



Student Engagement & Support through Studies Policy: Appeals Process

1 Right of appeal/complaint

1.1 A student wishing to make a complaint about the Student Engagement & Support through Studies process should follow the Student Complaints Procedure¹. The Student Complaints Procedure cannot, however, be used to contest or appeal a decision made under Stage 4 (Case Conference) of these procedures; where a student wishes to contest a decision taken by the Case Conference Panel at Stage 4, the appeal procedures below should be used.

1.2.1 *Making an appeal against a decision of the Case Conference Panel*

1.2.2 An appeal should be made using the Student Engagement & Support through Studies Appeal Form (**Appendix 5**), and submitted via email to quality.office@nscd.ac.uk **no later than 21 days** of formal written notification of the decision of the Stage 4 Case Conference Panel. The Appeal Form can be accessed from the School website at: <https://www.nscd.ac.uk/policies-and-procedures/>

1.2.3 Appeals received outside of the 21-day timeframe will not normally be accepted for consideration unless the Chair of the Board of Trustees is satisfied that there are exceptional grounds that warrant further consideration of the case. It will be at the discretion of the Chair of the Board of Trustees as to whether or not a late appeal will be accepted for consideration; such acceptance is no indication of the merits of an appeal nor is it an indication that the appeal will or should be upheld.

1.2.4 An appeal should be made under one or more of the following stated grounds:

Grounds under which an appeal against a decision of the Case Conference Panel may be made	
a)	That there is evidence of significant administrative or procedural error in the Student Engagement & Support through Studies process which affected the Case Conference decision
b)	That there is evidence of prejudice or bias in the Student Engagement & Support through Studies process, which warrants fresh consideration of the case
c)	That there is relevant additional or new information which was for valid reasons unable to be considered at the relevant time the Case Conference Panel made its decision, and which warrants further consideration of the case

¹ The Student Complaints Procedure can be found at <https://www.nscd.ac.uk/policies-and-procedures/>

d)	That the decision is unreasonable and/or will have a disproportionate negative impact on the student. The reasons why the decision is unreasonable and/or will have a disproportionate negative impact must be clearly articulated and supported with relevant satisfactory evidence, where applicable.
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Appeal Procedure

- 1.2.5 On receipt of the appeal, the appeal will be forwarded to the Chair of the Board of Trustees who will appoint an Appeal Adjudicator (see below). The Lead Contact, the Principal of the School and, if different, the Chair of the Case Conference Panel, will be notified that an appeal has been received. On receipt of an appeal, the Chair of the Board of Trustees shall appoint a senior member of staff who is previously unconnected with the case or the student, as an Appeal Adjudicator, to review the appeal and determine whether the case warrants referral to a Student Engagement & Support through Studies Appeal Panel. The Appeal Adjudicator shall be a senior member of staff from NSCD, or from another small specialist arts institution.
- 1.2.6 The Appeal Adjudicator shall consider whether the appeal meets one or more of the specified grounds and shall notify the student of the outcome of this consideration in writing, copying in the Lead Contact, normally within 21 days of receipt of the appeal.

Appeal Adjudicator's finding

- 1.3 The Appeal Adjudicator will review the appeal and make one of the following findings:
- a) That the appeal may meet one or more of the specified grounds
 - OR
 - b) That the appeal does not on the face of it provide a case under one or more of the specified grounds.
- 1.4 Where the Appeal Adjudicator finds that on the face of it an appeal does not provide a case under one or more of the specified grounds, the appeal will be dismissed. Where the appeal is dismissed by the Appeal Adjudicator, the Appeal Adjudicator's decision is final, and a Completion of Procedures Letter will be issued within 28 days of the Appeal Adjudicator's Appeal Outcome letter to the student.

Membership of the Student Engagement & Support through Studies Appeal Panel

- 1.5 No member who has served as a Case Conference Panel member will serve as a member of the Student Engagement & Support through Studies Appeal Panel. However, as part of its consideration of the case, the Appeal Panel may call upon any members of the original Case Conference Panel to respond to any queries or provide information. The Panel may consult as necessary with any members of the original Case Conference Panel but those members will act in an advisory capacity only and will have no vote in the agreement of the final Appeal Panel decision reached.
- 1.6 Whilst not serving as a member of the Student Engagement & Support through Studies Appeal Panel, the Lead Contact will normally attend the meeting of the Panel (whether a documentary review or a full Panel Hearing) to provide information to the Appeal Panel about the case. Where

the Lead Contact is unable to attend, they may nominate an appropriate member of School staff with knowledge of the case to attend on their behalf.

1.7 No member of staff previously involved in the student's case at any stage of the procedure will serve as a member of the Student Engagement & Support through Studies Appeal Panel.

