

Academic Appeals Procedure

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Academic Appeals Procedure

1. Introduction and Scope

The National Institute of Teaching (NIoT) academic appeals procedure is aimed at allowing students to raise concerns about their academic progress, where there is clear evidence to suggest that it is reasonable to do so. The NIoT's procedure is designed to ensure that any such concerns are fully considered and that, where appropriate, relevant action is taken to deal with them.

2. General Principles

- 2.1. This procedure applies to an individual who is, or has been, registered as a trainee or apprentice trainee of the NIoT and who is not recorded as being a leaver ("collectively referred to in this Procedure as "student").
- 2.2. This procedure applies to appeals against progress decisions (both for QTS and PGCE) taken by the NIoT Programme Assessment Boards ("collectively referred to in this Procedure as "PAB").
- 2.3. The appeals process is not a method of circumventing or setting aside the professional or academic judgement on the performance of students; it is a way of ensuring that progress decisions are made in accordance with relevant procedures and that as far as possible all relevant circumstances affecting a student's academic performance are considered.
- 2.4. The appeals process is evidence based. Independent supporting evidence should be provided with the appeal submission to substantiate any circumstances and the impact they had on the student. Circumstances cited in an appeal (including the impact of the circumstances on the student's studies) must be corroborated by evidence.
- 2.5. Where the Director of Registry Services is referenced in this procedure this should be interpreted as meaning "the Director of Registry Services,

or a nominee appointed by the Director of Registry Services".

- 2.6. Evidence must be presented in English, with certified translations where necessary (all costs for translation to be borne by the student).
- 2.7. The NIoT will observe data protection principles and the relevant legislation relating to data protection in the handling of appeals.
- 2.8. The NIoT will correspond only with the student, no correspondence will be entered into with any third party.
- 2.9. The Director of Registry Services will issue a Completion of Procedures letter at the appropriate time to allow the student to complain to the Office of the Independent Adjudicator (OIA) for Higher Education as a student may be eligible to complain to the OIA which is the independent body which reviews student appeals and complaints.
- 2.10. In considering appeals, the NIoT will observe the rules of natural justice and procedural fairness.
- 2.11. Working days will not include national public holidays or NIoT closure days.
- 2.12. The appeal procedure is divided into two main stages which must be followed sequentially: the Initial Appeal stage and the Academic Appeal Outcome Review (AAOR) stage.

- 2.13. The NIoT aims to resolve appeals within 90 calendar days from the date of submission of the appeal to the conclusion of the AAOR stage, in accordance with the OIA's Good Practice Framework.
- 2.14. If a student is granted an extension to the normal deadlines at any stage of the process, the additional time will not be counted towards the 90-day resolution time.
- 2.15. In some cases it may be necessary to exceed the 90-day timeframe. Occasions may include (but are not limited to) cases where: a full panel meeting is called, or a complaint is being considered simultaneously and it is judged necessary to await the outcome of the complaint before concluding the appeal. The process may also take longer than 90 calendar days to complete where the appeal is submitted around NIoT closure days. Where this aim is not achievable, students will be informed at the earliest possible opportunity and kept informed of progress.

3. Early Resolution

- 3.1. The NIoT believes that it is in the student's interest to initially raise concerns informally with the programme team concerned before submitting an academic appeal. This is especially true in cases where the student believes that there is clear evidence of an administrative error which could be corrected without the need to submit a formal appeal

4. Initial Appeal Stage

Right to Appeal

- 4.1. A student may appeal against a decision taken by the NIoT Programme Assessment Board (PAB)

Grounds for Appeal

4.2. Appeals against progress decisions (including those which lead to an award) may be submitted on one or more of the following grounds:

- a) that there were circumstances unknown to the PAB which contributed to a student's academic performance and consequently to the progress decision against which the appeal is being made, and the student can present good reason for these circumstances not having been made known prior to the meeting of the PAB.
- b) that there was an administrative or procedural irregularity or failure in the relevant assessment(s), which may give rise to a reasonable doubt as to whether the progress decision would have been different if it had not occurred.

