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## Case studies for Appeals

### Scope

*The case studies are designed to assist staff and students in avoiding some of the common problems and issues arising during the preparation and consideration of appeals relating to results, progression and award. They may also serve as guidance about “Extenuating Circumstances” applications, as many of the examples represent late disclosure of information by students.*

*The case studies are drawn from across the sector and include examples from the Office of the Independent Adjudicator, the UCL PhD diaries database and constructed case studies drawing on common examples.*

**To be read in conjunction with** *the Student Appeals Policy, Appeals flowcharts, Appeals FAQs and Appeals forms, Extenuating Circumstances Policy*

Each case study provides the grounds upon which the appeal was made, a summary of the circumstances, and the outcome of the appeal. A commentary is then provided giving tips on what could have been done differently and the reasoning behind the outcome of the appeal. The majority of the case studies give examples of when an appeal was not upheld; this is not because City is unsympathetic to appeals but because the appeals procedure is for truly exceptional cases where other options available at an earlier time could not have been used.

*The case studies are grouped according the grounds put forward. Click on the topic in the numbered list below to be taken to the case study.*

**Previously undisclosed extenuating circumstances:**

- 1. Illness**
- 2. Long term illness or disability**
- 3. Family difficulties**
- 4. Religious observance**
- 5. Victim of crime/ mental health issues**
- 6. Examination disruption, illness, family ill-health, injury**

**Material error:**

- 7. Calculation of marks**
- 8. Legibility of hand writing**
- 9. Confidentiality requirements**
- 10. Special provisions/Reasonable Adjustments**

**Previously undisclosed extenuating circumstances and material error:**

- 11. Quality of supervision**

## 1. Illness

After receiving notification of her results, Carmen submitted an appeal, saying that she was suffering from a severe chest infection which made it difficult for her to revise for her forthcoming examination. She was very worried about how she would do in her exam but decided to see how things went. On the day of the exam she was no better but she felt she had left it too late to seek help. After the exam she was upset and worried, she felt anxious and even when she was better she couldn't focus on her other exams. When she received her results her worst nightmare was confirmed: she had done badly in her first exam and her results in her other exams were not as good as she had hoped. She went to speak to her doctor to ask for a medical certificate but the doctor could not give her one because she didn't go at the time she was ill. The doctor was very supportive and gave her a statement confirming that she had said she was ill and had felt distressed after her poor performance in her first exam.

Carmen had asked for advice from her tutor and was informed that she had missed the opportunity to submit an extenuating circumstances claim and that her only option was therefore to appeal after she received the Assessment Board decision on her results. Carmen submitted her appeal form with her letter from the doctor. She explained in the form that she had never had anything go wrong in her studies before and had therefore not read the section of her handbook relating to extenuating circumstances.

Carmen's appeal was rejected because it did not provide a sufficient reason why she didn't submit her claim of extenuating circumstances at the appropriate time (ie. Within 7 days of the assessment).

If illness is affecting your studies then it is important that you know what options are available to you. All students are expected to read their handbook and the documentation provided to them upon registration. If Carmen had read her programme handbook she would have known that she needed to get a medical certificate at the time of her illness and submit an extenuating circumstances form. While the doctor was trying to be helpful, a retrospective statement carries no weight as it is simply a report of what Carmen told the doctor – it is not evidence that she was ill at the time of her assessment.

The fact that Carmen waited until she knew what her results were before doing anything meant that she missed her opportunity to let the university know about her circumstances through the proper route. All late extenuating circumstances claims are reviewed to see if there are good reasons for lateness. It would be unfair to other students simply to accept Carmen's word that she was ill during her revision.

In order for Carmen's late claim to be successful she would first have had to explain why she was unable to inform City of her illness at the time of her exam. If the reasons for lateness were accepted, the Extenuating Circumstances Panel would then need to be satisfied that her illness represented valid extenuating circumstances.

## 2. Long term illness or disability

Bae was a full time student with a part time job; he was diagnosed with multiple sclerosis just before starting university but his symptoms were manageable. Bae's family were very supportive but they agreed with Bae's decision not to inform the University of his multiple sclerosis as it was a private matter which, in their culture, was deemed inappropriate to share outside the family. In his second year his multiple sclerosis started to get worse. He tried very hard to hide this from his co-workers, fellow students and teachers, telling people that he was tired because he was out all the time and absent due to family commitments. Bae's vision was badly affected and he tried hard to get to lectures early so he could sit at the front, but often the travel was draining and he would arrive late and so not be able to see the lecture materials. Bae was forced to give up his job which meant he had to move back home and commute in to City – this added to his tiredness and he also began suffering from worry and anxiety as his debt mounted.

