Admissions Appeals and Complaints Policy and Procedure

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Lead Contact	Maheen Javed M.Javed@sirm.ac.uk
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Admissions Appeals and Complaints Policy and Procedure

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Admissions Appeals and Complaints Policy & Procedures

- Part A of this document comprises the SIRM College policy on admissions appeals and complaints.
- Part B sets out the SIRM College admissions appeals and complaints procedures in full.
- Applicants considering making an admissions appeal or complaint are advised to read this Policy and its procedures in full before proceeding. SIRM College expects that attempts to informally resolve issues of admissions appeal and/or complaint will normally be made before proceeding to submit a formal Stage 1 appeal/complaint.
- To make a formal admissions appeal and/or complaint, the Admissions Appeal and Complaint Form must be used and submitted to admissions@sirm.ac.uk

A) Admissions Appeals and Complaints Policy

1. Introduction

SIRM College 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 course of study at SIRM College.

Some issues may be able to be resolved amicably via an informal query, and applicants are welcome to explore their concern informally with SIRM College 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 College via email in the first instance on admissions@sirm.ac.uk. Where concerns or queries regarding an admissions decision are not explored informally with the College first, we will normally work to finding an informal resolution before instigating the formal procedures set out in this document.

2. Procedural integrity and fairness

2.1. Procedural integrity and fairness are at the heart of all the College's procedures. SIRM College recognises that there may be times where the involvement in our processes and procedures of one or more individuals who are located within a similar or cognate higher education context and who are fully independent of the College may be of substantial benefit to applicants and students, providing assurances against bias and prejudice, and giving independent oversight of our procedures and processes. This oversight also helps to ensure fairness and reasonableness, and maintain and enhance quality.

2.2. Accordingly, to assist with fulfilling these principles of procedural fairness and integrity, in operating any of the formal processes or procedures under any SIRM College policies (including this policy) the College may as necessary involve External Officers (independent individuals with specialist expertise) to support those processes, avoid any potential conflicts of interest (for example, to ensure procedural fairness) and/or for procedural advice and guidance both to the College and applicants, as necessary. This can mean

that an External Officer may fulfil a procedural role on behalf of the College (for example, reviewing an admissions appeal), or confidentially consulted with for an independent perspective. The involvement of External Officers includes any College procedures where normally a policy states that a member of College staff will perform a procedural role.

2.3. To ensure relevant safeguards and quality assurance, SIRM College has a Procedural Integrity and Fairness Policy, which covers these eventualities, including the conditions for appointing and working with External Officers. No proceedings under this or any other SIRM College policy shall therefore be invalidated by the involvement of an External Officer, provided that they have been formally appointed in accordance with the requirements set out in the Procedural Integrity and Fairness Policy or via any other applicable College employment-related policy. The Procedural Integrity and Fairness Policy can be found at https://www.sirm.ac.uk/sirm-policies/

2.4. The role, capacity, and level of decision-making authority of any External Officer involved in the consideration of an admissions appeal or complaint will be clearly communicated to the applicant as part of the process.

3. Data Processing and Confidentiality

3.1. 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. This may include academic and senior staff in SIRM College and/or External Officers as outlined in Section 2 of this Policy. 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 with External Officers who have relevant expertise and/or authority.

3.2. SIRM College understands that appeals and complaints will contain personal information, and all appeals and complaints received under this Policy will be treated with confidentiality and sensitivity. Data submitted with appeals and complaints made under this Policy will be processed in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

3.3. For data contained within, or relating to, an admissions appeal or complaint made under this Policy, SIRM College will only share applicant data with third parties in accordance with our Data Privacy Policy where the law either

requires or allows us to do so, or where we have express consent from the applicant.

3.4. Anonymised statistical data from admissions appeals and complaints will be retained by the College and reviewed on a cumulative annual basis by SIRM College Senate for monitoring and quality assurance purposes. It may be shared with the College's Board of Governors for additional monitoring purposes. Formal Stage 1 and Stage 2 admissions appeals and complaints records will be retained in accordance with the College's Data Retention Schedule.

4. Definitions

Admissions Appeals

4.1. An admissions **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/hold a structured admissions meeting
- The decision to make an offer
- The content of the offer
- The decision to reject on exam results.

