

# Appeals and Review Procedure

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## 1. Purpose and Scope

This document sets out the procedures approved by the ACLT Management Board governing reviews and appeals of the decisions made by ACLT including:

1. Deferrals, Extensions or Extenuating Circumstances.
2. Assessment Board.
3. Misconduct.

The policy sets out the circumstances under which, and the grounds upon which, a review of a decision or determination may be sought, or a subsequent appeal lodged.

## 2. Decisions by the ACL Administration Team

An application for a deferral, an extension or to have extenuating circumstances considered must be made in writing by email to ACLT ([acclt@lawcabs.ac.uk](mailto:acclt@lawcabs.ac.uk)) in line with ACLT's Policy. The ACLT Office will take decisions on those requests; these decisions are overseen by the Head of Operations. The Assessment Board will then make a determination on the mark or assessment attempt; for example, to allow a deferral. Where a request is made to the ACLT Administration Team for extenuating circumstances to be considered, which is not for an extension of time, such a request may be submitted at any time before the results are approved by the Assessment Board and 10 working days thereafter.

## 3. Determinations by an Assessment Board

The Assessment Board will make a decision on the mark or assessment attempt for each assessment or examination.

Where performance or attendance at an examination or assessment has been impaired by unforeseen illness or some other unforeseeable circumstance which was outside of a student's control, during or immediately before an assessment or examination, the Assessment Board may determine that the examination or assessment result or attempt be disregarded.

Disagreement with the academic judgement of an Assessment Board in assessing the merits of an individual piece of work or in reaching a decision on a student's progression or on the final level of an award, based on the marks, grades and other information relating to the student's performance, cannot in itself constitute grounds for a request by a student for reconsideration. Any alleged inadequacy of supervision or in other arrangements during a period of registration as an ACL Training student is not admissible grounds for review.

Students may seek a formal review of a determination of an Assessment Board with regard to their results once the results have been formally notified. The review may be sought in connection with the following aspects of the academic determinations arising from the results of an assessment:

- a) the overall result of a unit or qualification; the results of an assessment, not being a final assessment, where that result precludes continuation on the course or progression to the next stage of the course; and/or
- the results of an assessment, not being a final assessment, where that result requires reassessment or the repeat of an assessment.

#### **4. Decisions by the Head of Education (Misconduct)**

Any student wishing to seek a review of a decision of the Head of Education must lodge his/her request within ten working days of the date of the decision as given on the email. The request should be made in writing by email to ACLT ([aclt@lawcabs.ac.uk](mailto:aclt@lawcabs.ac.uk)) and must specify the grounds upon which the review is being sought.

A student submitting a request for a review will receive an acknowledgment of receipt normally within five working days of the documentation being lodged.

If ACLT is satisfied that a prima facie case exists, he/she can set aside the decision of the Head of Education and consider the request.

#### **5. The Grounds for a Review of a decision or determination**

A student may request a review of a decision or determination on one or more of the following grounds, that:

- a) there has been procedural irregularity;
- b) there was prejudice or bias on the part of the decision-maker or decision-making body;
- c) the decision is unreasonable and/or the sanction or outcome disproportionate; and/or
- d) there is new evidence material to the case which the student can demonstrate was for good reason not previously reasonably available.

## 6. Procedure For Review of a Decision or Determination

Within ten working days of the relevant assessment board determination or decision of the Head of Education, the student must inform ACLT of their request for a review. At that time the student must submit by email full supporting documentation. ACLT shall consider the request made by a student.

The student seeking a review must:

- a) Submit the request and full supporting details of the circumstances (including, for example, medical certificates and other third-party evidence within ten working days of the release of confirmed results).
- b) Be prepared to be interviewed by ACLT should it be necessary in order to clarify any points.

Exceptionally, the student may be permitted to request to be interviewed by ACLT.

ACLT shall ensure that:

- a) The student's written submission, including any supporting documentation, is fully considered.
- b) Any persons named by the student are consulted, provided that they can be reached and their views are relevant to the issues.
- c) They reach a decision as expeditiously as possible in the given circumstances, having regard to the depth of investigation required and the availability of persons to be consulted.
- d) If they decide there are grounds for a review they will identify in writing to the ACLT Management Board upon what grounds it is being requested that the decision be reconsidered. ACLT will provide guidance on good practice in similar circumstances.

Where ACLT decides the grounds for review are satisfied all papers will be placed before the ACLT Management Board at the next scheduled meeting. Having given consideration to all the circumstances, the Management Board shall:

- a) Confirm the original decision, or
- b) If they decide there are grounds for review they will identify in writing to the Assessment Board or Head of Education, upon what grounds it is being requested that the determination or decision should be reconsidered providing guidance on good practice in similar circumstances.

Where the Management Board wishes to have further evidence of the student's performance, it may require a (further) viva voce examination (oral examination) or other form of assessment appropriate to the student's circumstances and the requirements of the programme of study, before reaching its final decision.

The Chair of the Management Board shall be responsible for informing ACLT of the Management Board's decision. Where a decision of the Head of Education is considered the Board will appoint an alternative secretary for the period of the meeting where such a determination is made. The Head of Education will not form part of the Board at that stage.

ACLT shall be responsible for confirming by email to the student the decision of the Management Board, normally within 20 working days of the consideration. Working days are defined as all weekdays other than statutory bank holidays and other days when ACLT is formally closed, irrespective of whether they fall outside of term time.

Following notification of a recommendation for reconsideration the Assessment Board will reconsider a particular decision at the next available opportunity.

## **7. Procedure For Appeal to the Educational Committee (Exceptional Appeals)**

A decision of the Management Board to Permanently Exclude a student may be appealed through the exceptional appeals procedure to the Education Committee.

Within ten working days of the decision of the Management Board, the student must inform the ACLT of their request for an appeal to be considered of the decision to Permanently Exclude them. At that time the student must submit full supporting documentation by email ([acft@lawcabs.ac.uk](mailto:acft@lawcabs.ac.uk)). ACLT shall consider the request made by a student.

The student seeking an appeal must:

1. Submit the request in writing by email, including full supporting details of the circumstances (including all evidence, for example, medical certificates and other third-party evidence) within ten working days of the notification of the decision.
2. Be prepared to be interviewed by ACLT should it be necessary in order to clarify any points.

Exceptionally, the student may be permitted to request to be interviewed by the ACLT.

ACLT shall ensure that:

1. The student's written submission, including any supporting documentation, is fully considered.
2. Any persons named by the student are consulted, provided that they can be reached and their views are relevant to the issues.
3. They reach a decision as expeditiously as possible in the given circumstances, having regard to the depth of investigation required and the availability of persons to be consulted.

4. If they decide there are grounds for an appeal they will identify in writing to the Education Committee, upon what grounds it is being requested that the decision be reconsidered. ACLT will provide guidance on good practice in similar circumstances.

Where ACLT decides the grounds for appeal are satisfied all papers will be placed before the Education Committee at the next scheduled meeting. Having given consideration to all the circumstances, the Committee shall:

- c) Confirm the original decision, or
- d) If they decide there are grounds for review they will identify in writing to the Management Board, upon what grounds it is being requested that the decision should be reconsidered providing guidance on good practice in similar circumstances.

The Chair of the Education Committee shall be responsible for informing ACLT of the Committee's decision.

ACLT shall be responsible for confirming in writing by email to the student the decision of the Education Committee, normally within 20 working days of the consideration. Working days are defined as all weekdays other than statutory bank holidays and other days when the ACLT is formally closed, irrespective of whether they fall outside of term time.

Following notification of a recommendation for reconsideration the Management Board will reconsider a particular decision at the next available opportunity.