

Quality System

Procedure Number

BAC-OU-01

Procedure Title

Higher Education Admissions Appeals Procedure for
The Open University

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Index

		Page
1.0	Purpose	3
2.0	Scope	3
3.0	References	3
4.0	Definitions	3
5.0	Procedure	3-10
8.0	Documentation	10

1.0 Purpose

1.1 In order to safeguard the interests of prospective student, Bishop Auckland College has established a Higher Education Admissions Appeals Procedure for The Open University. This procedure identifies how the College aims to investigate and resolve appeals in an equitable and timely manner.

2.0 Scope

2.1 This procedure applies to admission appeals for students who have applied and been subsequently refused admission to courses at Bishop Auckland College that are in partnership with the Open University.

2.2 An appeal against a decision may only be submitted on the following grounds:

2.2.1 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]).

2.2.2 That there is evidence of unjustified discrimination or bias against the applicant.

2.3 The following do not constitute grounds for an Admissions Appeals:

2.3.1 Academic or professional judgement about the applicant's suitability for entry to a particular programme.

2.3.2 Appeals arising from internal transfers from one College programme to another. These should be dealt with under the College's Customer Complaints Procedure (ref: BAC-Q-05).

2.3.3 All proceedings in relation to an academic appeal (including meetings and documentation) will be treated in a highly confidential manner.

3.0 References

3.1 Q-QR-01 Quality Record Schedule

4.0 Definitions

4.1 Head of Admissions: Head of Admissions, Careers, Marketing & School Liaison

5.0 Guiding Principles for the Procedure

5.1 The term 'appeal' in this procedure is a request for reconsideration of an admission decision in the context of the College's Admission Policy or of course-specific admissions arrangements. The procedure will be followed if an applicant believes that they have legitimate ground(s) to be dissatisfied with the process followed or by the actions of a staff member, during the application or admissions process.

Responsibility

- 5.2 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.
- 5.3 In exceptional circumstances, the applicant may wish to nominate a third party to deal with an appeal on their behalf. Written authority for such delegation must be received from the applicant.
- 5.4 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.
- 5.5 For the purposes of this procedure, written communication with an applicant may be in paper or electronic format.
- 5.6 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.
- 5.7 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.
- 5.8 Use of this procedure will not prejudice any opinion of the applicant or be used to adversely affect any later dealings with the applicant.

6.0 Informal Process

- 6.1 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 Head of School responsible for the course to which the applicant has applied. Applicant
- 6.2 Applicants and Heads of School are expected to attempt to resolve the appeal informally. Applicants should contact, in the first instance, the nominated representative of the Head of School, as identified in the letter or email informing them of the admission decision. The informal process must be commenced by the Applicant within **10 working days** of the date of formal notification of the admission decision. Applicant/Head of School
- 6.3 The Informal Stage does not negate an applicant's right to submit an Admissions Appeal Application Form (ref: OU-AA-02) and any application must be submitted in accordance with the procedures and timescales outlined in clause 7.1.1. However, if an applicant submits an Admissions Appeal Application Form late, due to a delay in resolving their issues informally, then the application will be accepted and considered under the provision of clause 6.4, subject to conformation from the Head of Admissions that delay was due to undertaking the informal process. If the Head of Admissions 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 clause 7.1.6. Head of Admissions

Higher Education Admissions Appeals Procedure for The Open University



Responsibility

7.0 Formal Process

7.1 Submission of an Application Form

7.1.1 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 clauses 2.2.1 and 2.2.2. Applicant

7.1.2 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 (ref: OU-AA-02). The form can be obtained from the College's website. The completed application form must be received by the Head of Admissions within 10 working days from receipt of notification that their application has been unsuccessful (see clause 6.3 for any applications made under the informal stage). Applicant

Note: 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. If an Application Form is submitted after the 10 working days, the applicant must enclose, with their Application Form, a written explanation for the late submission.

7.1.3 The applicant must complete all sections of the Admissions Appeal Application Form (ref: OU-AA-02) as fully as possible, following the guidelines used 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). Applicant

Note: 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 Head of Admissions 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.

7.1.4 Receipt of the Admissions Appeal Application Form (ref: OU-AA-02) will be acknowledged by the Head of Admissions, within **3 working days**. Head of Admissions

7.1.5 The Head of Admissions, on receipt of an Admissions Appeal Application Form (ref: OU-AA-02), will have the right to request further clarification and/or information from the applicant prior to processing the appeal for stage one of the Admissions Appeal Process. Head of Admissions

7.1.6 Incomplete applications, applications that do not meet the criteria or late applications will normally be rejected. 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 Head of Admissions and their decision is not subject to further appeal. Head of Admissions