Admissions Complaints

4.2. An admissions complaint is defined as a specific concern related to a procedural error, irregularity, or maladministration in the admissions process.

4.3. Under this policy, where they feel their case meets both definitions, applicants can make both an admissions appeal and complaint at the same time, using the Admissions Appeal and Complaint Form (Appendix 1 to this Policy). The form can be located at: [webpage]

4.4. No applicant will be treated less favourably or with discrimination as a result of lodging an appeal or complaint under these procedures. However, where SIRM College (including an officer acting on its behalf as set out above) 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.

5. Admissions Appeals and Complaints Eligibility

5.1. SIRM College does not deem the following admission appeals and complaints to be eligible for consideration:

- Appeals and complaints which do not meet of the grounds stated in either Stage 1 or Stage 2 of the procedures set out in this Policy;
- Appeals and complaints made against an admissions decision that are based on the academic judgement of SIRM College staff about an applicant's suitability for entry to a particular course of study;
- Appeals and complaints made due to failure on the applicant's part to fulfil academic or non-academic requirements for admission;
- Appeals and complaints made purely on the basis of disagreement with the admissions decision;
- Appeals and complaints based on challenges to the judgement of selectors in relation to the academic and/or non-academic section criteria for courses;
- Stage 1 and Stage 2 submission that are incomplete;
- Appeals and complaints which are frivolous or vexatious, or made in bad faith.

Examples of frivolous or vexations appeals and complaints include the following:

(a) appeals and complaints which are obsessive, harassing, or repetitive;

(b) appeals and complaints where an applicant insists on pursuing appeals and/ or complaints already deemed by SIRM College to be non-meritorious;

(c) appeals and complaints where an applicant seeks, or persists in seeking, unrealistic and/or unreasonable outcomes;

(d) pursuing what may be meritorious appeals and/or complaints in an unreasonable manner, including unacceptable, harassing, malicious or offensive communications;

(e) appeals and/complaints which are intended to cause offence, disruption or annoyance;

The College will apply these provisions proportionately and with due regard to the individual circumstances of each case

5.2. Any admissions appeal/complaint that falls within any of the categories above will be dismissed by the College as ineligible and not considered.

5.3. In addition to the above:

- 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 appeals or complaints that are made anonymously under this procedure will not normally be considered. An admissions complaint or appeal should normally be submitted by the applicant. Appeals or complaints made on behalf of the applicant by parents, representatives, their school/college 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.

5.4. Where express permission has not been received in writing from the applicant, SIRM College will seek this before proceeding to consider any informal queries, or a Stage 1 or Stage 2 admissions appeal or complaint. This may cause a delay in the respective timescales for consideration. Where express written permission from the applicant is needed but not obtained by the College at any stage in the process, the College will terminate consideration of the complaint/appeal.

6. Outcomes

6.1. At SIRM College, 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 appeal or complaint is upheld, the investigating officer/reviewer will determine the most appropriate outcome and this may not necessarily be the desired outcome expressed by the applicant. Outcomes will be proportionate, reasonable, and consistent with the nature and seriousness of the issue identified.

6.2. After carrying out the review, and taking all relevant facts into consideration, the Stage 1 investigating officer / Stage 2 reviewer will determine whether to uphold the complaint or appeal. They will provide the applicant with their findings and decision together with the reason(s) for those findings and decision, 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.

6.3. Examples of outcomes of successful appeals or complaints (whether upheld at Stage 1 or Stage 2) are:

- A formal apology;
- A fresh interview or structured admissions meeting, without prejudice, either in the current round (if possible) or in a subsequent year;
- Reopening a closed admissions process and potentially moving an applicant to a later stage of the recruitment process;
- A conditional offer of a place (subject to meeting any conditions within a specified timeframe before a place can be confirmed);
- A refund or partial refund of any fees and/or costs incurred as a result of procedural or administrative error on the part of SIRM College, or where the investigating officer/reviewer is satisfied that other good cause exists;

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

6.5. Applicants should be aware that where a successful appeal or complaint results in the offer of a fresh application or of a place on a course of higher education with SIRM College, this will be subject to the College's timescales and other requirements. Such offers will be for the next available opportunity and may not necessarily occur within the year pertaining to the original application.

