

Student Complaints and Appeals Procedure

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Section 1: Introduction

The Open University aims to provide all students with an excellent learning experience that enables them to achieve their study goals. We recognise that sometimes things go wrong and, when they do, we welcome the opportunity to put them right as soon as possible. Sometimes students or enquirers do not receive a response or decision they had hoped for from the University and believe it to be wrong. If you have a query or a problem with any aspect of your relationship with the University or if you have grounds to believe that a decision we have made in relation to you is incorrect, you are encouraged to contact us promptly so that we can try to put things right. We may not always be able to meet your expectations and we hope that you will understand why that is the case but, if you feel that we have not responded appropriately to your query or concern, you will have the opportunity to raise it as a formal appeal.

The Student Complaints and Appeals Procedures enable you to bring matters of concern about your learning experience or decisions relating to your access to learning or your learning experience to the attention of the University, and provides mechanisms through which those concerns may be resolved. The procedure comprises of an informal, a formal and a review stage.

The procedures aim to be simple, clear and fair to all parties. Complaints and Appeals (both informal and formal) will be handled sensitively and with due consideration for confidentiality. No student who brings a genuine complaint or appeal under this procedure will be disadvantaged by the University, regardless of the outcome.

If you are a disabled student and you would like to receive this procedure in an alternative format please contact the [Student Casework Office](#). You should also contact the Student Casework Office if you wish to discuss any reasonable adjustments to these procedures to take into account your disability and any additional support you may need in raising and pursuing your complaint or appeal due to your disability.

Who these procedures apply to

The Student Complaints and Appeals Procedures apply to all enquirers, applicants, registered undergraduate, postgraduate and research students, registered apprenticeship students (England) and alumni.

Students studying an Open University qualification at another institution should follow the complaints and appeals procedures for that institution in the first instance. In some circumstances there may be a final referral to the Open University once those procedures have been completed. If so, the procedure for referring your concern to the Open University will be set out in the information provided to you by your institution.

Welsh Language

Enquirers and students residing in Wales are welcome to submit complaints and appeals in Welsh. First stage complaints can be conveyed by telephone on the following number **029 2047 1019**, by email to StudentCaseworkoffice@open.ac.uk or via the Welsh version of the online form which can be found on the StudentHome Help Centre. Complaints conveyed

in Welsh will be responded to in Welsh, and when complaints are received in Welsh they will not be treated less favourably.

Where to get help and advice on making complaints and appeals

Students can obtain this procedure in alternative formats and seek help, advice and guidance on making a formal complaint or appeal from the [Complaints and Appeals](#) area of the Help Centre, the [Graduate School Network](#) (for research students) and from the [Student Casework Office](#).

Whilst the Open University Students Association (OUSA) can provide some peer support they are unable to provide advocacy support for individual student complaints and appeals.

As an alternative to, or in addition to, students making individual or group complaints, OUSA may also consider taking up issues on behalf of students generally. These will be dealt with under the terms of the [OU-OUSA Relationship Agreement](#).

OUSA can be contacted on:

Telephone: +44 (0)1908 652026

Email: ousa@open.ac.uk

Post: OU Students Association, PO Box 397, Walton Hall, Milton Keynes MK7 6BE

Website: <http://www.open.ac.uk/ousa/>

Definitions

If you have a concern that you want to raise with the University, the important thing for you to do is to contact the area of the University you have been dealing with as soon as possible and let them know what the problem is. The University will use these definitions to decide the most appropriate procedure for us to use to deal with the concern you have raised. Please refer to the [Student Casework Office](#) for advice on which procedure applies to your situation if you are unsure.

What is a Complaint?

The University defines a complaint as 'an oral or written expression of dissatisfaction concerning the provision of a programme of study or related academic or administrative service, which is not an appeal against a decision'.

Concerns about the provision of a service or facility or the failure to provide a service or facility, where the standard of the service or facility has fallen below the standard that might reasonably be expected or where there is a reasonable expectation that the service or facility would be provided would be covered by the Complaints Procedure

What is an administrative appeal?

The University defines an administrative appeal as 'a request for a review of a decision taken by an individual or body charged with making decisions about any aspect of a student's access to learning or learning experience with the University which is not an academic decision.'

Decisions about registration processes, fee liability, financial support, exceptional arrangements and reasonable adjustment which are not academic in nature are covered by the Administrative Appeals Procedure.

What is an academic appeal?

The University defines an academic appeal as 'a request for a review of a decision of an academic body charged with making decisions on admission, assessment, student progression and awards.'

Decisions about entry requirements, reasonable adjustments for teaching and assessment for students with disabilities, progression rules, academic misconduct, assignment marks, module results, thesis submission and the award and classification of qualifications would be covered by the Academic Appeals Procedure.

Complaints and appeals that may fit into more than one category

If you raise a complaint or appeal which does not fall neatly into the category of either a complaint or an appeal or if your concern contains issues of complaint and an appeal, the University will advise you which issues will be looked at under which procedure. This will be irrespective of which procedure you have used to formally raise your concern.

Your concern may be dealt with under the alternative procedure if that is appropriate. The University may decide to consider all matters together particularly if, for example, the findings of a complaint are likely to influence a decision regarding an appeal. You will be advised of any implications of following two procedures at once, and the University may suspend one procedure pending the outcome of the other.

Other concerns that are not complaints or appeals

There are separate procedures for matters of student conduct, bullying and harassment, staff disciplinary matters and personal relationships between staff and students. All of these procedures can be found on the Essential Documents website:

www.open.ac.uk/students/charter/essential-documents.

We welcome feedback as part of our Student Charter commitment to involve students in enhancing the student experience. For more information on how you can contribute your feedback please look at our Student Charter website:

www.open.ac.uk/students/charter/feedback

Supporting information

Time limits

There are time limits by which you must raise your complaint or appeal and by which the University must provide a full response. Once your complaint or appeal has been dealt with there are further time limits within which, if you remain dissatisfied or if you still have grounds to believe the decision is incorrect, you must refer your complaint or appeal to the next stage.

Any complaint, appeal or referral received after a time limit has expired will be out of time and will not be considered unless there are exceptional circumstances which prevented you from meeting the time limit. More details can be found within the procedures.

Confidentiality

Your complaint or appeal will be dealt with in confidence and the detail will only be shared with staff who need to know in order to investigate and respond to the issues you have raised.

It is possible that information you provide in support of your complaint or appeal may be shared with other areas of the University in order to resolve your complaint or appeal, for example evidence of exceptional personal circumstances may be shared with the Assessment Exceptions Group.

If you need to submit evidence of exceptional personal circumstances, for example around the health of a family member, it is preferable if you do not submit detailed medical evidence about that person as The Open University will need to advise that person that we are processing their data. If possible, please only submit evidence about the effect the circumstances have had on you directly.

Any person identified in a complaint or involved in the decision being appealed will be given details of the complaint or appeal and have the right to respond as part of the investigation.

Data retention

Correspondence, evidence and case files in relation to complaints and appeals will be held by the University for a period of 6 years from the date of the last action.

Complaints or appeals to the Vice-Chancellor, University officers and senior members of staff

In order to ensure that your complaint or appeal is dealt with as quickly and effectively as possible, you should submit your complaint or appeal in the way set out in the Open University Student Complaints and Appeals Procedures. If you choose to submit your complaint or appeal to the Vice Chancellor, any University Officer or other senior member of staff across the University, it will be acknowledged and referred to the [Student Casework Office](#). Your complaint or appeal will then be administered in accordance with the Open University Student Complaints and Appeals Procedure and any time limit for the University to respond will start from when the complaint or appeal is received in the Student Casework Office.

Legal action

These complaints and appeals procedures are designed to help us to resolve problems and difficulties as quickly and easily as possible. We recommend that you do not take legal action against the Open University until these procedures have been completed. This includes, where eligible, taking your complaint or appeal to the Office of the Independent Adjudicator under the Scheme of Independent Adjudication for Higher Education established by the Higher Education Act 2004. If you do take legal action against the University before those procedures are completed we will ask you to stay your action until they are completed in accordance with civil procedure rules which encourage the parties to try to resolve issues without court proceedings wherever possible.

Ineligible complaints or appeals

The University will reject a complaint or appeal without full consideration of the issues if the complaint or appeal is judged to be ineligible.

A complaint or appeal may be considered to be ineligible if it can be described as one or more of the following:

- The complaint is out of time and there are no exceptional circumstances for extending the time limit;
- The complaint or appeal reveals no facts, evidence or other circumstances which could reasonably support a complaint against the University or an appeal against a decision of the Open University;
- The substantive issues in the complaint or appeal have been addressed previously and the University's procedures have been completed;
- It is being pursued in an unreasonable manner likely to cause disruption, distress, inconvenience, delay or unreasonable expense;
- It contains wholly unsubstantiated accusations against members of Open University staff or persons connected with members of Open University staff alleging discrimination, harassment, fraud, dishonesty, conflict of interest, sexual impropriety or other serious misconduct.

If it is determined that a complaint or appeal is ineligible, the University will write to you to explain that we are terminating our consideration of the complaint or appeal and give you reasons for that decision. If you disagree with that decision you must write to the [Student Casework Office](#) within 10 working days of that decision setting out your reasons for your disagreement. This will then be considered by a Senior Manager with responsibility for the administration of complaints and appeals who will determine whether the complaint or appeal will be considered.

