LINCOLN COLLEGE

COLLEGE APPEALS PANEL POLICY AND PROCEDURE

POLICY CQ/PO/26

SPONSOR

Director - Performance and Standards

Equality and Diversity Statement

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate all forms of unlawful discrimination, specifically across all protected characteristics. We will work towards a fair and just organisation and promote inclusion for all those impacted by Lincoln College and the wider community.

LINCOLN COLLEGE

COLLEGE APPEALS PANEL POLICY AND PROCEDURE

CONTENTS

Equality and Diversity Statement ii
1 PURPOSE 1
2 AIMS 1
3 GENERAL PRINCIPLES 2
4 PROCEDURE 3
5 RECOURSE BEYOND APPEAL 4
6 REVIEW OF POLICY 4
Appendix A – College Appeal Panel procedural flow chart 5
Appendix B – Appeal Request Form 6
Appendix C – College Appeal Panel Hearing order of proceedings 7
Appendix D – Recourse Beyond Appeal 8

LINCOLN COLLEGE

The progress coach and members of staff, including those in Student Services can help learners in interpreting the following policy to ensure full understanding.

COLLEGE APPEALS PANEL POLICY AND PROCEDURE

1 PURPOSE

The purpose of this policy is to facilitate integrity and fairness in the decision-making processes at Lincoln College, specifically, in relation to stakeholder appeals.

2 AIMS

2.1 The policy aims to provide a clear process for dealing with stakeholder appeals to decisions made by the college.

2.2 The policy aims to ensure stakeholders have appropriate and sufficient opportunity to have their views considered when making an appeal.

2.3 The policy aims to provide a consistent approach to managing appeals regarding decisions taken by the college via the following policies and procedures:

- Academic Malpractice and Maladministration Policy
- Academic Malpractice and Maladministration Policy HE
- Customer Complaints and Grievance Procedure
- Customer Complaints and Grievance Procedure HE
- Fitness to Practise Policy
- Fitness to Practise General Dental Council
- Learner Assessment Appeals Policy and Procedure
- Student Assessment Appeals Policy and Procedure HE
- Learner Conduct Procedure
- Conduct Procedure HE
- Recognition of Prior Learning Policy
- Recognition of Prior Learning Policy HE
- Ethics and Research Integrity Policy
- Safeguarding Policy and Procedure

2.4 The policy aims to ensure that all stakeholder appeals are considered by the most appropriately experienced and knowledgeable staff members.

2.5 The policy applies to all stakeholders of Lincoln College, with the exception of staff members, apart from the Research Ethics and Integrity Policy.

3 GENERAL PRINCIPLES

3.1 The policy has been approved by the Learning Standards Quality Committee.

3.2 The need to implement the Appeals Panel Policy should be a rare occurrence in the college and should only be used when all other courses of action have been exhausted.

3.3 The college will act in a transparent manner and will make all stakeholders aware of their right to make an appeal to the Lincoln College Appeals Panel (LCAP).

3.4 The procedure will ensure that fair opportunity is given to stakeholders to make an appeal and, should they wish, support will be made available to stakeholders when making an appeal.

3.5 The procedure will ensure that college staff members are permitted fair representation and are allowed to respond to stakeholder appeals.

3.6 Appeals shall be heard by the LCAP, with the precise composition of the panel being flexible to suit the nature of the appeal but will include:

- A member of the Lincoln College Group Leadership Team (*to act as Chair of the LCAP*)
- A learner/student representative (*to provide a user/customer perspective)*
- A member of the college's Performance and Standards Team (*to provide cross college oversight*)
- A panel member with specialist knowledge (*for example Safeguarding, Research Ethics, Examinations*)
- A member the college's governing board (*to provide an external viewpoint and governance oversight)*
- The LCAP will be supported by a non-voting administrative support officer.

3.6 The outcome of the LCAP will have a sound evidence base and will be by a majority decision.

3.7 The outcome of the LCAP will be communicated to the appellant as soon as possible, usually within ten working days, whilst also ensuring that full and reasonable consideration has been given to each case and any outcome resulting from the LCAP.

3.8 The decision of the LCAP will be final and represent the final stage of the college's internal appeal process.

4 PROCEDURE

(refer to appendix A for a flow chart of the procedure)

4.1 In the unlikely event of a stakeholder not being satisfied with the response to concerns raised via the policies and procedures noted under section 2.3, the stakeholder should make a formal appeal to the LCAP by contacting quality@lincolncollege.ac.uk within ten working days of the exhaustion of the procedures. The stakeholder must submit an appeal request form (see appendix B) stating their grounds for appeal.

