

HE Admissions Appeals Procedure

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Policy area	Quality, Curriculum & TLA
Policy owner	Ben Gamble
Policy author	Susan Toy
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1. PROCESS STATEMENT

- 1.1 This procedure is to be followed for all Higher Education programmes awarded through Birmingham Metropolitan College (BMet) where the college has responsibility for the admissions process.
- 1.2 For Higher Education programmes awarded through one of BMet's partner universities, the applicant appeal and, where appropriate, complaints policy of the awarding partner should be followed.

2. RESPONSIBILITIES AND OBLIGATIONS

- 2.1 The appeals procedure supports the work of admissions and other HE staff by providing the structure for a formal means of handling applicant grievances and identifying any unfair practice.
- 2.2 This policy does not seek to replace or duplicate the purpose or scope of the Complaints and Compliments Policy. An HE applicant who has concerns over a procedure or administrative process in relation to any stage of their recruitment, selection or admissions experience should make a complaint to complaints@bmet.ac.uk. They will then be directed to follow the HE Admissions Appeals Procedure.
- 2.3 This procedure enables the college to meet expectations for quality of the QAA Quality Code and the OfS regulatory framework.

3. PROCEDURE/COMPLIANCE OBLIGATIONS

Grounds for appeal

- 3.1 An appeal request is considered to be any request to alter a decision, omission or action taken on an application. Requests for further information such as reasons for rejection or general complaints do not constitute appeals although they may subsequently lead to an appeal request.
- 3.2 An applicant may appeal against the handling of their own application if there is reason to believe that:
 - (a) the decision made contradicts the published entry criteria;
 - (b) there was discrimination on the grounds of recognised protected characteristics;

- (c) there was an administrative error in the handling of the application;
 - (d) there were mitigating circumstances that the college was unaware of.
- 3.3 Any appeal must be made within 10 working days of the date on which the application was rejected.
- 3.4 There is no right of appeal where:
 - (a) the application is from a third party unless they have the appellant's permission to act on their behalf;
 - (b) the dispute concerns academic judgement;
 - (c) the dispute concerns a decision already accepted by the applicant;
 - (d) the request would contravene government regulations or any contract with external organisations, such as UCAS.

Appeal Procedure

- 3.5 An applicant who believes that they have a right to appeal based on the criteria identified in 3.2, should submit their appeal to complaints@bmet.ac.uk using the form in Appendix 1.
- 3.6 A record will be made on the Complaints register, a copy of the form will be saved into a case file and an acknowledgement of the appeal will be sent within 2 working days.

Stage One

- 3.7 A copy of the form will be forwarded to the Quality Nominee for HE, or their designated nominee, the HE Director and to the Director with responsibility for the course which the appellant has applied for.
- 3.8 The Department Director will investigate and provide a written response to the appeal which will be sent to the Quality Nominee for HE, or their designated nominee, within 5 working days.
- 3.9 If the Department Director has found that the appeal is substantiated, appropriate changes should be made without delay.

- 3.10 The Quality Nominee for HE, or their designated nominee, will notify the appellant in writing of the findings and of any subsequent action taken. The letter will also include details of how to take the formal appeal to Stage Two.

Stage Two

- 3.11 If an appellant responds in writing within 30 days of the letter outlined in 3.10, providing reasons for dissatisfaction with the findings, including grounds for why the Stage One Director's decision is erroneous, then they may have the appeal advanced to Stage Two, as long as none of the exclusions in 3.4 apply.
- 3.12 The Quality Nominee for HE, or their designated nominee, will add the appellant's letter to the case file and refer the case to the Chair of the HE Academic Board.
- 3.13 The Chair of the HEAB or their nominee will convene an application appeals group consisting of the Chair and one other member from a different directorate as that to which the appellant applied. No member of the application appeals group may be called as a witness.
- 3.14 The appellant must be given at least 10 working days' notice of the meeting of the application appeals group and advised of their right to be accompanied by a person of their choosing (one parent/carer, friend or representative) but that that person may not be acting as a legal representative.
- 3.15 The appellant must submit any information to support their grounds for appeal at least 5 working days before the Stage Two meeting; these will be shared with the panel and the Stage One Director.
- 3.16 The Stage One Director must also submit any documents which they wish to be considered at least 5 working days before the Stage Two meeting; these will be shared with the panel and the appellant.
- 3.17 Any members of staff required by the Chair as witnesses may appear to give testimony in person or submit a written report.
- 3.18 All non-members of the group must retire from the meeting when instructed to do so by the Chair. The group will reach its decision in private with all findings minuted. Any finding in favour of the appellant must relate to the grounds for appeal outlined in 3.2.

- 3.19 The outcome of the panel will be confirmed to the appellant in writing.
- 3.20 If the appeal is substantiated, appropriate changes should be made without delay.
- 3.21 A summary of the Stage Two appeal must be presented at the following meeting of the HEAB in order that admissions policy or practices can be monitored and reviewed for continuous improvement.
- 3.22 The decision of the Stage Two application appeals group will be final and there will be no further formal internal avenues of appeal beyond this stage.
- 3.23 The Chair will confirm the decision of the panel in writing and a copy of the letter will be retained in the case file.

4. COMPLIANCE

Retention of Records

- 4.1 The register for appeals will be updated with the outcome of the appeal and any correspondence. The case file shall be retained electronically in accordance with the college's Data Retention and Disposal Policy.

Appendix 1

Format of the Admissions Appeals Hearing

- The Chair of the HEAB or their nominee is responsible for convening the Admissions Appeal Hearing within 20 working days of the appellant lodging an appeal.
- The Chair of the HEAB or their nominee will chair the meeting and may exclude any person who behaves unreasonably or disregards the Chair's instructions.
- The Stage One Director will be responsible for explaining the decision made at Stage One of the process.
- The appellant or their representative will present their grounds for appeal and the associated evidence.
- The panel may ask questions of both the Stage One Director and the appellant about the information and evidence provided.
- The Stage One Director will be given a final opportunity to summarise the grounds for the decision made at Stage One.
- The appellant or their representative will be given a final opportunity to summarise their position.
- At this stage the appellant and the Stage One Director will leave and the panel will deliberate in private, considering the information provided and any evidence of procedural error, and determine the outcome of the appeal.
- The Chair will liaise with the quality team to ensure the appropriate letter is prepared and distributed.

Appendix 2 - HE Admissions Appeal form

Please outline clearly the reasons for your appeal against the handling of your application for a place on a Higher Education course at Birmingham Metropolitan College:

I have read the HE Applications Appeals procedure and believe that my appeal meets the criteria necessary for a Stage One review.

Name (Block Capitals)

Date

Completed forms should be submitted to: complaints@bmet.ac.uk