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## **Academic Appels Policy and Procedure**

**Metanoia Institute**

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## 1. Introduction

1.1 This Academic Appeals Policy and Procedure has been developed in accordance with the principles established by “UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals” published by the Quality Assurance Agency for Higher Education (QAA); and the “Good Practice Framework: handling student complaints and academic appeals” developed by the Office of the Independent Adjudicator (OIA).

## 2. Scope

2.1 For the purposes of this Policy, an academic appeal is defined as “a request from a student for a reconsideration of a decision made by a Module Assessment Board or Programme Assessment Board (hereafter termed ‘Assessment Board’) regarding their assessment, progression or award.”

2.2 Examples of decisions against which appeals can be made include, but are not limited to:

- results of summative assessments;
- a requirement to resit an assessment with capped marks;
- a requirement to repeat a module;
- a decision about progression to the next stage or year of a programme;
- an award classification;
- a decisions about awarding of APL;
- termination of a student’s registration on academic grounds;
- outcome of an academic misconduct procedure which informed a Board decision.

2.3 A formal appeal may only be made against a published assessment result which has been confirmed by an Assessment Board and communicated to the student by Registry.

2.4 2.4 This Policy does not apply to matters relating to teaching and learning or service provision. Students dissatisfied with these areas are able to submit a complaint under [Metanoia’s Student Complaints Policy and Procedure](#)

2.5 2.5 This Policy applies to all students who are registered on a higher education programme and those on a professional or clinical programme with marked assessment.

2.6 Former students of Metanoia Institute may submit an appeal provided they are within the timeframe for submitting a formal appeal, as set out below.

## 3. Timings

3.1 A formal appeal under Stage 2 of this Procedure must be submitted within 14 days of the Assessment Board decision being communicated to the student. Appeals may exceptionally be accepted after this deadline where the student is able to demonstrate a compelling reason why they were unable to submit an appeal at the required time.

3.2 Students are encouraged to submit an appeal at the earliest possible point. The decision of the Assessment Board will remain in place until such time as a decision about the appeal is reached.

3.3 The Institute endeavours to complete any internal consideration of an appeal within 90 calendar days.

#### **4. Disability**

4.1 The Institute will provide reasonable adjustments to students with declared disabilities, who are using this Policy and Procedure. This may include, but is not limited to:

- Extensions to deadlines;
- assistance with submitting an appeal;
- providing documentation in alternative formats.

#### **5. Stage 1: Informal resolution**

5.1 At times, students may be unsure how a particular assessment result or decision is arrived at. In the first instance, students should seek to discuss any concerns with their Module Leader or Head of Programme, who can give more extensive feedback and explain how the assessment decision was reached.

#### **6. Stage 2: Formal appeal**

6.1 A Stage 2 formal appeal must be submitted within one month of the Assessment Board result or decision being communicated to the student; and it must be submitted on the Appeals Form (to be found on Moodle at My Registry) and be accompanied by supporting evidence.

6.2 An appeal may only be made on one of the following grounds:

6.2.1 That the student had mitigating circumstances which the student was unable, to disclose for good reason at the time of the assessment, which materially impacted on the student's ability to complete the assessment or engage with the Academic Misconduct Procedure. The student must provide evidence to support both the circumstances and the reason why it was not disclosed at the relevant time.

6.2.2 That there has been an administrative error in the conduct of the assessment or the Assessment Board, which significantly impacted the outcome of the assessment or the decision by the Assessment Board. The student must provide evidence of the error.

6.2.3 That the assessment, the Academic Misconduct Procedure or the Assessment Board were not conducted in line with published regulations or policies, and that this significantly impacted the outcome of the assessment or the decision by the Assessment Board. The student must provide evidence of the assessment, Academic Misconduct Procedure or Assessment Board's deviation from the relevant regulations or policies.

6.3 Students may not challenge the **academic judgement** of markers, examiners or Panel members and appeals made on this basis will be rejected. Academic judgement is defined as any judgment that is made about a matter where only the opinion of an academic expert is sufficient.

6.4 Upon receipt of a formal appeal, the Registrar or their nominee will consider:

6.4.1 whether the appeal can be accepted for consideration under the provision of this Procedure, e.g. whether it has been submitted in time;

6.4.2 whether it meets the permitted grounds of appeal;

6.4.3 whether appropriate supporting evidence has been provided.

6.5 The student will be informed within 10 working days whether their appeal is eligible for consideration. If the appeal is deemed not eligible, this will be the end of the internal appeals process and the student will be sent a Completion of Procedures Letter (see section 8 below).

6.6 If the appeal is deemed eligible, the Registrar will convene an Appeal Panel to consider the appeal. Such a panel will consist of one Head of Programme (Chair) and two senior teaching staff such as Module Leader or Primary Tutor.

6.7 The Panel Chair should be from outside the student's programme and the other members should not be personally acquainted with the appellant or have in any way been involved with the case previously. Where possible, the members of the panel will not be part of the same programme team. A member of the Registry and Academic Services will act as Secretary to the Panel.

6.8 The Panel will be convened within 20 working days of the notification sent to the student as per point 6.5 of this Procedure.

6.9 The appellant will be given at least 10 working days' notice of the date and time of the Panel Hearing. The appellant is entitled to attend the Hearing, or submit a statement to the Panel in writing in advance of the Hearing.

