



# CODE OF PRACTICE ON ASSESSMENT

## APPENDIX F

### GUIDELINES FOR STUDENTS: SECTION TWO APPEALS

**2021-22**

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

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**. That document takes precedence over these Guidelines and you should read it before submitting any appeal.

Further advice on procedural matters is available from [appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk) and you may also wish to consult with the Liverpool Guild of Students Advice Service ([guildadv@liverpool.ac.uk](mailto:guildadv@liverpool.ac.uk)).

## **GROUNDS FOR MAKING A SECTION TWO APPEAL**

If you have completed your programme of study (and have no further right of resit) you may appeal against the decision of a Board of Examiners with regard to a decision relating to:

- the non-award of a degree, diploma or certificate, whether that award was the final award for the course concerned or an intermediate award for the stage of the course you have just completed; or
- the classification or other mark of differentiation of a degree, diploma or certificate which has been awarded; or
- the making of a different award from that which you were attempting to qualify for at that point of the programme.

To make an appeal, you should use the procedures set out in Section Two of the Assessment Appeal Procedures (see [http://www.liv.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix\\_F\\_cop\\_assess.pdf](http://www.liv.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix_F_cop_assess.pdf)).

You may only appeal after a decision to make an award of a decision that you have reached the end of your programme but are not eligible to receive any award has been confirmed by a Final Board of Examiners and have been formally released.

You may appeal on one or more of the following specific grounds only:

- a) **that performance in the assessment was adversely affected by illness or other significant factors which, for valid reasons, you were unable to divulge before the Board of Examiners met to consider your performance;**
- b) **that there had been a material administrative error;**
- c) **that assessments were not conducted in accordance with the current regulations governing the course of study;**
- d) **that you have a complaint regarding academic provision that could not be made known prior to the meeting of the Board of Examiners and for which an academic remedy is being sought;**
- e) **that some other material irregularity has occurred<sup>1</sup>;**
- f) **that extenuating circumstances were divulged but:**
  - i. **there was a procedural error in the decision taken by an Extenuating Circumstances Committee or Board of Examiners when considering the circumstances; or**
  - ii. **the student is presenting new or additional material evidence, which, for valid reason, they were unable to provide at the time of submitting the extenuating circumstances claim.**

You may **not** appeal on any grounds which:

- a) have already been considered by the Board of Examiners and/or Extenuating Circumstances Committee; or

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<sup>1</sup> This may include a procedural error in determining a decision of copying, plagiarism, collusion, dishonest use of data, unfair or dishonest academic practice, or breach of research ethics.

- b) could have been considered, had notice of your wish to have them so considered been given prior to the meeting of the Board of Examiners and you have no valid reason for having failed to give such notice; or
- c) dispute the academic judgement of the Board of Examiners including those which simply constitute an expression of dissatisfaction with the decision that has been taken; or
- d) constitute a matter which could have been resolved under the Student Complaints Policy and Procedure (<https://www.liverpool.ac.uk/student-administration/policies-procedures/complaints/>) at the appropriate time.

If you wish to appeal against a decision that you are out of time to complete your degree or that you have made unsatisfactory progress and are not permitted any further resit attempts at failed modules then you should use the University's Progress Appeal procedures rather than the Assessment Appeals Procedure. Details of this are available at [https://www.liverpool.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix\\_E\\_cop\\_assess.pdf](https://www.liverpool.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix_E_cop_assess.pdf)

**If you indicate your intention to submit an appeal, you must NOT proceed to graduation. You cannot submit an appeal after you have graduated as you will be deemed to have accepted the award made by the Board of Examiners.**

## **CONSULTATION WITH CHAIRS OF BOARDS OF EXAMINERS**

Often students who are considering making an appeal are simply unclear about how their results have been derived and about the Regulations or Codes of Practice under which the Examiners have to operate. For example, they 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, you are therefore required to discuss your concerns with the appropriate Chair of the Board of Examiners or their nominee within ten working days of the date when your results were officially released. If you do not know who this is, please check with your School Support Office or email [appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk) stating your name, ID number and your programme of studies to ask who you should contact. Students who are studying an online programme in association with Kaplan Open Learning should consult their Student Support Team in the first instance.

The role of the Chair or their nominee is not to tell you whether you should appeal or not but simply to explain procedures. The Chair or their nominee may advise you that a particular concern you are raising 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 nevertheless, it is your right to make such an appeal if you wish to. You may also wish to seek independent advice and guidance from the Liverpool Guild of Students' Advisory Service ([guildadv@liverpool.ac.uk](mailto:guildadv@liverpool.ac.uk)).

## **SUBMISSION OF AN APPEAL**

If, after consulting with the Chair of the Board of Examiners or their representative, you wish to proceed with an appeal, you must:

1. Within ten calendar days of the formal confirmation of the result by the Board of Examiners, give notice in writing of their intention to appeal, stating the grounds for appeal. Notice should be provided on the designated pro-form which can be

accessed via <https://www.liverpool.ac.uk/student-administration/examinations-assessments-and-results/ug-and-pgt/assessment-appeals/>. This can be submitted electronically (to [appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk)) or in hardcopy.

2. Not proceed to any degree ceremony.
3. Within a further 14 days, present a full case in writing.

When you submit your appeal, the Academic Compliance Team in Student Administration and Support should send you an acknowledgement to the student **normally within two working days** and this will include the deadline by which you will need to present your full case. By this deadline, you will therefore need to provide a full written statement of your grounds for appeal, together with any supporting evidence or other documentation which you consider is relevant to your appeal.