Expected standards of behaviour

Open University staff will deal with your complaint or appeal courteously and respectfully and, wherever possible, in such a way as to resolve any problems as quickly and effectively as possible. We understand that you may be upset or angry when you call or write to make a complaint or appeal, but Open University staff also have the right to be treated in a courteous and respectful manner, and will not deal with your complaint or appeal if they are shouted at, threatened or abused. It is usually in all parties interests if students are able to raise their complaints or present their appeals as calmly and reasonably as possible in the circumstances, so that we can quickly understand the issues and, where appropriate apologise for any mistakes and put right what has gone wrong.

If you are not satisfied with the behaviour of a member of staff who is dealing with your complaint or appeal and you cannot resolve this informally with that person, or if you have made a complaint or appeal and have reason to believe that you have been disadvantaged as a consequence of doing so, you should make a formal complaint about the staff member concerned as soon as possible by contacting the [Student Casework Office](#). If your complaint is found to be justified it will be dealt with under the Open University's staff management procedures.

Monitoring, evaluation and review

The Student Casework Office will oversee the tracking of formal complaints and appeals and their review and will ensure that they are recorded appropriately on the University's Relationship Management Database. Complaints and appeals will be stored in a secure area which only staff with appropriate permissions can access.

The information collated will be used to provide better understanding of the types of complaints and appeals that the University receives and what the outcomes of those complaints and appeals are. It will be used to inform good practice and to ensure that quality standards are being met. The data also enables the University to ensure that our policies do not directly or indirectly discriminate against students.

All data will be monitored in accordance with the University's Equality and Diversity policy and the General Data Protection Regulations legislation.

An annual report will be made to The Senate of the University.

Section 2: Student complaints procedures

Supporting information

The University defines a complaint as 'an oral or written expression of dissatisfaction concerning the provision of a programme of study or related academic or administrative service, which is not an appeal against a decision'.

There is a right to make a complaint about the provision of a service or facility or the failure to provide a service or facility, either where the standard of the service or facility has fallen below the standard that might reasonably be expected or where there is a reasonable expectation that the service or facility would be provided.

Disabled students

If you are a disabled student and you would like to receive this procedure in an alternative format please contact the [Student Casework Office](#). You should also contact the Student Casework Office if you wish to discuss any reasonable adjustments to this procedure to take into account your disability and any additional support you may need in raising and pursuing your complaint due to your disability.

Time limits

A complaint must be brought to the attention of the University as soon as practicable and, in any event, within 28 days of the issue occurring.

Once your complaint has been dealt with there are further time limits within which, if you remain dissatisfied, you must refer your complaint to the next stage.

If you have concerns that you may experience some disadvantage if you raise a complaint, you should not delay raising your complaint. You should contact the [Student Casework Office](#) as soon as possible to tell us what your concern is and to discuss the options available to you to ensure that you are able to raise your complaint without disadvantage.

Any complaint or referral received after a time limit has expired time will be out of time and will not be considered unless there are exceptional circumstances which prevented you from submitting your complaint or referring it to the next stage within the time limit. For example, if you have been seriously ill, we will take this into account when considering if your complaint can be accepted. You will need to provide evidence, such as a medical note, to show that you were unable to submit your complaint within the given time limit. Other examples of when a complaint might be accepted even though it is 'out of time' can be found on the Student Casework Office website.

Early and alternative dispute resolution

In some situations where students are not satisfied that the University is providing them with the excellent learning experience they expect, mediation can be an alternative route to resolving matters of concern. It provides students with the opportunity to have their concerns listened to by someone independent of the issues and to work towards an amicable resolution. It is entirely confidential; only the agreed outcomes will be shared with the University. You should note however that it is not appropriate in all situations, and it can take some time (approximately 3 months) to arrange.

If you wish to consider using mediation services to resolve your concerns you should contact the [Student Casework Office](#) to discuss this further. If it is agreed that mediation is appropriate the Student Casework Office will provide a liaison point between you, the mediators and the University. The formal Student Complaints Procedure will be paused pending the outcome. If mediation is attempted and it does not resolve the issues to both parties' satisfaction you will be able to reinstate your complaint at the same stage it was at before it was paused.

Studying at a partner institution

Students studying for an Open University qualification at another education institution are required to follow that institution's procedures in the first instance. In some circumstances, once the procedures of that institution have been exhausted there may be a further right of complaint to the Open University. If so, the procedure for referring your concern to the Open University will be set out in the information provided to you by your institution.

Studying towards an Apprenticeship (England)

The consideration of matters of complaint for apprenticeship students should first be referred to the Practice Tutor or alternatively the Apprenticeship Programme Delivery Manager. Employment issues that do not form or contribute to the apprenticeship should be directed to the employer; however, the Practice Tutor or Apprenticeship Programme Delivery Manager may be able to offer support. Consideration of a complaint about a service provided by the University follows the same procedure as for the wider student body. As with all other students, if an apprenticeship student exhausts the University procedure and remains dissatisfied with the outcome they are entitled to request a review by the Office of the Independent Adjudicator for Higher Education (OIA). Additionally, apprenticeship students may also be able to refer their case to the Complaints Team of the Education and Skills Funding Agency (ESFA) for investigation complaints.esfa@education.gov.uk; prior to presenting a complaint to the SFA we would recommend that students discuss their concerns with the Apprenticeship helpline for guidance on whether this an appropriate action (Telephone: 0800 015 0400; email: nationalhelpdesk@apprenticeships.gov.uk).

Where an apprentice wishes to appeal the grading of an End Point Assessment, the apprentice should follow the appeals procedure of the Registered Apprenticeship Assessment Organisation (RoAAO).

Anonymous complaints

Anonymous complaints will not be accepted by the University as complaints can only be investigated properly when full background information can be gathered. If you wish to raise a matter of concern without identifying yourself you can do so through our [Student Feedback form](#). We will not be able to respond to any complaint or feedback submitted anonymously. If, however, it is a matter of public interest, anonymous complaints can be made under the [University's Public Interest Disclosure \(Whistleblowing\) Policy](#).

Third party complaints

Complaints made by third parties on behalf of a student or students will only be investigated if the student or students have given their written permission that the third party may act on their behalf. This includes Members of Parliament, legal advisers and family members. If you already have an advocacy agreement in place this is acceptable permission.

Group complaints

If you are a group of students wishing to submit a joint complaint you must nominate a spokesperson to correspond with the University. All complainants must, however, provide their written authorisation to the spokesperson and this evidence of authority must be submitted with the group complaint. A complaint will only be dealt with as a group complaint if the same issue affects all of the students in the group in the same way. A single response will be given to a group complaint.

Where a group complaint has been submitted and it is not appropriate to deal with it as a single complaint it will be treated as an individual complaint made by each member of the group. Students will be informed of this decision, with reasons, and be given an opportunity to state why in their opinion, the complaint should be dealt with as a group complaint.

Complaints about multiple issues

If you have made a complaint about an issue which involves different service areas, the complaint will be co-ordinated by the Student Casework Office in collaboration with the respective departments. You will normally receive a single response to your complaint.

If you have made a complaint which includes two or more separate issues, each part of your complaint will be passed to the relevant service area. You will normally receive a separate response to each issue in your complain.

Stage 1 Reporting your concerns to the University

- a) If you have cause to complain about any aspect of your student experience you should bring notice of your dissatisfaction to the attention of the area in which the service failure occurred as soon as possible and no more than 28 days after the event. You should [start your complaint here](#) in order to ensure that you are put in touch with the right area of the university. You can submit an online form, or contact telephone numbers are also provided if you prefer to raise your concern over the telephone.
- b) You should explain your reason(s) for dissatisfaction, providing evidence where appropriate and suggesting what you think the University could do to put the matter right.
- c) If there has been a service failure or other error and they are unable to put it right immediately or to offer you an agreeable outcome, the member of staff who receives the complaint, by whatever medium, will advise you, within 3 working days of being alerted to your concerns, what action they are going to take, when you should expect to receive a response and by what means.
- d) Within 10 working days of receipt of your complaint you will be issued with an Outcome Message (email or letter) which will include a full and detailed response to your complaint(s) and it will contain a reference number. Until you are in receipt of that reference number you will be unable to escalate your complaint to the formal stage.
- e) If the outcome letter is not issued within the 10 working day time limit, and you have not received an explanation for the delay, you should contact the Student Casework Office to discuss escalation of the complaint to the formal stage.

Stage 2 Making a formal complaint

- a) Once you have received the Outcome Message, if you do not consider that reasonable steps have been taken to resolve the matter, or if you have not received an outcome message within the time limit (or extended time limit) you may invoke the formal stage of the Student Complaints Procedure. To do this you must:
- Write to the [Student Casework Office](#), or complete the [online form](#) within 28 days of the date of the *Outcome Letter*.
 - Explain why the outcome to the informal stage has not resolved the complaint. You must either quote the reference number provided in the *Outcome Message* or show that the time limit (or extended time limit) for a response has passed. Failure to do so will result in the complaint not being accepted.
 - Set out what you believe the University could reasonably be expected to do to resolve the complaint.
 - Submit any new evidence which has not previously been submitted in support of your complaint.
- b) The Student Casework Office will acknowledge receipt of the complaint within three working days of receipt of your complaint. You will be advised whether your complaint has been accepted, and if not, why it has not. If your complaint is accepted you will be advised to which *Senior Authority* it has been referred and when a full response can be expected. In most cases this should be no more than 10 working days from the date of the acknowledgement, however you will be advised if a time extension is required and the reasons why.
- c) The *Senior Authority* will investigate the complaints you have made. They will consider the evidence you have submitted, check your student record and seek reports from members of staff as appropriate.
- d) Once your complaint has been fully investigated you will be sent a *Decision Letter*. The *Decision Letter* will set out the matters of complaint, a timeline of events, details of the information or evidence which was taken into consideration, and the outcome of the complaint.
- e) If your complaint is not upheld you will be informed of the reasons for its rejection.
- f) If your complaint is upheld, or partly upheld, you will be informed of the actions being taken to put the matter right and what the University will do to prevent a recurrence of similar issues arising in the future.
- g) In the event of a complaint being upheld or partly upheld the *Senior Authority* may also make recommendations in respect of quality assurance procedures or policies. These recommendations will be reported to you for information, to any relevant areas of the University and to the Student Casework Office to ensure their implementation.

