



TITLE		REF	VERSION
Higher Education Academic Appeals Procedure		HEPRO010	3.0
DEPARTMENT	Higher Education		
DATE	18 August 2025	REVIEW DATE	18 August 2026

HIGHER EDUCATION ACADEMIC APPEALS PROCEDURE

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1. Procedure Statement

1.1. All Higher Education (HE) students¹ studying at Activate Learning have the right of appeal against decisions made by an awarding body that affects their academic progress. This procedure identifies the grounds of an appeal, the academic appeal process and defines what does, and does not, constitute an academic appeal.

1.2. Before initiating an academic appeal, you are advised to discuss your concerns with a member of the programme team, such as the HE Programme Coordinator, module leader, or tutor. If you need any further information or clarification regarding the academic appeals procedure, please email: AdminHE@activatelearning.ac.uk

1.3. The Assessment Appeals Procedure will also be referred to in your HE Student Handbook and your Programme Handbook, both of which are available on your Activate Learning Online (ALO) programme site.

¹ Students studying a Higher National Certificate, Higher National Diploma, Foundation degree, or BA/BSc (Hons) top-up Degree

2. Scope

2.1. This procedure applies to all higher education students registered on The Open University and Pearson (Higher National) qualifications, including standalone module(s)/unit(s) thereof, that are delivered by Activate Learning, including those that form part of a Higher Apprenticeship.

2.2. For HE² programmes awarded by one of our other university partners, you will be required to apply and follow their academic appeals procedure, which can be accessed below:

2.2.1. University of Reading - [Appeals to the Standing Committee on Examination Results](#)

2.2.2. Oxford Brookes University - [Academic appeals - Oxford Brookes University](#)

2.2.3. Middlesex University - [Academic Appeals | Middlesex University](#)

2.2.4. Kingston University - [Academic appeals | Kingston University London](#)

3. Right of Appeal

3.1 An academic appeal can be made in respect of the following areas relating to the assessment process:

- a) A formal assessment result.
- b) A qualification classification.
- c) A decision taken as a result of unsatisfactory academic progress e.g. a requirement to withdraw from the programme of study.

4. Criteria for an Assessment Appeal

4.1 An academic appeal **may only** be made on the following grounds:

² Students studying a Higher National Certificate, Higher National Diploma, Foundation degree, or BA/BSc (Hons) top-up Degree.

- I. Procedural errors in the formal conduct of an assessment, or where relevant the Assessment Board, in reaching an academic judgement which do not comply with the published regulations for that programme (Breach of Regulation).
- II. Where you believe that your performance in an assessment was adversely affected by exceptional circumstances, and this was not known by the Assessment Board before reaching their decision. You must be able to provide a satisfactory explanation and evidence for not disclosing this information before results are formally ratified (mitigation).
- III. There was a material administrative error or irregularity in the conduct of the assessment, you will have to explain what the error/irregularity was, how it affected the outcome of the assessment and provide at least some evidence to suggest that the error/irregularity occurred.
- IV. Your assessment was affected by personal bias on the part of one or more assessors; you will have to provide at least some evidence to suggest that this was the case.

4.2. The following **do not** constitute criteria for an academic appeal:

- I. Dissatisfaction with the academic judgement made by internal assessors and/or external examiners/verifiers.
- II. Appeals against results which have not yet been confirmed by an Assessment Board.
- III. Appeals which are submitted more than 30 calendar days after the date of the notification of the relevant decision (results), except where you have provided evidence to demonstrate that you were unable to appeal at an earlier stage for good reasons beyond your control
- IV. Dissatisfaction with the decisions of the awarding body/Assessment

Board.

