

Recruitment, Selection and Admissions - Appeals and Complaints: Policy and Procedure

1. SCOPE AND PURPOSE

- 1.1 This procedure is for applicants who wish to make an Appeal or Complaint in relation to an application onto courses of study delivered at the University (the University).
- 1.2 The University is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs.
- 1.3 If you would like this document in a different format, please contact Registry.

2. KEY RESPONSIBILITIES

- 2.1 Responsibility for the management and implementation of this procedure lies with the Academic Registrar.
- 2.2 The Head of People and Development provides advice and reviews the appeal at the second stage of the procedure.
- 2.3 Under this policy and associated procedures any University role or officeholder may act through their appointed nominee

3. LINKS TO OTHER UNIVERSITY DOCUMENTS

Other documents with direct links to this one are:

- *Recruitment, Selection and Admission Policy and Procedure: Taught Courses*
- *University Fair Access Agreement*
- *Dignity, Diversity and Equality Policy Dignity*

Policy

4 INTRODUCTION AND CONTEXT

- 4.1 As part of its commitment to ensuring the standard and quality of its courses, services and facilities, the University has established this policy and procedure to deal with appeals and complaints relating to Recruitment, Selection and Admissions. It is intended to enable applicants to make an appeal on a decision under permitted grounds, or to bring matters of concern about their experience to the attention of the University, and enable investigation of those concerns with the aim of satisfactory resolution. The University believes that complaints can represent a useful source of feedback to help improve our services for applicants.
- 4.2 The University's policies and procedures for the recruitment, selection and admission of students have been designed to be fair, clear and explicit and to meet the University's Widening Access and Participation Strategy. The University's Access and Participation Plan is approved by the Office for Students and includes information about fees, bursaries and scholarships applicable to the University. Please see the University's Recruitment, Selection and Admission Policy and Procedure: Taught Courses for further information.
- 4.3 If an appeal also embodies a complaint, if practicable, for reasons of expediency, both will be dealt with concurrently. If this does not prove possible, the complaint will be resolved before the appeal is considered.
- 4.4 All appeals and complaints will be considered with the highest level of confidentiality that can be

maintained whilst still allowing for consultation with appropriate persons required to investigate the appeal or complaint; this is with the proviso that any individual against whom a complaint is made has a right to be informed of the complaint.

- 4.5 The University takes all appeals and complaints seriously and deals with them without recrimination. If, however, an appeal or complaint is shown to be frivolous, vexatious or motivated by malice, action may be taken against the appellant or complainant.
- 4.6 The Student Agreement and University's Recruitment, Selection and Admission Policy and Procedure: Taught Courses outline expectations and responsibilities for prospective students and staff when dealing with applications.
- 4.7 All University staff have access to and are required to comply with, University policies and procedures. The University is committed to Equal Opportunities for both prospective students and staff and to widening participation.
- 4.8 The University is committed to both the elimination of unlawful discrimination and the positive promotion and celebration of Equality and Diversity throughout all aspects of its work. The intention behind the *Dignity, Diversity and Equality Policy* is to provide a further explanation about what this means for staff, students and the wider community. The University will **not** tolerate unfair or unlawful treatment on the grounds of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs.
- 4.9 This Policy and Procedure has been mapped against the requirements outlined in the Quality Assurance Agency's Quality Code Advice & Guidance on Admissions, Recruitment and Widening Access.
- 4.10 Reasonable efforts will be made to deal promptly and efficiently with all appeals and complaints, to investigate them thoroughly and objectively and to seek to resolve them satisfactorily. Complaints will be dealt with positively and constructively. If a complaint is upheld, the University will seek to provide a reasonable and appropriate response, will correct any mistakes or misunderstandings, and will take any other action as appropriate. If a complaint is not upheld then reasons for this decision will be given.
- 4.11 The time limits set out in this policy and procedure will normally be followed. However, if for good reason this is not possible, all parties will be informed of the reasons for delay and kept informed of progress.
- 4.12 The *Recruitment, Selection and Admissions - Appeals and Complaints: Policy and Procedure* is an internal procedure and is not a formal legal process. The University does not normally use legal professionals in the handling of cases, and it is not expected that applicants would do so either. The University will not normally allow applicants to be represented by lawyers during appeals or complaints processes.

Procedure

5 APPEALS

5.1 Grounds for Appeals

Appeals against an admissions decision will only be considered on the grounds of one of the following:

- the process of decision making in respect of an application did not follow the University's prescribed procedures;
- pertinent new information materially affecting the application is available which was not included in the original application.

- 5.2 If an applicant's application was unsuccessful on the basis of not meeting the academic

requirements or an academic judgement, there will be no right to appeal.

