

A decision was not reasonable in all the circumstances

In order for a Review Stage appeal to be successful on this basis, you will need to demonstrate that the decision made at the Formal Stage was not reasonable in all the circumstances.

“In all the circumstances” does not mean that you will be required to demonstrate that each and every point in the Formal Stage appeal outcome letter is unreasonable. This phrase refers instead to a requirement to consider the context and circumstances of the appeal.

Simply disagreeing with the decision does not mean that it was not reasonable in all the circumstances. You should follow these points when drafting a request on this ground:

- 1) When setting out an appeal on this basis, you should write your appeal as clearly and concisely as possible, focussing very specifically on the aspect of the Formal Stage appeal decision which you feel was not reasonable.
- 2) You should focus on the Formal Stage decision itself, rather than repeating issues you previously covered in your Formal Stage appeal.
- 3) You should quote your Formal Stage appeal outcome letter when writing your statement, but you do not need to respond to every point made in your outcome letter. It is better to focus on that part of the decision which you feel was not reasonable in all the circumstances.

Case Study : Review Stage Appeal on the basis that the decision of the Formal Stage was not reasonable in all the circumstances

X submitted a Formal Stage appeal against failure on the basis of procedural irregularity. Her circumstances were that she had suffered from severe anxiety attacks and that she needed extra time in examinations. Disability Services had recommended to her department that she be offered 25% extra time and her department had agreed, but this had not been implemented in three of her summer examinations.

X's appeal was upheld and she was granted permission by an Appeals Chair to retake three examinations, but without the 25% extra time. X requested a Review of the decision on the basis that this was not reasonable in all the circumstances.

The Chair of SCC agreed that the decision was not reasonable in all the circumstances since X had established the right to be offered 25% extra time. The Review Stage appeal was upheld and permission to retake the three examinations in question, with 25% extra time, was granted.

What remedy are you seeking?

Use this box to say what you would like the outcome of your appeal to be. You should note that even if your appeal is upheld it will not always be possible to provide you with the outcome you seek.