

Admissions Appeals & Complaints Policy & Procedure 2018/19

(2019/20 entry)

Name of Policy Writer/Amendments	Date Written & agreed / Amended	Approved by	Review Date
K Kramers / H Perry	September 2018	Academic Board	July 2019

Admissions Appeals and Complaints Policy

1. General principles

Northern School of Contemporary Dance (NSCD) is a constituent school (School) of the Conservatoire for Dance and Drama (CDD). The CDD and its constituents are committed to fairness and transparency, and we recognise that there will be occasions where an applicant may wish to lodge an appeal or complaint against the admissions process. This policy sets out the procedures by which an applicant may lodge a formal appeal or complaint against a decision regarding admission to a programme of study at NSCD.

Some issues may be able to be resolved amicably via an informal query, and applicants are welcome to explore their concern informally with NSCD before deciding to proceed with a formal appeal or complaint. However, the following procedures are designed to be followed where an applicant wishes to pursue a formal appeal or complaint.

For informal queries about issues concerning an admissions decision, applicants should contact:

The Admissions Manager
By e-mail at: admissions@nscd.ac.uk

The formal appeal and complaint procedure contains 2 stages:

2. Discrimination: Declaration of intent

No applicant will be treated less favourably or with discrimination as a result of lodging an appeal or complaint under these procedures. However, where NSCD deems that an appeal or complaint has been made in bad faith, or is frivolous or vexatious, we reserve the right to terminate consideration of the appeal or complaint immediately. Applicants will be informed in writing of the decision to terminate consideration of an appeal or complaint, including the reasons why.

3. Confidentiality and Data Protection

Any appeal and/or complaint received under these procedures will be treated confidentially, and only personnel requisite to the consideration and/or resolution of the complaint or appeal will be made party to it. However, NSCD is a constituent school of the Conservatoire for Dance and Drama and in the handling of your admissions appeal or complaint, data (including personal sensitive data) arising from an appeal or complaint may be shared with the Conservatoire. The Conservatoire undertakes to treat any such data confidentially and with sensitivity. We will process your personal information in accordance with the Data Protection Act 1998 and our policies on data protection and data processing. We will only share your data with third parties in accordance with our policy on data protection where the law either requires or allows us to do so or where we have your express consent. The School and CDD Data Protection Policies can be located at the following link:

<http://www.nscd.ac.uk/study/student-services/policies-procedures/>

4. Definitions

Appeals

An **appeal** is defined as a request for a formal review and reconsideration of an admissions decision, or the wording/terms/conditions of an offer. An appeal may relate to the following decisions within the application process:

- The decision to interview
- The decision to make an offer
- The content of the offer

The decision to reject on exam results.

Complaints

A **complaint** is defined as a specific concern related to a procedural error, irregularity or maladministration in the admissions procedures or policies. This could involve concerns around a procedural error, irregularity or maladministration in the admissions process.

5. Outcomes

It is important that we understand an applicant's desired outcome(s) of a complaint or appeal, and careful consideration will be given to the feasibility and propriety of these in the event of a successful complaint or appeal at either Stage 1 or Stage 2. However, where a Stage 1 or 2 complaint or appeal is upheld, the investigating officer/reviewer will determine the most appropriate outcome; this may not necessarily be the desired outcome expressed by the applicant.

After carrying out the review, and taking all relevant facts into consideration, the investigating officer/reviewer will determine whether to uphold the complaint or appeal. They will provide the applicant with a reasoned decision in writing for her/his findings, and where appropriate will offer a remedy and/or make recommendations in respect of changes to internal processes and procedures in response to your complaint. Examples of outcomes of successful appeals or complaints are:

- A formal apology.
- A fresh audition, without prejudice, either in the current round (if possible) or in a subsequent year, including moving a candidate to a later stage in the audition process;
- A conditional offer of a place (subject to meeting any conditions within a specified timeframe before a place can be confirmed);
- Refund of the application fee (in exceptional circumstances).

The above list is not exhaustive; investigating officers and reviewers have the discretion to determine the most appropriate outcome(s) following consideration and/or review.

Applicants should be aware that where the offer of a place on a programme is made in the event of a successful appeal or complaint, this will be subject to NSCD's requirements, offered at the next available opportunity and may not necessarily occur within the year pertaining to the application. However, there may be occasions where an applicant meets the grounds for an appeal or a complaint to be upheld, but NSCD is nevertheless not satisfied that the applicant is suitable for admission to the programme.

