



**Middlesbrough
College**

Higher Education Admissions Appeals Procedure

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1. Introduction

- 1.1 In order to safeguard the interests of prospective students, the College has established an Admissions Appeals Procedure. The Procedure identifies how the College aims to investigate and resolve appeals in an equitable and timely manner.

2. Guiding Principles for the Procedure

- 2.1 The term 'appeal' in this Procedure is a request for reconsideration of an admission decision in the context of the College's Admissions Policy or of course-specific admissions arrangements. The Procedure should be followed if an applicant believes that s/he has legitimate ground(s) to be dissatisfied with the process followed, or the actions of a staff member, during the application or admission process.
- 2.2 The outcome of a successful appeal will normally be a reconsideration of an applicant's application with a view to either changing or upholding the original decision.
- 2.3 In exceptional circumstances, the applicant may wish to nominate a third party to deal with an appeal on his/her behalf. Written authority for such delegation must be received from the applicant.
- 2.4 Processes shall normally be completed according to the timescales indicated in this Procedure. If, for any reason, these timescales cannot be met, the applicant shall be kept informed of progress.
- 2.5 For the purposes of this Procedure, written communication with an applicant may be in paper or electronic format.
- 2.6 Any investigation undertaken as part of the formal stages of this Procedure will be conducted by staff who have had no prior knowledge of the applicant or the case.
- 2.7 The remit of the Office of the Independent Adjudicator for Higher Education (OIA) does not apply to applicants. Therefore, there is no recourse to the OIA following this process.
- 2.8 Use of this Procedure will not prejudice any opinion of the applicant or be used to adversely affect any later dealings with the applicant.

3. Informal Process

- 3.1 It is recommended that, before pursuing a formal Admissions Appeal through this Procedure, applicants should obtain feedback if this has not already been supplied. Applicants should contact the Directorate Office responsible for the course to which the applicant has applied.
- 3.2 Applicants and Directorates are expected to attempt to resolve the appeal informally. Applicants should contact, in the first instance, the nominated representative of the Directorate, as identified in the letter or email informing them of the admissions decision. The informal process must be commenced by the Applicant within 10 working days of the date of formal notification of the admissions decision.

- 3.3 The Informal Stage does not negate an applicant's right to submit a College Admissions Appeal Application Form and any application must be submitted in accordance with the procedures and timescales outlined in [Paragraph 4.3.4](#). However, if an applicant submits an Admissions Appeal Application Form late, due to a delay in resolving his/her issues informally, then the application will be accepted and considered under the provision of [Paragraph 4.4](#), subject to confirmation from the Directorate that the delay was due to undertaking the informal process. If the relevant nominated Directorate representative is unable to confirm that an informal process has taken place, then an applicant's Admissions Appeal Application Form will be considered in accordance with [Paragraph 4.3.7](#).

4. Formal Process

- 4.1 **Grounds for Review:** An appeal against a decision may only be submitted on the following grounds:
- 4.1.1 That there was a material and/or procedural irregularity in the decision-making process. ('Procedural irregularity' in this context means non-adherence to the College's Admissions Policy or any procedures that are specific to the course applied for and would be identified in the course material, which may include procedures relating to the Disclosure and Barring Service [DBS]).
 - 4.1.2 That there is evidence of unjustified discrimination or bias against the applicant.
- 4.2 The following do not constitute grounds for an Admissions Appeal:
- 4.2.1 Academic or professional judgement about the applicant's suitability for entry to a particular programme.
 - 4.2.2 Appeals arising from internal transfers from one College programme to another. These should be dealt with under the College's Student Complaints Procedure.
- 4.3 Submission of an Application Form
- 4.3.1 Applicants wishing to appeal against an admissions decision must initiate the appeals process by submitting a formal request for appeal on an Admissions Appeal Application Form. The form can be obtained from the Higher Education Office or the College's website.
 - 4.3.2 Applicants may only make one application in respect of any one admission decision. The application must relate to one, or both, of the grounds as cited in [Paragraph 4.1](#) above.
 - 4.3.3 The applicant must complete all sections of the Admissions Appeal Application Form as fully as possible, following the guidelines issued with the Form. Comments in support of the application should be confined to matters directly related to the grounds for the application. The application must be supported by documentary evidence clearly referenced to the relevant ground(s).