Stage 3 Requesting a review

- a) If, once you have received the Senior Authority's Decision letter, you do not consider that the University has dealt with your complaint in a reasonable manner you may invoke the Review Stage of the Student Complaints Procedure. To do this you must:
- Write to the [Student Casework Office](#) within 28 days of the date of the Decision Letter.
 - Explain why you remain dissatisfied with the outcome to your complaint.
 - Set out one or more of the following grounds on which you believe the University should review its decision:
 - that relevant evidence has not been taken into account; or
 - that irrelevant evidence was taken into account; or
 - that any relevant University regulations, policies or procedures have not been applied correctly; or
 - that the reasons for the decision were not fully and clearly communicated to you; or
 - that there was bias, or the likelihood of bias in making the decision; or
 - that the decision was made by a person or body without the necessary responsibility or authority; or
 - that the procedure followed was not fair or adequate; or
 - that the decision made was not fair or reasonable in all the circumstances.
 - Submit any new evidence which has not previously been submitted in support of your complaint. Where new evidence or a new element of complaint is introduced at the Review stage, to be eligible for further consideration you should provide a valid reason to explain why this could not have been provided earlier in the process.

Failure to meet these requirements will result in the request for review not being accepted.

- b) The Student Casework Office will acknowledge the request for review within 3 working days of its receipt. Within 10 working days of the acknowledgment, a Casework Manager will write to advise you whether or not the review request has been accepted. If it is not accepted you will be advised of the reasons for that decision. You will be given a further opportunity to resubmit your request for a review within 28 days of the decision letter or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
- c) Where a request for a review meets the requirements in paragraph a above, the *Vice Chancellor's Delegate* will conduct a review. The review will not be a reconsideration of your complaint. The *Vice Chancellor's Delegate* will look all of the matters raised in the grounds of your review and determine whether the complaints process has been followed correctly.

- d) Within 10 working days of the date of the eligibility letter the Vice Chancellor's Delegate will complete a report which contains:
- A summary of your complaint and grounds for review
 - The background to your complaint
 - A decision as to whether the Senior Authority's decision should be set aside, set aside in part, or confirmed.
 - An explanation of the reasons for the decision
 - Recommendations for resolution where appropriate

A copy of the Vice Chancellor's Delegate report will be sent to you and to the Senior Authority.

- e) If the decision of the Vice Chancellor's Delegate is to set aside the decision of the Senior Authority, in whole or in part, the complaint will be referred back to the Senior Authority with recommendations for reconsideration of the complaint. The Senior Authority will correspond directly with you within 10 working days of the referral as to how they intend to implement the Vice Chancellor's Delegate's recommendations. A copy of that letter will be sent to the Student Casework Office and, within 28 working days of the letter being received in SCO, a *Completion of Procedures* letter will be sent (see below).
- f) If the Senior Authority's decision is confirmed following the review, a Completion of Procedures letter will be sent to you with the Vice Chancellor's Delegate report.
- g) The Open University will make every reasonable effort to meet the time limits as stated in this procedure; however, for complex cases additional time may be required to ensure a thorough review of a submission. Where an exception to the standard time limit is needed you will be notified of this in writing and will be kept informed of when you can expect to receive an outcome response.

Completion of Procedures

The Vice Chancellor's Delegate is the University's final authority in relation to student complaints. Once you have exhausted the University's Student Complaints Procedure, if you remain dissatisfied with this decision, you may refer your complaint to the Office of the Independent Adjudicator for Higher Education (OIA) to apply for an independent review of the handling of your complaint. Contact details for the OIA can be found on their website www.oiahe.org.uk/. The [procedures for referring your case to the OIA](#) will be enclosed with the Vice Chancellor's Delegate's report.

Section 3: Student administrative appeals procedures

Supporting information

The University defines an administrative appeal as ‘a request for a review of a decision taken by an individual or body charged with making decisions about any aspect of a students’ access to learning or learning experience with the University which is not an academic decision. Decisions about registration processes, fee liability, financial support, exceptional arrangements and reasonable adjustment which are not academic in nature are covered by this policy.

You may request a review or appeal of any decision where there are specific grounds relating to the fairness or adequacy of the procedures followed, including the consideration of all relevant evidence, the correct application of rules, how a decision was communicated, bias, and the overall reasonableness of the decision made.

Disabled students

If you are a disabled student and you would like to receive this procedure in an alternative format please contact the [Student Casework Office](#). You should also contact the Student Casework Office if you wish to discuss any reasonable adjustments to this procedure to take into account your disability and any additional support you may need in making and pursuing your query or appeal due to your disability.

Time limits

An appeal must be brought to the attention of the University as soon as practicable and, in any event, within **28 days** of receipt of the original decision.

Once your appeal has been dealt with there are further time limits within which, if you still have grounds to believe the decision is incorrect, you must refer your appeal to the next stage.

If you have concerns that you may experience some disadvantage if you make an appeal, you should not delay your appeal. You should contact the [Student Casework Office](#) as soon as possible to tell us what your concern is and to discuss the options available to you to ensure that you are able to make your appeal without disadvantage.

Any appeal or referral received after a time limit has expired will be out of time and will not be considered unless there are exceptional circumstances which prevented you from submitting your appeal or referring it to the next stage within the time limit. For example, if you have been seriously ill, we will take this into account when considering if your appeal can be considered. You will need to provide evidence, such as a medical note, to show that you were unable to submit your appeal within the given time limit. Other examples of when an appeal might be accepted even though it is ‘out of time’ can be found on the Student Casework Office website.

Studying at a partner institution

Students studying for an Open University qualification at another education institution are required to follow that institution’s procedures in the first instance. In some circumstances, once the procedures of that institution have been exhausted there may be a further appeal to

the Open University. If so, the procedure for referring your concern to the Open University will be set out in the information provided to you by your institution.

Studying towards an Apprenticeship (England)

The consideration of matters of complaint for apprenticeship students should first be referred to the Practice Tutor or alternatively the Apprenticeship Programme Delivery Manager. Employment issues that do not form or contribute to the apprenticeship should be directed to the employer; however, the Practice Tutor or Apprenticeship Programme Delivery Manager may be able to offer support. Consideration of an appeal against a decision of the University follows the same procedure as for the wider student body. As with all other students, if an apprenticeship student exhausts the University procedure and remains dissatisfied with the outcome they are entitled to request a review by the Office of the Independent Adjudicator for Higher Education (OIA). Additionally, apprenticeship students may also be able to refer their case to the Complaints Team of the Education and Skills Funding Agency (ESFA) for investigation complaints.esfa@education.gov.uk; prior to presenting a complaint to the SFA we would recommend that students discuss their concerns with the Apprenticeship helpline for guidance on whether this an appropriate action (Telephone: 0800 015 0400; email: nationalhelpdesk@apprenticeships.gov.uk)

Where an apprentice wishes to appeal the grading of an End Point Assessment, the apprentice should follow the appeals procedure of the Registered Apprenticeship Assessment Organisation (RoAAO).

Third party appeals

Appeals made by third parties on behalf of a student or students will only be investigated if the student or students have given their written permission that the third party may act on their behalf. This includes Members of Parliament, legal advisers and family members. If you already have an advocacy agreement in place this is acceptable permission.

Group appeals

Where a group of students has a common issue about a University decision, it may be considered as a group appeal, although these are unusual. If you are a group of students wishing to submit a joint appeal against a decision, you must nominate a spokesperson to correspond with the University. All those appealing must, however, provide their written authorisation to the spokesperson and this evidence of authority must be submitted with the group appeal. An appeal will only be dealt with as a group appeal if the decision being appealed affects all of the students in the group in the same way. In some instances it may be appropriate to provide a group response and in other cases it may be more appropriate to respond to each member of the group individually.

Where a group appeal has been submitted and it is not appropriate to deal with it as a single appeal it will be treated as an individual appeal made by each member of the group. Students will be informed of this decision, with reasons, and be given an opportunity to state why, in their opinion, the appeal should be dealt with as a group appeal.

Appeals against multiple decisions

If your appeal is against more than one decision, each part will be passed to the area responsible for consideration and you will normally receive a separate response to each aspect of your appeal.

Stage 1 Querying a decision you think is wrong

- a) If you have grounds to believe that any decision relating to your student or registration experience is wrong, you should notify the area of the University where the decision was made as soon as possible. Don't wait until after the event. You cannot query a decision simply because you do not agree with it; you must show why the decision was not made in accordance with the relevant University policies, procedures or regulations.
- b) You should [start your complaint here](#) in order to ensure that you are put in touch with the right area of the university. You can submit an online form, or contact telephone numbers are also provided if you prefer to raise your concern over the telephone.

You should set out the reason(s) why you believe the decision was not the correct decision, providing evidence where appropriate. You must contact the University within 28 days of the decision. If your query is received more than 28 days after the decision, it is likely to be considered as out of time.