4.3. Students will normally have brought Extenuating Circumstances they consider might affect their performance through the NIOT Extenuating Circumstances Process. Such submissions should have been made prior to meetings of the relevant PAB to enable the Board to take those circumstances into account when formulating results and progress and award decisions (and, where appropriate, making recommendations to the PAB). Information which students could have brought to the attention of their Faculty as Extenuating Circumstances will therefore not normally be considered as 'circumstances unknown to the examiners'.

4.4. Appeals against decisions made by the PAB in relation to extenuating circumstances which contributed to their performance may be submitted on one or more of the following grounds:

- a) that there was a material irregularity or failure in procedure which rendered the process leading to the initial decision unfair; or
- b) that new evidence is now available that the student could not reasonably have been expected to produce at the time of the initial decision and which casts substantial doubt upon the appropriateness of that decision.

Student Submissions and Eligibility

- 4.5. Initial academic appeals must be submitted within 10 working days of the date of the notification of the formal decision of the PAB. Appeals received after 10 working days will only be considered by the Director of Registry Services in the most exceptional cases. Appeals must be submitted through the form, which can be accessed at the following link:
<https://forms.office.com/e/m6JzPfnNfw> Appeals which are not submitted using this methods will not normally be processed. Appeals must be submitted with corroborating evidence.
- 4.6. The appeal will be acknowledged on receipt within 2 working days. The Director of Registry Services will assess the eligibility of the appeal, normally within 10 working days.
- 4.7. The Director of Registry Services will declare ineligible appeals which they consider:
- 4.8. are not submitted on one or more of the grounds specified in Sections 4.2 or 4.4;

- a) are not submitted within the timeframe specified in 4.5 or which are submitted outside that timeframe but there are not sufficiently exceptional to justify considering it out of time;
- b) amount to an attempt to circumvent or set aside the professional or academic judgement of examiners or markers
- c) are submitted without corroborating evidence

4.9. A Completion of Procedures (COP) letter will be issued to any student whose appeal is declared ineligible at this stage.

4.10. If the Director of Registry Services declares the appeal to be eligible they will be forwarded to the appropriate Faculty.

Faculty responses

- 4.11. Faculty responses to the academic appeal will be requested by the Director of Registry Services for the Academic Appeal Committee to consider and must normally be submitted by the Faculty to the Director of Registry Services within 10 working days of the date of notification of the appeal to the Faculty.
- 4.12. Responses must be submitted by the Faculty to the Director of Registry Services and provide evidence to support the circumstances laid out in its response.
- 4.13. In appropriate cases the Faculty may provide a single response to a group submission.
- 4.14. If a Faculty response is not received within a reasonable timeframe following the notification of the appeal to the Faculty, the decision may be taken to proceed on the assumption that the submission is supported by the Faculty and to continue with the Academic Appeal Committee on this basis.

NIoT Academic Appeal Committee

- 4.15. Following submission of an Academic Appeal, eligible appeals will be reviewed

by the NIoT Academic Appeal Committee. This is a paper-based review which the student does not attend. Exceptionally, when the Academic Appeals Committee considers it appropriate, a hearing will be required to which the student will be invited.

- 4.16. In the event that a hearing takes place, it is expected that this will take place through an online meeting e.g MS Teams

NIoT Academic Appeal Committee Membership

- 4.17. The membership of an NIoT Academic Appeal Committee conducting a paper- based review shall comprise no fewer than two staff. The quoracy of two must comprise a Chair who is usually a Regional Principal of the NIoT and a Head of Faculty or Regional Head of Faculty. These individuals must not be based within the same region as the student submitting the academic appeal.
- 4.18. No person shall serve in respect of a case in which they have a personal interest, or when they have personal knowledge of the student arising out of an academic or pastoral connection with the individual concerned.
- 4.19. Each committee shall be supported by a Secretary who shall be the Director of Registry Services. The Secretary will not act as a member of the committee but will provide guidance on procedure and precedents where appropriate.

