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A Hub of **Music, Media & Creative**
Industry Opportunities in Yorkshire



49.0 Learner Appeals Policy and Procedure for Higher Education and Further Education

Policy Number	49.0
Policy Name	Learner Appeals Policy and Procedure for Higher Education and Further Education
Applicability	All staff
Contact Person	Chrissy Moog
Policy status	Approved
Date of approval	8 th August 2018
Date last amended	13 th August 2019
Date of next review	29 th May 2020
Related policies	7.1 Learner Complaint Procedure

Purpose

This policy, together with its associated procedures, provides an appeals procedure to ensure that Centre policies and procedures are applied appropriately, fairly and consistently to all learners.

Policy Statement

Higher Rhythm Limited will allow any learner the right to appeal against decisions made under the following company Policies and Procedures:

- Learner Disciplinary Policy & Procedure
- Learner Complaints Procedure
- Customer Complaints Policy and Procedure
- Admissions
- Assessment
- General Complaints
- Any other decisions based on the Centre's rules and policies.

Validating and certificating bodies have their own appeals procedures in the case of appeals of an academic or examination nature.

Responsibilities

The Media Services Manager is responsible for the implementation and development of this policy. All members of staff and learners are responsible

49.0 Learner Appeals Policy and Procedure

for the effective operation of this Policy and Procedure.

The Senior Manager is responsible for hearing appeals against the operation of this policy.

The Senior Manager is responsible for hearing appeals and may work alongside the Board / Management Committee where a complaint / appeal requires clarifying existing policies or creating new policies.

Appeals Procedure

A formal appeal should be made only after the learner has exhausted informal and formal means of resolving issues or is not satisfied with the outcome of a complaint raised.

Any learner who wishes to make a formal appeal / review against a decision should submit the appeal in writing (letter or email) within fourteen working days of receipt of the outcome letter for the Formal Complaints Stage 2; this should be sent to the Administrative Officer.

The letter or email should specify the reasons why you believe your complaint should be reviewed, which must fall within one or more of the following categories:

- i) proper procedures were not followed
- ii) the outcome was unreasonable.
- iii) new material evidence has come to light which you were unable for valid reason to provide earlier in the process.

The Stage 3 Review will not consider the issues afresh or involve a further investigation but will consider whether the relevant procedures were followed during the formal stage (including the giving of clear reasons why the complaint was rejected at the Formal Stage). If the Review Stage is upheld then the complaint will be returned either to the original complaints officer to consider the further material or to a complaints officer not previously involved in the matter.

If applicable, an appeal hearing will be held within twenty working days of the Senior Manager receiving the Level 3 letter. You will be given every opportunity to personally explain the basis of the appeal. The student will be given a minimum of three working days' notice of the time and date of the appeal hearing.

The student may choose to be accompanied by a representative or friend at the appeal hearing. The Administrative Officer should be notified, in writing prior to the meeting, of any person who will be accompanying an appellant.

The review will be considered by the Senior Manger / Board of Directors, within twenty working days of receiving the letter or email of review. In circumstances whereby twenty working days is impractical, this period may be extended by the agreement of the organisation and the learner.

Normally the decision of the Senior Manager / Board of Directors will be given to the student verbally and will be confirmed in writing within ten working days by the Chair of the review panel.

A written record of the review hearing will be kept in the Organisation's administration office.

49.0 Learner Appeals Policy and Procedure

A decision of the Board of Directors is final and is not subject to further appeal within the Organisation.

Referral to the Office of the Independent Adjudicator within 28 days of completion of the Organisation's complaints procedures, the Organisation will issue a 'Completion of Procedures Letter' to you confirming that the internal complaints procedures have been exhausted. If you remain dissatisfied with the outcome of the Organisation's internal complaints procedures, then you may refer the matter to the Office of the Independent Adjudicator (OIA) within 12 months of the date of issue of the Completion of Procedures Letter.

Signed 

Steven Mundin/ Senior Manager
13th August 2019