

HOW TO WRITE A WINNING *UNIVERSITY* *APPEAL*



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A successful appeal can be life-changing for students. It can make the difference between a good degree and a bad degree, or between expulsion and staying on the course. Ultimately, it can alter a student's future, from their choice of career to their earning potential.



Yet, the majority of student appeals are not successful. They are poorly argued and badly written.

Common mistakes include:

- Failure to address key points
- Failure to identify sound arguments
- Insufficient evidence
- Irrelevant evidence
- Proliferation of weak arguments
- Poor writing skills
- Wrong tone (e.g., aggressive or accusatory)
- Appeal statement is too short
- Appeal statement is too long
- Appeal statement lacks structure

This booklet gives advice for students, gleaned from the team of barristers at Alpha Academic Appeals.

'Your appeal statement was amazing. Having seen your work, you guys are 1000x better than I could ever have imagined'

'Thank you for listening to my case, analysing all of the evidence and producing an incredibly compelling appeal statement. The appeal was submitted last Friday, and I received the outcome letter today: the University's original decision was overturned.'

'You have done my case justice. Thank you so much! You have taken all my evidence and words and turned it into....well, the best way I can describe it is that you are an impressive wordsmith! And more.'

THE ART OF PERSUASION

An appeal statement is a persuasive document. It is wrong to think that if only you put down on paper what happened, you will succeed.

It must be written in a manner that compels the reader to allow the appeal.

Persuasiveness is linked to the evidence accompanying your appeal, of course, but also the manner in which you present your case. There are techniques of persuasion, which require an understanding of human psychology.



A good appeal should appear irresistible and obviously right. Writing such an appeal should take hours and multiple revisions. Do not leave it to the last minute.

GROUNDINGS OF APPEAL

The starting point for any appeal is the grounds of appeal. You should find these in the University regulations. You should know these regulations well. Do not assume that the University staff will know them, or that their interpretation of the regulations is unquestionably right.

The University probably doesn't want you to appeal. Dealing with appeals is time-consuming and costly. Do not be dissuaded from appealing if you believe you have a case. Nor should you be dissuaded from seeking the help of lawyers. Universities often use lawyers when they seek to protect their interests, so why shouldn't students? A lawyer should greatly improve the quality of your appeal.

Everything in your appeal statement should relate to the grounds of appeal. What is relevant is determined by reference to the grounds of appeal.

So, if you're a medical student who wants to appeal on the grounds of mitigating circumstances, the fact that you really want to be a doctor is irrelevant. This is because it has no bearing on whether your mitigating circumstances justify disregarding a failed exam, for example.

ASSESSMENT OF STRENGTHS AND WEAKNESSES

Before you put pen to paper, you need to think about strategy. What is the most effective way to win the appeal? The answer is not necessarily throwing as many arguments as possible in the hope that one will stick. This could be counter-productive, especially if you criticise several members of staff in the process. Concentrating your fire on a few well-chosen arguments is often more effective.

As objectively as possible, you need to determine which grounds of appeal you should invoke and, within those, which arguments to use.

For each argument, you need to consider the burden and standard of proof and the strength of your evidence. You need to identify what needs to be proved in order for your case to succeed.

You should also try to consider the case from the perspective of the University. What are they likely to say in response to your arguments? If you identify weaknesses, make sure you deal with them in your statement.

BACKGROUND FACTS

It is important that you tell the reader the background to your case. Do not assume they will know this.



At Alpha Academic Appeals, we spend hours before a consultation with the client reading all the relevant documents. To advise accurately, we must know all the relevant facts.

Do not assume the decision-makers will spend hours reading about your case. They might just spend a few minutes going through the documents.

The way you set out the facts is key. It should be clear, accurate, without embellishment or effusive emotion, and present a narrative that helps your case. In most cases, it will be chronological.

'The notion that the facts, whether simple or complicated, speak for themselves is sheer non-sense. In reality there are as many ways of telling the story of any case as there are fleas on a dog. Subtleties of arrangement and emphasis; the selection of particular words or phrases; and innumerable little twists and turns all play their significant part and are worthy of study.'

Harold R. Medina

In other words, the presentation of the background facts can, if done properly, form part of the persuasiveness of the document. So think about the most effective way to set out the facts, always keeping in mind the grounds of appeal.

Most appeal forms are pitifully short. There is no way you can include all the necessary information in them, unless you use minuscule font. Unless expressly prohibited, we advise writing the appeal on a separate Word document and including in the form 'Please see attached Appeal Statement of [Student Name]'.

PROOF

When you make a statement, consider how you can prove it. Imagine that the reader is sceptical and wants an assurance that your contention is true. How can you persuade him or her that it is?

At times, this proof might be in the form of an e-mail. For example, a tutor might have misinformed you about the date of an exam. Do not assume that the appeal panel will have access to all relevant prior interactions you have had with the university.