- 4.3.4 The completed Admissions Appeal Application Form must be received by the Higher Education Office within 10 working days from receipt of notification that his/her application has been unsuccessful (see [Paragraph 3.3](#) for any applications made under the informal stage).
 - 4.3.5 Only in exceptional circumstances will an Admissions Appeal Application Form be accepted after this date, and then only to an absolute deadline of three months after the publication of an admission decision. Such application will be considered in accordance with [Paragraph 4.3.7](#).
 - 4.3.6 The Higher Education Office, on receipt of an Admissions Appeal Application Form, will have the right to request further clarification and/or information from the applicant prior to referring the application to the relevant member of staff.
 - 4.3.7 Incomplete applications, applications that do not meet the criteria, or late applications will normally be rejected. If an applicant submits a late application, the applicant must enclose, with his/her Admissions Appeal Application Form, a written explanation for the late submission. The decision of whether, exceptionally, to accept incomplete applications, applications that do not meet the criteria, or late Application Forms will be at the discretion of the Chair of the Academic Board and his/her decision is not subject to further appeal.
 - 4.3.8 Applicants are advised to retain a copy of their documentation and Admissions Appeal Application Form. Documents supplied as part of the application process will not normally be returned. Where photocopies of documents are submitted, the applicant may be required to provide the Higher Education Office with sight of the original documents in order to verify their authenticity or, in exceptional cases, ask for their authenticity to be notarised by a public notary.
- 4.4 Stage 1: Consideration by the Directorate
- 4.4.1 Receipt of the Admissions Appeal Application Form will be acknowledged by the Higher Education Office.
 - 4.4.2 The Higher Education Office shall normally, within **3 working days**, circulate the Admissions Appeal Application Form and supporting documentary evidence, to the relevant representative of the Directorate Management Team, appointed by the Directorate responsible for the course to which the applicant has applied. The term 'representative of the Directorate Management Team' will henceforth be referred to as 'the Directorate'.
 - 4.4.3 The Directorate will undertake an investigation into the matters identified in the applicant's Admissions Appeal Application Form and may, if required, request further clarification directly from the applicant. As part of its investigation, the Directorate may invite the applicant, or members of staff, to a meeting. The applicant or member of staff invited to a meeting may be accompanied by a friend/colleague, but it would not be appropriate for the Friend to be a legal practitioner, acting in a professional capacity.

- 4.4.4 At the conclusion of the investigation, the Directorate should provide the applicant with a written response within **20 working days** after receipt of the Admissions Appeal Application Form, unless the circumstances in [Paragraph 2.5](#) applies. The response will either explain:
- a) that there are grounds for reconsideration of the application, or
 - b) why there are no grounds to overturn the previously communicated admission decision.

The written response should also remind the applicant that, if s/he remains dissatisfied with the response, the applicant has the right to refer the matter to Stage 2 of the Admissions Appeals Procedure.

- 4.4.5 A copy of the formal response should be sent to the Higher Education Office on the same day that it is issued to the applicant.
- 4.4.6 If the applicant is dissatisfied with the outcome, the applicant must, within **10 working days** of receipt of the response of Stage 1, submit, in writing to the Higher Education Office, a response explaining why he/she is dissatisfied with the outcome. If no letter is received within **10 working days**, then the Admissions Appeal will be closed.