Bae had done very well in his first year and his tutor and programme team were very surprised at his poor results in his second year. His tutor asked him in for a meeting to discuss what might have gone wrong and was disconcerted when Bae was very evasive and shrugged off his results as bad luck. In his third year Bae avoided his tutor and was not able to attend many lectures or seminars.

Bae was very bright and was able to do a lot of study at home with the help of his family but he ended up graduating with a much lower result than he had expected and was left with significant debt. After his graduation ceremony he felt so terrible that he went to see his tutor and explained about his illness, he asked whether there was anything that could be done.

Upon the advice of his tutor Bae submitted an appeal but, although the panel was sympathetic to his case, his appeal was not successful as he had not informed City about the problems he was facing at a much earlier stage.

A significant proportion of appeals come in at a very late stage when a student has been struggling for some time; unfortunately there is little that can be done at this stage as City can only make awards based on academic achievement.

It is, of course, up to you whether to disclose an illness or disability, but you will be in a much better position to benefit from your time at University if you do choose to disclose. Ideally Bae would have informed City of his multiple sclerosis when he first enrolled; although his symptoms were manageable there may well have been additional support available to minimise the impact of his illness on his studies and advice could also have been given about getting support at work. The Learning Success team (based here within City) are able to help eligible students with learning support and special provisions in examinations; they can also give advice on additional financial support available. Even if Bae didn't let City know straight away, as his condition got worse in his second year he could have applied for extensions to essays or submitted a case for extenuating circumstances; it is possible that this would have resulted in an additional opportunity for him to re-sit his exams with appropriate support in place.

### 3. Family difficulties

Abha was in her second year at City when her mother suffered from a stroke. Abha's family were devastated and Abha quickly stepped in to help with her mother's care and look after her two younger sisters. Abha wanted her mother and father to have as little worry as possible and set herself the task of keeping the home life of her family just like it was when her mother was taking care of the family full time. She continued to attend all her lectures and tutorials but no longer attended study groups with her friends and didn't socialise at all. She had planned to study in the evenings after her sisters had gone to bed, but her mother often required care until late or Abha was just too tired to work. Abha ended up doing most of her study on the train journey in to campus. She knew she was falling behind but didn't see that she had any option but to struggle through. By the middle of her third year Abha's mother was improving. Abha's aunt moved closer to the family and came two days a week to help out; she complemented Abha on what good care she had taken of the family but said that Abha needed to focus more on her studies. Abha worked hard to catch up but she was very aware of her poor results in her second year and of big gaps in her knowledge that she couldn't hope to fill before her final exams. Abha did better in her third year but her results were still not what she had hoped for. She made an application for extenuating circumstances but this was turned down as the medical letters referring to her mother's condition related to her second year and there was no evidence of extenuating circumstances in her third year.

Abha submitted an appeal but this was also turned down as there was no evidence of an error in the Assessment Board's decision regarding her earlier extenuating circumstances application.

It is expected that applications based on extenuating circumstances are accompanied by independent third party evidence (this may take the form of a doctor's note, or other official record which is made at the relevant time). In her second year Abha did not seek advice on the options available to her, for example, from her personal tutor, the Students' Union, the Student Centre or a local welfare officer. A medical note referring to her mother's need for continual care might have helped to support a request for extensions or consideration of extenuating circumstances, as might any formal documentation indicating that Abha was a registered carer. Abha may also have considered applying to her School for approval for an interruption to her studies. The important thing is to seek advice early and not to struggle on alone.

## 4. Religious observance

Kelly had one of her examinations timetabled for a Friday afternoon which meant she would still be in the examination after the sun had gone down on the Jewish Sabbath (which would conflict with her religious observance). She felt it was unlikely City could do anything so decided to attend the exam and get as much done as possible before the sun went down. She rushed through the exam and left feeling very upset as she was sure she would have done well given more time. She told one of her friends about the exam the following week who took a different view, believing that City would have helped; Kelly's friend recommended that she submit an extenuating circumstances form in the hope that she could do the exam again. Kelly submitted the form but her claim was turned down as it was clear that the difficulty could have been foreseen.

Kelly went on to submit an appeal but this was turned down as there was no evidence that the Assessment Board's decision regarding the extenuating circumstances claim had been made in error.

City's examinations office may be able to make special arrangements for examinations which fall on religious holidays. If Kelly had made contact with the examinations team in advance then she may not have had a problem; however, it wouldn't have been fair to other students to give her another opportunity to do the examination when the problem was foreseen and City does have arrangements in place.

