

## Admissions Appeals and Complaints Policy & Procedure

<b>Policy owner:</b>	Northern School of Contemporary Dance – Leadership Team
<b>Lead contact:</b>	Admissions Manager, Head of Academic Registry & Quality Assurance
<b>Audience:</b>	Applicants for Northern School of Contemporary Dance Courses of higher education
<b>Approving body:</b>	Northern School of Contemporary Dance: Academic Board
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<b>Policy Implementation date:</b>	This policy takes effect from December 2022
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<b>Next review due date:</b>	October 2024
<b>Related Statutes, Ordinances, General Regulations</b>	Validating Universities' Academic Regulations
<b>Related Policies, Procedures and Guidance:</b>	Admissions Policy, Student Protection Plan, Student Complaints Procedure
<b>UK Quality Code reference:</b>	Quality Code Expectations for Quality; Advice and Guidance: Concerns, Complaints and Appeals
<b>OfS Conditions reference:</b>	Conditions C
<b>Equality and Diversity Considerations:</b>	Policy should be available in accessible format for all students.
<b>Date Equality and Diversity Assessment Completed:</b>	
<b>Further information:</b>	

## **NSCD Admissions Appeals and Complaints Policy & Procedure**

**This document comprises the following:**

- A) NSCD Admissions Appeals and Complaints Policy**
- B) NSCD Admissions Appeals and Complaints Procedure**
- C) NSCD Appeals and Complaint Form (though this is available on the website separately)**

### **A) NSCD Admissions Appeals and Complaints Policy**

#### **1 General principles**

1.1 Northern School of Contemporary Dance (NSCD) is 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.

1.2 Some issues may be able to be resolved amicably via an informal query, and applicants are welcome to explore their concern informally with the School 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.

1.3 For informal queries about issues concerning an admissions decision, applicants should contact [admissions@nscd.ac.uk](mailto:admissions@nscd.ac.uk)

1.4 In operating any of the processes or procedures under this Policy, NSCD may as necessary involve the Vice Principal, Head of Academic Registry for procedural advice and guidance.

1.5 NSCD holds procedural integrity and fairness at the heart of all our policies. In order to avoid any potential conflicts of interest (e.g. where procedural independence may be compromised), and/or where specific expertise is required, a member of staff from academic registry or the leadership team may deal with a complaint. No proceedings under this Policy shall therefore be invalidated by virtue of the involvement of an officer outside of the admissions process.

1.6 The formal appeal and complaint procedure contains 2 stages:

**Stage 1: Formal Stage**

**Stage 2: Request for Review Stage**

1.7 No applicant will be treated less favorably 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 reason(s) why.

## **2 Data Processing and Confidentiality**

2.1 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. To ensure the full and proper consideration of an admissions appeal or complaint at either Stage 1 or Stage 2, an appeal and/or complaint received under these procedures may as necessary be shared staff or relevant third parties who have relevant expertise and/or authority.

2.2 NSCD undertakes to treat all appeals and complaints received under these procedures with confidentiality and sensitivity. Your data will be processed in accordance with the General Data Protection Regulations 2018 (GDPR) and the Data Protection Act 2018, and with the Conservatoire and School Data Processing Statements.

2.3 NSCD 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.

2.4 NSCD will retain data submitted with Stage 1 and Stage 2 admissions appeals and complaints for monitoring and assurance purposes. Formal Stage 1 and Stage 2 admissions appeals and complaints records will be retained by the School in accordance with the School's Data Processing Statement and Data Retention Schedule. Statistical data arising from Stage 1 and Stage 2 admissions, appeals and complaints will be anonymised and reported on at least an annual basis to the School's academic board and Board of Governors.

### 3 Definitions

#### Appeals

3.1 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

3.2 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.

## 4 Outcomes

4.1 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 admissions 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.

4.2 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 their findings, and where appropriate will offer a remedy and/or make recommendations in respect of changes to internal processes and procedures in response to the complaint/appeal. 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).

4.3 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.

4.4 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 School'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.

4.5 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 a refund of the application fee where it is deemed appropriate by NSCD to do so. The reasons why the applicant is not considered suitable for admission to the programme will be communicated in the Stage 2 Outcome letter.

## 5 Timescales

### ***Issues raised informally under this policy***

5.1 Issues raised informally under this policy with NSCD will not be deemed to constitute a Stage 1 Admissions Complaint or Appeal. However, where such issues are raised informally, these should be raised as promptly as possible in order that they may reasonably be addressed. Where an applicant raises an issue of complaint or appeal informally under this policy, this should normally be raised within 21 days of the incident/issue arising. Where a matter is raised informally later than 21 days afterwards, NSCD shall determine whether or not the matter has been raised within a reasonable timeframe, taking account of the circumstances concerned. Where NSCD determines that a matter raised has not been raised within a reasonable timeframe, it may decline to consider the issue on the basis that it was not raised within the normal 21 day timeframe and the School is also not satisfied that the matter was raised within a reasonable timeframe.

### ***Stage 1 admissions appeals and complaints***

5.2 **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.** All Stage 1 admissions appeals and complaints will be logged by NSCD's Admissions Manager. 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 the School 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 School CEO/Principal, Vice Principal, Admissions Manager, or other relevant senior member of staff nominated by the School CEO/Principal.

5.3 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 by the Member School.**

### ***Stage 2 Request for Review***

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

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

### ***Final Decision Letter***

5.6 NSCD's final decision will be issued in writing in a Final Decision Letter, normally **within 14 days from the date of receipt by the School of the Stage 2 Outcome Letter and case.**

5.7 Whilst NSCD will endeavor 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.

## **6 Eligibility**

6.1 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 (e.g. 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.