6.10 We will work with the appellant to identify a suitable date and time for the hearing, so will not normally reschedule a hearing more than once at the appellants request. Appellants will be asked to provide evidence to support their rationale if they wish the hearing to be postponed for any reason.

6.11 The appellant is able to identify to the Panel witnesses relevant to the case, they should inform the Secretary to the Panel of these potential witnesses at least 6 working days in advance of the Hearing. If the appellant attends in person, they are entitled to bring a supporter. The supporter will normally be another student or staff member at Metanoia with no involvement in the case. No party may normally be accompanied by a legal practitioner.

6.12 The Panel may call any witnesses they believe to have relevant information to attend the Hearing. Witnesses will be invited by the Secretary to the Panel. Witnesses should be given 5 working days advance notice of the Hearing and they may be accompanied by a supporter.

The supporter will normally be another student or staff member at Metanoia with no involvement in the case. Witnesses will normally only appear at the Hearing to give testimony and answer questions. Witnesses cannot be compelled to attend a Hearing.

- 6.13 The format of the Hearing will be at the discretion of the Panel Chair. It will normally include an introduction outlining the proceedings, the appellant provided the opportunity to state their case and be questioned by the Panel, any witnesses will be called to provide testimony and to be questioned by the Panel. Should the appellant have any questions for witnesses, these should be directed through the Panel.
- 6.14 At the end of the Hearing, the Panel will withdraw for private discussion to decide whether the appeal is upheld or not on the balance of probability. If no unanimous decision can be reached, the Panel may come to a majority decision. The Panel may either reject or uphold the appeal.
- 6.15 The Secretary will endeavour to inform the appellant of the Hearing outcome as soon as possible and in any case no later than 5 working days after the Hearing.
- 6.16 If the Panel has upheld the appeal, it shall prepare a report for the Assessment Board, to ask them to review their original decision. This report will set out the Panel's rationale for upholding the appeal, and any recommendations the Panel may wish to make.
- 6.17 The Assessment Board will review its decision and report the outcome of this review to the appellant as soon as possible. Appellants should be aware that after review of the matter, the original decision may be re-affirmed.

## **7. Stage 3: Review**

- 7.1 If a student is dissatisfied with the outcome of their appeal under Stage 2, they are entitled to request a review of their appeal.
- 7.2 Students on programmes that are validated by Middlesex University may request a review under Stage 3 of this Policy as set out below. Alternatively, they may choose to pursue a request for review with the University, under its Appeal Regulations and Procedures. Appeals referred to Middlesex will not normally be eligible for further consideration under Metanoia's Procedure.
- 7.3 Students on programmes that are awarded by Metanoia Institute, may request a review as set out below.
- 7.4 Any request for review to the Institute must be submitted within 10 working days of the student being notified of the outcome of their appeal under Stage 2.
- 7.5 Any request for a review must be on one of the following grounds and must be accompanied by evidence:

- 7.5.1 The appeal under Stage 2 was not considered in line with this Appeals Policy and Procedure;
- 7.5.2 The appellant has new material evidence which they were unable, for valid reasons, to provide at an earlier stage;
- 7.5.3 The decision reached under Stage 2 is not reasonable or in accordance with the facts of the case.
- 7.6 Any request for review will be considered by the Registrar or their nominee, who will determine whether the request can be accepted for consideration under the provision of this Procedure, e.g. whether it has been submitted in time; whether it meets the permitted grounds of appeal; whether appropriate supporting evidence has been provided
- 7.7 The student will be informed within 10 working days whether their request for review is eligible for consideration. If the request is deemed not eligible, this will be the end of the internal process and the student will be sent a Completion of Procedures Letter (see section 8).
- 7.8 Where the request for review can be accepted, the matter will be referred to the Director of Education or their nominated Associate Director for Education for consideration.
- 7.9 The Director will review the case within 15 working days and may reach one of the following decisions:
- 7.9.1 the original decision of the Appeal Panel should stand
- 7.9.2 the case should be re-heard under Stage 2 by a new Appeal Panel, which does not include any members that have previously been involved in the case.
- 7.9.3 to amend the recommendations made by the Appeal Panel to the Assessment Board.
- 7.10 The Director will advise the Registrar of their decision and the Registrar will inform the student of the outcome of their request for review. The decision of Director will be final.

## **8. Office of the Independent Adjudicator (OIA)**

- 8.1 Students on programmes validated by Middlesex University, who have exhausted the Institute's internal appeals procedure will receive a Completion of Procedures letter. If a student remains dissatisfied with the appeal outcome, they may lodge an external appeal with the OIA within twelve months of receiving the Completion of Procedures letter from Metanoia.
- 8.2 Information and eligibility rules are available at: [www.oiahe.org.uk](http://www.oiahe.org.uk) or you can write to: Office of the Independent Adjudicator for Higher Education, Second floor, Abbey Gate, 5775 Kings Road, Reading, RG1 3AB, United Kingdom enclosing a copy of the final decision of Metanoia Institute and stating the reasons for seeking redress from the OIA.

8.3 Students who refer a Request for Review to Middlesex University under 7.1above must refer to Middlesex's Academic Appeals Procedure regarding receipt of a Completion of Procedures Letter and making a complaint to the OIA.