- c) If the member of staff receiving your query is unable to overturn the decision or to offer you an agreeable outcome, they will advise you, by whatever medium, within three working days of receiving your query, what action they are going to take, when you should expect to receive a response and by what means.
- d) Within 10 working days of receipt of your query you will be issued with an *Outcome message* (by email or letter) which will contain a full response to your query or concern and a reference number. Until you are in receipt of that reference number you will be unable to escalate your query to the formal appeal stage.
- e) If the outcome message is not issued within the 10 day time limit, and you have not received an explanation for the delay, you should contact the [Student Casework Office](#) to discuss escalation of the query to the formal appeal stage.

Stage 2 Making a formal appeal

- a) Once you have received the *Outcome Message*, if you consider that the decision has not been reviewed in accordance with the relevant University policies, procedures and regulations, or if you have not received an outcome message within the time limit (or extended time limit) you may invoke the Appeal Stage of the Administrative Appeals Procedure. To do this you must:
 - Write to the [Student Casework Office](#), or [complete the online form](#) within 28 days of the date of the Outcome Letter
 - Explain why the outcome to your query has not resolved the issue.
 - Set out one or more of the following grounds on which you believe the University should review its decision:
 - that relevant evidence has not been taken into account; or
 - that irrelevant evidence was taken into account; or
 - that any relevant University regulations, policies or procedures have not been applied correctly; or

- that the reasons for the decision were not fully and clearly communicated to you; or
 - that there was bias, or the likelihood of bias in making the decision; or
 - that the decision was made by a person or body without the necessary responsibility or authority; or
 - that the procedure followed was not fair or adequate; or
 - that the decision was not one which, in all the circumstances, it was reasonable for the University to have made.
- Submit any new evidence which has not previously been submitted in support of your appeal.
 - Quote the reference number provided in the *Outcome Message* or show that the time limit (or extended time limit) for a response has passed.

Failure to meet these requirements will result in the appeal not being accepted.

- b) The Student Casework Office will acknowledge receipt of the appeal within three working days. You will be advised whether your appeal meets the requirements in paragraph a above and has been accepted, and if not, why it has not. You will be given a further opportunity to resubmit your request for a review within 28 days of the decision letter or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
- c) If your appeal is accepted you will be advised to which *Senior Authority* it has been referred and when a full response can be expected. In most cases this should be no more than 10 working days from the date of the acknowledgement; however you will be advised if a time extension is required and the reasons why.
- d) The Senior Authority will investigate the appeal you have made. They will take into account your grounds for appeal and any evidence you have submitted in support of your application, review your student record and refer to University policies, procedures and regulations as appropriate.
- e) Once your appeal has been fully investigated you will be sent a Decision Letter. The Decision Letter will set out the grounds for your appeal, a timeline of events, details of the information or evidence which was taken into consideration, and the outcome of the appeal.
- f) If your appeal is not upheld you will be informed of the reasons for its rejection.
- g) If your appeal is upheld, or partly upheld, you will be informed of the actions being taken to put the matter right and what the University will do to prevent a recurrence of an incorrect decision in the future.
- h) In the event of an appeal being upheld or partly upheld the Senior Authority may also make recommendations in respect of quality assurance procedures or policies. These recommendations will be reported to you, for information, to any relevant areas of the University and to the Student Casework Office to ensure their implementation.

Stage 3 Requesting a review

a) Once you have received the *Decision Letter*, if you consider that the decision has not been reviewed in accordance with the relevant University policies, procedures and regulations you may invoke the Review Stage of the Administrative Appeals Procedure. To do this you must:

- Write to the [Student Casework Office](#) or complete the [online form](#) within 28 days of the date of the Decision Letter.
- Explain why the outcome to your appeal has not resolved the issue.
- Set out one or more of the following grounds on which you believe the University should review its decision:
 - that relevant evidence has not been taken into account; or
 - that irrelevant evidence was taken into account; or
 - that any relevant University regulations, policies or procedures have not been applied correctly; or
 - that the reasons for the decision were not fully and clearly communicated to you; or
 - that there was bias, or the likelihood of bias in making the decision; or
 - that the decision was made by a person or body without the necessary responsibility or authority; or
 - that the procedure followed was not fair or adequate; or
 - that the decision made was not fair or reasonable in all the circumstances.
- Submit any new evidence which has not previously been submitted in support of your appeal. Where new evidence or a new element of complaint is introduced at the Review stage, to be eligible for further consideration you should provide a valid reason to explain why this could not have been provided earlier in the process.

Failure to meet these requirements will result in the request for review not being accepted.

- b) The Student Casework Office will acknowledge the request for review within 3 working days of its receipt. Within 10 working days of the acknowledgment, a Casework Manager will write to advise you whether or not the review request has been accepted. If it is not accepted you will be advised of the reasons for that decision. You will be given a further opportunity to resubmit your request for a review within 28 days of the decision letter or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
- c) Where a request for a review meets the requirements in paragraph a) above, the Vice Chancellor's Delegate will conduct a review. The review will not be a reconsideration of your appeal. The Vice Chancellor's Delegate will look all of the matters raised in the grounds of your review and determine whether the appeals process has been followed correctly.

- d) Within 10 working days of the date of the eligibility letter the Vice Chancellor's Delegate will complete a report which contains:
- A summary of your appeal and grounds for review
 - The background to your appeal
 - A decision as to whether the Senior Authority's decision should be set aside, set aside in part, or confirmed.
 - An explanation of the reasons for the decision
 - Recommendations for resolution where appropriate

A copy of the Vice Chancellor's delegate report will be sent to you and to the Senior Authority.

- e) If the decision of the Vice Chancellor's Delegate is to set aside the decision of the Senior Authority, in whole or in part, the appeal will be referred back to the Senior Authority with recommendations for the reconsideration of the appeal. The Senior Authority will correspond directly with you within 10 working days of the referral as to how they intend to implement the Vice Chancellor's Delegate's recommendations. A copy of that letter will be sent to the Student Casework Office and, within 28 working days of the letter being received in SCO, a Completion of Procedures letter will be sent (see below).
- f) If the Senior Authority's decision is confirmed following the review, a Completion of Procedures letter will be sent to you with the Vice Chancellor's Delegate report
- g) The Open University will make every reasonable effort to meet the time limits as stated in this procedure; however, for complex cases additional time may be required to ensure a thorough review of a submission. Where an exception to the standard time limit is needed you will be notified of this in writing and will be kept informed of when you can expect to receive an outcome response.

Completion of Procedures

The Vice Chancellor's Delegate is the University's final authority in relation to student administrative appeals. Once you have exhausted the University's Administrative Appeals Procedure, if you remain dissatisfied with this decision, you may refer your appeal to the Office of the Independent Adjudicator for Higher Education (OIA) to apply for an independent review of the handling of your appeal. Contact details for the OIA can be found on their website at www.oiahe.org.uk/. The procedures for [referring your case to the OIA](#) will be enclosed with the Vice Chancellor's Delegate report.

Section 4: Student academic appeals procedures

A. Introduction

Definition of an academic appeal:

The University defines an academic appeal as ‘a request for a review of a decision of an academic body charged with making decisions on admission, assessment, student progression and awards.’

The academic bodies charged with making those decisions are referred to in this procedure as *Delegated Academic Authorities* and are set out in Appendix 1.

You cannot appeal against an academic decision simply because you disagree with the academic judgement of the University. You may only appeal an academic decision where there are specific grounds relating to the fairness or adequacy of the procedures followed, including the consideration of all relevant evidence, the correct application of rules, how a decision was communicated, bias, and whether the decision was one which, in all the circumstances, it was reasonable for the University to have made.

Disabled Students

If you are a disabled student and you would like to receive this procedure in an alternative format please contact the Student Casework Office. You should also contact the Student Casework Office if you wish to discuss any reasonable adjustments to this procedure to take into account your disability and any additional support you may need in making and pursuing your query or appeal due to your disability.

Time limits

An appeal must be brought to the attention of the University as soon as practicable and, in any event, within **28 days** of receipt of the original decision.

Once your appeal has been dealt with there are further time limits within which, if you still have grounds to believe the decision is incorrect, you must refer your appeal to the next stage.

If you have concerns that you may experience some disadvantage if you make an appeal, you should not delay your appeal. You should contact the Student Casework Office as soon as possible to tell us what your concern is and to discuss the options available to you to ensure that you are able to make your appeal without disadvantage.

Any appeal or referral received after a time limit has expired will be out of time and will not be considered unless there are exceptional circumstances which prevented you from submitting your appeal or referring it to the next stage within the time limit.

For example, if you have been seriously ill, we will take this into account when considering if your appeal can be considered. You will need to provide evidence, such as a medical note, to support your claim that you were unable to submit your appeal within the given time limit. Other examples of when an appeal might be accepted even though it is ‘out of time’ can be found on the Student Casework Office website.

Studying at a partner institution

Students studying for an Open University qualification at another education institution are required to follow that institution's procedures in the first instance. In some circumstances, once the procedures of that institution have been exhausted there may be a further appeal to The Open University under these procedures. If so, the procedure for referring your concern to the Open University will be set out in the information provided to you by your institution.

Studying towards an Apprenticeship (England)

Where a student studying towards an apprenticeship has a query directly related to their study with the University, this should be referred to their practice tutor in the first instance or alternatively the Apprenticeship Programme Delivery Manager. Consideration of an appeal against an academic decision of the University follows the same procedure as for the wider student body. As with all other students, if an apprenticeship student exhausts the University procedure and remains dissatisfied with the outcome they are entitled to request a review by the Office of the Independent Adjudicator for Higher Education (OIA). Additionally, apprenticeship students may also be able to refer their case to the Complaints Team of the Education and Skills Funding Agency (ESFA) for investigation complaints.esfa@education.gov.uk; prior to presenting a complaint to the SFA we would recommend that students discuss their concerns with the Apprenticeship helpline for guidance on whether this an appropriate action (Telephone: 0800 015 0400; email: nationalhelpdesk@apprenticeships.gov.uk).

