# Appeal to Review for Educational Oversight

# City of London Academy, December 2012

## Introduction

City of London Academy (the College) underwent a Review for Educational Oversight in June 2012. The Review resulted in the following judgements:

- **Limited confidence** in the College's management of academic standards for which it is responsible
- **Confidence** in the College's management and enhancement of the quality of learning opportunities
- **Reliance cannot** be placed on the accuracy and/or completeness of the information that the College is responsible for publishing about itself and the programmes it delivers.

The College was advised that it should either apply for a re-review, which would take place six months following publication of the review team's report, or that it should appeal the judgements of 'limited confidence' and/or 'no reliance'.

Under QAA's appeals procedure, an appeal can be made against a review team's judgement on the following grounds:

- Procedure: That the review team failed to carry out agreed procedures, or exceeded its powers, in such a way that the legitimacy of the decisions reached are called into question
- Perversity: That the review team's conclusions were unreasonable or disproportionate in the light of the available evidence. This may be because irrelevant matters were taken into account or relevant matters were not taken into account
- New material: There is material that was in existence at the time the review team made its decision which, had it been made available before the review had been completed, would have influenced the judgements of the team and in relation to which, there is good reason for it not having been provided to the review team.

The College submitted an appeal in September 2012.

Under QAA's appeals procedure, the appeal was referred to an Independent Reviewer. The Independent Reviewer may reject an appeal only where he/she decides there is no realistic prospect of the appeal being upheld. In all other cases, the Independent Reviewer will refer the appeal to an appeals panel.

## The decision

The Independent Reviewer decided that the appeal should be referred to an appeals panel.

The Appeals Panel decided that the review team's judgements of **limited confidence** and **no reliance** be confirmed. As such, the College's appeal was rejected by the Appeals Panel.

## Reasons for rejecting the appeal against the limited confidence judgement

The Appeals Panel considered the College's claim that the judgement of the review team was flawed on the grounds of 'procedure' and 'perversity'.

In relation to the claim that there was procedural error or deficiency, the Appeals Panel noted that the College had claimed that there was a contradiction between the review team's concerns that students could challenge internally verified grades with the requirement under the UK Quality Code for Higher Education that higher education providers have an appeal procedure.

The Appeals Panel considered the challenging of grades referred to by the review team. The example cited by the College of an 'oral appeal' could not, on the balance of probabilities, be regarded as an academic appeal. This was simple regrading at the request of students after internal verification had taken place. For example, in the minute of the decision to re-mark the work of a particular student on 29 June 2011, no reference is made to this being an appeal, nor are grounds for appeal referred to other than the fact that the student was disappointed with his grades, and the academic abilities of the student. No evidence has been presented by the College to support its claim that these were appeals. In the view of the Appeals Panel, this lent weight to the review team's essential recommendation of the need for the College to **implement an internal verification process that ensures parity of treatment for all students and leads to secure assessment outcomes**.

In relation to the claim that the judgement was perverse, the Appeals Panel noted that the College had claimed that the review team had relied disproportionately and mistakenly on one isolated case of a student launching an 'oral appeal' on one programme and in relation to a single assignment, and that this 'oral appeal' was made under a procedure which was not in place at the time of the review. The Appeals Panel also noted that review team members, in their response to the appeal, had stated that this was not the case, and that there was a wider body of evidence to demonstrate that the College had not implemented its own procedures consistently. The Appeals Panel considered the evidence of the minutes of the Quality Assurance Board (18 December 2011) which recorded the names of four students who had 'passed on the third attempt', apparently in contravention of the College's procedures.

The Appeals Panel considered the notes of review team members of various meetings during the review, and the detailed comments of the reviewers in response to the College's appeal. The Appeals Panel considered that there was clear evidence that the review team had appropriately followed up relevant areas of enquiry. The Appeals Panel was mindful that the alleged informality of the College's approach in itself gave rise to a position where it was difficult to reconcile the differing accounts given by the review team and the College. On the balance of probabilities, the Appeals Panel was persuaded that the account given by the review team in its report regarding an inconsistent approach to the implementation of its assessment procedures was correct, and that the judgement of limited confidence was not disproportionate.

## Reasons for rejecting the appeal against the no reliance judgement

The Appeals Panel considered the College's claim that the judgement of the review team was flawed on the grounds on 'perversity' and 'procedure'.

In relation to the claim that there was 'perversity' the Appeals Panel noted the claim of the College that the report dismisses areas that might have been written as good practice, for example the College's encouragement of the use of social media by students, and the fact that the judgement is related to two advisable and two desirable recommendations, and not an essential recommendation.

The Appeals Panel was mindful of the comments made by the review team regarding the College's failure to consistently apply its policy for amending and updating materials for internal documents. The review team cited the information presented by the College on academic appeals in the programme handbook and student handbook as being adversely affected. The review team regarded this failure by the College to consistently apply its policy in relation to such key documents had led to an inconsistent approach in the management of academic standards.

In the light of this, the Appeals Panel considered the judgement of no reliance to be a proportionate one.

The Appeals Panel noted that the review team's provisional judgement in its letter of 13 July 2012 was one of 'reliance' which subsequently changed to 'no reliance', and considered the explanation given for this in the letter to the College of 25 July 2012. The Appeals Panel also noted that the College regarded this as procedurally flawed. In relation to this matter, the Appeals Panel noted that the REO Handbook clearly states that 'all judgements, good practice and recommendations remain provisional until the report is finalised' (paragraph 34). The Appeals Panel also noted that paragraph 37 of the Handbook makes it clear that, on receipt of the draft report, the provider is given the 'opportunity to draw to the review team's attention...any areas that it regards as inaccurate or incomplete and, if necessary, to submit additional evidence'. The Appeals Panel considered the College was given sufficient opportunity to present material to the review team in relation to this amended judgement.