



CODE OF PRACTICE ON ASSESSMENT

APPENDIX F

GUIDELINES FOR STAFF: SECTION ONE APPEALS

2023-24

Please note that this document is for guidance purposes only and the University's formal policy, arrangements and procedures are contained in the document

**Code of Practice on Assessment Appendix F – Assessment Appeals
Procedure for Undergraduate and Taught Postgraduate Programmes**

which takes precedence over these Guidelines.

In the Code of Practice on Assessment and all Appendices the term “student” includes apprentices on degree apprenticeship programmes

STUDENTS' CONSULTATION WITH CHAIRS OF BOARDS OF EXAMINERS

Student consultation before making an appeal

Experience suggests that often students who are considering making an appeal are simply unclear about how their marks have been derived and about the Regulations or Codes of Practice under which the Examiners have to operate. For example, students may not understand the existence of double marking or moderation and may be asking for their work to be remarked or may be querying whether an extenuating circumstances claim was taken into account. It may also be the case that a clear administrative error is identified and this can then be put right quickly and efficiently, without requiring the student to go through the motions of making an appeal.

Before submitting an appeal, students are therefore required to discuss their concerns with the appropriate Chair of the Board of Examiners or their nominee. The Chair of the Board of Examiners may nominate an academic colleague to act on their behalf in this consultation (e.g. programme director, assessment officer) but this should usually be someone who has a good knowledge of the relevant sections of the Code of Practice on Assessment and was in attendance at the Board of Examiners.

The role of the Chair or their nominee is not to tell the student whether they should appeal or not but simply to explain procedures. The Chair or their nominee may advise a student that a particular concern they raise is unlikely to constitute valid grounds for appeal (students cannot, for example, appeal if they are simply questioning the academic judgement of the Examiners or wishing to raise something which has already been taken into consideration by the Examiners) but must be careful to make it clear that it is the student's right to make such an appeal if they wish to. It is also advisable for the Chair or their nominee to remind the student that they may seek independent advice and guidance from the Liverpool Guild of Students' Advisory Service (guildadv@liverpool.ac.uk).

TIMESCALES

It is intended that the full procedures under Section One, including any further appeal, will be completed within no more than 90 days of the student's submission of the appeal, except in circumstances where matters need to be referred to a full scheduled Board of Examiners' meeting and this cannot be held within that timeframe. In order to keep to this 90 day maximum, indicative timescales are given in the guidance below. There is scope for flexibility within these, provided the overall timescale for completion of each stage is adhered to, unless there is good reason (communicated to the student) why a longer period is required.

INITIAL CONSIDERATION OF THE CASE

Receipt of an appeal

A student studying on the Liverpool campus is required to submit the Appeal Form accompanied by supporting evidence to the designated Secretary of the Board of Examiners. For other students studying off-campus, the student should submit the Appeal Form accompanied by supporting evidence as follows:

- a) For students studying online with Kaplan, to the email address appealsandcomplaints@study-online.liverpool.ac.uk
- b) In the case of other off-campus students, initially to the local Programme Leader or their nominee, who shall be responsible for forwarding the appeal and supporting evidence to the designated Secretary to the Board of Examiners.

Upon receipt of an appeal, the Secretary should send an acknowledgement to the student. It is suggested that this should be done **within three working days** and this should include an indication of when they can expect to receive an update on its progress (this should normally be **within 21 calendar days** except where it is known that, for good reason (e.g. staff leave) it may take longer. The Secretary should then forward a copy of the appeal, with their own comments on it, to the Student Conduct, Complaints & Compliance Team in Student Administration and Support (appeals@liverpool.ac.uk). A member of the Student Conduct, Complaints & Compliance Team will then discuss with the Secretary whether the student has cited valid grounds for the appeal to be investigated (i.e. the student is not simply questioning the academic judgement of the Examiners or raising an issue which has already been taken into consideration by the Examiners). If the appeal has been submitted after the deadline for appeals (normally ten working days from the date on which results have been released to the student), the Secretary and member of the Student Conduct, Complaints & Compliance Team will consider whether there is any good reason why the student may have been unable to submit it within the deadline (e.g. because of delays not of their making in being able to consult the Chair or their nominee or documented illness), in which case the appeal may still be considered. This should normally be completed **within 21 calendar days** (see above).

