

7.2

APPEALS PROCEDURE – REVIEW OF MITIGATING CIRCUMSTANCES DECISIONS

# Key Details

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| **POLICY TITLE** | Appeals Procedure – Review of Mitigating Circumstances Decisions |
| **DATE APPROVED** | 08 Nov 2021 |
| **APPROVING BODY** | Academic Board via AQSC |
| **VERSION** | 2 |
| **PREVIOUS REVIEW DATES** | Jun 2024 |
| **NEXT REVIEW DATE** | 2024 |
| **OUTCOME OF EQUALITY IMPACT ASSESSMENT** |  |
| **RELATED POLICIES / PROCEDURES / GUIDANCE** | [*Academic Handbook Ah1\_07 (cardiffmet.ac.uk)*](https://www.cardiffmet.ac.uk/registry/academichandbook/Pages/Ah1_07.aspx) |
| **IMPLEMENTATION DATE** | 08 Nov 2021 |
| **POLICY OWNER (JOB TITLE)** | Director of Registry Services |
| **UNIT / SERVICE** | Registry Services |
| **CONTACT EMAIL** | regulations@cardiffmet.ac.uk |

# Version Control

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| --- | --- | --- |
| **VERSION** | **DATE** | **REASON FOR CHANGE** |
| 2 | 03 Jun 2024 | Updated guidance on confidentiality |
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Appeals Procedure – Review of Mitigating Circumstances Decisions

This procedure caters for representations against Mitigating Circumstances decisions.

1. Students are entitled to request a review following a decision of a Mitigating Circumstances Committee to ensure that appropriate procedures were followed, and that the decision made was reasonable. Any request must be submitted using the application form online form no later than **14 days** from the date of the notification which is sent by the School. Applications submitted outside this timescale will not be accepted.
2. Students are only entitled to submit a request for review once the initial Mitigating Circumstances application has been considered and an outcome provided.
3. All Applications must be supported with corroborating evidence. Any application received without the necessary evidence will not be accepted. All evidence submitted must be in English or a certified translation. Evidence not submitted in English or a certified translation will not be accepted. Certified translations must confirm that it is a ‘true and accurate translation’ of the original document. They must contain the date of the translation and must state the full name and contact details of the translator or a representative of the translation company.
4. Cardiff Metropolitan University is only prepared to consider applications which are based on one or both of the following grounds:
   1. There is new and relevant evidence, which for good reason was not available at the time of submission of the Mitigating Circumstances application. You cannot cite new grounds at this stage and must show that the evidence was not accessible or known to you at the time of the original submission. Evidence presented that was available to you, but not submitted with the original application will not be considered.
   2. There were irregularities in the conduct of the Mitigating Circumstances Procedure during the consideration of the application, which causes reasonable doubt whether the committee concerned would have reached the same decision had they not occurred.
5. Appeals will be kept confidential except where:
6. disclosure of the appeal and its contents to appropriately trained staff is necessary to progress the appeal;
7. University staff must be contacted for information or comment in relation to the appeal contents, in order to properly investigate the appeal;
8. it is judged that there may be concerns for the immediate wellbeing of the student, in which case Registry Services may ask the Wellbeing Team in Student Services to contact the student to establish if any support can be provided;
9. information within the appeal gives rise to a safeguarding concern in relation to the student or someone else, in which case advice will be sought from the University’s Safeguarding Lead.

Students must consent to the above in order to submit an application for appeal.

Appeal outcomes will be recorded in order to identify trends and inform the University’s review of procedures, however in sharing statistics internally, individual students are not identifiable.

For further information on Data Privacy, please refer to the Cardiff Metropolitan University [Data Privacy Statement](https://www.cardiffmet.ac.uk/about/Pages/privacy-statement.aspx) or contact the Information and Data Compliance Officer by emailing [DataProtection@cardiffmet.ac.uk](mailto:DataProtection@cardiffmet.ac.uk)

By submitting an appeal, students consent to their application and supporting evidence being processed in accordance with the above. Please note if students do not consent they will not be able to submit an application for appeal.

1. The Vice-Chancellor (or nominee), will disallow any application which:
   1. introduces information, which was known to, and could have been reported by, the student within their original Mitigating Circumstances application;
   2. provides no evidence of irregularities in the conduct of the Mitigating Circumstances Procedure during the consideration of the application.
2. All outcomes are normally provided within four working weeks of its receipt.
3. If an application has been disallowed, an outcome letter will be sent to the student including an explanation for the decision.
4. If it is decided by the Vice-Chancellor (or nominee), that there is a case to be considered, it shall be referred to the Chair of the Appeal Board for a Chair’s executive decision and then referred back to the relevant Mitigating Circumstances Committee for further consideration.
5. If, following a successful application, the student is still dissatisfied with the outcome, they may request a Completion of Procedures Letter.
6. Pursuant to the Higher Education Act 2004 as amended by the Consumer Rights Act 2015, the Office of the Independent Adjudicator for Higher Education (the OIA) has been designated as the operator of an independent scheme in Wales for the review of student complaints.

Once all the relevant University procedures above have been exhausted, a candidate may submit a complaint to the OIA if dissatisfied with the outcome. Any such complaint must be submitted by sending a completed Complaint Form together with all relevant information to the OIA within twelve months of the date stated on the “Completion of Procedures Letter” from the University on completion of its internal procedures. This information can be found on their website <https://www.oiahe.org.uk>