4.5 Stage 2: Consideration by the Director of Higher Education, or nominee.

- 4.5.1 If the applicant remains unhappy with the outcome of Stage 1, the applicant has **10 working days** from receipt of the Stage 1 outcome in which to submit a letter to the Higher Education Office explaining whys/he is dissatisfied with the outcome.
- 4.5.2 Receipt of the letter from the applicant will be acknowledged by the Higher Education Office.
- 4.5.3 The Higher Education Office will forward a copy of the letter from the applicant, together with any written evidence and a copy of the Stage 1 documentation, to the Director of Higher Education or nominee. A copy of the letter from the applicant will be forwarded to the Directorate for information.
- 4.5.4 The Director of Higher Education, or nominee, will undertake an investigation into the matters identified in the applicant's letter and may, if required, request further clarification directly from the applicant or Directorate. As part of his/her investigation, the Director of Higher Education, or nominee, may invite the applicant, or members of staff from the Directorate, to a meeting. The applicant or member of staff invited to a meeting may be accompanied by a friend/colleague, but it would not be appropriate for the Friend to be a legal practitioner, acting in a professional capacity.
- 4.5.5 At the conclusion of the investigation, the Director of Higher Education, or nominee, should provide the applicant, and the Directorate, with a written response within **20 working days** after receipt of the applicant's letter, unless the circumstances in Paragraph 2.6 applies. The response will either explain:

- a) that there are grounds for reconsideration of the application, or
 - b) why there are no grounds to overturn the previously communicated admission decision.
- 4.5.6 If [Paragraph 4.5.5](#) (a) applies, the Director of Higher Education, or nominee, will write to the Directorate, informing the Directorate of the decision and requesting that the applicant's application is reconsidered.
- 4.5.7 A copy of the formal response should be sent to the Higher Education Office on the same day that it is issued to the applicant. The written response should also remind the applicant that, if s/he remains dissatisfied with the response, the applicant has the right to refer the matter to Stage 3 of the Admissions Appeals Procedure.
- 4.5.8 If the applicant is dissatisfied with the outcome, the applicant must, within **10 working days** of receipt of the response of Stage 2, submit, in writing to the Higher Education Office, a written response explaining why he/she is dissatisfied with the outcome. If no letter is received within **10 working days**, then the Admissions Appeal will be closed.
- 4.6 Stage 3: Consideration by the Academic Board
- 4.6.1 If the applicant remains unhappy with the outcome of Stage 2, the applicant has 10 working days from receipt of the Stage 2 outcome in which to submit a letter to the Higher Education Office explaining why s/he is dissatisfied with the outcome.
- 4.6.2 Receipt of the letter from the applicant will be acknowledged by the Higher Education Office.
- 4.6.3 The Higher Education Office will forward a copy of the letter from the applicant, together with any written evidence and documentation relating to Stages 1 and 2, to the Chair of the Academic Board. A copy of the letter from the applicant will be forwarded to the Directorate for information.
- 4.6.4 The Higher Education Office will liaise with the Chair of the Academic Board, or nominee, to agree whether the applicant's letter is misconceived, or is out of time and that the applicant has failed to show why it was not reasonably practical for him/her to submit their letter in time. In such cases, the Chair, or nominee, shall have the power to dismiss the application, in which event the provisions of [Paragraph 4.3.7](#) shall apply as if a full Academic Board has met and dismissed the application. Alternatively, if the Chair or nominee believes that the applicant's case is well founded, s/he may request a full Academic Board be convened in accordance with [Paragraph 4.6.9](#).
- 4.6.5 The decision of the Chair or nominee of the Academic Board as to whether or not to convene Academic Board is not subject to further appeal and concludes the Admissions Appeals process within The College.
- 4.6.6 Membership of the Academic Board shall consist of 4 members, as follows:
- (a) Chair: Member of the Senior Leadership Team, usually the Chair of the Academic Board.