- 5.3 If an applicant has made false statements about their academic achievements, the University reserves the right to revoke any offer made. There will then be no right to appeal.
- 5.4 If an applicant has made a false claim on their DBS disclosure and is deemed to have a high-risk status, the University reserves the right to investigate the matter, if found, revoke any offer made and reject the student's application. There will then be no right to appeal.
- 5.5 Applicants wishing to appeal against an admissions decision should complete the Admissions Appeal and Complaint Form (Appendix 1) and submit this to the Academic Registrar **within 10 working days** of notification from the Admissions Manager that their application has been unsuccessful.
- 5.6 The Academic Registrar will investigate the appeal and aim to respond in writing **within 10 working days** from receiving the appeal. The University will inform appellants about any delay and keep them informed of progress
- 5.7 If the appellant is not satisfied after receiving this response, they may ask for a review by the Head of People and Development **within 10 working days** of the response from the Academic Registrar. The request for review must be submitted in writing or by email to:

Head of People and Development
13-15 Parkwood Road
Bournemouth
Dorset BH5 2DF
peoplehelpdesk@aecc.ac.uk.

- 5.8 The Head of People and Development will review the appeal to ensure that the University's procedures have been followed and that all pertinent information has been taken into account. The review will normally be completed with a response in writing **within 20 working days** of receiving the request for review and all accompanying information. This timescale may need to be extended during peak times. If the **20 working days** deadline cannot be met, all parties will be informed of the reason for delay and kept informed of progress.
- 5.9 Appeals against the University's judgement of the merit of an applicant against the published criteria will not be accepted.
- 5.10 The decision of the Head of People and Development is final and no further appeal is permitted.

6 COMPLAINTS

Definitions and scope of the Procedure

- 6.1 The University defines a complaint as **an expression of dissatisfaction by one or more students or applicants about the University's action or lack of action, or about the standards of service by or on behalf of the University.**
- 6.2 This policy and procedure is designed for complaints from applicants relating to Recruitment, Selection and Admission to the University.
- 6.3 This policy and procedure does not cover matters if other separate codes of practice/policy and procedures apply. Specifically:
- if a complaint relates to allegations of misconduct of a member of the University community it will be dealt with in accordance with the procedures laid out in the appropriate disciplinary policy.
- 6.4 Complaints submitted under the *Recruitment, Selection and Admissions - Appeals and Complaints: Policy and Procedure* have two stages, a Local Stage, and a Central Review Stage. It is

hoped that most complaints can be resolved by applicants pursuing matters directly with the Academic Registrar. Only if this Local Stage has been pursued and the complainant remains dissatisfied should the complaint proceed to the Central Review Stage.

- 6.5 **Access to Information:** Applicants pursuing a complaint through this policy and procedure will be entitled to apply for access to personal data in accordance with the policies and procedures of the University under the provisions of the Data Protection Act 2018 and other legislation. Applications should be made in writing to the Data Protection Officer, 13- 15 Parkwood Road Road, Bournemouth, Dorset BH5 2DF or by email to dpo@aecc.ac.uk

7 PROTOCOL

- 7.1 **Anonymous Complaints:** The University will not, under any circumstances, investigate or act upon anonymous complaints.
- 7.2 **Third Party Complaints:** The University will not investigate a complaint made on an applicant's behalf by a third party unless they have appointed the third party as their representative to manage the complaint on their behalf. Anyone involved in a complaint can be supported or represented by a third party (but not normally a legal advisor) at each stage.
- 7.3 **Complaints to the Office of the Vice-Chancellor:** A complaint received by the Vice-Chancellor or another member of the Vice-Chancellor's Office will be acknowledged and referred to the relevant Officer of the University who will ensure that it is dealt with under this policy and procedure. If the complainant has not sought to resolve the complaint at the Local Stage, the complainant will be advised to pursue the issues raised with the Academic Registrar before further action is taken.
- 7.4 **Vexatious or Malicious Complaints:** The University may consider taking action under the appropriate procedures if a complaint is found to be vexatious or malicious. A vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the *Recruitment, Selection and Admissions - Appeals and Complaints: Policy and Procedure* or, for example, to attempt to defame the name or character of another person.
- 7.5 **Complaints Made by Applicants Under the Age of 18:** If a complaint made by a student who is under the age of 18 proceeds to the Central Review Stage, unless the student expressly requests us not to, the University will notify the student's parent/guardian in writing, and keep them informed of the progress of the complaint. The University will permit the student's parent/guardian to act on the student's behalf.

8 COMPLAINTS PROCEDURE: LOCAL STAGE

- 8.1 A Complaint should be put in writing using the Admissions Appeal and Complaint Form (Appendix 1) and submitted to the Academic Registrar.
- 8.2 It is expected that, except in exceptional and fully documented circumstances, an applicant who wishes to make a complaint will invoke the Local Stage **within one calendar month** of the incident that is the cause for complaint.
- 8.3 **Evidence submitted in connection with a complaint:** For the University to be able to effectively investigate a complaint, the complainant must provide evidence which should be as detailed as possible. Evidence will vary according to the nature of the complaint but typically might include:
- programme, and/or University documentation sent to the applicant(s) or made available on the University website;
 - e-mails and/or letters from University staff sent to the applicant;
 - statements from witnesses to the situation upon which the complaint is based.