6.6. However, there may be occasions where an applicant meets the grounds for an appeal or a complaint to be upheld, but we are nevertheless not satisfied that the applicant is suitable for admission to the programme. In this event, other appropriate means of resolution will be sought, which may in exceptional circumstances include a full or partial refund of any fees and/or costs incurred by the applicant as a result of making their application. The reasons why the applicant is not considered suitable for admission to the course will be communicated in the Stage 2 Outcome letter.

7. Advice and Guidance

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

matters with SIRM College ahead of submitting a formal Stage 1 admissions complaint or appeal.

External advice

7.2. 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 an applicant wish to take their complaint further they may wish to seek independent advice from their local Citizens Advice Bureau for advice on potential legal avenues, and/or the Competition and Markets Authority.

B. Admissions Appeals and Complaints Procedures

Overview of admissions appeals and complaints procedures

The SIRM College Admissions Appeals and Complaints Procedure contains 3 stages:

⇒ Informal Stage
⇒ Stage 1: Formal Stage
⇒ Stage 2: Request for Review Stage

8. Making an admissions appeal and/or complaint

8.1. Issues should be raised informally first as far as possible and reasonable, although the College appreciates that there may be some instances when it is appropriate for an applicant to make a formal Stage 1 admissions appeal/complaint without attempting informal resolution. Where an applicant has not attempted to raise an issue of appeal/complaint informally first before submitting a Stage 1 admissions appeal/complaint, the College will consider whether or not informal resolution should be attempted before considering the Stage 1 appeal/complaint.

8.2. Formal admissions appeals and complaints must be made under specific grounds if being submitted at Stage 1 or Stage 2. All formal Stage 1 and Stage 2 Admissions Appeals and Complaints must clearly indicate the grounds upon which the appeal and/or complaint is being made. Where no grounds are indicated, SIRM College will normally terminate the Stage 1 or Stage 2 procedure and the appeal/complaint without consideration.

8.3. Applicants who wish to make an appeal or complaint pertaining to a decision to withdraw or amend a provisional offer of a place to study with SIRM College for any reason should use this procedure.

Timescales and mechanisms for making an admissions appeal and complaint

8.4. For ease of reference, a summary of the timescales and submission mechanisms for making admissions appeals and complaints at all stages is set out in the table below:

Stage of procedure	Applicant deadline and how to submit	SIRM College deadline
Informal stage	Issues should normally be raised with the College via email to admissions@sirm.ac.uk within 21 calendar days of the incident(s) / issue(s) arising.	**As soon as possible, and normally not longer than 14 calendar days of the issue(s) being informally raised with the College.** Applicants should receive an acknowledgement email normally within 2 working days of the date of receipt of the email.
Stage 1 Formal Admissions Appeal / Complaint	Stage 1 admissions appeal and/or complaint should be submitted via email at admissions@sirm.ac.uk normally within 28 calendar days of either the admissions decision, or of the incident(s) / issue(s) of appeal/complaint occurring.	Stage 1 submission considered and responded to **normally within 28 calendar days of the date of receipt of the Stage 1 appeal / complaint.** The Stage 1 Outcome Letter will be sent by email.
Stage 2 Request for Review	Submitted within 14 calendar days of the date of the Stage 1 Outcome Letter.	The Stage 2 Request for Review will be reviewed and a Stage 2 Outcome Letter sent **normally within 21 calendar days of receipt of the Stage 2 complaint/appeal**. The Stage 2 Outcome Letter will be sent by email and constitutes the final decision of the College on the matter.

8.5. Stage 1 and Stage 2 submissions that are submitted outside of these deadlines will not normally be considered unless the College is satisfied that there is good reason why the relevant deadline was unable to be met by the applicant.

8.6. Whilst SIRM College will endeavour to ensure that the timescales set out in this Policy are adhered to for responding to Stage 1 and Stage 2 admissions appeals and complaints, 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.

All timescales set out in this Policy are indicative and may be extended where necessary, for example where additional information is required or where the complexity of the case warrants this. Applicants will be informed where this occurs.

9. Issues raised informally under this policy

9.1. Applicants should informally raise admissions appeal and/or complaint issues by emailing SIRM College at admissions@sirm.ac.uk setting out the matter(s) to be resolved.

9.2. Admissions appeal/complaint issues raised informally under this policy with SIRM College will not be deemed to constitute a Stage 1 Admissions Complaint or Appeal.