- (b) Director or nominated representative of a Directorate.
 - (c) Admissions Tutor of a Directorate.
 - (d) Representative of the Students' Union;
- 4.6.7 The Committee may choose to conduct business if one member is unable to be present for any reason.
- 4.6.8 The Higher Education Office will fulfil the role of Clerk to the Committee (this will exclude the Director of Higher Education who considered the appeal at stage 2) and a Secretary will be appointed by the Clerk.
- 4.6.9 Procedure for the Hearing of the Academic Board.
- (a) Meetings of the Academic Board will normally be held within **20 working days** of the decision of the Chair of the Academic Board to hold a Hearing. The applicant will be advised of the date of the meeting and the date will also be communicated to the Directorate.
 - (b) The College recognises that attendance at Hearings for applicants who live some distance from the College Main Campus may be problematic. The College will endeavour to make reasonable adjustments to ensure that the process is fair to all parties. In such cases, timescales for communications between both parties may be adjusted.
 - (c) It will not normally be possible for the date of the Hearing to be changed, and this will only be done in respect of exceptional circumstances, for example medical treatment. Holiday arrangements do not normally constitute a valid reason. Any requests for a change in the date of a Hearing must be submitted in writing to the Higher Education Office, and the decision to change any previously agreed arrangements will be taken by the Chair of the Academic Board. Where a decision to re-arrange a Hearing has been refused, the applicant will be informed in writing of the refusal, and the case will be considered in the absence of the applicant.
 - (d) No person has the right to be present except the applicant concerned, who may be accompanied by a friend, and the relevant member of the Directorate Management Team, accompanied by one other Directorate representative, where appropriate. The representative from the Directorate may request additional members of staff to attend the meeting at the discretion of the Chair of the Academic Board.
 - (e) If the applicant exercises his/her right to be accompanied by a friend, a 'friend', for the purpose of this meeting, is defined as a person who, at the request of the applicant, may accompany the applicant to the meeting, and is entitled to speak or act on the applicant's behalf as indicated above, but it would not be appropriate for the 'friend' to be a legal practitioner, acting in a professional capacity.

- (f) The applicant and the Directorate representative should confirm to the Higher Education Office, at least **5 working days** before the Hearing, who will be attending the Committee.
- (g) No adverse conclusion will be drawn where the applicant chooses not to attend. The Committee may proceed in the absence of the applicant who has been invited to attend. Normally, a 'friend' will not be permitted to attend the meeting without the applicant concerned. However, in exceptional circumstances, the Chair of the Academic Board may agree to the evidence being presented by the applicant's nominated friend in the absence of the applicant, provided that the applicant has authorised this in writing and this is acceptable to the Chair of the Academic Board.
- (h) In considering the applicant's appeal, the Academic Board may call any appropriate persons to give evidence. If it is expected that attendance of a member of staff may be required by the Committee, **5 working days** notice of the meeting should normally be given and the member of staff may be accompanied to the meeting by a friend. The Chair will provide the member of staff with the appropriate documentation. If it appears to the Chair of the Academic Board that the appeal, or associated documentation or oral evidence, raises allegations of misconduct which would be more appropriately dealt with under the College's Staff Disciplinary Procedures, the Chair may stay the operation of the Admissions Appeal Procedure until the conclusion of the disciplinary process. However, if a disciplinary allegation is severable from the Admissions Appeal issue, the Chair may agree to the simultaneous operation of the Admissions Appeal Procedure and the Staff Disciplinary Procedure.
- (i) Normally the Higher Education Office will obtain all relevant papers from the persons concerned before the meeting and these papers will normally include the Stage 1, 2 and 3 documentation and a copy of the Admissions Appeal Procedure. The papers to be considered by the Academic Board will be circulated to all parties prior to the Meeting a minimum of **5 working days** prior to the Hearing. The presentation of any new documentation, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in a suspension of proceedings to provide all parties with the opportunity to consider the new documentation.
- (j) Information given in writing to the Higher Education Office, prior to the meeting, will be communicated to the Board. Information given orally to the Secretary may not be communicated to the Academic Board.
- (k) The applicant and his/her friend and the relevant member(s) of staff from the Directorate will normally be allowed to be present throughout the whole of the meeting of the Academic Board except when the decision is being debated, unless the Committee, in its absolute discretion, decides that the presence of any of them is not appropriate throughout the whole meeting or during any specific part of it. If the Committee decides to request any person to leave the meeting, the Chair shall use reasonable endeavours to ensure that

such a person is given an adequate opportunity to present his/her case.