Third Party appeals

Appeals made by third parties on behalf of a student will only be accepted if the student has given their written permission that the third party may act on their behalf. This includes Members of Parliament, legal advisers and family members. If you already have an advocacy agreement in place this is acceptable permission. Alternatively, a Letter of Authority template can be found on the Student Complaints and Appeals Website.

Group Appeals

The University does not accept group appeals of academic decisions. Each student who wishes to appeal an academic decision must submit their appeal individually.

Appeals against multiple decisions

If your appeal concerns more than one academic decision, each decision will be considered as a separate appeal under the relevant section of this procedure and you will normally receive a separate response to each.

B. The General Academic Appeals Procedure

This section of the Academic Appeals Procedure applies to academic decisions concerning:

- entry requirements (excluding entry to work based nursing or social work programmes), registration and enrolment;
- reasonable adjustments for teaching and assessment of students with disabilities;
- the application of progression rules and study order;

- academic misconduct (plagiarism);
- the discretionary postponement of an examination or end of module assessment;
- the extension of time limits for assessment or examination, including the late submission of special circumstances;
- the award of aegrotat credit;
- the exceptional award of a qualification;
- registration for a research degree or for a particular research degree;
- the termination of registration for a research degree;
- refusal of permission to submit a thesis for examination;
- any other academic decision not referred to in sections C to F below.

Decisions about assignment marks, module results, the result of an examination for a research degree, entry to work based nursing and social work programmes or suitability or fitness to practise in nursing or social work are covered in sections C to F below.

The stages in the General Academic Appeals Procedure

Stage 1 Querying the decision

If you have grounds to believe that an academic decision relating to your admission, assessment, progression or award is wrong, you should notify the University as soon as possible. The details of who you should contact will have been given to you in the notification of the decision.

You cannot query an academic decision simply because you do not agree with it; you must make a case, with evidence to support it, that the decision was not made in accordance with the relevant University policies, procedures or regulations.

1. You should [start your complaint here](#) in order to ensure that you are put in touch with the right area of the university. You can submit an online form, or contact telephone numbers are also provided if you prefer to raise your concern over the telephone. You should contact the person or area of the University who made the decision and set out the reason(s) why you believe the decision was not the correct decision, providing evidence where appropriate. You must contact the University within 28 days of the decision. If your query is received more than 28 days after the decision, it will be considered as out of time unless there are exceptional circumstances for extending the time limit.
2. If the member of staff receiving your query is unable to offer you an outcome within three working days of the receipt of your query, they will advise you what action they are going to take, when you should expect to receive a response and by what means.
3. Within 10 working days of receipt of your query you will be issued with an *Outcome Letter* which will contain a full response to your query or concern and a reference number. Until you are in receipt of that reference number you will be unable to escalate your query to the formal appeal stage.

4. If the *Outcome Letter* is not issued within the 10 working day time limit, and you have not received an explanation for the delay, you should contact the Student Casework Office to discuss escalation of the query to the formal appeal stage.

Stage 2 Making a formal academic appeal

If you consider that the decision in the *Outcome Letter* you have received has not been reviewed in accordance with the relevant University policies, procedures and regulations, or if you have not received an outcome letter within the time limit (or extended time limit) you may invoke the Appeal Stage of the Academic Appeals Procedure.

1. To do this you must:

- a) Write to the Student Casework Office, or [complete the online form](#) within 28 days of the date of the *Outcome Letter*
- b) Explain why the outcome to your query has not resolved the issue.
- c) Set out one or more of the following grounds on which you believe the University should review its decision:
 - that relevant evidence has not been taken into account;
 - that irrelevant evidence was taken into account;
 - that any relevant University regulations, policies or procedures have not been applied correctly;
 - that the reasons for the decision were not clearly communicated to you;
 - that there was bias, or the likelihood of bias in making the decision;
 - that the decision was made by a person or body without the necessary responsibility or authority;
 - that the procedure followed was not fair or adequate;
 - that the decision was not one which, in all the circumstances, it was reasonable for the University to have made.
- d) Submit any new or additional evidence which has not previously been submitted in support of your appeal.
- e) Quote the reference number provided in the *Outcome Letter* or show that the time limit (or extended time limit) for a response has passed.

Failure to meet these requirements will result in your appeal not being accepted.

2. The Student Casework Office will acknowledge receipt of your appeal within three working days. You will be advised whether your appeal meets the requirements in paragraph (a) above and has been accepted, and if not, why it has not. If your appeal has not been accepted, you will be given a further opportunity to resubmit your appeal within 28 days of the decision letter or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
3. If your appeal is accepted you will be advised to which *Delegated Academic Authority* it has been referred and when a full response can be expected. In most cases this should

be no more than 10 working days from the date of the acknowledgement; however you will be advised if a time extension is required and the reasons why.

4. The *Delegated Academic Authority* will investigate your appeal. They will take into account your grounds for appeal and any evidence you have submitted in support of your appeal, review your student record and refer to University policies, procedures and regulations as appropriate.
5. Once your appeal has been fully investigated you will be sent a *Decision Letter*. The *Decision Letter* will set out the grounds of your appeal, a timeline of events (where relevant), details of the information or evidence which was taken into consideration, and the outcome of the appeal.
 - a) If your appeal is not upheld you will be informed of the reasons for its rejection.
 - b) If your appeal is upheld, or partly upheld, you will be informed of the actions being taken to implement the decision and, where appropriate, what the University will do to prevent a recurrence of an incorrect decision in the future.
6. In the event of an appeal being upheld or partly upheld the *Delegated Academic Authority* may also make recommendations in respect of quality assurance procedures or policies. These recommendations will be reported to you, for information, to any relevant areas of the University and to the Student Casework Office to ensure their implementation.

Stage 3 Requesting a formal Review

The *Delegated Academic Authorities* are the University's final authority in relation to academic appeals. You cannot request a review of a decision of a *Delegated Academic Authority* simply because you disagree with their decision. In order to request a review by the *Senate Academic Appeals Review Panel* you must make a case, with evidence to support it, that the University has made a procedural error in making that decision under one or more of the grounds set out in paragraph 2.2 of section G below. Where new evidence is introduced at the Review stage, you should explain why this could not have been provided earlier in the process to allow for consideration by the Delegated Academic Authority.

Please see section G below for further details of how you may request a review.

C. Appeals against an assignment mark

Introduction

We hope that you will understand and agree with the scores you are given for your assignments. You are welcome to ask your tutor for clarification if you don't understand or to query the score when you think that it is wrong.

Tutor Marked Assignments (TMAs) rarely have "right" or "wrong" answers and marking them fairly depends on your tutor exercising his or her academic judgement, taking into account the marking guidance, to determine how well you have answered the question set.

The marking of assignments is closely monitored by the University using statistical analysis to ensure fairness between all the different tutors for a module and by qualitative monitoring of a sample of work looking at the marking and feedback. Where appropriate these processes may result in the marks for some TMAs being adjusted or 'moderated' by the

Examination and Assessment Board to ensure that all students are marked fairly and consistently.

If you feel, however, that your tutor has made a mistake in marking your TMA or given you a score that is not a reasonable reflection of the standard of work you have submitted, you may submit a query or appeal by following the procedure set out below.

There are three stages to the procedure:

Stage 1

An informal *query*, in which you ask your tutor to review some aspect of the marking;

Stage 2

A formal *appeal*, in which you ask for a second opinion on the marking as a whole. You must always raise your concern as a query before you can proceed to an appeal.

Stage 3

A formal review by the Senate Academic Appeals Review Panel.

Whatever the outcome, making a query or appeal will not be held against you. You should, however, be aware that the outcome of a query or appeal may mean that you are awarded a lower score for the assignment if that is a reasonable reflection of the standard of work you have submitted.

Continuing your Studies

It is in your own interests to raise queries and appeals promptly and we in turn will endeavour to deal with them efficiently to have minimum impact on your studies. While a query or appeal is pending you should continue with your studies and with any assessment; a pending query or appeal is not acceptable grounds for late submission of a subsequent assignment. If you believe that an error in marking affected subsequent assessment, you can raise this through the Special Circumstances procedure so that it is taken into account when the module result is determined.

Grounds for Query or Appeal

You may query or appeal the score given for any TMA on either or both of two grounds, which must be specified when you make a query:

- **Administrative:** If you believe that the marker has omitted to mark some of your submission, or has wrongly added the marks awarded when calculating the total score.
- **Academic:** If you believe that the score awarded does not reasonably reflect the academic merit of the work you submitted.

A TMA marking query or appeal is limited to a consideration of the accuracy or reasonableness of the score awarded for the work that you have submitted when assessed against the marking scheme for that TMA. Consequences beyond the score for the TMA in question – for example effects on your module result – cannot be considered.

If you believe that the standard of the work you were able to submit was adversely affected by other factors outside your control, such as illness, you should use the Special Circumstances process, details of which are set out in your Assessment Handbook.

Stage 1: Query your score with the marker

If you think that there is an administrative error in the mark given for a TMA or that it does not reasonably reflect the academic merit of the work you submitted, you should first contact the marker (normally your tutor) directly, as soon as possible and within 14 days of a marked eTMA being available for download, or a marked paper TMA arriving by post. You should state:

- a) where you believe the administrative error has been made; and/or
- b) the grounds on which you believe that the mark is not reasonable.

The marker will consider your query on the basis of the grounds you have given.