If the appeal is rejected, either because it is out of time, or because it is decided that the student has not cited valid grounds for it to be considered, the Secretary should write an Outcome Letter to the student, in consultation with the member of the Student Conduct, Complaints & Compliance Team. This letter should explain the reasons why the appeal has been rejected and detail the student's right to ask for a review of that decision. It is suggested that this letter should be sent to the student **within five calendar days** of the decision being taken. Once the deadline for submission of any review has passed, if there has been no such submission or if such a submission has not been successful, the Student Conduct, Complaints & Compliance Team will issue a Completion of Procedures letter to the student.

If an appeal is accepted for further investigation, it is suggested that the Secretary should inform the student **within five calendar days** of the decision being taken and, **within two calendar days** of the decision being taken, should ask the Chair of the Board of Examiners to appoint an investigator. It is suggested that this should normally be **within three calendar days** as any further delay will eat into the time available to the investigator to complete their investigation. Chairs may therefore wish to consider in advance of receipt of any appeals who is available and might be approached.

GUIDELINES ON ACADEMIC INVESTIGATIONS OF CASES

Who should conduct the investigation(s)

The investigator appointed by the Chair of the Board of Examiners should be a member of academic staff who must not have had previous involvement with marking of the module in question. Where possible, the investigator should also not have had previous involvement with approval/finalisation of the mark (i.e. should preferably not have been on the Board of Examiners). In small subject areas where this is difficult to achieve, it may be appropriate to approach a member of academic staff from another department or school to act as the investigator and advice on this can be obtained from the Student Conduct, Complaints & Compliance Team.

Timescale

The investigator is required to complete their investigation and to submit their report to the Chair of the Board of Examiners. To meet the deadlines concerned, it is suggested that this should normally be **within no more than 21 calendar days** of their appointment. This includes taking time to consult on the draft report with a member of the Student Conduct, Complaints & Compliance Team and therefore it is advisable to work to a draft deadline of 14 calendar days.

If, during the investigation, it becomes apparent that the investigation is going to take longer than 21 calendar days (e.g. because of staff absences), the investigator should immediately inform the Secretary to the Board of Examiners in order that the student and the Student Conduct, Complaints & Compliance Team can be informed of the likely length of delay and the reasons.

Conduct of the investigation

The investigator should ensure that their investigation covers all of the specified grounds of the student's appeal which the Secretary has identified as valid but should note in particular that this excludes anything which the student has cited which solely constitutes a questioning of academic judgement. Where there is uncertainty about the effect of something on the student's performance, the test to be adopted is the 'balance of probabilities' (is it more likely than not that what the student has cited could have affected their performance in the assessment?)

There are three possible outcomes which the investigator may recommend as a result of their investigation:

- Appeal upheld
- Appeal not upheld
- Appeal partially upheld e.g. if appealed on a number of grounds then one may be upheld but other grounds may not be upheld

The Investigator should consult the Student Conduct, Complaints & Compliance Team (appeals@liverpool.ac.uk) regarding the proposed recommendation before formalising the report.

Investigation report – content

The report should not be in the body of an email but on headed paper attached to an email and should include clear identification of the name of the investigator. It would normally not exceed 2 pages of A4 – one side may be appropriate - but should cover the specified grounds of the appeal and the findings, including the recommendation as to whether the appeal is upheld/not upheld/partially upheld. The minimum headings that should be included in the report are indicated on the template below.

Investigation report – process

Once the draft report has been discussed with the Student Conduct, Complaints & Compliance Team, the finalised report should be sent by the Investigator to the Chair of the Board of Examiners who will also forward a copy to the Secretary to the Board of Examiners.

CONSIDERATION OF AN INVESTIGATION REPORT

Recommendation that the appeal is not upheld

This should normally be considered for approval on Chair's action. If the Chair accepts the recommendation, it is recommended that they should take that decision **within five calendar days** and ask the Secretary to the Board of Examiners to consult with the Student Conduct, Complaints & Compliance Team to issue an Outcome Letter within no more than a further **five calendar days**. This should include the student's right to ask for a review of that decision.

If the recommendation is that the appeal should not be upheld, but this is considered to be contentious (e.g. if a complaint has been made prior to the appeal) then it may also be referred to the Board of Examiners for consideration of the implications of the decision. In this case, it is recommended that the decision to refer the recommendation should be taken **within five**

calendar days and that the Secretary to the Board of Examiners should write to the student within no more than a further **five calendar days** to inform them of this and of the timescale for consideration by the Board.

