

B6. APPEALS AND COMPLAINTS FOR APPLICANTS

Purpose and scope

- 6.1 This section of the Consolidated Academic Policies and Regulations (CAPR) explains when and how an applicant may appeal an admissions decision or complain about the handling of an application.
- 6.2 This policy applies to applicants for entry to any programme where the admissions regulations and selection procedures are the College's sole responsibility. If this is not so, the procedure for appeals or complaints regarding admissions will be made clear to the applicant.
- 6.3 This policy applies to all applicants to the College, and to any registration of a student completed on or after 1 June 2017 regardless of the date of the application giving rise to the registration.

Definitions

- 6.4 In this policy, an appeal means an applicant's request for a formal review of an admissions decision.
- 6.5 In this policy, a complaint means an expression of dissatisfaction about the College or departmental admissions policies and procedures that were used to reach a selection decision; or about the College's actions or lack of actions.

Introduction

Overview

- 6.6 The College aims to operate a high-quality admissions service that is fair, efficient and transparent. In admitting an applicant, the College aims to ensure that in its expert professional judgement the applicant meets the entry criteria for the programme and has every chance of success on the programme as it is provided by the College.
- 6.7 The College recognises that applicants may have legitimate worries about how their application was handled by the College and whether the College made the correct decision in declining their application.
- 6.8 Applicants may appeal an admissions decision by the College if they think the College did not:
 - (a) consider their application properly in line with the Admissions Regulations and Policy and other published procedures; or
 - (b) take account of all the information provided in their application.
- 6.9 An applicant may make a complaint about:

- (a) the College or departmental admissions policies and procedures that were used to reach a selection decision;
 - (b) the College's actions or lack of actions during the application or admissions process.
- 6.10 An appeal may result in an admissions decision being amended, but a complaint will usually not.

Principles

- 6.11 Appeals and complaints are handled separately from entry applications. An appeal or complaint made in good faith will not affect current or future applications. Most appeals and complaints are resolved amicably and without using the formal stage of the procedure.
- 6.12 Before an applicant escalates a matter, the College expects that, as soon as possible, they will try to resolve the problem informally by raising it appropriately.
- 6.13 The policy seeks to balance the need to provide clear mechanisms for raising genuine concerns about College activities and the need to protect other applicants, students, colleagues, staff members and the College against uninformed or vexatious allegations.
- 6.14 Therefore, in dealing with any appeal or complaint, College staff are expected to:
- (a) encourage informal resolution;
 - (b) be fair and efficient;
 - (c) be sensitive to, and understanding of, the concerns of applicants;
 - (d) allow for the greatest degree of confidentiality, involving only those people who need to be part of the resolution process.
 - (e) recognise that other members of the College may need to be consulted to resolve the matter;
 - (f) ensure that all stakeholders are fully informed on the consequences of any remedy; and
 - (g) seek as swift and as full a remedy as is reasonably practicable.
- 6.15 However, to protect the College and its members, the College will not normally consider appeals or complaints that:
- (a) are made anonymously or by a third party including parents, schools, other representative or friends of applicants;
 - (b) have already been investigated and disposed of;
 - (c) are outside the scope of the policy;
 - (d) are made without disclosing adequate reasons;

- (e) are made outside the time limit;
- (f) have been disposed of in court or tribunal proceedings brought by the complainant or under a settlement agreement between the complainant and the College; or
- (g) are malicious, vexatious or frivolous.

Complaints affecting more than one (1) applicant

Complaints regarding admissions may be raised individually or collectively.

- 6.16 In the case of a group concern or complaint, each applicant must write a separate letter, although these may refer to a common statement of the matters complained of. Applicants who have not joined in the concern or complaint at that point will not normally be permitted to do so later.
- 6.17 If several applicants have raised a concern or complaint, the College may deal with it as a single collective matter in the following circumstances:
 - 6.18 The names of all applicants affected by the matter are disclosed to the College.
 - 6.19 The case is conducted through a lead contact (who is among the complainants).
 - 6.20 All the applicants sign an agreement that the applicant named as lead contact will act on their behalf to help the College progress the matter.

