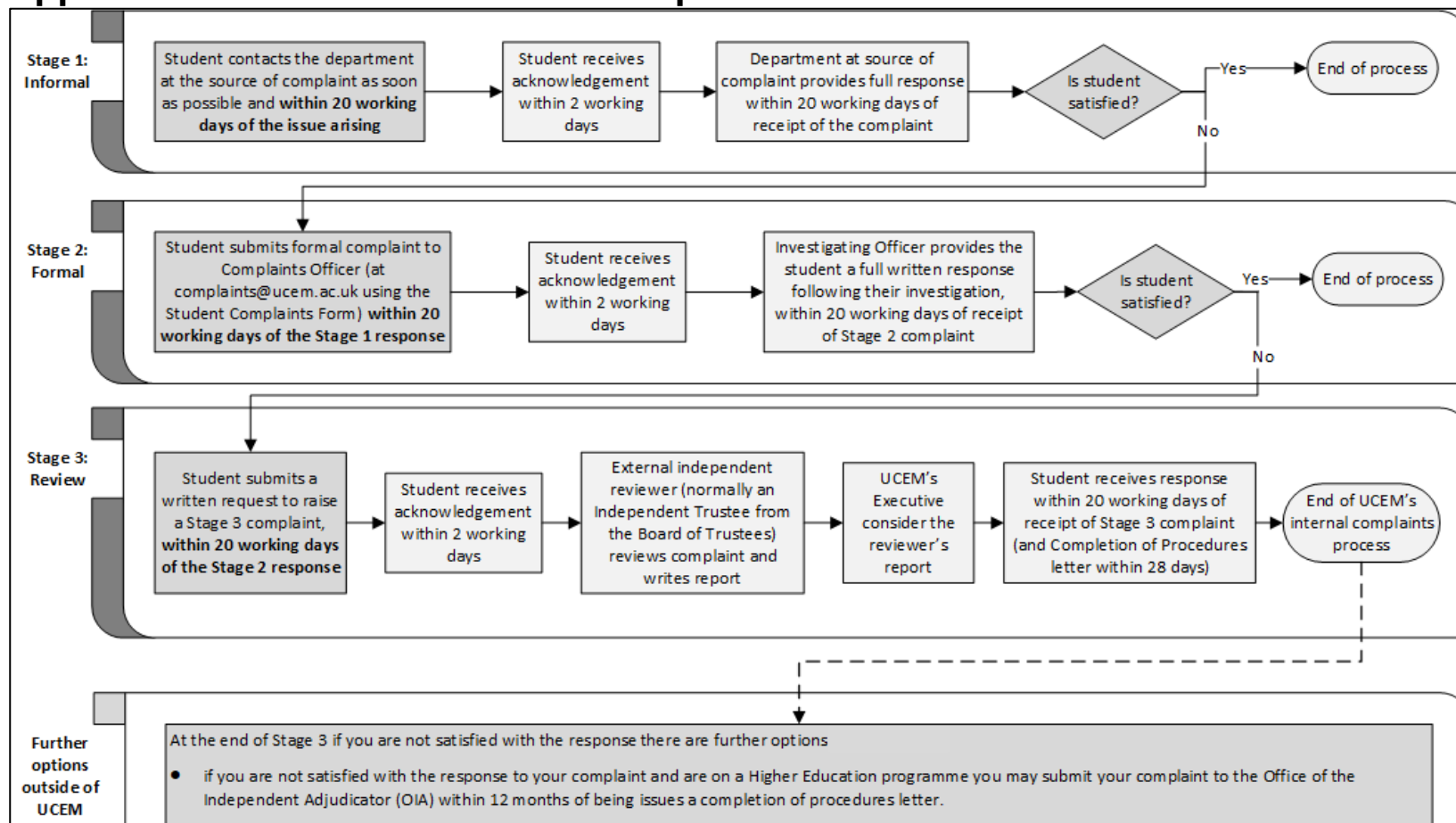
Notes:

- If you are an applicant who does not have access to Student Central, you can raise your Stage 1 Appeal by contacting admissions@ucem.ac.uk . or appeals@ucem.ac.uk.
- If you are appealing against a Disciplinary decision or decisions of the Fitness to Study Panel, you should begin at Stage 2 because Stage 1 does not apply to disciplinary decisions.
- The Appeals procedure is a stand-alone process. Any student raising an appeal should continue to engage with their studies, including any resubmissions on the premise that the original decision stands until their appeal outcome is provided.
- Engagement with the appeals procedure will not be recognized or considered as mitigating circumstances in accordance with UCEM's [Mitigating Circumstances Procedure](#) (opens in new window)

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Appendix C: Overview of UCEM Complaints Process



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Appendix D: [Student Appeals Form \(opens Word document\)](#)

Appendix E: [Student Appeals Procedure \(opens new window\)](#)

Appendix F: [Student Complaints Procedure \(opens new window\)](#)

Appendix G: [Student Complaints Form \(opens Word document\)](#)

Appendix H: [Complaints Policy and Procedure for Employers of Apprentices \(opens new window\)](#)