4.2 The Director - Performance and Standards will assign a Case Review Officer (CRO) who will review the case and establish if sufficient grounds exist for the appeal to proceed to the LCAP.

The CRO will consider the following to decide whether the appeal has sufficient grounds for an appeal to proceed.

- Was the procedure followed incorrectly as defined by the policy?
- Has the appellant presented any substantive additional evidence that could reasonably be considered by the panel that would change the outcome?
- Was the outcome being appealed against inconsistent with other decisions made within the college?
- Are there any other practical and operationally feasible remedies that the appeals panel could include in its decision?

The appellant will be informed of this decision and the reasons for outcome within ten working days* of receipt of the request.

4.3 If the CRO concludes that there is insufficient evidence for the case to proceed to the LCAP, and the appellant accepts this decision, a completion of procedures letter will be issued. If the appellant does not accept the CRO's decision, they may submit one further request for review within ten working days of receiving the outcome to quality@lincolncollege.ac.uk. This request must explain which of the four categories they believe have not been given sufficient consideration and why; where the case did not proceed because of insufficient substantive evidence, a second review will only take place if they are able to provide further substantial verifiable evidence to support the review. This will be considered by a separate CRO who will communicate the final decision to the appellant.

4.4 Should the CRO conclude that sufficient evidence exists for the case to proceed to the LCAP, all information submitted to the CRO, and any further relevant information they may have gathered, shall be forwarded to the LCAP. The CRO shall ensure that the appellant has had every opportunity to provide as much information and personal testimony as the appellant sees fit.

4.5 A LCAP hearing shall be arranged within ten working days* of the CRO's decision. To ensure the appellant's case has sufficient and appropriate representation, the CRO shall attend the LCAP and present, in full, the information and testimony provided by the appellant. College representatives associated to the case shall also be invited to the LCAP. Appendix C notes the order of proceedings for the hearing.

4.6 On conclusion of the hearing or as soon as possible thereafter, the LCAP shall arrive at a majority decision to support or reject the appeal.

4.7 Where the LCAP does not support the appeal, a completion of procedures letter will be issued as soon as possible, usually within ten working days*. The appellant will be advised of their right to recourse beyond appeal.

4.8 Where the LCAP supports the appeal, a resolution shall be proposed to the appellant as soon as possible, usually within ten working days* of the LCAP hearing and a completion of procedures letter issued. Should the appellant not accept the proposed resolution, they will be advised of their right to recourse beyond appeal and guided to the appropriate procedure.

4.9 If, due to exceptional or complex circumstances, the LCAP cannot respond to the appellant within ten working days, the appellant will be notified as soon as possible, and a new completion date will be established.

* Outside of term time, the college will endeavour to meet the stated timescales, however, potential delays may be encountered due to restrictions caused by staff leave.