NIoT Academic Appeal Committee procedure

- 4.20. The Academic Appeal Committee shall consider all appeal submissions which have been deemed eligible by the Director of Registry Services.
- 4.21. The Academic Appeal Committee shall base its deliberations on the information and evidence submitted.
- 4.22. After consideration of the submission and Faculty response, the Academic Appeal Committee shall reach one of the following decisions:
 - a) Reject the appeal and confirm the original decision against which the appeal is being made;
 - b) Uphold the appeal in part or in full
 - c) If deemed necessary, convene a full hearing before an NIoT Academic Appeal Committee which will be conducted in accordance with procedures as set out in Appendix 1 - Proceedings at an NIoT Academic Appeal Committee Hearing
 - d) Refer the matter back to the relevant PAB (in cases of appeals against awards);
- 4.23. The Committee may attach conditions to any of these decisions. Where conditions are attached the Committee shall specify the consequences of failure to comply with the condition (which for the avoidance of doubt may include rejection of the appeal).
- 4.24. The Committee cannot change marks or awards.
- 4.25. Each decision made by a Committee will be confirmed, normally within five working days of the committee taking place.
- 4.26. The outcome letter will set out the reasons for the Committee's decision.
- 4.27. The procedure at a hearing of the NIoT Academic Appeal Committee is set out in the Appendix to this Procedure.

- 4.28. If the student is dissatisfied with the outcome following the paper-based review stage of the Academic Appeal Committee or the hearing under this stage, they may wish to consider applying for an Academic Appeal Outcome Review if they feel they meet the grounds. If a student does not feel they meet the allowed grounds to apply for the Academic Appeal Outcome Review (AAOR) stage, then a Completion of Procedures (COP) may be requested from the Director of Registry Services.

5. Academic Appeal Outcome Review (AAOR)

- 5.1. Following completion of the initial stage and the submission of a AAOR Form, eligible cases will be reviewed by the AAOR Panel. This is a paper-based review which the student does not attend. The request for an AAOR must be submitted through the form which can be accessed at the following link: <https://forms.office.com/e/jqG5ud7eTx> AAOR's which are not submitted using this methods will not normally be processed.

Right to AAOR

- 5.2. A student may request a review of the decision taken at the Initial Appeal Stage through an Academic Appeal Outcome Review

Grounds for Review

- 5.3. Requests for reviews of decisions made at the Initial Appeal Stage may be submitted on the following grounds:

- a) that there is evidence of a material procedural irregularity that has occurred in the handling of the appeal at the initial stage;
- b) that relevant new material evidence has come to light that was not available for a good reason at the time of the Initial Appeal Stage.

Student Submissions and eligibility

- 5.4. The request for review must be submitted within 15 working days of the date of the notification of the decision of the Academic Appeal Committee. Requests received after 15 working days will only be considered by the Director of Registry Services in the most exceptional cases. Requests must be submitted on the AAOR Form, which must be completed in full, with accompanying evidence. AAOR's which are not submitted as set out in 5.1 will not normally be processed.
- 5.5. The AAOR will be acknowledged on receipt within 2 working days. The Director of Registry Services will assess the eligibility of the appeal, normally within 10 working days.
- 5.6. The Director of Registry Services will declare ineligible requests which they consider:
 - a) are not submitted on one or more of the grounds specified in Section 5.3;
 - b) are not submitted within the timeframe specified in section 5.4 or which are submitted outside that timeframe but there are not sufficiently exceptional to justify considering it out of time;
 - c) amount to an attempt to circumvent or set aside the professional or academic judgement of examiners or markers;
 - d) are submitted without corroborating evidence
- 5.7. A Completion of Procedures (COP) letter will be issued to any student whose appeal is declared ineligible at this stage

Faculty responses

- 5.8. Faculty responses will be requested by the Director of Registry Services for the AAOR Panel and must be submitted by the Faculty to the Director of Registry Services within 15 working days of the date of notification of the review.
- 5.9. Responses must be submitted by the Faculty to the Director of Registry Services and provide evidence to support the circumstances laid out in its response.