Any reconsideration of your TMA by the marker will be based solely on the text and other content of the TMA as originally submitted. You cannot use a query to submit further material for assessment or to supplement any information, explanation or analysis included in your original TMA.

If an administrative error is found, (faulty addition or missing marks, for example) the error will be corrected in full, an amended score will be recorded and new feedback given if necessary. If the marker agrees that the original marking did not reasonably reflect the standard of your work, an amended score will be recorded and new feedback given if necessary. If the marker decides that the original score should stand, s/he will explain this decision to you.

You should receive the marker's decision in writing within 10 working days of the date on which you submitted your query.

If your tutor has changed since the mark was awarded, or is otherwise unavailable (for example through illness) then you should contact your Student Support Team, who will be able to arrange an alternative marker to deal with your query. The time limit for dealing with your query will be 10 working days from the date it is passed to the alternative marker.

Our aim is to resolve most concerns informally at this stage.

Stage 2: Appeal to the Delegated Academic Authority

1. If you have queried your score and, following receipt of the marker's decision on your query, you are not satisfied that an administrative error has been corrected or that the score given does not reasonably reflect the academic merit of the work you submitted then you may appeal your TMA score to the Delegated Academic Authority, who will be a member of academic staff with supervisory responsibility for the module you are studying.
2. To make a Stage 2 appeal you should write to the Student Casework Office or [complete the online form](#) within 28 days of receiving the marker's decision on your query, including:
 - a) The module code and the number of the TMA which your appeal relates to;

- b) Copies of the correspondence with the marker at the query stage, including the grounds for your query and the marker's decision following your query; and
- c) An explanation of why you believe your grounds for query were not fully or appropriately considered.
- d) Copies of the correspondence with the marker at the query stage, including the grounds for your query and the marker's decision following your query; and

Please note that you cannot introduce new grounds for appeal at this stage; the original marker must have had the chance to respond to all the concerns you raise.

- 3. The Student Casework Office will acknowledge receipt of your appeal within three working days. You will be advised whether your appeal meets the requirements in paragraph (2) above and has been accepted, and if not, why it has not. If your appeal has not been accepted, you will be given a further opportunity to resubmit your appeal within 10 working days of the acknowledgement of your request by the Student Casework Office.
- 4. If your appeal is accepted you will be advised to which Delegated Academic Authority it has been referred and when a full response can be expected. In most cases this should be no more than 10 working days from the date of the acknowledgement; however you will be advised if a time extension is required and the reasons why.

When the Delegated Academic Authority receives your appeal s/he will proceed as follows:

If your appeal is on administrative grounds, the Delegated Academic Authority or their nominee will examine your marked assignment to check that the first marker has given credit for all work submitted. If a section has been missed, a mark will be given for that section, but no other marking will be carried out. The Delegated Academic Authority will arrange for the new score to be recorded and inform you of the result.

If your appeal is on academic grounds, the Delegated Academic Authority will obtain an informed second opinion on the work you submitted. The method used will normally be a review of the original marking unless the Delegated Academic Authority considers that another method, such as blind second marking, will give a fairer result. If the second opinion confirms that your original score fell within a reasonable range, that score will remain unchanged. If the Delegated Academic Authority and second opinion agree that your original score was not within a reasonable range, they will jointly agree a revised score to be recorded.

If your appeal is on both academic and administrative grounds, both the above processes will be followed. Administrative issues will be considered first and resolved before academic reconsideration. Any administrative errors will be corrected in full, but a change on academic grounds will only be made where the original score was not within a reasonable range.

When your appeal has been determined, the Delegated Academic Authority will write to you with details of the outcome.

Stage 3 Requesting a formal Review

The Delegated Academic Authorities are the University's final authority in relation to academic appeals. You cannot request a review of a decision of a Delegated Academic Authority simply because you disagree with their decision. In order to request a review by the Senate Academic Appeals Review Panel, you must make a case, with evidence to support it, that the University has made a procedural error in making that decision under one or more of the grounds set out in paragraph 2.2 of section G below. Where new evidence is introduced at the Review stage, you should explain why this could not have been provided earlier in the process to allow for consideration by the Delegated Academic Authority.

Please see section G below for further details of how you may request a review.

D. Appeals against a module result

1. A module result is approved on behalf of the Senate by the Module Results Approval and Qualifications Classification Panel (MRAQCP) on the recommendation of an Examination and Assessment Board (EAB).
2. There is no appeal against a recommendation of an EAB other than a referral to the Senate Academic Appeals Review Panel (SAARP) as set out in Section G below.

Please note: You cannot appeal against a module result simply because you disagree with the academic judgement, because you are disappointed with the result or because of consequences that a lower than hoped for result may have. You must make a case, with evidence to support it, that the University has made a procedural error in reaching that result under one or more of the grounds set out in paragraph 2.2 of section G below.

If you are not sure whether you have grounds for an appeal you may, in some circumstances, ask the University to carry out a Module Result Check. Details of how to do this and the time limits for making a request are set out in your Assessment Handbook.

E. Appeals against the result of an examination for a research degree

1. The result of an examination for a research degree is approved on behalf of the Senate by the Research Degrees Examination Result Approval Committee (RDRAC).
2. There is no appeal against a decision of RDRAC other than a referral to the Senate Academic Appeals Review Panel (SAARP) as set out in Section G below .

Please note: You cannot appeal against an examination result simply because you disagree with the academic judgement, because you are disappointed with the result or because of consequences that a lower than hoped for result may have. You must make a case, with evidence to support it, that the University has made a procedural error in reaching that result on one or more of the grounds set out in paragraph 2.2 of section G below.

If, as the result of an appeal, there is a re-examination of your thesis and the result of the re-examination is less favourable to you than that of the first examination, the result of the first examination will stand subject to the original corrections, amendments or revisions.

F. Appeals against a decision of a Selection Panel or a Fitness to Practise Panel (Professional Nursing and Social Work Programmes only)

There is no appeal against a decision of a Selection Panel or of a Fitness to Practise Panel other than an appeal to the Senate Academic Appeals Review Panel (SAARP) as set out in Section G below.

Please note: You cannot appeal against the decision of a Selection Panel or a Fitness to Practise Panel simply because you disagree with that decision. You must make a case, with evidence to support it, that the University has made a procedural error on one or more of the grounds set out in paragraph 2.2 of section G below. Where new evidence is introduced at the Review stage, you should explain why this could not have been provided earlier in the process to allow for consideration by the Selection Panel or Fitness to Practise Panel.

G. Academic Appeals Review Procedure

1. Requesting a review by the Senate Academic Appeals Review Panel
 - 1.1. You have the right to request a review by the Senate Academic Appeals Review Panel (the Panel) of:
 - a decision of a Delegated Academic Authority which has been made following a formal academic appeal under section B or C of this procedure;
 - a refusal by a Delegated Academic Authority to consider a formal academic appeal which is admissible under section B or C of this procedure;
 - a recommendation of an Examination and Assessment Board (EAB) made under section D of this procedure;

- a decision of the Research Degrees Examination Result Approval Committee (RDERAC) made under section E of this procedure;
- a decision of a Selection Panel or a Fitness to Practise Panel made under section F of this procedure;

and there is evidence in support of a claim that one or more of the admissible grounds of review set out in paragraph 2.2 below applies to that decision.

1.2. A request for review is not admissible solely on the ground that there is disagreement or dissatisfaction with an academic judgement or with the finding of a Delegated Academic Authority on appeal, except where no other right of appeal exists and that judgement has been made by a single academic expert and was not subject to any process of verification, moderation or ratification by an authorised academic body of the University.

1.3. You may not request a further review of any appeal decision on a matter that has previously been subject to review by the Panel. If you remain dissatisfied that a decision has not been made in accordance with the rules and procedures of the University you may refer the matter to the Office of the Independent Adjudicator for Higher Education (OIA), as set out in the Completion of Procedures Letter.

2. How to request a review

2.1. Once you have received the decision letter informing you of:

- a decision of a Delegated Academic Authority which has been made following a formal academic appeal under this procedure; or
- a refusal by a Delegated Academic Authority to consider an academic appeal which is admissible under this procedure; or
- a module result; or
- the result of an examination for a research degree; or
- a decision of a Selection Panel or a Fitness to Practise Panel;

and you consider that the decision has not been made in accordance with the relevant University policies, procedures and regulations you may request a review under this procedure.

2.2. To do this you must:

- Write to the Secretary to the Panel, within 28 days of the date of the decision letter; and
- Explain why you consider that the decision has not been made in accordance with the relevant University policies, procedures and regulations ; and
- Set out one or more of the following grounds on which you believe the University should review its decision:
 - that relevant evidence has not been taken into account; or
 - that irrelevant evidence was taken into account; or

- that any relevant University regulations, policies or procedures have not been applied correctly; or
 - that the reasons for the decision were not fully and clearly communicated to you; or
 - that there was bias, or the likelihood of bias in making the decision; or
 - that the decision was made by a person or body without the necessary responsibility or authority; or
 - that the procedure followed was not fair or adequate; or
 - that the decision was not one which, in all the circumstances, it was reasonable for the University to have made.
- Submit any evidence, or any additional evidence which has not previously been submitted, in support of your appeal. Where new evidence is introduced at the Review stage, to be eligible for further consideration you should provide a valid reason to explain why this could not have been provided earlier in the process.

Failure to meet these requirements will result in the request for review not being accepted.