## 5. Victim of crime/ mental health issues

Kharim did well in his first year and was looking forward to returning to study in his second year. Over the summer break he was attacked and spent a number of weeks in hospital. He was determined not to let the attack affect his life and returned to his studies with the rest of his cohort. Kharim didn't like to speak about the attack but his fellow students noticed that he often didn't come out with them anymore and was very jumpy. As time went on Kharim's condition got worse, he felt constantly on edge, he couldn't concentrate, he felt overwhelmed by feelings of fear and memories of the attack kept coming back to him. His home, social, and academic life were suffering but he was too ashamed to confide in anyone and felt that by telling anyone about his constant fears he would be admitting he was a victim. Eventually Kharim confided in a friend and agreed to see a counsellor who started regular work with him. Kharim's counsellor wanted him to inform his Programme of his problems but Kharim wasn't ready to tell anyone else beyond his counsellor. Kharim did badly in his exams but the work he was doing with his counsellor helped him to come to terms with what had happened and accept that asking for help was not a sign of weakness or being a victim. He had missed the deadline for extenuating circumstances but submitted an appeal on the grounds of undisclosed extenuating circumstances. He included the police report, records of his hospitalisation, and a statement from his counsellor confirming that he had been accessing support over a considerable period of time and had been exhibiting symptoms suggestive of post-traumatic stress both before and during the period of his assessment for which he was being encouraged to seek treatment. Kharim's appeal was successful, his extenuating circumstances claim was therefore submitted to EC panel; his case was upheld and the Assessment Board offered him the opportunity to re-sit his exams.

Kharim's appeal was successful because, although the attack had happened earlier in the year, his counsellor's statement provided clear historical evidence that the attack had serious long term consequences for Kharim which helped to explain why he did not report his circumstances in the usual way. The role of the appeal panel was to consider whether Kharim's reasons for not submitting his extenuating circumstances at the correct time were valid – the evidence of his counsellor supported this. The role of the extenuating circumstances panel was to look at his extenuating circumstances to see whether, on balance, his performance would have been adversely affected – the panel was satisfied that the evidence of his counsellor, the police and hospital supported this.

Although Kharim's appeal was successful it is important to note that Kharim's circumstances were truly exceptional and his non-disclosure was directly related to his mental health problems. The attack by itself would be unlikely to be accepted as grounds for extenuating circumstances as it happened much earlier than the assessments.

## 6. Examination disruption, illness, family ill-health, injury

Sharon submitted an appeal which reported extenuating circumstances affecting three assessments. In her supporting statement she explained that her father had been ill, she had had hay-fever, she had had an injury to her foot, and there had been disruption during the examination caused by individuals entering and leaving the examination room. As her supporting evidence Sharon submitted a doctor's note indicating that she had been on medication for her foot injury and for the hay fever and that this medication would have adversely affected her performance for her study and her work during the first week of her examinations (when she took the first of the three assessments).

Sharon's appeal was not accepted for the following reasons:

- There was no reason given why Sharon could not have submitted her EC claim relating to the adverse effect of the medication on her first assessment in time for the standard 7 day deadline for EC claims

Even if there had been good reasons for the late reporting of the circumstances, it would have been difficult for Sharon's application to be successful because:

- She had not submitted any supporting evidence in relation to her father's illness or the disruption in the examination so neither of these could be considered
- Her supporting evidence relating to the medication only covered one of the three assessments

Submitting multiple extenuating circumstances does not increase the chances of your application being successful as every circumstance must be judged individually against the criteria. It is important to keep your supporting statement to the point, covering only the extenuating circumstances which meet the criteria and clearly indicating how your accompanying evidence supports your claim/s.

Significant disruption in an examination would normally be recorded by the invigilator. A supporting statement from the invigilator of the Examination Office could therefore be obtained as evidence and provided in time for the standard deadline. If Sharon needed time to obtain the medical certificates relating to her father's illness and her own injury and illness she could have submitted her Extenuating Circumstances form in time for the standard deadline and arranged to submit her supporting evidence at a later date.

When preparing an appeal or extenuating circumstances application, make sure that you carefully read and follow the accompanying guidance. This will help ensure that your case is dealt with as quickly as possible, that the procedure is smooth, and that the reviewers are fully informed of the basis of your application and how it is supported by your evidence.