1.8 The core membership of the Student Engagement & Support through Studies Appeal Panel will include:

- A Panel Chair, appointed by the Chair of the Board of Trustees, who shall either be the Principal of the School, or a senior member of staff either from NSCD or from another small specialist institution
- At least one member of senior staff (either professional services or teaching staff), who may or may not be from NSCD or from another small specialist arts institution, with no prior involvement in the case
- Another member of staff, either from the School or from another small specialist arts institution, or an independent governor, to facilitate fair consideration.

In addition, as required and appropriate, the Panel may include, or may seek advice from:

- an individual with specialist expertise (e.g. a psychologist/GP/appropriate health worker);
- the student's tutor(s);
- another member of staff with specialist expertise.

1.9 Whether a documentary review or full hearing is recommended by the Appeal Adjudicator, the core membership of the Student Engagement & Support through Studies Appeal Panel will remain the same. The Chair of the Panel will determine, in consultation with the Secretary of the Panel and, if necessary, the Chair of the Board of Trustees, whether any additional members or advisors as set out above are required for the Panel's consideration of the case.

1.10 The Appeal Adjudicator (or nominee) will serve as the Secretary to the Panel.

Student Engagement & Support through Studies Appeal Panel procedure: Documentary Review

1.11 The Secretary to the Student Engagement & Support through Studies Appeal Panel will arrange a meeting. The student will be notified in writing (via email) of the date that the Panel will meet to consider the case as a documentary review as soon as possible and normally at least 72 hours in advance of the Panel meeting.

1.12 The Panel will meet either remotely or in person, to consider the case.

1.13 All those present must, at all times, treat all evidence (including written and oral representations by the student) as confidential. Notes of the meeting, including a record of agreed actions, will be taken.

Student Engagement & Support through Studies Appeal Panel procedure: Full Hearing

- 1.14 At the discretion of the Chair of the Student Engagement & Support through Studies Appeal Panel, the student will normally be invited to attend the Appeal Panel Hearing. Where the student is not being invited to attend, the reason(s) for this decision should be articulated in the written notification of the forthcoming Appeal Panel Hearing.
- 1.15 Where the student is invited to attend the Hearing, they will have the right to be accompanied by a friend, family member, or other person for support. They will also have the right to be accompanied by a representative, or to be represented in absentia. The student should notify the Appeal Adjudicator of the name(s) of any accompanying person(s), normally at least 48 hours in advance of the Hearing. The Chair of the Panel has the ultimate discretion to allow or refuse any representative.
- 1.16 In addition to their appeal submission, the student will be entitled to submit additional written representations to the Student Engagement & Support through Studies Appeal Panel in advance of the Appeal Panel Hearing. Any such additional written representations must be sent to the Appeal Adjudicator, and must normally be received not less than 48 hours in advance of the Hearing. Where representations are received after this deadline these shall be accepted at the discretion of the Chair of the Student Engagement & Support through Studies Appeal Panel.
- 1.17 The student should be given as much notice of the Appeal Hearing as is both possible and reasonable, with at least 7 days normally being given, unless it is foreseen that there may be an immediate risk presented by the student either to themselves and/or to others, in which case it may be deemed appropriate to give a shorter period of notice.
- 1.18 Where the student is invited to attend the hearing but is unable to do so yet wishes to attend, they may request a deferral of the hearing at the earliest opportunity and in any case at least 48 hours before the hearing, by contacting the Secretary to the Panel in writing (this includes via email). The student must state the reason(s) for the request, and the Secretary will forward the request to the Chair of the Appeal Panel. Where appropriate and applicable, the Chair of the Panel may request that the student forward evidence supporting their request. Any second or further request for a deferral of the meeting will only be granted in exceptional circumstances, where the Chair of the Case Conference Panel is satisfied that it is the most appropriate course of action. Where a deferral is not granted, the meeting will proceed as scheduled without the attendance of the student if their attendance is not possible.
- 1.19 Deferrals will only be granted where the Chair of the Appeal Panel is satisfied that reasonable grounds (eg illness, bereavement) exist to prevent the student from attending the hearing, and also that any risk to the student and/or the School community or other parties would, on the balance of probabilities, not be exacerbated by a deferral of the hearing. The Chair of the Appeal Panel has the ultimate discretion to grant or refuse a request for a hearing to be deferred.
- 1.20 In order to respond to any questions the Student Engagement & Support through Studies Appeal Panel may have, the following individuals will be invited to attend an Appeal Panel Hearing:
- The Chair of the Case Conference Panel
 - The Lead Contact

- Any other pertinent individual who has either:
 - sat as a member of the Case Conference Panel;
 - who has specialist expertise relevant to the case;
 - who may have material information to provide to the Panel in respect of the case.

1.21 All those present must, at all times, treat all evidence (including written and oral representations by the student) as confidential. Notes of the meeting, including a record of agreed actions, will be taken.