Other forms of proof or evidence include:

- Text or whatsapp messages
- Social media (Facebook, twitter, etc.)
- Letters and other forms of correspondence
- CCTV
- Audio recordings
- Witness statements from individuals

EXPERT EVIDENCE

A subset of evidence is expert evidence.

The most common type is medical evidence, which is often from a doctor.

However, we have used many different sorts of experts to strengthen our clients' appeal, including:

- Forensic Linguistics
- Clinical Psychologist
- Educational Psychologist
- IT Expert
- Medical Ethics Expert
- Expert in a particular cultural practice



It is important to give your expert clear instructions about what issues you want them to address. Failure to do this may result in a report that does not satisfy the decision-makers. A short letter from a GP saying a student informed them in clinic that he or she was in 'low mood' or 'depressed' is unlikely to be sufficient to discharge your burden of proving mitigating circumstances.

You should guide your expert to make the best use of their knowledge.

Note that some experts do not accept direct instructions from students but require lawyers to instruct them formally.

CRITICISING OTHERS/FINDING FAULT

Some appeals may require you to criticise a member of staff.

Tactically, you should determine whether this is necessary. If it cannot be avoided, then a rule of thumb is to criticise in as diplomatic a manner as possible. Be deferential and respectful of the member of staff's status. Call them by their title: Professor, Doctor, etc.

If you are combative, you are more likely to be met with resistance.

CHOICE OF WORDS

Do not exaggerate. Be scrupulously accurate about dates and other facts. Present facts fairly. Show yourself worthy of trust.

Write clearly. In short sentences. You should aim to simplify matters, not complexify them.

Avoid typos or ungrammatical sentences. They reflect poorly on you and suggest you wrote the document in haste.

Do not tell the decision-makers what to do, but 'suggest' or 'invite' them to make a finding.

Always be courteous and polite. Aim to come across as eminently reasonable and sensible.

All this forms part of making a good impression on the reader. If you make a good impression, you are more likely to persuade than if you come across as sloppy, illiterate, or bossy.

LAW/REGULATIONS

At times, invoking the relevant provisions of the Equality Act 2010, other statutes, or well-known principles of natural justice can add strength to your case.

The principles of natural justice include:

- The right to a fair hearing
- The right to an unbiased adjudicator



How they apply to any particular case depends on a number of factors. As Tucker LJ wrote in **Russell v Duke of Norfolk** [1949] All ER 109:

'The requirements of natural justice must depend on the circumstances of the case, the nature of the enquiry, the rules under which the tribunal is acting, the subject-matter to be dealt with, and so forth.'

PRECEDENTS

The Office of the Independent Adjudicator has a website containing dozens of past cases involving university appeals and complaints. The URL is

<https://www.oiahe.org.uk/resources-and-publications/case-summaries/>.

If you can find one which shares characteristics with your case, and where the OIA found the complaint 'justified', you can draw attention to it in the appeal statement and explain why the facts are so similar that the outcome should be the same.

SUBMISSIONS

These are your arguments. They should be logical, well founded and relate directly to the grounds of appeal. You may refer back to some of the background facts, law/regulations or precedent case.

Separate each argument so that the University can identify them clearly. Hopefully, this will encourage the University to address each argument in turn in their Outcome Letter. If you blend all the arguments together, the University is more likely to 'miss' some of them.

When you have written your first draft, stand back and ask yourself: is this persuasive?

CONCLUSION

This is where you summarise why the appeal should succeed. Summarise, don't repeat. And start with your strongest points.

If you haven't included it elsewhere in the appeal form, you should say what outcome you would like. For example, an opportunity to repeat the year, or another attempt at a failed exam.

Once you have written the appeal statement, avoid the temptation of submitting it straight away. Re-read it over and over. It's probably one of the most important documents you'll ever write. Give it the time and effort it deserves.

LENGTH

The appeal statement should be as short as the particular case permits. Some universities impose maximum page limits. In our experience, most appeal statements are 6-10 pages long.

ONLINE TUTORIAL ON WRITING A GREAT ACADEMIC APPEAL

Our expert barristers have created a 45-minute online video tutorial giving step-by-step advice to students on how to write a great appeal, with concrete examples. The tutorial expands on the material contained in this short guide.

We're confident the video tutorial will improve the quality of your appeal and your chances of success.

You can see a promo video and the first lecture absolutely free here:

<https://alpha-academic-appeals.teachable.com/p/the-no-nonsense-guide-to-writing-a-great-university-appeal/>

PROFESSIONAL HELP

Given the potential impact on their future, we strongly advise students to seek professional help in dealing with university appeal. Mistakes in the appeal can make the difference between winning and losing an appeal, and some errors cannot be corrected at a later stage of the appeal.



All initial enquiries to us are without cost or obligation, so call us now on 0800 368 9230 or complete an online enquiry here: <https://www.academicappeals.co.uk/free-enquiry/>.

