



# Guidance Notes for Academic or Fitness to Practise Appeals

Please ensure that you read this document before you complete and submit the required appeal form together with the HYMS Code of Practice on Academic and Fitness to Practise Appeals very carefully (<http://www.hyms.ac.uk/appeals>)

This document has been produced to help HYMS students who are submitting an appeal against a recommendation or decision of the HYMS Board of Studies, Board of Examiners or Fitness to Practise Committee, or if you are a Doctor in the first year of your Foundation Programme and wish to appeal against a decision of your Foundation School to decline to confirm your suitability to continue in the programme or to recommend that you meet the requirements for full registration with the General Medical Council.

The Appeal Form which must be used for all appeal submissions can be found on the HYMS website - <http://www.hyms.ac.uk/docs/default-source/hyms-downloads/form-for-appealing-an-academic-or-fitness-to-practice-decision.pdf?sfvrsn=20>

At every stage of the appeal process, informal resolution may be considered. The Investigating Officer will play a key role in liaising with all parties in order that this can be discussed. Where an informal resolution is offered and accepted, the student will be required to withdraw their appeal and this must be confirmed in writing.

In addition to reading through all of the documentation you are also strongly advised to seek support in completing your appeal. Advice on completion of the form and the accompanying evidence that will be required can be obtained via HYMS Student Support Office ([student.support@hyms.ac.uk](mailto:student.support@hyms.ac.uk)), HYMS Senior Advisors as well as the Student Union at each of our Universities.

As noted in the Code of Practice, the form must be submitted to the Appeals Administrator within 28 days of when you receive official notice of the recommendation or decision. Please contact the Appeals Administrator by email ([student.appeals@hyms.ac.uk](mailto:student.appeals@hyms.ac.uk)). Late appeals will not be considered.

Please do refer to Section 5 of the Code of Practice which clearly outlines the permissible grounds for appeals. Section 6 of the Code of Practice summarises decisions that you may not agree with, but which are not legitimate grounds for appeal.

It is important to note that you cannot appeal against an academic judgement of your work under the Academic Appeals Procedure. You can appeal against a procedural error in arriving at the academic decision or on the basis of mitigating circumstances if you have a good reason for not declaring these at the appropriate time. Any queries regarding any of these points of fact should be discussed with those helping you to compile your Appeal, and this should all be discussed and made clear before you submit your Appeal Form.

1. **Completing the Appeal Form**

Please complete the appeal form typed rather than handwritten. If you have a specific reason for hand writing the form, please contact the Appeals Administrator by email ([student.appeals@hyms.ac.uk](mailto:student.appeals@hyms.ac.uk)) and guidance will be given. If you are unable to fit your text in the boxes, you should attach an additional sheet but clearly label each section you are responding to.

2. **Student Details**

This section must be completed in full.

3. **Data Monitoring**

HYMS is required by the Universities of Hull and York to monitor the number of appeals by ethnic origin, gender and disability. This is important to inform future policy development, and to ensure that any identified trends or patterns are recognised and recorded. This information is already held on your student record but your consent is required to use it for the specific purpose of appeals monitoring. Thank you for providing this information.

4. **Decisions which may be appealed** (Extract from the current Code of Practice on Academic and Fitness to Practise Appeals Section 2.1)

A student may appeal against the following recommendations or decisions:-

- *To terminate the student's programme of study for a non-compliance with expected standards of academic integrity and conduct, attendance and/or submission requirements of the programme.*
- *To terminate the student's programme of study on grounds of professional unsuitability or professional misconduct ie fitness to practise.*
- *To impose a suspension or condition which may arise as a result of a Fitness to Practise Hearing.*
- *To exclude the student from an examination, dissertation, placement or other form of study or assessment forming part of the student's programme of study.*
- *To award or refuse to award the student the degree or any classification of the degree.*

- *To terminate the student's programme of study for failure to satisfy the appropriate Board of Examiners, including where a request for mitigating circumstances has been rejected.*
- *A foundation doctor may appeal against a decision of a Foundation School to refuse to affirm or certify that the foundation doctor has met the criteria specified for professional competence necessary for progression within the Foundation Programme and necessary for a recommendation that the foundation meets the requirements for full registration with the GMC.*

5. **Grounds for Appeal** (Extract from the Code of Practice on Academic and Fitness to Practise Appeals, Section 5)

*The grounds for appeal can be one or more of the following:-*

- *There is evidence that was not brought to the attention of the Mitigating Circumstances Committee at the time of their decision, that would have led them to a different decision on the student's mitigating circumstances and there is good reason why the evidence was not presented at the appropriate time*
- *Demonstrable procedural irregularities in the conduct of the assessment process of such a nature as to cause reasonable doubt as to whether the result would have been different if they had not occurred.*
- *Demonstrable procedural irregularities in the conduct of any process leading to a decision of a relevant Board/Committee.*
- *Evidence of prejudice or bias on the part of one or more of the examiners and/or any member of the relevant Board/Committee.*
- *That there are reasonable grounds to believe that the recommendation or decision by the relevant academic Board/Committee was manifestly unreasonable.*

6. **Statement of Appeal and Supporting Evidence**

The statement of appeal should set out as concisely as possible the key points of the appeal. Your statement of appeal will be read by the Appeals Administrator and specific members of HYMS and University staff in order that your case can be properly reviewed and where applicable, so that a response can be provided for each of the statements.

(a) If you are appealing in relation to **Mitigating Circumstances**, you must be able to demonstrate:-

- that you had mitigating circumstances
- that you had good reason for not submitting a mitigating circumstances claim form at the appropriate time.
- that those circumstances had an impact on the decision against which you are appealing.