Recommendation that the appeal should be upheld or partially upheld

If the recommendation is that the appeal should be upheld/partially upheld the Chair should decide whether the matter should be referred back to the next meeting of the relevant Board of Examiners for appropriate action or whether, in the best interests of the student, they should take appropriate action on behalf of the Board. It is recommended that this decision should be taken **within five calendar days**. The decisions which can be taken by a Chair on behalf of the Board or by the Board itself are set out in paragraph 21 of Appendix F.

The Chair will instruct the Secretary to inform the student in writing if the case is to be referred to the next meeting of the Board and also the date by which the student can expect to receive notification of the Board's decision.

The Secretary will consult with the Student Conduct, Complaints & Compliance Team to issue an Outcome Letter to the students of the Chair's decision on behalf of the Board or a decision by the Board itself and it is recommended that this is sent **within five calendar days**. This letter should include the student's right to ask for a review of that decision.

REQUESTS FOR REVIEWS OF DECISIONS

Requests for reviews of a decision to reject an appeal without an investigation or against any decision taken following an investigation are handled through the Student Conduct, Complaints & Compliance Team. Where no such request is received within the stated deadlines, the case is considered closed.

FURTHER INFORMATION

For copies of the Assessment Appeals Procedure, see link to the Academic Quality and Standards Division website here:

http://www.liv.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix_F_cop_assess.pdf

For further information contact the Student Conduct, Complaints & Compliance Team in Student Administration and Support at appeals@liverpool.ac.uk

TEMPLATE FOR SECTION 1 ASSESSMENT APPEAL INVESTIGATION REPORT

Assessment Appeal under Section 1 of the Assessment Appeals Procedure
Investigation Report

I. Appeal Details

Student: (name and ID number)

Module: (name and module code)

Specific Assignment: (if specified in the appeal)

Grounds of appeal cited by student: (one or more of the four as specified in the Procedures)

Date of appeal:

Details: (brief resume)

II. Background information

Including terms of reference of the Investigator, i.e. when they were appointed and what they have been asked to review.

III. Comments

To include what material has been reviewed

IV. Recommendation of the investigation

To include conclusion i.e. grounds for decision

Either:

a. upheld

b. not upheld

c. partially upheld, and if so to specify which grounds are upheld and which are not

Name of investigator

Job description

Date

TEMPLATE LETTERS

No case for investigation: Letter issued by Secretary to Board of Examiners

Name

Address

(also sent by email to: *University email address and by post to: home address if during vacation*)

Date

Dear *Name*

Assessment Appeal

Student Number: XX

I refer to your Statement of Appeal which was submitted in respect of the resit mark awarded for module *number & title*.

As Secretary to the Board of Examiners, I have considered the case you submitted in consultation with the University's Student Conduct, Complaints & Compliance Manager and determined that the evidence presented does not meet the criteria for the grounds for appeal as defined under Stage 1 of the University's procedures for Section One Assessment Appeals.

You appealed on the grounds that XXX. However, the information provided in your Statement of Appeal indicates that your appeal is based solely on grounds which dispute the academic judgement of the module leader/examiners. *Explain reasons in relation to each point raised by appellant.*

A student may not appeal on grounds which dispute academic judgement and your appeal has therefore been rejected as you have not provided a valid case for it to be heard in accordance with one of the stated grounds for appeal as set out under Section One of the Assessment Appeals Procedures.

Stage 2: Further review

If you are dissatisfied with the outcome of Stage 1 of the Assessment Appeals procedure, you have the right to request a review of this decision. You may only request further review on one or more of the grounds specified under Paragraph 24 of the Procedure, namely:

- a) **that there was a procedural error in determining the outcome at Stage 1;**
or
- b) **that the outcome was not reasonable in all the circumstances;**
or
- c) **that there is new material evidence which you were unable, for valid reasons, to provide earlier in the process.**

Please note that you are **not** permitted to dispute the academic judgement of the Board of Examiners.