AAOR Panel Membership

- 5.10. Each AAOR Panel shall comprise no fewer than three members of the NIoT's Academic Board with provision for substitution where necessary. The quoracy of three must comprise a Chair and two members of Academic Board. The Chair will be a senior member of the NIoT or appropriate nominee.
- 5.11. No person shall serve in respect of a case in which they have a personal interest, or when they have personal knowledge of the student arising out of an academic or pastoral connection with the individual concerned.
- 5.12. Each panel shall be supported by a Secretary who shall be the Director of Registry Services. The Secretary will not act as a member of the panel but will provide guidance on procedure and precedents where appropriate.

AAOR Panel Process and Outcomes

- 5.13. The AAOR Panel shall consider all eligible review submissions.

- 5.14. The AAOR Review Panel will carry out a paper-based review and shall base its deliberations on the information submitted by the student and the Faculty, if applicable.
- 5.15. Neither the student nor Faculty will normally be permitted to introduce further new material at the AAOR stage unless it was not known to the student or Faculty when the original appeal was submitted and the Chair deems that it should be considered.
- 5.16. After consideration of the submission and Faculty response, the AAOR Panel shall reach one of the following decisions:
 - a) Reject the appeal, with reasons, and confirm the original decision against which the appeal is being made.
 - b) Uphold the appeal in part or in full
 - c) Refer the matter back to the relevant PAB (in cases of appeals against awards).
- 5.17. The AAOR Panel may attach conditions to any of these decisions. Where conditions are attached the Panel shall specify the consequences of failure to comply with the condition (which for the avoidance of doubt may include rejection of the appeal).
- 5.18. The AAOR Panel cannot change marks or awards.
- 5.19. If the academic appeal is not fully upheld at this stage a Completion of Procedures (COP) letter will be issued.

6. The Office of the Independent Adjudicator (OIA)

- 6.1. The Office of the Independent Adjudicator (OIA) is an independent body set up to review student complaints. The OIA provides a free and independent scheme for the review of student complaints. Upon receipt of a Completion of Procedures Letter issued as part of this procedure, you can make an application to the OIA to review your complaint within 12 months of the date of the letter. More information about the OIA can be

Appendix 1

Proceedings at an NIoT Academic Appeal Committee Hearing

- 1.1. The student will be invited to attend the hearing to present his or her case, and may be accompanied by a 'supporter' (is defined as a member of staff of the NIoT, a Tutor, a member of student support, a trade union representative, a friend or family member of the student or a registered student of the NIoT).
- 1.2. If a student does not attend a hearing, having declared an intention to do so, the Academic Appeal Committee Hearing has the right to consider the case and to reach a decision in the absence of the student without further notice. In this event, the student shall have no grounds for appeal, or for seeking a further hearing, solely on the basis of their non-attendance at the hearing.
- 1.3. All correspondence will be sent to the student and not to any accompanying persons
- 1.4. In all cases, a representative from the relevant Faculty will be invited to attend the hearing to present the reason for the PAB decision, to provide any necessary information which might not have been included in the Faculty response and respond to any new material which is exceptionally permitted to be introduced. If the Faculty representative is unable to attend, the Committee may proceed in their absence.
- 1.5. A student may object to any member of the hearing on one of the grounds specified in sections 4.17 of the Academic Appeals Procedure. Any objections must be submitted within two working days of the notification of the membership of the hearing being sent in writing to the student. The Director of Registry will consider the objection and at the discretion of Director of Registry Services, the individual may be required to withdraw and may be replaced.
- 1.6. At the start of the hearing, the Chair shall summarise the procedure to be

adopted and ask the student whether they wish to raise any procedural points.

- 1.7. The Chair of the hearing has the discretion to manage the hearing as they deem appropriate to ensure:
 - a) fairness;
 - b) that all parties have an opportunity to make statements and to be questioned about the appeal;
 - c) that the student, if present, is given the opportunity to make the final statement.
- 1.8. When present, the Faculty's representative and the student will each be present when the other is speaking.
- 1.9. Evidence will not normally be permitted to be introduced at a later stage unless it was not known or available to the Student / Faculty at the time of submission of the appeal / Faculty response. The Chair shall make a judgement on whether this is permitted to be introduced
- 1.10. The members of the Academic Appeal Committee will consider the matter and take a decision on the course of action which is appropriate, within the requirements which apply to the students programme.