In exceptional circumstances, and where the complaint is of a more general nature, specific documented evidence to support the complaint may not be available. In this situation the

applicant(s) should make clear reference in their Letter of Complaint the nature of the complaint, what occurred and who was involved.

- 8.4 If there is little or no evidence to support a complaint it may be difficult to investigate it fully and reach a satisfactory conclusion.
- 8.5 If the applicant is asked to supply further information, this must be supplied within **10 working days** or the applicant can request additional time and provide an explanation of the reason for the delay. If the applicant does not adhere to the deadlines nor request more time, it will be assumed that they no longer wish to pursue the complaint. The Academic Registrar will have reasonable discretion when considering requests for more time and will confirm to the student whether an extension is granted in writing.
- 8.6 The Academic Registrar will investigate the complaint and provide a response, normally **within 10 working days** of receipt. This timescale may need to be extended during University peak times. The University will inform the complainant about any delay and keep them informed of progress.

9 COMPLAINTS PROCEDURE: CENTRAL REVIEW STAGE

- 9.1 If the complainant is not satisfied with the outcome of the Local Stage, they may invoke the Central Review Stage. The request for review must be submitted in writing or by email **within 10 working days** of the date of the Local Stage response to:
- Head of People and Development
13-15 Parkwood Road
Bournemouth
Dorset BH5 2DF
- 9.2 The request for review must clearly outline the reason for the complaint and the form of resolution or redress that the complainant is seeking. The complainant should also specify what action they have taken to date to attempt resolution and provide copies of all correspondence exchanged during the Local Stage.
- 9.3 Submissions will normally be acknowledged **within 5 working days** of receipt.
- 9.4 The Head of People and Development will consider whether the complaint falls within the scope of the *Recruitment, Selection and Admissions - Appeals and Complaints: Policy and Procedure*. If a complaint is not held admissible, the applicant will be informed in writing and provided with the reasons for this decision.
- 9.5 If the complaint falls within the scope of the policy, the Head of People and Development will attempt resolution at this stage by corresponding, discussing or meeting with the parties as appropriate. If additional information is requested the complainant must provide it **within 10 working days** or request additional time and provide an explanation of the reason for the delay. The Head of People and Development has reasonable discretion when considering such requests and will confirm to the complainant whether an extension is granted.
- 9.6 The Central Review Stage will normally be completed with a response in writing **within 20 working days** of receiving the request for review and all accompanying information. This timescale may need to be extended during peak times. If the **20 working days** deadline cannot be met all parties will be informed of the reason for delay and kept informed of progress.
- 9.7 The decision of the Head of People and Development is final and no further appeal is permitted.

Version:	1.2
Ratified by:	Academic Board
Originator/Author	Admissions Manager
Reference source:	BU QAA and Internal
Date approved:	25 July 2024
Effective from:	August 2024
Review date:	2024/25
Target:	Admissions staff, applicants
Policy location:	Public Website. Internal

Appendix 1: Admissions Appeal & Complaint Form

This form is only for the purpose of submitting an appeal or formal complaint in accordance with the Admissions Appeals and Complaints Policy and Procedure. Please read this policy before submitting the form as we may be unable to consider an inappropriate or incomplete submission.

If you have any queries concerning the completion or submission of this form, please contact the Admissions team

Surname	
First name(s)	
UCAS Personal ID: (if appropriate)	

Contact details (if different to those on the application or if an application has not been sent yet):

Email address	
Mobile phone	
Telephone (daytime)	
Address and post code	

Please tick one only:

I wish to appeal against a decision made on my application.	<input type="checkbox"/>
or	
I wish to complain about a procedural error, irregularity or maladministration in the admissions procedures or policies.	<input type="checkbox"/>

Please provide details of your complaint or appeal below (*continue using separate sheets if necessary*):

Are you attaching any additional documentation?		Y/N
If yes, please list the additional documentation:		
Have you already discussed your complaint or appeal informally with a member of UCO staff?		Y/N
If yes, please provide details (<i>continue using separate sheets if necessary</i>)		

If you have any specific resolution in mind, please indicate your desired outcome(s) below. Please note any expression of preferred outcome will not prejudice our consideration of your complaint or appeal (*continue using separate sheets if necessary*):

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Declaration:

I confirm that the above details and any attached documentation is a true reflection of events to the best of my knowledge and that it does not contain any false or fraudulent information. I agree to the investigating officer on behalf of the University sharing details of this case, including information from my application, with other persons as part of any investigation and to retain a record of that investigation, in accordance with the Admissions Appeals and Complaints Policy and Procedure.

I also understand and accept that the outcome of appeals and complaints will be recorded for the purposes of monitoring, analysing and evaluation of appeals and complaints in terms of quality assurance.

Applicant's Signature:		Date:	
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Please send this form and any additional documentation to the admissions team

You should normally expect a response within 10 working **days** of sending this form, although this may take longer over peak times. If you have not received a response within a reasonable time, please contact the above person for an update.

Administrative Record – Office Use Only	
Date Received:	
Acknowledgement Sent:	
Academic Registrar's Signature:	