5 RECOURSE BEYOND APPEAL

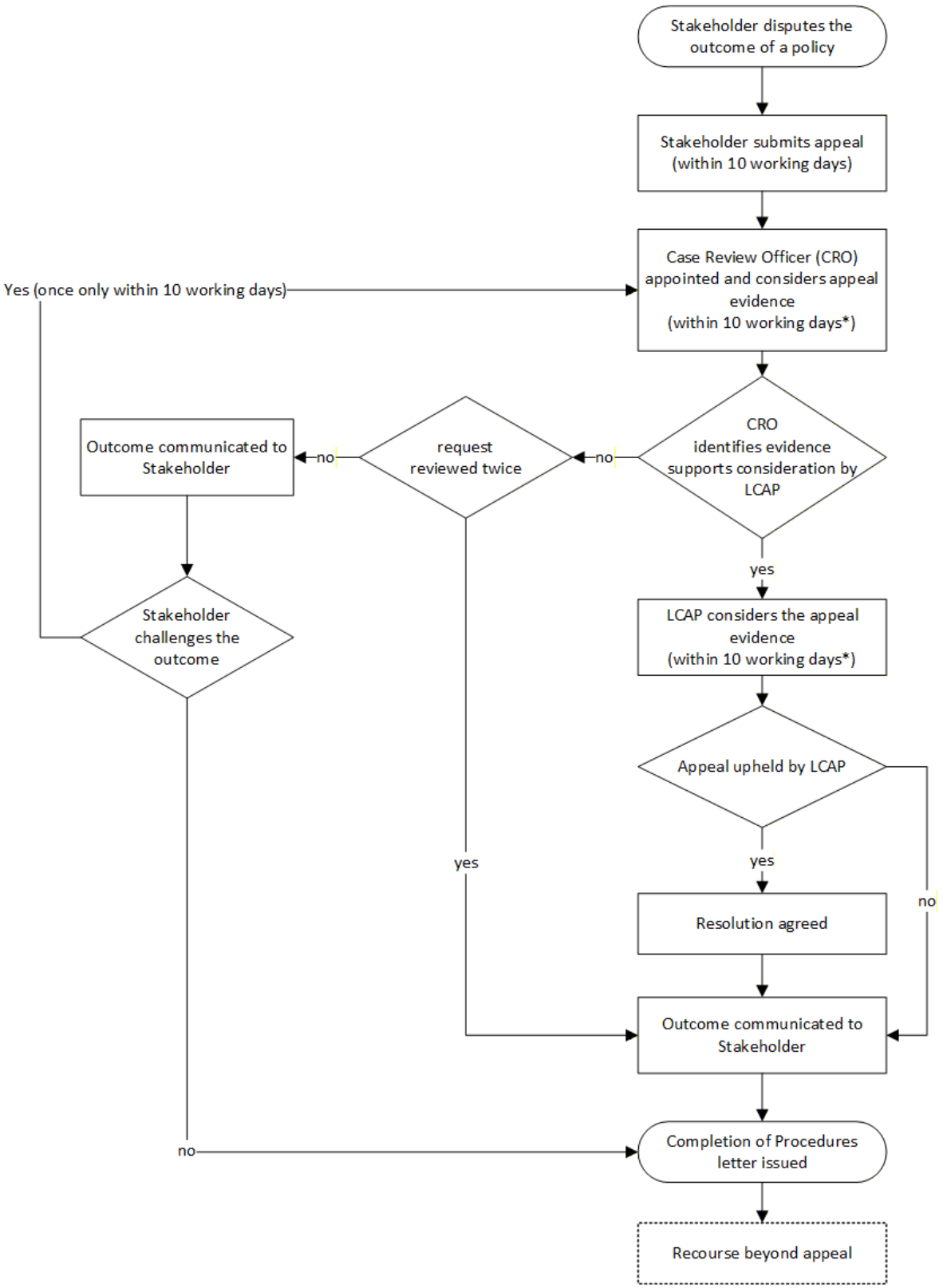
As the terminal point for stakeholder appeals, the decision of the LCAP will be final. Should the appellant wish to take their case further, they must do so to the relevant external body. Specific details for such recourse beyond appeal are available in appendix D.

6 REVIEW OF POLICY

The Learning Standards Quality Committee will review the College Appeals Panel Policy and Procedure on a two-yearly basis and make recommendations for its development.

The Learning Standards Quality Committee will also receive an annual report, illustrating the number and nature of appeals made to the LCAP. This annual report may be shared with other committees at the college.

Appendix A – College Appeal Panel procedural flow chart



* Outside of term time, the college will endeavour to meet the stated timescales, however, potential delays may be encountered due to restrictions caused by staff leave.

Appendix B – Appeal Request Form

Should you not be satisfied with the response to concerns raised via the policies and procedures noted under section 2.3, please complete the form below and email to quality@lincolncollege.ac.uk, including any other evidence you feel relevant. This should be within ten working days of the exhaustion of the procedures stated within the policies and procedures noted under section 2.3.

Your appeal request will be assigned to a Case Review Officer (CRO) who will assess your case and decide if your appeal will proceed to the Lincoln College Appeal Panel. You will be contacted within ten working days* (from the receipt of your request) with this decision.

Your name	
Learner / student number (if applicable)	
Course of study (if applicable)	
College policy/procedure (see section 2.3)	
Name of college staff member responding to you	
Date of last response	
What are your reasons for appeal? (please tick the relevant box) *Not applicable for Ethics and Research appeals, please refer to the Ethics and Research Integrity Policy (section 12)*	☐ I feel that insufficient consideration has been given, by the college, to the evidence related to this case ☐ I have not had the opportunity to put forward my case ☐ I believe college policy has not been adhered to ☐ New evidence/information has come to light regarding the case ☐ An excessive or disproportionate sanction has been applied to me
Please give further information explaining the reasons for your appeal	
Please state your preferred outcome of this appeal.	

* outside of term time, the college will endeavour to meet the stated timescales, however, potential delays may be encountered due to restrictions caused by staff leave.

Appendix C – College Appeal Panel Hearing order of proceedings

Appeals will be heard by the College Appeal Panel (LCAP), which shall be chaired by a member of the college's Group Leadership Team. All correspondence and information relating to the outcome of the appeal in question will be made available to the LCAP, prior to the hearing.