CODE OF PRACTICE ON ASSESSMENT – APPENDIX F - ANNEXE 1

Guidelines for Staff: Section One Appeals
2023-24

If you wish to submit a request for further review, you should do so in writing within 14 calendar days of the date of this letter, that is by [date]. Your request should be submitted to the Student Conduct, Complaints & Compliance Team in Student Administration and Support (appeals@liverpool.ac.uk). You should provide with your request for review all relevant documentation or other evidence which you wish to be taken into consideration, which should include:

- The completed Appeal Form
- The nature of the Appeal
- All correspondence received by or provided by you under Stage 1 of this Procedure, including a copy of this Outcome Letter
- A statement as to why you remain dissatisfied
- And, without prejudice to any formal remedy which might be determined, the remedy you are seeking.

A request for review and will be forwarded to the Secretary of a different Board of Examiners, who has had no prior involvement with your appeal, for further consideration, in accordance with the Procedures for Stage 2: Further Review.

Yours sincerely

Name

Secretary to the Board of Examiners

Case not upheld following investigation: Letter issued by Secretary to Board of Examiners

Name

Address

(also sent by email to: *University email address and by post to: home address if during vacation*)

Date

Dear *Name*

Assessment Appeal

Student Number: XX

I refer to your Statement of Appeal which was submitted in respect of the resit mark awarded for module *number & title*.

As Secretary to the Board of Examiners, I considered the case you submitted in consultation with the University's Student Conduct, Complaints & Compliance Team and determined that there was a valid case for your appeal to be considered defined under Stage 1 of the University's procedures for Section One Assessment Appeals.

Accordingly, the Chair of the Board of Examiners appointed [*name & Department / School*], to investigate the matter further. [*Name of Investigator*] submitted a report on [*date*] and a summary of the findings is provided below.

[*Summary of Investigation Report findings*]

The Chair of the Board of Examiners accepted [*Investigator*]'s findings and agreed that your appeal should not be upheld.

Stage 2: Further review

If you are dissatisfied with the outcome of Stage 1 of the Assessment Appeals procedure, you have the right to request a review of this decision. You may only request further review on one or more of the grounds specified under Paragraph 24 of the Procedure, namely:

- a) **that there was a procedural error in determining the outcome at Stage 1;**
or
- b) **that the outcome was not reasonable in all the circumstances;**
or
- c) **that there is new material evidence which you were unable, for valid reasons, to provide earlier in the process.**

Please note that you are **not** permitted to dispute the academic judgement of the Board of Examiners.

If you wish to submit a request for further review, you should do so in writing within 14 calendar days of the date of this letter, that is by [*date*]. Your request should be

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submitted to the Student Conduct, Complaints & Compliance Team in Student Administration and Support (appeals@liverpool.ac.uk). You should provide with your request for review all relevant documentation or other evidence which you wish to be taken into consideration, which should include:

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Yours sincerely

[Name]

Secretary to the Board of Examiners

cc: [Name] Chair of Board of Examiners

Case upheld following investigation: Letter issued by Secretary to Board of Examiners

Name

Address

(also sent by email to: *University email address and by post to: home address if during vacation*)

[*Date*]

Dear *Name*

Assessment Appeal

Student Number: XX

I refer to your Statement of Appeal which was submitted in respect of the resit mark awarded for module *number & title*.

As Secretary to the Board of Examiners, I considered the case you submitted in consultation with the University's Student Conduct, Complaints & Compliance Team and determined that there was a valid case for your appeal to be considered defined under Stage 1 of the University's procedures for Section One Assessment Appeals.

Accordingly, the Chair of the Board of Examiners appointed [*name & Department / School*], to investigate the matter further. [*Name of Investigator*] submitted a report on [*date*] and a summary of the findings is provided below.

[*Summary of Investigation Report findings*]

The [*Chair of the Board of Examiners acting on behalf of the Board OR the Board of Examiners at its meeting on X*] accepted [*Investigator*]'s findings and agreed that your appeal should be upheld. Accordingly [*action agreed*].

Stage 2: Further review

If you are dissatisfied with the outcome of Stage 1 of the Assessment Appeals procedure, you have the right to request a review of this decision. You may only request further review on one or more of the grounds specified under Paragraph 24 of the Procedure, namely:

- a) **that there was a procedural error in determining the outcome at Stage 1;**
or
- b) **that the outcome was not reasonable in all the circumstances;**
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A request for review and will be forwarded to the Secretary of a different Board of Examiners, who has had no prior involvement with your appeal, for further consideration, in accordance with the Procedures for Stage 2: Further Review.

Yours sincerely

[Name]

Secretary to the Board of Examiners

cc: [Name], Chair of Board of Examiners