1.22 Where the student (including the student's representative) and members of the original Case Conference Panel have attended an Appeal Panel Hearing, they will normally be invited to wait whilst the Panel reaches its decision, and thereafter to receive the decision in person. The exception to this is where the Chair determines this may not be appropriate (such as where the complexity of a case may necessitate lengthy deliberations by the Panel to reach this finding), in which case all relevant parties will receive the outcome in writing.

Appeal Outcome Letter

1.23 As soon as possible after the Student Engagement & Support through Studies Appeal Panel Documentary Review/Hearing, and normally within 7 days of the Panel taking place, the Final Appeal Outcome letter will be sent to the student by the Appeal Adjudicator, which will include the following:

- A summary of the major points made during the appeal
- A concise statement of the Student Engagement & Support through Studies Appeal Panel's findings, along with rationale;
- Confirmation of any next steps, where relevant;
- Confirmation of completion of procedures.

1.24 A copy of the Final Appeal Outcome Letter will be sent to the Chair of the Board of Trustees, the Chair of the Case Conference Panel and the Lead Contact for the case. Other School staff may receive a copy on a strictly necessary basis.

Student Engagement & Support through Studies Appeal Panel Outcomes

1.25 Whether via documentary review or via full Panel Hearing, following consideration of the case the Panel will first determine whether the student has established grounds for their appeal to be upheld and will make a **finding** that the appeal is either **upheld** or **not upheld**.

1.26 In reaching its finding that the appeal should be upheld/not upheld, together with one of the above decisions, the Panel will reach its findings and decisions in private.

a) Appeal upheld

Where an appeal satisfies at least one of the stated grounds, the Panel will uphold the appeal. Where the appeal is upheld, the Panel will reach one of the decisions outlined below:

- a) That the original Case Conference Panel decision be modified. In modifying this decision, the Appeal Panel may take into account the decisions available to the Case Conference Panel stated in Section 3 of these procedures
- b) That the original Case Conference Panel decision be overturned, and replaced with a new decision. In replacing this decision, the Appeal Panel may take into account the decisions available to the Case Conference Panel stated in Section 3 of these procedures;
- c) That the matter should be referred back to the original Case Conference Panel, for further consideration;
- d) That although the appeal has been upheld, the original Case Conference Panel decision is the most appropriate outcome and therefore the original decision should stand;
- e) That the original Case Conference decision be quashed, and the student reinstated to the course. In this event, the Appeal Panel may determine any conditions to facilitate a successful return to the course (which may where necessary include a defined period before the student may return).

1.27 Where the Appeal Panel determines that the original Case Conference decision be modified, or overturned, as deemed appropriate by the Chair, the Panel may invite the student and any members of the original Case Conference Panel to (re-)join the Appeal Panel for a discussion to enable (as far as possible) an agreed decision (including any Action Plan) with the student to be reached. The Appeal Panel may, accordingly, defer the final outcome of the case pending such a discussion. However, as deemed appropriate by the Chair and in accordance with the circumstances of the case, the Panel may reach a decision without such a discussion with the student.

1.28 In the event that a student who was previously suspended or withdrawn is allowed to return to the course by the Student Engagement & Support through Studies Appeal Panel, the Panel will determine the timeframe and manner by which the student might most appropriately re-join the course, taking the interests of all parties into account and consultation as necessary.

b) Appeal upheld; case referred back to the original Case Conference Panel

1.29 Where the Student Engagement & Support through Studies Appeal Panel refers the case back to the original Case Conference Panel:

- the Student Engagement & Support through Studies Appeal Panel Outcome Letter will be issued to the student, normally within 7 days of the date of the Panel meeting;
- the new/further Case Conference will be held as quickly as possible, and in accordance with Section 3C of these procedures;
- the decision of the Case Conference Panel appointed by the Student Engagement & Support through Studies Appeal Panel, is final;
- the Case Conference final outcome letter will be issued normally within 7 days of the date of the Case Conference being held;
- a Completion of Procedures letter will be issued within 28 days of the final Case Conference Outcome Letter.

c) Appeal not upheld

1.30 Where the Student Engagement & Support through Studies Appeal Panel determines that the appeal is not upheld, there will be no further consideration of the case and the steps outlined below will be followed:

- this decision is final;
- the Student Engagement & Support through Studies Appeal Panel Outcome Letter will be issued to the student, normally within 7 days of the date of the Panel meeting;
- a Completion of Procedures Letter will be issued within 28 days of the Panel final decision outcome letter.

2 Office of the Independent Adjudicator

2.1 Once the School's internal procedures have been exhausted i.e. the final decision letter regarding an appeal has been sent to the student, a Completion of Procedures letter will be issued by the School² within 28 days of the final decision outcome letter, and students are entitled to ask the OIA to consider any unresolved complaint: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>

² For students on University of Kent-validated programmes, Completion of Procedures letters will be copied to the University on a case-by-case basis, issued where appropriate.