MID ESSEX ITT
INITIAL TEACHER TRAINING

Trainee Appeals Policy

1. Guiding Principles

1.1. Mid Essex ITT will ensure that appeals are handled in line with the principles of fairness, transparency, proportionality, timeliness and independence.

1.2. The purpose of an appeal is not to re-run the original decision-making process, but to review whether appropriate procedures were followed and whether the decision reached was reasonable.

1.3. This policy has been put together following the guidance from the **Office of the Independent Adjudicator for Higher Education's Good Practice Framework**

1.4. An appeal is defined as "a request for a review of a decision of an academic body charged with making decisions on trainee progress, assessment and awards".

1.5. This policy should be read alongside the Mid Essex ITT Safeguarding Policy, Fitness to Practise Policy and Trainee Disciplinary Policy.

2. Scope and Expectations

2.1. This procedure is applicable to all current or recent Mid Essex ITT trainees who are:

i. appealing the outcome of a Cause for Concern process

ii. appealing the outcome of the Assessment Board which recommends trainees for Qualified Teacher Status (QTS)

2.2 Trainees have the right to appeal if they are unhappy with the outcome of one of the above.

2.3 This procedure is not applicable for Mid Essex ITT trainees appealing decisions relating to their Postgraduate Certificate in Education (PGCE) or Professional Graduate Certificate in Education (ProfGCE) as these are awarded by the Anglia Ruskin University.

2.4 The appeal process will not normally involve reconsideration of academic or professional judgement unless there is evidence that such judgement was exercised unreasonably or without due process.

2.5 Appeals relating to safeguarding or fitness to practise decisions will be considered in line with the relevant policies, taking account of the need to prioritise the safety of children and the public.

3. Submitting an Appeal

3.1. After being notified of an outcome, trainees should submit their intention to appeal the decision within 14 days (10 working days) to the Director.

3.2. Intentions to appeal should be made in writing or via email.

3.3. Appeals should clearly set out the grounds for appeal and include any supporting evidence where available.

4. Timing of Appeals

4.1. Mid Essex ITT must notify trainees of their right to appeal and of the time frame in which to appeal.

4.2. Trainees have 14 days (10 working days) to notify Mid Essex ITT if they wish to appeal to a decision.

4.3. Appeals will be completed within 90 calendar days of the start of the formal stage. Mid Essex ITT will keep trainees informed of progress where it is not possible to meet these timescales.

5. Stages of Appeal

i. Early Resolution

ii. a Formal Stage (including Appeals Committee)

iii. a Review Stage

iv. independent External Review (OIA)

6. Early Resolution

6.1. Early resolution is intended to clarify decisions and resolve concerns quickly where possible, without the need for formal procedures.
6.2. Mid Essex ITT will give trainees an opportunity to seek clarification of a decision, or to discuss their concerns with a nominated member of staff. This will provide an opportunity to manage the trainee's expectations before they decide whether to submit a formal appeal.
6.3. Where appropriate and proportionate the trainee should be provided with a written outcome.

7. The Formal Stage

7.1. On receipt of a formal appeal, Mid Essex ITT will undertake an initial evaluation to check that the appeal is submitted under the correct procedures, falls within the grounds upon which an appeal may be made, is submitted within any deadline, and is in the required format. This process may result in:
i. the appeal proceeding for consideration
ii. the appeal being rejected because it is not made under the permissible grounds.
iii. the trainee being referred to a different procedure
6.2 The formal stage will be dealt with by staff who have not been involved previously.
6.3 Where an appeal is rejected at initial evaluation, Mid Essex ITT will provide a clear explanation of the reasons, including why the grounds for appeal have not been met.
6.4 If the trainee's expectations appear to go beyond what Mid Essex ITT can reasonably deliver, or what is in its power to deliver, the staff member should explain this to the trainee as soon as possible in writing in order to manage expectations about possible outcomes.
6.5 The procedures followed should be proportionate to the nature of the appeal and the complexity of the issues raised. The member of staff investigating the appeal may talk to key staff and consider documents and other evidence. The trainee's school will usually be asked to comment on the appeal.
6.6 The level of investigation will be proportionate to the nature and seriousness of the issues raised.
6.7 Appeals can be reviewed by a panel, the Appeals Committee – see Appendix L6
6.8 Mid Essex ITT will write to the trainee setting out its decision at the conclusion of this stage.
6.9 If the trainee is not satisfied with the outcome, they should submit a request for review to the Director in writing or via email within 14 days (10 working days).