- 2.3. The Student Casework Office will acknowledge the request for review within three working days of its receipt. Within 10 working days of the acknowledgement, The Secretary to the Panel will write to advise you whether or not the review request has been accepted. If the request for review is not accepted you will be advised of the reasons for that decision. You will be given a further opportunity to resubmit your request for a review within 28 days of the decision letter or 10 working days of the acknowledgement of your request by the Secretary, whichever is longer.
- 2.4. If you do not provide any or sufficient grounds for a review, your request will not be accepted and a Completion of Procedures Letter will be issued.
- 2.5. If your request for a review does meet the requirements in paragraph 2.2 above, the Secretary will convene a Panel to conduct a review. The review will be conducted in accordance with the procedure set out in Appendix 2 to this Procedure.
- 2.6. The Open University will make every reasonable effort to meet the time limits as stated in this procedure; however, for complex cases additional time may be required to ensure a thorough review of a submission. Where an exception to the standard time limit is needed you will be notified of this in writing and will be kept informed of when you can expect to receive an outcome response.

Section 5: Complaints in relation to the Open University Students Association

1. This section of the Student Complaints and Appeals Procedure is designed to comply with the provisions of the Education Act, 1994: Part II, Student Unions, clause 22(m) and (n). It is solely intended for any Open University student or group of such students who:
 - are dissatisfied in their dealings with the Open University Students Association; or
 - claim to be unfairly disadvantaged by reason of their having exercised the right not to be a member of the Open University Students Association.
2. Where a complaint is made against OUSA, references to 'staff' in Section 1 of the Student Complaints and Appeals procedure will include OUSA staff and students holding an elected office within OUSA. *[Note: This applies the standards of behaviour expected of students who are complaining towards OUSA staff and officers and of OUSA staff and officers who are the subject of or responding to complaints].*

Referring your complaint against OUSA

1. Any student or group of students should raise their complaint in the first instance under the OUSA General Complaints Procedures.
2. When the final stage of the OUSA General Complaints Procedure has been completed you will be sent a *Completion of OUSA Procedures* letter setting out the final decision of OUSA and the reasons for that decision.
3. A complaint against OUSA may only be referred to the University for review after the OUSA General Complaints Procedures have been completed if the complaint relates to one or more of the following matters:
 - OUSA has not followed its own procedures
 - OUSA has not acted within its agreed policies
 - OUSA has acted against the law, or
 - you have been disadvantaged by not being a member of OUSA.

and if one or more of the grounds for referral set out in paragraph 4 below are satisfied.

4. If, once you have received the *Completion of OUSA Procedures* letter, you do not consider that OUSA has dealt with your complaint in a reasonable manner you may invoke this procedure.

To do this you must:

- Write to the Student Casework Office, or submit a Review Form within 28 days of the date of the *Completion of OUSA Procedures* Letter
- Explain why you remain dissatisfied with the outcome to your complaint.
- Set out one or more of the following grounds on which you believe the University should review the decision of OUSA:
 - that relevant evidence has not been taken into account; or

- that irrelevant evidence was taken into account; or
 - that any relevant OUSA regulations, policies or procedures have not been applied correctly; or
 - that the reasons for the decision were not fully and clearly communicated to you; or
 - that there was bias, or the likelihood of bias in making the decision; or
 - that the decision was made by a person or body without the necessary responsibility or authority; or
 - that the procedure followed was not fair or adequate; or
 - that the decision made was not one which, in all the circumstances, it was reasonable for OUSA to have made.
- Submit any new evidence which has not previously been submitted in support of your complaint.

Failure to meet these requirements will result in the request for review not being accepted.

5. The Student Casework Office will acknowledge the request for review within 3 working days of its receipt and you will be advised if the review request has been accepted. If it is not accepted you will be advised of the reasons for that decision. You will be given a further opportunity to resubmit your request for a review within 28 days of the *Completion of OUSA Procedures* letter or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
6. Where a request for a review has been accepted under paragraph 5 above, the Vice-Chancellor's Delegate will conduct a review. The review will not be a reconsideration of your complaint. The Vice-Chancellor's Delegate will look all of the matters raised in the grounds for your review and determine whether the OUSA General Complaints Procedure has been followed correctly.
7. Within 10 working days of the date of the acknowledgment letter the Vice-Chancellor's Delegate will complete a report which contains:
 - A summary of your complaint and grounds for review
 - The background to your complaint
 - A decision as to whether the OUSA decision should be set aside, set aside in part, or confirmed. An explanation of the reasons for the decision
 - Recommendations for resolution where appropriate

A copy of the Vice-Chancellor's *Delegate* report will be sent to you, to OUSA and to the Director, Students.

8. If the decision of the Vice-Chancellor's Delegate is to set aside the decision of OUSA, in whole or in part, the complaint will be referred back to OUSA with recommendations for reconsideration of the complaint. OUSA will correspond directly with you within 10 working days of the referral as to how they intend to implement the recommendations in the Vice-Chancellor's Delegate report. A copy of the OUSA correspondence will be sent to the Student Casework Office and, within 28 working days of the letter being received in SCO, a *Completion of Procedures* letter will be sent (see below).
- If the OUSA decision is confirmed following the review, a *Completion of Procedures* letter will be sent to you with the Vice-Chancellor's Delegate report.
 - In the event of a complaint being upheld or partly upheld, the Director, Students may also make recommendations to the Council in respect of quality assurance procedures or policies. These recommendations will be reported to you for information and to OUSA.
9. The Open University will make every reasonable effort to meet the time limits as stated in this procedure; however, for complex cases additional time may be required to ensure a thorough review of a submission. Where an exception to the standard time limit is needed you will be notified of this in writing and will be kept informed of when you can expect to receive an outcome response.

Completion of Procedures

The Vice-Chancellor's Delegate is appointed by the Council of the Open University to act as an independent person to investigate and report on complaints against OUSA under section 22(m) of the Education Act 1994 and is the final authority in respect of such complaints. Once you have exhausted the University's Student Complaints Procedure, if you remain dissatisfied with this decision, you may refer your complaint to the Office of the Independent Adjudicator for Higher Education (OIA) to apply for an independent review of the handling of your complaint. Contact details for the OIA (including details of their website) can be found on the Useful Contact list on the Student Casework Office website. The procedures for referring your case to the OIA will be enclosed with the Vice-Chancellor's Delegate report.

Student Complaints and Appeals Procedure

Summary of changes

October 2015

Revised Section 4: New Student Academic Appeals Procedure; Approved by Senate September 2015, for studies commencing after 1st October 2015.

October 2016

Revised Sections 1, 2, 3 & 4 to include reference to apprenticeship (England) students.

Revised Sections 2, 3 & 4 to extend the eligibility check for a review from three to ten working days.

Revised Sections 2, 3 & 4: to include, at the Review stage, the requirement for a valid explanation of why new evidence, or a new element of complaint, was not presented at an earlier stage of the process.

November 2016

Revised Sections 2, 3 & 4 to include a hyperlink to the online form.

Removed links to information which no longer exists.

April 2018

Inclusion of reference to submission of complaints and appeals in the medium of Welsh.

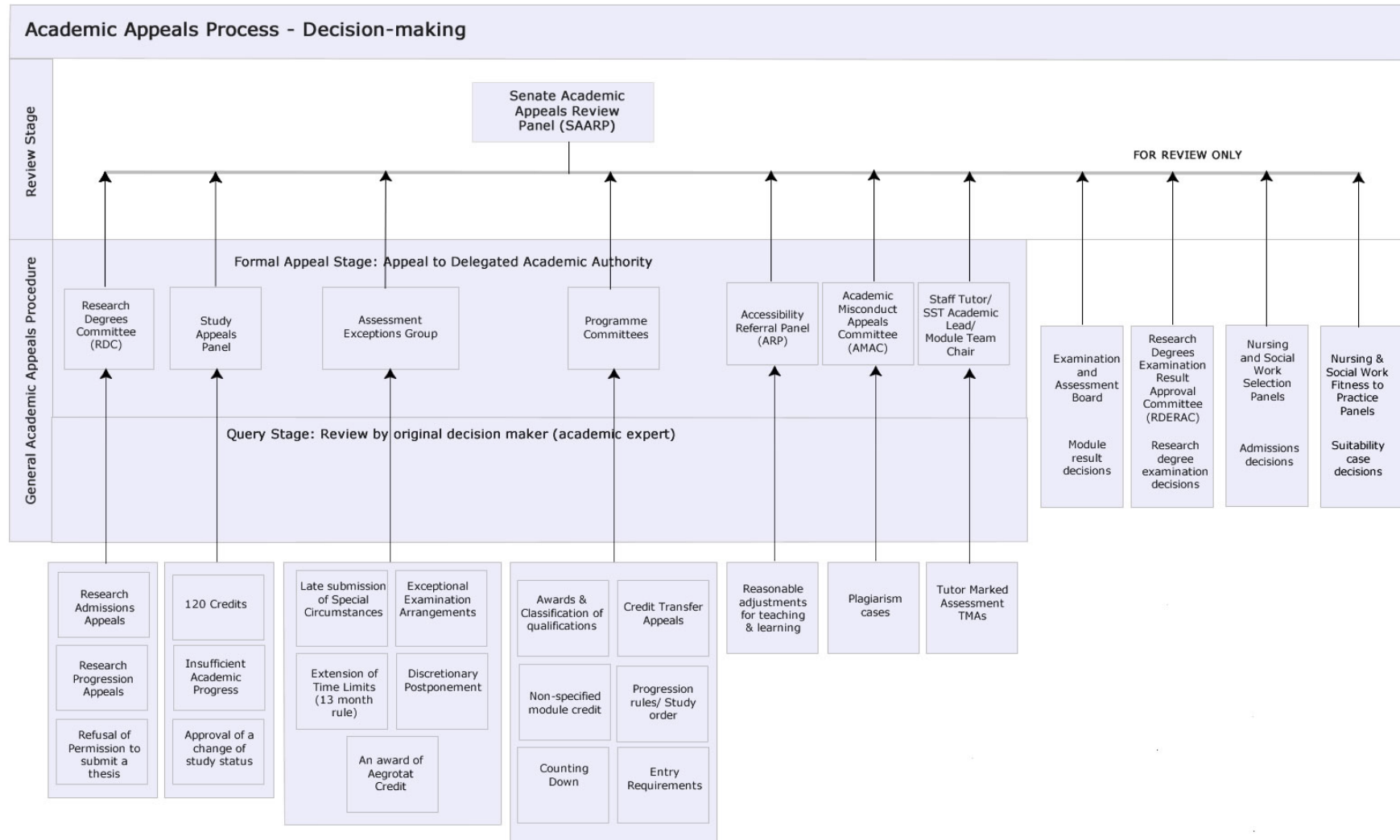
Revision to the Confidentiality information in accordance with the General Data Protection Regulations.