9.3. Issues raised informally should be raised as promptly as possible in order that they may reasonably be addressed. Where an applicant raises an issue of appeal or complaint informally under this policy, this should normally be raised within 21 calendar days of the incident/issue arising.

9.4. Where a matter is raised informally later than 21 days after the incident/issue arising, the College shall determine whether or not the matter has been raised within a reasonable timeframe, taking account of the circumstances concerned including any that contributed towards an applicant being unable to raise matters earlier. Where we determine that a matter raised informally has not been raised within a reasonable timeframe, we may decline to consider the issue on the basis that it was not raised within the required 21-day timeframe and we are not satisfied that the matter was raised within a reasonable timeframe.

9.5. When an issue is raised informally with SIRM College, we will endeavour to resolve the matter as soon as possible. Applicants should expect a response within 14 days, although they should expect an email of acknowledgement normally within 2 working days of the date of receipt of the email.

10. Stage 1 admissions appeals and complaints

10.1. In all circumstances, the Admissions Appeal and Complaint Form should be used to make a Stage 1 Admissions Appeal and/or Complaint to SIRM College.

Submissions made not using the form will not normally be accepted for consideration.

10.2. Applicants can make a formal submission of both an admissions appeal and complaint simultaneously using the same form, as applicable and relevant to their case.

10.3. To make a formal Stage 1 admissions appeal/complaint to SIRM College, a Stage 1 admissions appeal and/or complaint should be submitted via email to the College at admissions@sirm.ac.uk normally within 28 calendar days of either the admissions decision, or of the incident(s) of appeal/complaint occurring.

10.4. Complaints or appeals received outside of the 28 day 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 College 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 Director of Admissions or their nominee, who has had no prior involvement in the admissions decision where possible

10.5. A Stage 1 Admissions appeal and/or complaint must be submitted via email using the Admissions Appeals and Complaints Form and made under the relevant Stage 1 grounds of appeal and complaint which are as follows:

Stage 1 Grounds of Appeal / Complaint

Grounds under which a Stage 1 admissions appeal may be made	
i.	That there is evidence of significant administrative or procedural error in the admissions process
ii.	That there is evidence of prejudice or bias in the selections process
iii.	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

10.6. A Stage 1 admissions appeal/complaint can be made under any or all of the grounds that an applicant feels is relevant to their case. The Admissions Appeals and Complaints Form prompts applicants to indicate which grounds they are making their case under.

10.7. Complaints or appeals that are incomplete (eg do not indicate the grounds upon which the appeal/complaint is being made) will normally be terminated by SIRM College without consideration.

Receipt of Stage 1 Admissions Appeals/Complaints – Initial Review

10.8. All Stage 1 admissions appeals and complaints will be logged by the College on receipt, and the Director of Admissions or their nominee will initially review the Stage 1 submission to check that it is in time and complete, and thus eligible for consideration. An email acknowledging receipt will be sent to the applicant normally within 2 working days of receipt of the Stage 1 Admissions Appeal/Complaint.

Stage 1 Investigation

10.9. Where it has been determined from this initial review that the Stage 1 submission is eligible for consideration, the Director of Admissions will determine the most appropriate individual (if appropriate, this may be an External Officer as set out in Section 2 of this Policy) 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.

10.10. A Stage 1 Outcome Letter will be issued via email to the applicant, normally within 28 calendar days of the date of receipt by SIRM College of the Stage 1 appeal/complaint.

10.11. Where an applicant is dissatisfied with the Stage 1 Outcome, they may escalate their appeal/complaint to Stage 2 of the procedure (Request for Review).

11. Stage 2 Request for Review

11.1. A Stage 2 Request for Review should be lodged within 14 calendar days of the date of the Stage 1 outcome letter. Applicants can lodge a Stage 2 admissions complaint or appeal by submitting the following:

- a freshly fully completed Admissions Appeal/Complaint Form, 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 via email to admissions@sirm.ac.uk.

Stage 2 Grounds for Requesting a Review

11.2. In all circumstances, the Admissions Appeal and Complaint Form should be used to make a Stage 2 Request for Review to SIRM College. Submissions made not using the form will not normally be accepted for consideration.