- (l) All participants will be expected to behave in an orderly and non-confrontational manner. If the Chair deems it necessary, the Chair may adjourn proceedings if, in the Chair's opinion, progress of the meeting is being impeded.
- (m) During the Hearing:
 - i) The Chair will outline the procedure of the meeting to all parties;
 - ii) The Chair will ask the applicant and/or friend to present their case in support of their appeal;
 - iii) Members of the Committee may ask questions of the applicant and/or friend;
 - iv) The Chair will ask the Directorate representative(s) to present their case;
 - v) Members of the Committee may ask questions of the Directorate representative(s)
 - vi) The Chair will ask the applicant and/or friend and the Directorate representative(s) to leave the meeting;
 - vii) The Committee will consider the evidence in private and reach a decision in accordance with [Paragraph 4.6.10\(c\)](#).
- (n) The deliberations of the Academic Board and any documents produced before it are confidential to it.
- (o) The Academic Board has the authority to adjourn the Hearing if it requires further information or evidence as it deems appropriate to assist in making its decision.

4.6.10 Decision of the Academic Board

- (a) The decision of the Academic Board will be by majority decision. Where the Panel is unable to agree a majority decision, the Chair will have a second, casting vote.
- (b) The outcome of the Hearing will be confidential until the decision of the Academic Board has been published.
- (c) After consideration of the available evidence relating to an appeal, the Committee may:
 - (i) Instruct the Directorate to reconsider the applicant's application, making recommendations regarding elements of the application and/or process to which the Directorate should pay particular attention, or

- (ii) Reject the application.
- (d) The applicant and Directorate shall be informed, in writing, within **5 working days**, of the outcome of the Academic Board.
- (e) The Committee shall also keep a record of its proceedings. The record shall be available, in exceptional circumstances, at the discretion of the Chair of the Academic Board.
- (f) Where an application is not upheld, the effects of the decision of the Academic Board shall be immediate and concludes the internal proceedings of The College.

4.7 Procedures Following Decision of the Academic Board

- 4.7.1 When it is decided that an Admissions Appeal shall be reconsidered by the Directorate, the Directorate should act on the recommendations of the Academic Board. The ultimate decision of the Directorate shall be final.
- 4.7.2 If the Directorate upholds its original decision it should supply the applicant, Chair of the Academic Board, and the Higher Education Office with a detailed rationale for its final decision.

5. **Expenses**

In the event of a case being upheld, the College will consider meeting reasonable and proportionate incidental expenses such as travel (within the UK), subsistence and accommodation costs where the College is satisfied that it was necessary for the applicant to incur such expenses in the resolution of the case, and the amount is reasonable in the circumstances. Expenses will not be met without the production of original copies of receipts to the Higher Education Office, and any monies will not be remunerated until the conclusion of this procedure. Applicants are required to submit claims, in writing, to the Higher Education Office. Applicants who are in doubt should check in advance with the Higher Education Office, as to the acceptability of any expenses that he/she is proposing to incur. The decision on whether to meet incidental expenses will be made by the Chair of the Academic Board and this decision will be final.

6. **Monitoring and Evaluation**

At least once a year, the Higher Education Office shall provide a written report to College Governors. That report shall provide statistical data on the number of cases and make any observations and/or recommendations that may assist the College to further good practice in the management of admission processes.

7. **Appendix One – Admission Appeal Form**

Available [here](#).

Revision History		
Version	Date	Detail
1.0	September 2017	
1.1	August 2018	Document edited for clarity and to homogenise presentation and implement URLs to College website HE Essential Information page. Admission Appeal Form added.
1.2	January 2022	Checked for accuracy.