Order of the Hearing

1. The Chair shall welcome all to the appeal panel, make introductions and will clarify if notes are to be taken at the meeting and to whom they shall be made available.

2. The CRO will be given the opportunity to state the grounds for the appellant's appeal and bring to the attention of the panel key information related to the appeal.

3. The panel may ask the CRO any questions relating to the appeal.

4. The college member of staff (associated with the appeal) may ask the CRO any questions relating to the situation.

5. The college member of staff will be given the opportunity to state the outcomes of their procedures related to the situation.

6. The panel may ask the college members of staff any questions relating to the situation.

7. The CRO may ask the college members of staff any questions relating to the situation.

8. The panel may ask either party any further questions relating to the situation.

9. The CRO and college members of staff may be asked to withdraw from the meeting to allow the panel time to consider the appeal.

10. The CRO and college members of staff shall be recalled to the hearing once the panel has considered the appeal and, if a decision has been reached, informed of the outcome of the appeal.

11. Written confirmation of the decision will be sent to the appellant following the timescales set in section 4.7 or 4.8.

Appendix D – Recourse Beyond Appeal

As the terminal point for stakeholder appeals, the decision of the LCAP will be final. Should you wish to take your case further, you must do so to the relevant external body but this can only happen once you have gone through the full college appeals procedure. In all cases, you will be advised and guided by the college to ensure the correct external body is contacted. Please note below initial guidance on who to contact should you wish to appeal to an external body.

Further Education learners and apprentices

College Policy/Procedure	Who to appeal to	Contact details
Academic Malpractice and Maladministration Policy	Department for Education	Complaints procedure - Education and Skills Funding Agency - GOV.UK (www.gov.uk) please contact quality@lincolncollege.ac.uk for details of specific accrediting bodies
Admissions Policy and Procedures		
Customer Complaints and Grievance Procedure		
Fitness to Practise General Dental Council	General Dental Council	Dental Complaints Service (gdc-uk.org)
Learner Assessment Appeals Policy and Procedure	Department for Education	See above
Learner Conduct Procedure		
Recognition of Prior Learning Policy	Relevant awarding body	Feedback and Complaints | City & Guilds (cityandguilds.com) Feedback and complaints | Pearson qualifications Making a complaint | NCFE Please contact quality@lincolncollege.ac.uk for details of other awarding bodies
Safeguarding Policy and Procedure	Education Skills Funding Agency (ESFA)	See above

Higher Education students

College Policy/Procedure	Who to appeal to	Contact details
Academic Malpractice and Maladministration Policy HE	Validating institution or awarding body	LINCOLN BISHOP UNIVERSITY students enrolled on Lincoln Bishop University validated courses may refer their complaint to the University. The Lincoln Bishop University policies and procedures are available at Policies and Procedures - General | Lincoln Bishop University Students on UNIVERSITY OF DERBY validated courses may refer their complaint to the University. Information regarding the University of Derby complaints procedures is available at https://www.derby.ac.uk/about/academic-regulations/complaints-procedure UNIVERSITY OF HULL students enrolled on University of Hull validated courses may refer their complaint to the University. The University of Hull policies and procedures are available at https://www.hull.ac.uk/choose-hull/university-and-region/key-documents/quality UNIVERSITY OF LINCOLN students enrolled on University of Lincoln Validated courses may refer their case to secretariatemail@lincoln.ac.uk OPEN UNIVERSITY students enrolled on Open University validated courses may refer their complaint to the University. Information regarding the OU complaints procedures is available at Complaints and Appeals Procedure | Student Policies and Regulations | The Open University Students on PEARSON BTEC qualifications may refer their complaint to Pearson. Information regarding Pearson's complaints procedure is available at
Admissions Policy and Procedures		
Student Complaints and Grievance Procedure HE		
Fitness to Practise Policy		
Student Assessment Appeals Policy and Procedure HE		
Conduct Procedure HE		
Recognition of Prior Learning Policy		
Ethics and Research Integrity Policy		
Safeguarding Policy and Procedure		

		https://qualifications.pearson.com/en/contact-us/feedback-and-complaints.html

Parents/Carers, Employers, General Public

College Policy/Procedure	Who to appeal to	Contact details
Admissions Policy and Procedures	Department for Education	Complaints procedure - Education and Skills Funding Agency - GOV.UK (www.gov.uk)
Customer Complaints and Grievance Procedure		
Safeguarding Policy and Procedure		

Staff members

College Policy/Procedure	Who to appeal to	Contact details
Ethics and Research Integrity Policy	No recourse beyond appeal due to ethical standards being set at an institutional level.	NA