An example of this may be that you were in an accident on the day before an exam and were in hospital and unable to communicate with the School. In this event you could appeal on the basis that you had mitigating circumstances that you could not have disclosed due to incapacity and that this affected your ability to sit the exam.

**If you are appealing against a decision made by the Mitigating Circumstances Committee,** then you should explain when you submitted the claim form, and also the outcome. An explanation should also be given of how you feel the Committee's decision was incorrect and/or how the decision was made without the full spectrum of information.

You must clearly set out the nature of the circumstances eg your illness and symptoms and how these affected your ability to work and revise. Prepare appropriate examples of how the loss of a close relative or a difficult family situation may have had an impact at that time. Remember to include all dates, for example the date you became ill and when you fully recovered. It is important to also highlight which assessments were affected.

The reason why you did not raise concerns or submit a mitigating circumstances application at the appropriate time is a key question to address in your evidence. **Examples** may include a genuine medical emergency or severe issues outside your control which meant that you were unavoidably prevented from submitting a claim.

**Examples** of reasons which are not suitable to include may be the belief that HYMS would not take your concerns seriously, ignorance of the mitigating circumstances procedures, believing you would do well enough not to need mitigating circumstances, or general embarrassment or reluctance to disclose your circumstances.

**Many appeals are rejected on the basis that the student does not have good reason for failing to have submitted a mitigating circumstances claim at the time of the assessment they subsequently now believe has been affected. If you do not have good reason for failing to submit a claim at the appropriate time, it is unlikely that your appeal will be upheld.**

Supporting evidence for an appeal may include information that is:-

- Relevant to the circumstance eg evidence of death supported by a death certificate, illness supported by a Doctor's letter and crime against you supported by a Police report.
- Contemporaneous with the circumstances e.g. evidence from a doctor which is either written at the time of the circumstances or which indicates that the doctor saw you at the time of your circumstances.
- From an official source such as a hospital, doctor's surgery, therapist employer.

- From an independent source ie not from a friend or relative. Whilst you can submit evidence from friends this is useful only to provide context. This is not considered to be independent third party evidence given the close links between the author of the evidence and you.

**Please refer to the HYMS Policy on Mitigating Circumstances available on the HYMS website which will be of assistance (<http://www.hyms.ac.uk/mitigating-circumstances> )**

- (b) If you are appealing against a **Procedural Irregularity** or improper/unfair conduct of an assessment this refers to an error or mistake in the way that the assessment has been carried out.

If you believe that the examiners have not given you the mark you deserve or you disagree with their opinion of some aspect of your work, or the feedback you have received, this does not qualify as a procedural irregularity as it would be an appeal against academic judgement of the examiners which is not permitted. If you are dissatisfied with the feedback you have received, this would much more likely to be addressed via the HYMS Complaints Process (<http://www.hyms.ac.uk/docs/default-source/codes-of-practice/code-of-practice-on-investigation-and-determination-of-student-complaints5189171A4B06.pdf?sfvrsn=8>)

If you feel you were given insufficient time for an exam, there appeared to have been some error in the process or an erroneous mark has been recorded, you can appeal on this basis.

Within your Appeal Statement make sure that you set out the nature of the irregularity, and explain as clearly as possible what you believe went wrong. Please do also include any relevant dates as clearly and precisely as possible, and list all affected assessments.

Supporting evidence for an appeal of this nature may include copies of email correspondence to HYMS staff demonstrating your efforts to clarify where you consider an error has occurred.

- (c) If you are appealing against **prejudice or bias** – this refers to one or more of the Examiners and/or any member of the relevant Board/Committee.

## 7. **Supporting Documentation**

All appeals must be submitted with supporting documentation which substantiates the circumstances you have outlined in your appeal. If the appeal is submitted without evidence it is extremely unlikely to be upheld. The appeal will be considered on the basis of what you submit, and therefore it is your responsibility to ensure that there is appropriate supporting evidence.

All evidence must be submitted in English. If the original evidence has been written in a different language, an official translation must be provided.

## 8. **Contact Information**

It is imperative to complete this section of the Appeal Form carefully and it is your responsibility to ensure that if anything changes, the Appeals Administrator is advised as soon as possible.

9. **Notes on Process** (As outlined in the Code of Practice on Academic and Fitness to Practise Appeals – Appendix One)

Submitting an appeal and working through the time it takes for due process can be stressful. Please do seek out independent advice and support from the HYMS Student Support Office or Student Union.

Your appeal will be received by the Appeals Administrator who will submit all documents to an Investigating Officer at your host university who will act impartially. You may be requested to attend a meeting with the Investigating Officer and you can be supported at this interview or any subsequent hearing by a friend, fellow student, Student Union Rep or member of HYMS staff. Legal representation is not permitted.

The Investigating Officer will contact HYMS with a summary of the appeal and request clarification and further information if required. HYMS will then be given the opportunity to consider the case and make a response which is then passed to the student. The student will then have 14 days to respond to this before the Investigating Officer discusses the case with the Chair of the HYMS Joint Senate Committee. If grounds for appeal are found, the case will proceed to an Appeal Committee.

The approximate time period to consider an appeal is 4-5 months although informal resolution can be achieved at any stage of the process.

Where possible every attempt will be made to offer opportunities for informal resolution and the submission of an appeal form will not prevent this. The Investigating Officer will play a key role in liaising with both parties to each an informal resolution where this is appropriate.

10. **Office of the Independent Adjudicator**

The Office of the Independent Adjudicator has issued a good practice framework for handling complaints and academic appeals. The document sets out underlying principles and operational guidance to support institutions. The link to the document is given below:-

<http://www.oiahe.org.uk/good-practice-framework.aspx>

11. Acknowledgements:

Thank you to the staff and students who have helped compile this guidance.

1 August 2017