- V. Complaints made against Activate Learning or its staff. Any student who wishes to make a complaint against Activate Learning or its staff should do so under the [Compliments, Comments and Complaints Policy and Procedure](#)
- VI. An appeal against an admissions decision. If you wish to appeal against an admissions decision, you should do so under the [HE Admissions Procedure](#)

5. How to make an appeal

5.1. Academic Appeals should normally be submitted directly by yourself, and not by someone acting on your behalf. However, if, for example, you have a disability, which makes it difficult for you to engage in the procedure, then you may apply to appoint a representative. You should do this by emailing the Academic Registrar AdminHE@activatelearning.ac.uk with the following information:

- The reasons why you need a representative,
- The name and contact details of who will represent you, and
- Giving permission to Activate Learning to discuss all confidential matters with the representative

5.2. If you believe that you have grounds for requesting a review based upon one or more of the criteria listed in section 4 above, you should undertake the following stages:

5.2.1. Stage 1

5.2.1.1. Submit a written appeal by completing an online Academic Appeals form located on HE Portal under Awarding Body Regulation

5.2.1.2. The Academic Appeal form must be submitted **no later than 28 working days** after the date of the notification of the relevant decision (results) following the assessment board meeting.

5.2.1.3. The respective Faculty Director or nominee will confirm receipt of your appeal **within 3 working days** and review the appeal in consultation with the HE Academic Registrar and the HE Programme Coordinator. You may be asked to provide further information at this stage and/or be invited to discuss your appeal in-person or online.

5.2.1.4. The respective Faculty Director or nominee will communicate the outcome of your appeal **within 10 working days** of receipt of your appeal. If any aspect of the academic appeal has been found justified, then the outcome letter will explain what Activate Learning will do to put things right, and when this will be done. Most appeals are found to be either **Justified (accepted)** or **Not Justified (declined)**. However, where an appeal has multiple elements, a conclusion of **Partly Justified** may be applied - in that case, the outcome letter will clearly state which elements of the appeal have been accepted and which have not.

5.2.2. Stage 1 outcome

5.2.2.1. *Student satisfied: no further action.*

5.2.2.2. *Student still dissatisfied: proceed to next stage.*

5.2.3. Stage 2

5.2.3.1. If you are dissatisfied with the Stage 1 academic appeal outcome, you can request a Stage 2 review of this decision by emailing AdninHE@activatelearning.ac.uk **within 7 working days** of the issue of the Stage 1 outcome, on one (or more) of the following grounds:

- a) that the procedures were not properly followed during the Stage 1 investigation.
- b) that the outcome was one that no fair and reasonable person could have made on the basis of the evidence.
- c) that there is new, relevant evidence which you can demonstrate you were unable to provide earlier for reasons

beyond your control.

5.2.3.2. Normally, the Stage 2 review will be undertaken by the Group Director of Quality and Consistency (or their nominee) and the Director of Higher Education, who have not previously been involved in the case.

5.2.3.3. The reviewers will assess whether the request came in on time and if not, whether there is a valid reason why it could not have been submitted earlier. If it is decided that one or more of the grounds for a Stage 2 academic appeal have been met, then the reviewers have the authority to amend the Stage 1 outcome.

5.2.3.4. The Stage 2 outcome will normally be sent to you **within 5 working days** of the request to proceed to Stage 2. If any aspect of the academic appeal has been found justified, the outcome letter will explain what Activate Learning will do to put things right, and when this will be done.

5.2.4. Stage 2 outcome

5.2.4.1. *Student satisfied: no further action.*

5.2.4.2. *Student still dissatisfied: proceed to next stage.*

5.2.5. Stage 3

5.2.5.1. If you are studying on a qualification awarded by The Open University (OU) and have exhausted all the procedures (stages one and two) above, and remain dissatisfied, you have the right to submit a review to The Open University **within 28 working days** of receiving the Stage 2 outcome, which will include a 'Completion of Internal Procedures' letter from Activate Learning (see Appendix 1 for an example). The Open University review can take up to 28 working days to complete. Please refer to [Appendix 1 Student Appeals Procedure of the OU Handbook for Validated Awards](#) for further details of the procedure, including timescales and how to

contact the OU.