11.3. As with Stage 1, a Stage 2 admissions appeal/complaint Request for Review must be made under one or more specific grounds which are as follows:

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

11.4. All Stage 2 admissions appeals and complaints will be logged by SIRM College and a member of College Admissions Staff (or their nominee) will review the Stage 2 submission to check that it is in time and complete. Incomplete or late submissions will not be considered unless there are exceptional circumstances. An acknowledgement of a Stage 2 Request for Review will be sent normally within 2 working days of the College's receipt of the email.

11.5. On receipt of a Stage 2 Request for Review of an admissions appeal/complaint, the Director of Admissions will either undertake an independent review of the appeal/complaint, or will nominate an alternative officer, normally another senior member of staff from SIRM who has had no prior involvement in the case, or an External Officer in accordance with the College's arrangements for managing procedural integrity and fairness (as set out in Section 2 of this Policy), to undertake the Stage 2 Review.

11.6. In undertaking the review, the Stage 2 Reviewer will review the full submission and accordingly may contact staff, including the Stage 1 Investigator, to gather any necessary relevant information.

Stage 2 Request for Review Outcome

11.7. A Stage 2 Review Outcome will normally be reached within 21 days of the date of receipt by SIRM College of the Stage 2 Request for Review and will be communicated in the Stage 2 Review Outcome Letter. Where this timeline is not able to be met, the applicant will be notified via email along with an indication of when they should expect the Final Decision Letter.

11.8. The Stage 2 Review Outcome Letter constitutes the final decision of the College on the matter and there is no further route of internal appeal or complaint.

11.9. The Stage 2 Review Outcome Letter will set out that the remit of the Office of the Independent Adjudicator for Higher Education (the ombudsman for student complaints) does not include admissions, and that should the applicant wish to take their complaint further they may wish to seek independent advice from their local Citizens Advice regarding potential legal options, and/or from the Competition and Markets Authority if they believe their consumer rights may have been breached.

Unsuccessful Stage 2 Request for Review

11.10. Where the Stage 2 Reviewer is not satisfied that the applicant has met any grounds for a Stage 2 appeal/complaint to be upheld, this will be the final decision of SIRM College on the matter. This decision and the reasons for it will be communicated in the Stage 2 Review Outcome Letter.

Successful Stage 2 Request for Review

11.11. Where the Stage 2 Reviewer is satisfied that one or more of the 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 College's Final Decision on the case. The Final Decision on the case will be made by the College, led by the Stage 2 Reviewer and communicated in the Stage 2 Review Outcome Letter. The Stage 2 Reviewer will arrive at the College's Final Decision as follows:

- Where one or more of the Stage 2 grounds are met, the Stage 2 Reviewer will arrange a reconsideration of the case by the College, which may as necessary include any members of the relevant admissions team and/or relevant academic staff, and/or the Principal of the College.
- Where the Principal would normally be included in the reconsideration but is unavailable, the CEO may act in lieu of the Principal.

- The Stage 2 Reviewer will forward the case to staff identified as undertaking the reconsideration with any relevant recommendations arising from their review of the full Stage 2 submission (including the Stage 1 submission and Outcome Letter). A finding by the Stage 2 Reviewer that one or more of the above Stage 2 grounds are met will normally be communicated in the Stage 2 Review Outcome Letter along with the overall outcome and the College's Final Decision on the appeal/complaint. However, at the discretion of the Stage 2 Reviewer and depending on the timescale for completion of the overall reconsideration of the case, the Stage 2 Reviewer may communicate in writing to the applicant that:
- the Request for a Review has been successful, but
- that reconsideration of the case is pending, and
- the final decision of the College will be communicated in the Stage 2 Review Outcome Letter.

In this instance, the Stage 2 Reviewer will provide an indicative timeframe for when the applicant should expect the Stage 2 Review Outcome Letter to be issued.

11.12. The College's reconsideration of the matters should address any recommendations made by the Stage 2 Reviewer, and determine an appropriate outcome. The reasons for the College's final decision will be provided in the Stage 2 Review Outcome Letter.

11.13. A copy of the Stage 2 Review Outcome Letter will be sent to any relevant staff as necessary for information and retained on the applicant's file in admissions records. However, in the event that the applicant becomes a registered student, records of the admissions appeal or complaint will not form part of the student's academic record. Such records will be retained separately in accordance with the College's Data Retention Schedule.