For appeals under either ground **(a) (performance affected by illness or other significant factors)** or ground **(f) (ii) (new or additional material evidence, which, for valid reason, they were unable to provide at the time of submitting the extenuating circumstances claim)** you will need both to provide documentary evidence relating to your illness or other significant factors and to explain why you had not been able to submit these at the appropriate time through the Extenuating Circumstances procedures or, if you did submit an extenuating circumstances claim, you must explain why you consider that the decision of the Extenuating Circumstances Committee or Board of Examiners was not reasonable.

For appeals under ground **(b) (material administrative error)**, you will need to provide details, with evidence, of what administrative error you consider has occurred and how this has affected your degree classification or award made/not made.

For appeals under ground **(c) (assessments not conducted in accordance with Regulations)**, you will need to provide details, with evidence, of what breach of the regulations you consider has occurred. Details about the University's assessment procedures, including degree classification rules are available in the Code of Practice on Assessment which is available online at <https://www.liverpool.ac.uk/aqsd/academic-codes-of-practice/code-of-practice-on-assessment/>

For appeals under ground **(d) (complaint regarding academic provision)**, you will need to set out details of what your complaint is, with any applicable evidence, and explain why you consider that you could not have made a complaint about it at the time when it occurred. An appeal will not normally be accepted on any issue which you could have brought to the University's attention through the Student Complaints Policy and Procedure within one month of the event or action which you consider to have been irregular or unfair.

For appeals under ground **(e) (some other material irregularity) and/or ground (f) (i) (procedural error in the decision taken by an Extenuating Circumstances Committee or Board of Examiners)**, you will need to provide details, with evidence, of what irregularity you consider has occurred and how this has affected your performance or your degree classification.

## **CONSIDERATION OF YOUR APPEAL**

Once you have submitted your full statement of appeal, initial consideration will be given to determine whether there is a valid case for the appeal to be considered further. You should normally be informed by the Academic Compliance Team of the outcome of this initial review **within 30 calendar days** of the submission of your full statement of appeal. If it is determined that there is a valid case, you will then be informed how your appeal will be handled (including whether or not this requires a hearing by the Assessment Appeals Committee) and the timescale for this.

If it is determined that you do not have a valid case for your appeal to be considered, you will be informed of your further rights with regard to appealing that decision.

Where an appeal is upheld, the Board of Examiners will normally be asked to reconsider their previous decision. Depending on the circumstances and the grounds under which you appealed this may result in one or more of the following decisions:

- To award a different degree classification or award
- To allow you to resit affected modules at the next available opportunity

## **TIMESCALES**

The timescales set out in the Assessment Appeals Procedure, are those to which the University expects normally to be able to adhere. Completion of the full Section Two procedures (including any appeal against decisions under those procedures) shall not normally take more than 90 calendar days in total. However, it is anticipated that there may be occasions when it is not feasible for the procedures to be complete within those normal timescales and when a longer period of time, therefore, is required. These may include, but are not restricted to:

- Periods when the University is closed (e.g. Bank Holidays and the Christmas/New Year period).
- Periods when key staff are absent from the University due to work commitments,
- Scheduled or unscheduled leave, sickness or other good reason.
- Particularly complex issues of appeal.
- Issues of appeal which are related to other on-going procedures which may need to be completed before the appeal can be fully addressed (e.g. disciplinary matters, matters complaint subject to investigation under the Student Complaints Policy and Procedure, legal proceedings).
- Issues which are referred to a full scheduled meeting of a Board of Examiners, where this cannot be held within the 90 calendar days of the commencement of the appeal.

The University accepts that it may have obligations under the Equality Act to consider accepting an appeal outside the normal time limit or to make adjustments to the normal procedures where there are exceptional reasons to do so and may exercise discretion, where there is good reason, supported by evidence for late submission of an appeal. It is your responsibility to notify the Academic Compliance Team in Student Administration and Support ([appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk)) of any request in relation to this.

Exceptionally, the University may also adjust its timescales to accommodate appeals where, for good reason, decisions may need to be taken more swiftly. You should be aware, however, that it is unlikely that the University will be able to resolve Section Two appeals in time for the most immediate scheduled graduation period.

## **REQUESTS FOR REVIEWS OF DECISIONS**

Details of how to request a review of a decision to dismiss an appeal at the initial consideration stage, or a decision taken by a Board of Examiners or an Assessment Appeal Committee after further consideration of an appeal are detailed in paragraphs 69-82 of the Assessment Appeals Procedure and will be further explained to you in the outcome letter which you are sent. The University of Liverpool also subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome once you have completed any further right of appeal, you may be able to apply for a review of your appeal to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules and you will be provided with a Completion of Procedures letter when you have completed all possible appeal stages. The Completion of Procedures letter will set out details of how you can submit a request for a review to the OIA.

## **FURTHER INFORMATION**

For copies of the Assessment Appeals Procedure, see link to the Academic Quality Support Division website here: [http://www.liv.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix\\_F\\_cop\\_assess.pdf](http://www.liv.ac.uk/media/livacuk/tqsd/code-of-practice-on-assessment/appendix_F_cop_assess.pdf)

For further information contact the Academic Compliance Team in Student Administration and Support at [appeals@liverpool.ac.uk](mailto:appeals@liverpool.ac.uk) or 795 4306/5472