Alternative dispute resolution

- 6.21 The College encourages all members of its community including applicants to consider alternative dispute resolution (ADR) as a way of trying to resolve worries or concerns early and maintain good professional relationships.
- 6.22 ADR may be requested by the applicant who has raised the concern or complaint, or be recommended by the College.
- 6.23 Requests for ADR should go to the College Mediation Service for initial review. This is not to decide the merits of the case but to see whether mediation would be suitable. If not, the complaint will be considered in line with this policy. If the Mediation Service regards mediation as suitable, it will arrange a mediation meeting. This should normally take place within twenty (20) working days of the Mediation Service receiving the request.
- 6.24 A request for mediation puts a hold on the case going forward under this policy and on the time limits to complete the investigation or submit it to the next stage. If mediation does not produce a resolution, the matter can continue to be considered under this policy. If mediation succeeds, no further action will be taken under this policy.

Procedures

NOTE: Applicants who wish to use the policy are responsible for ensuring they submit their concerns or complaints in the way stated below and within the deadlines. Failure to do so may result in their appeal or complaint being refused.

Overview

6.25 The process for addressing an appeal or complaint has three (3) stages:

- (a) Stage 1 – Feedback on the application.
- (b) Stage 2 – Submitting an appeal or complaint.
- (c) Stage 3 – Considering the appeal or complaint.
- (d) Stage 4 – Case review.

Stage 1 – Feedback on the application

6.26 If an applicant is unhappy with an admissions decision or with the way their application has been handled, they should first seek feedback from the Admissions Team or from the admissions tutor for the programme to which they applied.

Stage 2 – Submitting an appeal or complaint

6.27 If the applicant remains dissatisfied or the concern cannot be resolved informally, they may submit a formal application to appeal the decision or complain about the admissions process:

- (a) in writing on the prescribed form with the applicant's full name and signature;
- (b) by 4pm within five (5) working days of the Stage 1 response; and
- (c) to the place and person stated in the written instructions.

6.28 The application must include:

- (a) a clear statement of the nature of their concerns (e.g., why they believe the decision should be reviewed or why they feel the policies and procedures are not fit for purpose);
- (b) all relevant evidence or details of events in support of the request, including the informal steps they have taken to resolve it under Stage 1, if this was appropriate, and why they are dissatisfied with this response;
- (c) a list of any person (with contact details) who is known to have relevant information; and
- (d) the outcome or resolution they would like to resolve the matter.

- 6.29 The College may consider an application that is made out of time if the applicant proves to its satisfaction that they were mentally or physically incapable of making a request within the prescribed time limit.
- 6.30 Within five (5) working days, the College will send the applicant an acknowledgement of their form, which the applicant must keep for the duration of their dealings with the College as proof that the College has received it. The acknowledgement will also say whether or not the College accepts that the applicant's statement presents a case that on first review seems to satisfy the conditions for a valid appeal or complaint.
- 6.31 A letter rejecting the complaint at this initial stage must state that:
- (a) the applicant may request a review of the decision; and
 - (b) any such request must say why the applicant believes the decision is wrong.

Stage 3 – Considering the appeal or complaint

- 6.32 After accepting the appeal or complaint for investigation, the Head of Admissions will refer it to the appropriate academic or professional service for resolution. If it relates to the senior member of staff in academic or professional service, it will go to the most appropriate Senior Officer of the College for resolution.
- 6.33 The investigating officer (usually the Head of Admissions) has discretion to decide how to conduct the investigation, within the relevant guidance. They have the right to call for papers, take evidence, examine witnesses and make such other enquiries as they see fit and as are necessary to establish what action is needed to address the complaint.
- 6.34 The investigating officer must normally seek to complete the investigations and give their conclusions and recommendations in writing to the applicant and the College within twenty (20) working days of receiving the appeal or complaint. Any delay in this timescale will be communicated to all parties before the deadline, with reasons for the delay.
- 6.35 The investigating officer will provide a written report and must find either that the complaint is:
- (a) upheld, in whole or in part; or
 - (b) dismissed and the application proceed as normal.

- 6.36. The investigating officer must ensure that the Office of Student Complaints, Appeals and Regulation (OSCAR) is aware of the full content of the appeal or complaint and is in agreement with any response.
- 6.37. When the investigating officer has told the applicant the outcome by letter, the investigating officer should send a copy of the appeal or complaints form, all the evidence gathered and a copy of the letter to OSCAR for filing.
- 6.38. If the appeal or complaint is upheld, the College will take reasonable and appropriate action and inform the applicant of the outcome. If the appeal or complaint is not upheld, the College will write to the applicant saying why.