In the event of a complaint or appeal being upheld but where NSCD is still not satisfied that an applicant is suitable to be admitted to the programme, other appropriate means of resolution will be sought, which may in exceptional circumstances include refund of the application fee where it is deemed appropriate by the School to do so. The reasons why the applicant is not considered suitable will be communicated in the Stage 2 Outcome letter.

6. Timescales

A Stage 1 admissions complaint or appeal should be lodged **normally within 28 calendar days of either the admissions decision or of the incident occurring**. Complaints or appeals received outside of this timeframe will not normally be accepted, and will only be considered in exceptional circumstances (eg where an applicant can demonstrate to the satisfaction of NSCD that there are valid reasons why they were unable to meet the normal timescale for submitting an appeal or complaint), at the discretion of the Head of Academic Registry.

A Stage 1 outcome letter will be sent to the applicant normally within 28 calendar days of the date of receipt of the Stage 1 complaint/appeal.

A Stage 2 Request for Review should be lodged **within 14 calendar days of the date of the Stage 1 outcome letter**.

A Stage 2 outcome letter will be sent, normally within 21 calendar days of receipt of the Stage 2 complaint/appeal.

Whilst NSCD and CDD will endeavour to ensure that the above timescales are adhered to for responding, there may be occasions where the investigation of a complaint or consideration of an appeal prevent the timescale from being met, including requiring further information from the applicant. In this instance, the applicant will be kept updated as to the status of their appeal or complaint as necessary.

7. Eligibility

An admissions complaint or appeal should normally be submitted by the applicant. Appeals or complaints made on behalf of the applicant by parents, representatives, school or another third party will only be considered in exceptional circumstances where there are clear and valid reasons for doing so (eg as a reasonable adjustment in the event of a disabled applicant, or where the applicant is a minor), and where express permission has been granted in writing by the applicant.

Applicants who wish to make a complaint or an appeal pertaining to a decision to withdraw or amend a provisional offer of a place to study with CDD, following a review of any relevant criminal convictions, should use this procedure.

Applicants are strongly encouraged to discuss the matter with peers, parents, advisors, teachers or tutors for support and guidance before deciding to lodge an appeal or complaint.

Admissions complaints or appeals which are materially incomplete or submitted beyond the respective deadlines for Stage 1 or Stage 2 will not normally be considered.

Admissions complaints that are made anonymously under this complaints procedure will not normally be considered under any circumstances.

The following complaints would not be considered eligible for consideration:

- Complaints which do not meet either of the grounds stated in either Stage 1 or Stage 2 of this admissions procedure
- Complaints which are frivolous or vexatious, or made in bad faith
- Complaints made against an admissions decision that are based on the academic judgement of NSCD staff about an applicant's suitability for entry to a particular programme of study

Examples of frivolous or vexatious complaints include the following:

- (a) complaints which are obsessive, harassing, or repetitive;
- (b) complaints where a complainant insists on pursuing complaints already deemed by the NSCD to be non-meritorious;
- (c) complaints where a complainant seeks, or persists in seeking, unrealistic and/or unreasonable outcomes;
- (d) pursuing what may be meritorious complaints in an unreasonable manner, including unacceptable, harassing, malicious or offensive communications;
- (e) complaints which are intended to cause offence, disruption or annoyance;

(f) unreasonable demands for redress.

The following would not be considered eligible grounds of appeal:

- An appeal made on grounds other than the grounds stated in either Stage 1 or Stage 2 of this admissions procedure
- An appeal made due to failure on the applicant's part to fulfil academic or non-academic requirements for admission
- An appeal made purely on the basis of disagreement with the admissions decision
- An appeal based on challenges to the judgement of selectors in relation to the academic and/or non-academic section criteria for its programmes

8. External advice

Once an admissions appeal or complaint has exhausted Stage 2 of the procedure, there are no further internal mechanisms for an admissions appeal or complaint to be considered. Applicants are advised that the remit of the Office of the Independent Adjudicator for Higher Education (the ombudsman for student complaints) does not include admissions. However, should you wish to take your complaint further you are advised to consult your local Citizens Advice Bureau for advice on the legal avenues open to you, or the Competition and Markets Authority.