Added information regarding the Data Retention schedule.

Inclusion of additional paragraph to all sections referring to apprenticeships and amended contact details therein.

Appendix 1 (of the Student Academic Appeals Procedures)

Delegated Academic Authorities



Appendix 2 (of the Student Academic Appeals Procedures)

Procedure for the conduct of a review by the Senate Academic Appeals Review Panel

Consideration of a review without a hearing

- 1.1. If it has been confirmed to you that your Review case has met the requirements for further consideration and you have submitted new evidence which has not previously been considered by the Delegate Academic Authority, the Secretary to the Panel will forward that evidence to that authority together with a request that, within 10 working days of the request, they review their original decision, taking into account the new evidence. The academic authority may confirm or amend their original decision, giving reasons for their decision and which will be given to you in writing by the Secretary.
 - If the academic authority confirms its decision, your request for a review will proceed as set out below unless you inform the Secretary that you wish to withdraw it.
 - If the academic authority amends its decision so as to satisfy in full the resolution you are seeking, your review will not be proceeded with.
 - If the academic authority amends its decision in any other way, you will be given the option to accept that amended decision or to proceed to a hearing of your review.
- 1.2. If, at any time before the hearing takes place, the Chair of the Panel is satisfied that sufficient grounds are shown that the decision of an academic authority should be set aside without a hearing and if both the academic authority and the student consent to the matter being concluded in that manner the Chair shall have the authority to set aside that decision and to refer it back to the academic authority under paragraph 4.7 below.
- 1.3. If, at any time before the hearing, you decide that you do not wish to proceed with the review, you should notify the Secretary to the Panel as soon as possible.

Preparing for the hearing of a review

- 2.1 Unless paragraph 1.2 above applies, a meeting of the Senate Academic Appeals Review Panel will be convened by the Secretary as soon as practicable and wherever possible within 28 days of the date of receipt of an admissible request for a review. The Secretary will endeavour to arrange a date for the hearing that is convenient for you. If the Secretary has not been able to arrange a date that is convenient for you within three months of the date of the request, the Panel may meet at its convenience and decide the case in your absence.
- 2.2 The Secretary of the Panel will prepare a report for the Panel on the decision which is being reviewed and the matters raised in the grounds for the review and which may include recommendations for the conduct of the review and advice relating to any decision which the Panel may make.
- 2.3 The Secretary of the Panel will notify you in writing of the date of the hearing, giving notice of your right to present your side of the case and to call witnesses, and

informing you when you can expect to receive the following (not less than 10 working days before the date of the hearing):

- a) the record of the decision of the academic authority prepared by its secretary and approved by its chair;
- b) the written statement setting out your grounds for appeal;
- c) any evidence provided by you in support of your appeal;
- d) a copy of the investigation report prepared by the Secretary, including any recommendations or advice arising from that report;
- e) copies of the documents that will be presented to the Panel by the University; and
- f) a list of any witnesses or expert advisers that the University expects to call and a summary of the evidence that they will present.

2.4 You will send to the secretary of the Panel not less than 10 working days before the scheduled date of the appeal hearing:

- a) the names of any relevant witnesses you wish to call together with a summary of the evidence they will present; and
- b) b. the names of a nominated friend, adviser or representative (if any) you may wish to attend.

2.5 If, in the opinion of the Chair, you propose to call any witness who is intending to give evidence which is not relevant to any issue raised in your request for review and grounds for review, the Secretary will notify you in writing before the hearing that the proposed witness may not be permitted to give evidence at the hearing or that the evidence to be given by the witness may be limited to those facts which are relevant to the matters to be considered in the review.

At the hearing

3.1 The review will not be a reconsideration of your appeal. The Panel will look at whether the appeals process has been followed correctly and all of the matters raised in your of appeal have been considered; including the extent to which

- relevant evidence has not been taken into account; or
- irrelevant evidence was taken into account; or
- any relevant University regulations, policies or procedures have been applied correctly; or
- the reasons for the decision have not been fully and clearly communicated to you; or
- if there was bias, or the likelihood of bias in making the decision; or
- the decision was made by a person or body without the necessary responsibility or authority; or
- the procedure followed was not fair or adequate; or
- that the decision was one which, in all the circumstances, it was not reasonable for the University to have made.

- 3.2 You have the right to attend the hearing accompanied by any person you have nominated under paragraph 2.4 above.
- 3.3 Subject to prior agreement, attendance at hearings by students and nominated friends, advisers or representatives may be in person and/or by telephone and/or by any reasonable electronic medium and/or they may present written testimony. If you decide not to attend, the hearing may take place in your absence or with only your nominated friend, adviser or representative attending.
- 3.4 You or your nominated friend, adviser or representative will be given the chance to present your case at the hearing in person and/or by any of the means listed in paragraph 3.3, subject to prior agreement. You (but, unless permission has been given by you, not your nominated friend, adviser or representative) may be asked questions by the Committee.
- 3.5 Both you and the Panel have the right to question any witness or expert adviser called.
- 3.6 The Panel may set time limits on verbal statements and on the time spent questioning any witnesses.
- 3.7 You are responsible for ensuring the attendance and conduct of any witness called on your behalf. The Chair of the Panel will have the right to exclude any witness, friend, adviser or representative whose conduct is disruptive or whose evidence is not material to the matters under consideration.
- 3.8 The Panel may also ask for, or take account of, any other evidence that has emerged since the first hearing of the case or that the Panel considers to be relevant to the review.
- 3.9 The Panel may postpone the hearing to another date if it decides that this is necessary in order to ensure that you receive a fair hearing, including for the purpose of carrying out further investigations and receiving further evidence. The hearing must be reconvened as soon as practicable and, in any event, within 28 days of the adjourned hearing.

Decisions of the Panel

- 4.1 If you and/or any nominated friend, adviser or representative are present at the hearing, you and they and any witness or adviser present must withdraw while the Committee decides the outcome of the review.
- 4.2 The Panel must take into account any advice given by the Secretary and may make one or more of the following decisions:
 - a) to set aside (in whole or in part) or confirm the original finding; and/or
 - b) in the case of an appeal against a decision concerning academic and/or research misconduct, to set aside (in whole or in part) or confirm any penalty applied; and/or
 - c) dismiss the appeal, in whole or in part;
- 4.3 The decision of the Panel is by a simple majority. If there are equal votes the decision will be made in your favour.

- 4.4 The Panel members must reach their decision on the basis of whether they are satisfied on the balance of probabilities that all or any of the grounds of appeal set out in your request for review have been wholly or partly established by the evidence available.
- 4.5 If the Panel members are so satisfied they must further consider whether those grounds cast sufficient doubt on the decision which is being appealed as to make it one which it would be unreasonable for the University to rely on. The panel may, therefore, determine that the original decision may be confirmed in whole or in part notwithstanding that grounds for appeal have been established if, in their opinion, those matters would not have made a material difference to the decision of the Delegated Academic Authority.
- 4.6 You will be informed of the Panel's decision in writing within 10 days of the hearing, giving full details of the reasons for the decision, including
- A summary of your appeal and reasons for review;
 - The background of your appeal;
 - A decision as to whether the appeal should be upheld, partly upheld, or not upheld.
 - An explanation for the reasons for the decision; and
 - Recommendations for resolution where appropriate
- 4.7 If the decision of the panel is that the decision should be set aside in whole or in part the appeal will be referred back to the Delegated Academic Authority together with the reasons for the decision and, where appropriate, any recommendations for the further consideration of the appeal.
- 4.8 Within 10 working days of the referral, the Delegated Academic Authority must reconsider the appeal in accordance with the formal academic appeal stage of the relevant section of this this procedure taking into account the findings of the review. The decision of an academic authority following a review by the Panel will be final.

Completion of Procedures

- 5.1 The Delegated Academic Authorities are the University's final authority in relation to academic appeals. Once you have exhausted the University's review process, if you remain dissatisfied with this decision, you may refer your appeal to the Office of the Independent Adjudicator for Higher Education ([OIA](#)) to apply for an independent review of the handling of your appeal. Contact details for the OIA (including details of their website) can be found on the Useful Contact list on the Student Casework Office website.
- 5.2 A completion of procedures letter will be sent to you in the following circumstances:
- If your request for a review is not accepted you may ask for a completion of procedure letter within 28 days of that decision. The letter will be provided to you within 28 days of that request.
 - If the decision of a Delegated Academic Authority is confirmed following a review, the completion of procedures letter will be sent to you with the decision of the SAARP.

- If the decision of a Delegated Academic Authority is set aside following a review, the completion of procedures letter will be sent to you within 28 days of notification of the decision of the reconvened appeal.