

Education

Completed course

Didn't get the grades or qualification expected
(higher education)



**RIGHT TO
PARTICIPATE**

Useful knowledge

If you're unhappy with your grade, there are two routes whereby your concerns can be investigated in higher education – either by academic appeal or following the complaints procedures. The university will normally have two different procedures. If you are unsure about the process to follow check with your student services.

Useful knowledge

- Effective communication
- Negotiation skills
- Writing clearly
- Presenting facts chronologically

Ways to assert your legal rights

1. If possible, try to get some feedback so you can get an understanding of what went wrong and why. This will help strengthen your appeal or complaint should you proceed with a challenge.
2. You should check your education provider's academic appeals and complaints procedures. This may be in your student handbook or the education provider's website.

An appeal is a request to review the decision of the examiners. Grounds for appealing are normally set by the university and are limited. This may be because:

- there were mitigating circumstances that were not taken into consideration – such as a late diagnosis of a long term health condition, impairment or disability.
- there was a clerical error in marking

- unfair bias shown by a member of academic staff or
- marks were deducted which was unfair or disproportionate.

Be mindful of the deadlines for appealing which can be quite soon after the results have been published. You should submit the appeal along with any evidence to support your claim in writing. There may be a specific form you need to complete.

Generally complaints are on a wider variety of issues such as concerns about teaching, curriculum content or failure to make adjustments.

[Download template complaint letter](#)

3. If you're unhappy with the decision made, at this point you have the option of taking your complaint to the Office of the Independent Adjudicator (OIA) of Higher Education. At the end of the appeals or complaints process you will be issued with a Completion of Procedures letter. You have 12 months from the date on this letter to submit a complaint to the OIA.

The OIA will not look at matters of academic judgment. However, if you've been given a lower grade and this is because of mitigating circumstances that affected your performance or if unfair bias was shown the OIA may be able to help.

4. If your appeal or complaint includes disability discrimination, for example a failure to make reasonable adjustments as a reason for not being able to show your true potential, you may want to look into taking legal action. There are strict time limits for taking legal action under the Equality Act. You will have six months minus one day from the date of discrimination to make your claim in the County Court.

Where a complaint has been made to the OIA, there is an extension available under the Equality Act s.118(2) and (3) – so that the claim must be within nine months rather than six.

The court can also consider claims outside the time limit if it considers it 'just and equitable' to do so.

You should take legal advice should you wish to pursue this through the legal route.

You can have confidence in the process because

Colleges and universities have been covered by the Disability Discrimination Act since 2001 and the Equality Act since 2010. Most have a good understanding of their legal duties and well developed systems for making sure disabled students progress in their studies

You can get more help from

The [Equality Advisory & Support Service \(EASS\)](#) runs a free helpline assisting individuals with equality and human rights issues across England, Scotland and Wales.

Telephone • 0808 800 0082
Text phone • 0808 800 0084
Email • [through websites form](#)

Disability Rights UK [student helpline](#)

Telephone • 0330 995 0414
Email • students@disabilityrightsuk.org

Disability Rights UK free factsheets on [Understanding the Equality Act](#) and [Making a complaint](#)

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Disability Rights UK [Into Higher Education](#) guide

The [Office of the Independent Adjudicator \(OIA\)](#) is an independent body which investigates student complaints against higher education providers.

Telephone casework • 0118 959 9813
support team

Email • [through website form](#)