Admissions complaints and appeals procedure

1. Informal Stage

Some issues may be able to be resolved amicably via an informal query, and applicants are welcome to explore their concern informally with NSCD before deciding to proceed with a formal appeal or complaint.

Informal queries regarding admissions decisions

For informal queries about issues concerning an admissions decision, applicants should contact:

The Admissions Manager

By e-mail at: admissions@nscd.ac.uk

2. Admissions complaints and appeals procedure – Stage 1: Formal Stage

Submitting a Stage 1 admissions complaint or appeal (Formal Stage)

Applicants can lodge a Stage 1 admissions complaint or appeal by completing the **Admissions Appeal/Complaint Form**, and submitting it within **28 calendar days of either the admissions decision or of the incident occurring** to:

Head of Academic Registry

By e-mail at: Hannah.perry@nscd.ac.uk

Grounds of Complaint

Stage 1	Grounds under which a Stage 1 complaint may be made
a)	That there is evidence of significant administrative or procedural error in the admissions process
b)	That there is evidence of prejudice or bias in the selections process

Grounds of Appeal

Stage 1	Grounds under which a Stage 1 appeal may be made
a)	That there is evidence of significant administrative or procedural error in the admissions process
b)	That there is evidence of prejudice or bias in the selections process
c)	That there is additional relevant information which was for valid reasons unable to be included in the original application (including in the request for the disclosure of any relevant criminal convictions), and which warrants further consideration of the application

The Head of Academic Registry or nominee will consider and investigate the complaint or appeal. They will determine the most appropriate individual to carry this out depending on the individual circumstances of the case, and to avoid any possible conflicts of interest.

A Stage 1 outcome letter will be sent, normally within 28 calendar days of the date of receipt of the Stage 1 complaint/appeal.

3. Admissions complaints and appeals procedure – Stage 2: Request for Review

Submitting a Stage 2 admissions complaint or appeal – Request for Review

If an applicant is dissatisfied with the outcome of the admissions complaint or appeal, s/he may lodge a request for a review lodged **within 14 calendar days of the date of the Stage 1 outcome letter**, under either or both of the following grounds:

Stage 2	Grounds under which a Stage 2 appeal or complaint may be made
a)	That there is evidence of significant administrative or procedural error in the processing of the Stage 1 complaint or appeal
b)	That there is evidence of prejudice or bias in the handling of the first Stage 1 complaint or appeal process
c)	That there is additional relevant information which was for valid reasons unable to be included in the original application, and that sufficient evidence remains that the initial decision on the application warrants reconsideration

Applicants can lodge a Stage 2 Admissions Complaint or Appeal by submitting the following:

- a freshly completed **Admissions Appeal/Complaint Form**, clearly marked as Stage 2 and any reference number provided on the Stage 1 Outcome Letter
- the original Stage 1 Admissions Appeal/Complaint form
- the Stage 1 Outcome letter

The above should be submitted to:

The Director of Studies

By e-mail at: Darren.carr@nscd.ac.uk

A Stage 2 Admissions Appeal/Complaint will be reviewed by the Responsible Officer. The Stage 2 Responsible Officer will be drawn from a trained panel of members in the Conservatoire for Dance and Drama. The Responsible Officer will be senior to the original investigating officer and wholly independent to the case.

The Director of Studies will notify Shared Services that a Stage 2 Admissions Appeal/Complaint has been received, and will either:

- notify Shared Services of the name and post of the nominated Stage 2 Responsible Officer, if they are employed within the School, or
- notify Shared Services that a Responsible Officer is required, in which case an Officer will be sought from the Panel members. When the School receives notification of the Responsible Officer selected, they may raise any concerns or conflict of interest to Shared Services, who will refer the matter to the Chair of Academic Board (or to the Deputy Chair of Academic Board in cases concerning the Chair's School).

No individual shall normally undertake a Stage 2 Admissions Appeal or Complaint review unless they are a trained member of the Stage 2 Admissions Appeals and Complaints Panel.

Incomplete or late submissions will not be considered unless there are exceptional circumstances.

The Stage 2 Responsible Officer will review the full submission. A Stage 2 outcome letter will be sent, normally within 21 days of receipt of the Stage 2 complaint/appeal.

Admissions Appeal/Complaint Form

This form is only for the purpose of submitting a formal admissions complaint or appeal in accordance with CDD's Admissions Appeals and Complaints Procedure. Please ensure that you read the procedure before completing and submitting this form.