Stage 4: Case review

- 6.39. Following Stage 3, if the applicant is not satisfied with the decision on their appeal or complaint, they can request a case review.
- 6.40. The request must be made in writing within three (3) months of the full written (Stage 2) response, although a Dean of Faculty may extend this time limit.
- 6.41. The request will be considered by a Dean of Faculty who may decide:
 - (a) to establish a Case Review Panel;
 - (b) that there are insufficient grounds to take further action, thus concluding the matter under these procedures.
- 6.42. The applicant will be notified of the Dean's decision in writing within twenty (20) working days of the College receiving the request. If this is not possible, they will be informed in writing of the College's progress in considering the request. If a Department or service has given written comments in response to the request for a case review, the College will normally send a copy of them to the applicant when giving the decision.
- 6.43. If a Case Review Panel is convened, the applicant will be informed of its membership, and the procedure it will follow, at least ten (10) working days before the review date.
- 6.44. The review will be conducted in private and all relevant facts will be considered. The applicant may attend along with a friend or representative who may speak and act on their behalf. The applicant may request any person to give evidence on their behalf. Members of staff named in a complaint, or their representative, will also be invited to make their case to the panel. A secretary will be appointed to take notes of the meeting.

- 6.45. The College will inform the applicant in writing of the Case Review Panel's decision. If the appeal or complaint is upheld, the College will inform the applicant what it will do to resolve the matter. If it is not upheld, the College will write to the applicant saying why.

Advice

- 6.46. Advice for applicants on appeals or complaints, and the associated lower-level rules, is available from the Admissions Team (admissions@gsmlondon.ac.uk). More complex queries may be referred to appropriate individuals.
- 6.47. Advice for staff on appeals or complaints by applicants is available from their nominated Academic Policy Partner or Head of Admissions.
- 6.48. If any staff development needs are identified, they may be discussed with the Educational Development Unit.

Fees

- 6.49. A fee may be charged for an appeal against an admissions decision as set out in the College's list of charges. If the appeal is upheld, this will be refunded. No additional fees or charges apply to complaints.
- 6.50. An applicant is responsible for their own costs of attending interviews or making investigations as part of the appeals or complaints process. If the appeal or complaint is upheld, the College will reimburse the applicant's reasonable expenses (for example, specific additional travel costs).
- 6.51. The College is not liable for financial or other consequences arising from action under these regulations.

Legal and regulatory context

- 6.52. This policy has been informed by the UK Quality Code for Higher Education (UKQC), "Chapter B9: Academic appeals and student complaints". The UKQC is the definitive reference point for all UK higher education institutions and sets out how academic standards are established and maintained and how the quality of learning opportunities is assured and enhanced.
- 6.53. Additionally, this policy has paid regard to numerous publications about resolving concerns or complaints in Higher Education, and the principles outlined in common law cases regarding dealing with complaints and judicial review in Higher Education, which are too numerous to list here.

6.54. The College may not be bound by all the principles in these publications and this policy alone may not provide the procedure to meet all of these principles, some of which may be met by other College policies and procedures.. It uses the principles as guidance only, to help it deal soundly with these matters.

Enforcement, monitoring and review

6.55. If any person or body in the College refuses to comply with a request or decision made to enforce this policy, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.

6.56. Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how this policy is interpreted and applied.

6.57. The annual report must include statistical data on the number of applications under this regulation by type (young or vulnerable); the outcomes, Departments and programmes from which they originate; the length of the process; and the equality characteristics (including sex, disability and ethnicity) of those admitted and those refused.

6.58. Every two (2) years, the College must review these regulations to ensure that:

- (a) they remain up to date and continue to meet the expectations of the UK Quality Code, applicable legislation or guidance;
- (b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
- (c) opportunities to reduce unnecessary bureaucracy have been taken.

Schedule (not part of the policies or regulations):

Schedule:

Responsible Officer:	Head of Admissions
Approved by:	Board of Directors and Academic Board
Version:	2.0
Date:	June 2017
Monitoring and Review Body:	Academic Board
Effective From:	July 2017
Next Scheduled Review:	June 2019