

AECC - 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 programmes of study delivered at AECC.
- 1.2 The College 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 AECC registry.

2. KEY RESPONSIBILITIES

- 2.1 Responsibility for the management and implementation of this procedure lies with the Academic Registrar.
- 2.2 The Executive Director of Administration and Human Resources provides advice and reviews the appeal at the second stage of the procedure.

3. LINKS TO OTHER COLLEGE DOCUMENTS

Other documents with direct links to this one are:

- *Recruitment, Selection and Admission (Taught Programmes): Policy and Procedure*
- *Recognition of Prior Learning (RPL) Policy and Procedure*
- *AECC's 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 programmes, services and facilities, the College 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 College, and enable investigation of those concerns with the aim of satisfactory resolution. AECC believes that complaints can represent a useful source of feedback to help improve our services for applicants.
- 4.2 AECC's policies and procedures for the recruitment and admission of students have been designed to be fair, clear and explicit and to meet the College's Widening Access and Participation Strategy. The College's Access Agreement is approved annually by the Office for Fair Access and includes information about fees, bursaries and scholarships applicable to AECC. Please see The College's Admissions Policy and Procedures 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; with the proviso that any individual against whom a complaint is made has a right to be informed of the complaint.
- 4.5 The College 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 the policies and procedures outlines expectations and responsibilities for prospective students and staff when dealing with applications. ([link to website](#)).
- 4.7 All College staff have access to and are required to comply with, AECC's policies and procedures. AECC is committed to Equal Opportunities for both prospective students and staff and to widening participation.
- 4.8 The College 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 College 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 Chapter B2 of the Quality Assurance Agency's Quality Code *Recruitment Selection and Admission to Higher Education*.
- 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 College will seek to provide a reasonable and appropriate response and will correct any mistakes or misunderstandings and will take any other action as appropriate. If a complaint is not upheld then reasons for the 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. AECC does not normally use legal professionals in the handling of cases, and it is not expected that applicants would do so either. The College will not normally allow applicants to be represented by lawyers during 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 College's prescribed procedures;
- pertinent new information is available which was not included in the original application.

In matters of academic judgment, the decisions of admissions staff may not be questioned. Appeals may be made only on the grounds of procedural defects or of new information, materially affecting the application.

- 5.2 Applicants wishing to appeal against the decision of admissions staff should write to the Academic Registrar **within 10 working days** of notification from the Admissions Manager that their application has been unsuccessful.
- 5.3 The Academic Registrar will investigate the appeal and aim to respond in writing **within 10 working days** from receiving the appeal. The College will tell you about any delay and keep you informed of progress

- 5.4 If the applicant is not satisfied after receiving this response, they may ask for a review by the Executive Director of Administration and Human Resources **within 10 working days** of the response from the Academic Registrar. The request for review must be submitted in writing or by email to:

Executive Director of Administration and Human Resources AECC
13-15 Parkwood Road
Bournemouth
Dorset BH5 2DF

- 5.5 The Executive Director of Administration and Human Resources will review the appeal to ensure that the College'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 submission 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.
- 5.6 Appeals against the College's judgement of the merit of an applicant against the published criteria will not be accepted.
- 5.7 The decision of the Executive Director of Administration and Human Resources is final and no further appeal is permitted.

6 COMPLAINTS

Definitions and scope of the Procedure

- 6.1 The College defines a complaint as **an expression of dissatisfaction by one or more students about the College's action or lack of action, or about the standards of service by or on behalf of the College.**
- 6.2 This policy and procedure is designed for complaints from applicants relating to Recruitment, Selection and Admission to AECC.
- 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 College 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 **Nominees:** Unless the context indicates otherwise, under these regulations an Officer of the College may act through his or her properly appointed nominee.
- 6.6 **Access to Information:** Students 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 1998 and other legislation. Applications should be made in writing to the Data Protection Officer, AECC, 13- 15 Parkwood Road Road, Bournemouth, Dorset BH5 2DF.

7 PROTOCOL

- 7.1 **Anonymous Complaints:** The College will not, under any circumstances, investigate or act upon anonymous complaints.
- 7.2 **Third Party Complaints:** We will not investigate a complaint made on your behalf by a third party unless you have appointed the third party as your representative to manage the complaint on

your 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 Principal** A complaint received by the Principal or another member of the Principal's Office, will be acknowledged and referred to the relevant Officer of the College 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 College 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 College will notify the student's parent/guardian in writing, and keep them informed of the progress of the complaint. The College 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 to the Academic Registrar.

8.2 It is expected that, except in exceptional and fully documented circumstances, an applicant or student 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 College 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 College documentation sent to the applicant(s) or made available on the AECC website;
- e-mails and/or letters from AECC 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 The Academic Registrar will investigate the complaint and provide a response, normally **within 20 working days** of receipt. This timescale may need to be extended during College peak times. The College will tell you about any delay and keep you 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:

Executive Director of Administration and Human Resources AECC
13-15 Parkwood Road
Bournemouth
Dorset BH5 2DF

9.2 The submission 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 Executive Director of Administration and Human Resources 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 Executive Director of Administration and Human Resources 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 Executive Director of Administration and Human Resources 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 submission 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 Executive Director of Administration and Human Resources is final and no further appeal is permitted.

General

10 FURTHER INFORMATION

- 10.1 [QAA Chapter B2: Recruitment, selection and admissions to Higher Education](#)

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