Please complete this form either electronically or, if handwriting, please complete in block capitals:

1. Applicant Details	
Surname:	
First name:	
Contact address:	
Contact e-mail(s) address:	
Contact telephone number:	
Date of Birth:	
Programme applied to:	
Expected start of programme (eg September 2017):	
UCAS/Applicant No:	
Reference no. (if applicable)	

2. Important information and guidance
<p>You are advised to read through the Admissions Appeal and Complaints Policy and Procedure before making a submission, as it contains important information about how your complaint/appeal will be handled and respective timeframes.</p> <p>These procedures have two stages, and you should clearly indicate on this form which stage you are lodging your admissions complaint or appeal.</p> <p>To make a Stage 1 admissions appeal or complaint, you must submit:</p> <ul style="list-style-type: none"> • A completed Admissions Appeal/Complaint Form • Any supporting evidence (this should be listed in Section 5 of the form) <p>To make a Stage 2 admissions appeal or complaint, you must submit:</p> <ul style="list-style-type: none"> • A freshly completed Admissions Appeal/Complaint Form • the original Stage 1 Admissions Appeal/Complaint form, together with any supporting evidence which was submitted for consideration with the Stage 1 submission • The Stage 1 Outcome letter • Any other new evidence which you wish to have considered as part of your Stage 2 admissions appeal/complaint <p>Please complete all the requested information. Please note that incomplete or late submissions will not be considered unless there are exceptional circumstances.</p>

Please indicate whether you are lodging a Stage 1 or Stage 2 complaint or an appeal, and the respective grounds, by completing the relevant boxes below:

3. Stage 1 Complaint (Please tick the relevant boxes)		
I am lodging a Stage 1 Complaint <i>Tick below if applicable:</i>	On the following ground(s):	Please tick all grounds that apply:
	1a) That there is evidence of significant administrative or procedural error in the admissions process	
	1b) That there is evidence of prejudice or bias in the selections process	

4. Stage 1 Appeal (Please tick the relevant boxes)		
I am lodging a Stage 1 Appeal <i>Tick below if applicable:</i>	On the following ground(s):	Please tick all grounds that apply:
	1c) That there is evidence of significant administrative or procedural error in the admissions process	
	1d) That there is evidence of prejudice or bias in the selections process	
	1e) That there is additional relevant information which was for valid reasons unable to be included in the original application (including in the request for the disclosure of any relevant criminal convictions), and which warrants further consideration of the application	

5. Stage 2 Complaint or Appeal (Please note the grounds are the same regardless of whether you have submitted an appeal or a complaint)		Please tick all grounds that apply:
I am lodging a Stage 2 Complaint <i>Tick below if applicable:</i>	2a) That there is evidence of significant administrative or procedural error in the processing of the Stage 1 complaint or appeal	

I am lodging a Stage 2 Appeal <i>Tick below if applicable:</i>	2b) That there is evidence of prejudice or bias in the handling of the first Stage 1 complaint or appeal process	
	2c) That there is additional relevant information which was for valid reasons unable to be included in the original application, and which warrants further consideration of the application	
Date Stage 1 Complaint / Appeal was lodged:		
Date of Stage 1 Complaint / Appeal Outcome Letter:		
Stage 1 Outcome (Upheld/Not Upheld):		

List all documentation enclosed with your submission (there is no minimum or maximum limit)

6. Documentation (expand as required)			
No.	Description		
1.			
2.			
3.			
4.			
Date of incident:	__ / __ / __	Date of admissions decision	__ / __ / __

<p>Statement of complaint / appeal:</p> <p>Please write a statement describing the issue(s) of complaint/appeal. Your statement should include:</p> <ul style="list-style-type: none"> <i>A concise explanation of how you believe you meet the respective ground(s) under which you are making your complaint/appeal</i> <i>any steps that have already been taken to resolve the matter</i> <i>details of any responses you have received</i> <i>a statement of why you feel the response(s) is/are unsatisfactory</i>

Desired outcome(s): <i>(Please specify your desired outcomes or resolutions to your complaint/appeal, expanding the box as necessary)</i>

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 CDD 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 NSCD and CDD Admissions Complaints and Appeals Procedure.
Signature:	
Date of submission:	