6.2 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 at NSCD following a review of any relevant criminal convictions, should use this procedure.

6.3 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, and to consider whether matters might reasonably be informally raised with NSCD ahead of submitting a formal Stage 1 admissions complaint or appeal.

6.4 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.

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

### ***Admissions Complaints eligibility***

#### **6.6 NSCD does not deem the following complaints to be eligible for consideration:**

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

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<sup>1</sup> See Sections 3 and 4 of the Admissions Appeals and Complaints Procedure for the Stage 1 and Stage 2 grounds of complaint and appeal.

*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 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.

### ***Admissions Appeals eligibility***

#### **6.7 NSCD does not deem the following to be 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

## **7 External advice**

7.1 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.

## **B) Admissions complaints and appeals procedure**

### **1 Informal Stage**

1.1 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.

### **2 Informal queries regarding admissions decisions**

2.1 For informal queries about issues concerning an admissions decision, applicants should contact [admissions@nscd.ac.uk](mailto:admissions@nscd.ac.uk) or visit the School's website <https://www.nscd.ac.uk/policies-and-procedures/>



### 3 Admissions complaints and appeals procedure – Stage 1: Formal Stage

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

- 3.1 Applicants can lodge a Stage 1 admissions complaint or appeal by completing the **Admissions Appeal/Complaint Form<sup>2</sup>**, clearly marked as ‘Stage 1 Complaint or Appeal as relevant to the case’ and submitting it within **28 calendar days of either the admissions decision or of the incident occurring** to NSCD at: [Admissions@nscd.ac.uk](mailto:Admissions@nscd.ac.uk)
- 3.2 NSCD’s Admissions Manager will acknowledge receipt of the Stage 1 admissions complaint or appeal

#### *3.3 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

#### *3.4 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, and which warrants further consideration of the application

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<sup>2</sup> An Admissions Appeal and Complaint form can be downloaded from NSCD’s website at the following link: <https://www.nscd.ac.uk/policies-and-procedures/>

3.5 Stage 1 Admissions complaints and appeals are normally considered and investigated by School; Registry and the leadership team may provide advice and support with this consideration as necessary and appropriate.

3.6 On receipt of a Stage 1 Admissions Appeal or Complaint, NSCD will determine the most appropriate individual in the School (if this is not the Admissions Manager) to consider and investigate the complaint or appeal. Such determination will take into consideration the individual circumstances of the case and avoiding any possible conflicts of interest.

3.7 A Stage 1 Outcome Letter will be sent, normally within 28 calendar days of the date of receipt of the Stage 1 complaint/appeal. A copy of the Stage 1 Outcome Letter will be issued by Academic Registry or Vice Principal at NSCD, for record and statistical purposes.

## **4 Admissions complaints and appeals procedure**

### **Stage 2: Request for Review**

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

4.1 If an applicant is dissatisfied with the outcome of the admissions complaint or appeal, they 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:

<b>Stage 2</b>	<b>Grounds under which a Stage 2 appeal or complaint may be made</b>
<b>a)</b>	That there is evidence of significant administrative or procedural error in the processing of the Stage 1 complaint or appeal
<b>b)</b>	That there is evidence of prejudice or bias in the handling of the first Stage 1 complaint or appeal process
<b>c)</b>	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

4.2 Applicants can lodge a Stage 2 admissions complaint or appeal by submitting the following:

- a freshly completed **Admissions Appeal/Complaint Form**<sup>3</sup>, clearly marked as Stage 2 and any reference number provided on the Stage 1 Outcome Letter
- the original submitted Stage 1 Admissions Appeal/Complaint form
- the Stage 1 Outcome letter

The above should be submitted to: [Admissions@nscd.ac.uk](mailto:Admissions@nscd.ac.uk)

4.3 On receipt of a Stage 2 Admissions Appeal or Complaint, the Vice Principal will either undertake an independent review of the appeal/complaint.

4.4 In undertaking the review, the Vice Principal officer will review the full submission.

4.5 A Stage 2 Outcome Letter will be sent by the Vice Principal, normally within 21 days of receipt of the Stage 2 complaint/appeal. A copy of the Stage 2 Outcome Letter will be issued to the School's Principal and any other necessary relevant parties.

#### ***Successful Stage 2 Request for Review***

4.6 Where one or more of the above Stage 2 grounds are met, this constitutes a successful Stage 2 Request for Review. This does not necessarily mean that the applicant's desired outcome will be the Final Decision on the case. The Final Decision on the case will be made by NSCD and communicated in the Final Decision Letter.

4.7 Where one or more of the above Stage 2 grounds are met, the Vice Principal will review its original admissions decision, together with any relevant recommendations arising from the review of the Stage 1 admissions appeal/complaint.

4.8 Where one or more of the above grounds of appeal are met the admissions team at NSCD will carry out a review of its original admissions decision. The School's review and consideration of its original admissions decision will address any recommendations made by the Vice Principal, and determine an appropriate outcome. The reasons for the School's final decision will be provided in the Final Outcome Letter.

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<sup>3</sup> An Admissions Appeal and Complaint form can be downloaded from the school's website at the following link: <https://www.nscd.ac.uk/policies-and-procedures/>

4.9 NSCD's final decision will be made normally within 14 days from the date of receipt of the Stage 2 Outcome Letter and case.

***Final Decision Letter following a successful appeal***

4.10 Following final consideration of the case resulting from a successful Stage 2 Request for Review, the decision of NSCD is final.

4.11 NSCD will issue a Final Decision Letter, a copy of which will be kept by Academic Registry and admissions for record purposes.

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