## 7. Calculation of marks

Danton had revised hard for his exams and was pleased with his performance. When his results came back he was surprised that he had done considerably worse in his favourite subject than in any of his other modules. He puzzled over what he had done wrong and arranged to meet with his personal tutor. His tutor was also surprised by the mark and Danton decided to submit an appeal as he was sure an error must have been made. The appeal was not upheld as Danton had simply said that “there must have been a mistake” and did not submit any evidence to support this. However, the letter notifying him of the appeal decision advised Danton to request that his marks be checked via the School’s clerical check procedure. Danton submitted his request and was informed that an error had indeed been made and his mark was therefore corrected.

Check with your School Office for information about requesting a clerical check of your marks. City’s marking processes include a range of checks and balances and so we expect that errors should be rare. However, if an error is found a result of a clerical check, this can be corrected quite simply without the need for an appeal and further investigation. If no error had been identified in this case, Danton could have sought advice about his marks from his personal tutor or from the Students’ Union about whether he had grounds for appeal. It is important to be aware that an appeal based on dissatisfaction with marks alone will not be accepted for consideration.

## 8. Legibility of handwriting

Emma failed a key assessment when the correct answer to a question was 7mls and the marker had read her answer as '1mls'. The assessment was of a type which required absolute accuracy. Emma had written the number 1 in various ways throughout the examination.

Emma submitted an appeal but it was rejected as it was not clear enough from her writing, nor from looking at her writing of the number '1' in other points in the paper, what answer she had intended to give.

While we might sympathise with Emma the Appeal Panel was unable to overturn the Assessment Board decision, which itself resulted from the examiners' judgement that it could not be assumed that Emma had intended to give the right answer. Awards can only be made based on proven achievement and, as such, the appeal could not be upheld.

## 9. Confidentiality requirements

Leon was awarded 0 in an assessment after making reference to an overarching body directly affiliated with the NHS Trust to which his work related. A strict confidentiality clause applied to the assessment requiring that any individual, organisation or geographical location referred to had to be replaced with a pseudonym such as 'Nurse X' or 'Hospital Y'.

Leon submitted an appeal in which he indicated that the organisation in question was happy with the level of confidentiality he had given them in his work. The appeal was rejected, however, because the assessment requirements were clear. Although the School noted that the application of the confidentiality clause had been particularly strict on this occasion, the potential to identify the organisation and to draw inferences about it from Leon's work existed.

It is very important to check assessment requirements such as referencing, anonymisation, word count maximums, and presentation standards. These factors are important both to ensure fairness and sometimes to protect the interests of staff, students, partner organisations and external parties. Do not simply assume that it will be acceptable to refer to organisations or individuals, but consult the relevant assessment requirements and guidance available on referencing.

In addition to the information provided in your programme handbook and course materials you may also find it helpful to reference the Learning Development Centre *StudyWell* resource which offers information on plagiarism, avoiding academic misconduct and developing positive study skills.

## 10. Special provisions

Chima was expecting to receive additional time in his examination as he had completed his SE1 form and been allocated additional time as a special provision due to his circumstances. On the day of the examination he wasn't given the additional time he had anticipated. He submitted an appeal and it was found that he had indeed, submitted his SE1 form correctly and been awarded additional time but had then been allocated to the wrong room on the day of the examination. Chima's appeal was therefore accepted.

Chima attached a copy of his SE1 form and the confirmation he had received indicating that he would get additional time in the examination. This evidence made it clear that there had been a material error in his assessment.

## 11. Lack of supervision

Alan, a research student, only saw his supervisor in person once per year. Supervision was, therefore, almost entirely by email and he sometimes felt the supervisor's turnaround time was very long. After his upgrade Alan was praised by the Head of School for the quality of his research and he was given instructions on the format and content of his thesis, which he tried to follow. However, he was required to resubmit his PhD thesis with amendments because the examiners considered that the format of his thesis was inappropriate.

Alan made an appeal based on extenuating circumstances and material error related to poor supervision. Alan's appeal was not upheld because there was no material error or extenuating circumstances in relation to his registration status or examination.

This case study highlights the importance of knowing what level of support to expect. Information for Taught students is in the programme handbook and the Personal Tutoring policy. Information for Research students is to be found in the regulations, policies and guidance provided by City for them.

If you are not receiving the level of support you expect you should begin by speaking to the person in question or to your personal tutor, supervisor, programme director or the Senior Tutor for Research. City offers a staged process for dealing with complaints if it is not possible to resolve the matter informally. You can also contact the Students' Union for advice and guidance. Do not wait until you are going to be assessed before voicing your concerns. City will often be able to help you to resolve issues as they arise but we cannot change the outcome of your award if you haven't demonstrated the necessary learning outcomes.