8. The Review Stage

8.1. The review stage is where the trainee can appeal to Mid Essex ITT for a review of the process of the formal appeal to ensure that appropriate procedures were followed and that the decision was reasonable.
8.2. A request for a review may be on limited grounds, including but not confined to:
i. a review of the procedures followed at the formal stage
ii. a consideration of whether the outcome was reasonable in all the circumstances
iii. new material evidence which the trainee was unable, for valid reasons, to provide earlier in the process.
8.3. The review stage will not usually consider the issues afresh or involve a further investigation. The review stage does not normally involve a rehearing of the case or reconsideration of the original decision unless procedural concerns or new evidence justify this.

8.4. Mid Essex ITT will allocate the request for review to a designated member of staff not involved at any previous stage.
8.5. An appeal must have been considered at the formal stage before it can be escalated to the review stage.

9. Closing the Appeal at the Review Stage

9.1. If the appeal is not upheld, the outcome of the review stage should be communicated to the trainee in writing by issuing a Completion of Procedures letter as soon as possible and within 28 days. The Completion of Procedures Letter will mark the end of the internal process.

9.2. The decision should also advise the trainee about their right to submit a complaint to the OIA (see External Independent Review) within 2 months.

9.3. If the appeal is upheld, Mid Essex ITT will provide the trainee with a Completion of Procedures letter and explain how and when it will implement any remedy, and whether that includes an apology.

10. Independent External Review

10.1. If Mid Essex ITT dismisses the trainee's appeal, it will notify the trainee of:

i. Their right to submit a complaint to the Office of the Independent Adjudicator (OIA) for review;

ii. The time limit for doing so is within 12 months (current OIA requirement)

iii. Where and how to access advice and support: https://www.oiahe.org.uk/

11. Appeals and Confidentiality

11.1. Appeals should be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the appeal. No third party should be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

11.2. All information will be handled in accordance with relevant data protection legislation.

12. Appeals and Representatives

12.1. Trainees can appoint a representative to support them during the appeals process.

12.2. Mid Essex ITT will ensure that all parties are treated with dignity and respect throughout the process.

12.3. There is an expectation that trainees, their representatives and staff members should act reasonably and fairly towards each other, and treat the processes themselves with respect.

12.4. Mid Essex ITT has a responsibility to protect its staff against unacceptable behaviour.

12.5. If a trainee's behaviour is deemed unacceptable, their access to staff or procedures might be restricted. Mid Essex ITT will inform the trainee if a decision has been made to restrict access, and the procedures for reviewing such a decision.

13. Frivolous or vexatious complaints and appeals

13.1. Examples of such complaints and appeals include:

i. complaints or appeals which are obsessive, harassing, or repetitive

ii. insistence on pursuing non-meritorious complaints or appeals and/or unrealistic, unreasonable outcomes

iii. insistence on pursuing what may be meritorious complaints or appeals in an unreasonable manner

iv. complaints or appeals which are designed to cause disruption or annoyance

v. demands for redress which lack any serious purpose or value.

14.2. Mid Essex ITT may terminate consideration of a complaint or appeal if it considers it to be frivolous or vexatious. Any decision to terminate consideration of an appeal on these grounds will be made proportionately and with clear justification. In such cases, Mid Essex ITT should write to the trainee explaining why it is terminating consideration of the matter. The trainee will be informed of their right to request a review of such a decision.

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