5.2.5.2. If you are studying on a Higher National Certificate or Higher National Diploma programme awarded by Pearson, you have a right of appeal to Pearson, but only if the procedures (stages one and two) above have been fully exhausted, and if you are dissatisfied with the outcome. Further details of the procedure, grounds for appeal and who to contact are provided here: [Pearson Appeals](#)

5.2.5.3. Once you have exhausted Activate Learning's procedures, and that of Pearson or The Open University (as appropriate), you will be sent a 'Completion of Procedures' letter by the relevant awarding body within 28 working days, clearly outlining the outcome and reasons. If you are still unhappy with the outcome or how your academic appeal was handled, you can apply for an independent review by the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#) .

5.2.5.4. Complaints must be referred to the OIA within 12 months of the date of the Completion of Procedures letter. Guidance on this process can be found on the [OIA's website](#).

5.3. You have the right to be accompanied by a friend or advisor during any stage of the academic appeals process

5.4. At all stages, complete records must be kept of the academic appeal, and any action(s) taken

5.5. Copies of all records must be securely stored with the Higher Education Learning Partnerships office.

6. Confidentiality

6.1. We take your privacy seriously and will treat any request relating to academic appeals with strict confidentiality.

- 6.2. Personal information submitted will only be seen by staff authorised to process and consider your request.
- 6.3. Details will not be shared beyond those directly involved in the assessment process, except where required by appeals procedures or professional body regulations.
- 6.4. Records will be securely stored and managed in line with our [Information Security and Data Protection Policy & Procedure](#), and relevant legislation (the Data Protection Act 1998)
- 6.5. We recognise that information shared may include sensitive personal data (such as health or disability-related details), and this will be handled with particular care.

References

Other policies and procedures related to this procedure include:

- [Assessment and Verification Policy](#)
- [Higher Education Assessment and Verification Procedure](#)

If you require this document in an alternative format, please email complianceteam@activatelearning.ac.uk

Appendix 1. Completion of Internal Procedures letter for Open University students.



Dear **[Name of appellant]**,

This letter confirms that the internal procedures of Activate Learning in relation to your appeal regarding [details] have been completed.

The issues that you raised in your appeal were [details]. The issue(s) that were considered in relation to your appeal was / were [brief summary of the appeal].

Our final decision is* [detail] because [reasons].

In conclusion, Activate Learning will be taking the following actions in relation to the issues you have raised. [actions to be taken, timescales and who is responsible.]

Once again please accept my sincere apologies for any upset or distress that was caused to you or upset or distress you felt. I can assure you that every effort will be made to ensure that all future dealings that you may have with Activate Learning will prove to be satisfactory.

I hope you will view this response as helpful in addressing your concerns. However, if you have any further concerns or require any other information regarding your appeal, please contact me to resolve any outstanding issues you may have.

I should also like to take this opportunity to thank you for contacting us about your concerns. The opinions of those who use our services give us valuable insight into the service that we provide and areas where improvements might be made.

Because you are studying on a programme validated by the Open University (OU) you can request that the OU reviews this outcome if certain conditions are met. Please read “Appendix 1: Student Complaints and Appeals Procedure” of the Open University’s Handbook for Validated Awards³ to understand if you would be eligible to request the Open University review this outcome, and if so, the timeline and process you will need to follow.

Do read the Open University’s documentation for full details, however, you should be aware that it is important that the OU receives any appeals as soon as possible, and **within 28 days of the date of this letter**. A delay may mean that the OU are unable to investigate the matter fully.

Please note that procedures will not be deemed officially ‘completed’, and therefore you would not be able to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review this outcome until you had also exhausted the Open University’s processes. If you were to follow and complete the Open University’s processes, you would then be issued a ‘Completion of Procedures’ letter and at that point would be entitled to request that the OIA review the complaint.

Please be aware that there are time limits within which you would have to request the OIA review a complaint – typically students have 12 months to bring an appeal to the OIA, although please visit their website for the most up-to-date information.

Yours sincerely,

[Authorised signatory]

³ <https://www.open.ac.uk/about/validation-partnerships/about-ou-validation/ou-handbook-validated-awards>