Higher Education Admissions Appeals Procedure for The Open University



		Responsibility
7.2	Stage 1: Consideration by Head of Admissions	
7.2.1	The Head of Admissions and the Head of School (with responsibility for the course which the applicant has applied for), will undertake an investigation into the matters identified in the applicant's Admissions Appeal Application Form (ref: OU-AA-02) and supporting documentation (if any), within 3 working days of receipt.	Head of Admissions/ Head of School
7.2.2	The Head of Admissions may invite the applicant and/or tutor who conducted the admissions interview, to a meeting.	Head of Admissions
7.2.3	At the conclusion of the investigation, the Head of Admissions should provide the applicant with a written response within 15 working days after receipt of the Admissions Appeal Application Form (ref: OU-AA-02). The response will either explain: <ul style="list-style-type: none"> a) That there are grounds for reconsideration of the application b) Why there are no grounds to overturn the previously communicated admission decision <p>Note: The written response should inform the applicant that if they remain dissatisfied with the response, the applicant has the right to refer the matter to Stage 2 of the Admission Appeals Procedure.</p>	Head of Admissions
7.2.4	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 Head of Admission, a response explaining why they are dissatisfied with the outcome. If no letter is received within 10 working days , then the Admission Appeal will be closed.	Applicant
7.3	Stage 2: Consideration by the Deputy Chief Executive/nominee	
7.3.1	Receipt of the letter from the applicant will be acknowledged by the Head of Admissions, within 3 working days .	Head of Admissions
7.3.2	The Head of Admissions will forward a copy of the letter from the applicant and all associated documentation from Stage 1 of the Admissions Appeals Procedure to the Deputy Chief Executive/nominee.	Head of Admissions
7.3.3	The Deputy Chief Executive/nominee will undertake an investigation into the matters identified in the applicant's letter following Stage 1. If required, the Deputy Chief Executive may invite the applicant, Head of School and/or member of staff who undertook the initial interview with the applicant, to a meeting to ascertain any further information that may be required.	Deputy Chief Executive/ nominee
7.3.4	At the conclusion of the investigation, the Deputy Chief Executive/nominee, will provide the applicant with a written response within 15 working days after receipt of the applicant's letter. The response will either explain: <ul style="list-style-type: none"> a) That there are grounds for reconsideration of the application b) Why there are no grounds to overturn the previously communicated admission decision 	Deputy Chief Executive/ nominee

Higher Education Admissions Appeals Procedure for The Open University



		Responsibility
7.3.5	If clause 6.3.4 (a) applies, the Deputy Chief Executive/nominee will inform the Head of Admissions of the decision and request that the applicant's application is reconsidered and return all subsequent paperwork relating to the Stage 2 appeal.	Deputy Chief Executive/ nominee
7.3.7	If the applicant is dissatisfied with the outcome of the Stage 2 appeal, the applicant must, within 10 working days of receipt of the response of Stage 2, submit, in writing to the Head of Admissions a written response explaining why they are dissatisfied with the outcome. If no letter is received within 10 working days of the response being issued, then the Admissions Appeal will be closed.	Applicant
7.4	Stage 3: Consideration by the Academic Board	
7.4.1	Receipt of the letter from the applicant will be acknowledged by the Head of Admissions, within 3 working days .	Head of Admissions
	Note: if the letter is received outside of the initial 10 working days (as stated in clause 6.3.7), the Head of Admissions will liaise with the Chair of the Academic Board to ascertain reasoning as to why the letter was submitted late and consideration to further the appeal should take place.	
7.4.2	If the applicant submits a further appeal letter late	
7.4.2	The Head of Admissions will forward a copy of the letter from the applicant, together with any written evidence and documentation relating to Stage 1 and 2, to the Chair of the Academic Board.	Head of Admissions
7.4.3	The Head of Admissions will liaise with the Chair of the Academic Board to ascertain if the applicant's letter is misconceived or submitted late and that the applicant has failed to show why it was not reasonably practical for them to submit their letter in time, within 5 working days of receipt of the letter from the applicant. In such cases, the Chair/nominee shall have the power to dismiss the application, in which event the provision of clause 6.1.6 shall apply as if a full Academic Board has met and dismissed the application. Alternatively, if the Chair/nominee believes that the applicant's case is well founded, they may request a full Academic Board be convened in accordance with clause 7.4.5.	Head of Admissions/ Chair of the Academic Board
	Note: the decision of the Chair of the Academic Board/nominee as to whether or not to convene an Academic Board is not subject to further appeal and concludes the Admissions Appeals process within the College.	
	Note: Membership of the Academic Board shall consist of 4 members, as follows:	
	<ul style="list-style-type: none"> a) Chair: Member of the Senior Leadership Management Team b) Director or nominated representative of Directorate c) Clerk: Head of Admissions d) Admissions tutor e) Representative of the Students' Union 	
7.4.4	The Academic Board may choose to conduct business if one member is unable to be present for any reason.	Academic Board

Responsibility

7.5 Procedure for the Hearing of the Academic Board.

- a) The meeting of the Academic Board will be held within **10 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. Academic Board

Note: 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.

- b) It will not be possible for the date of the hearing to be changed and will only be done in respect of exceptional circumstances, for example medical treatment (holiday arrangements do not normally constitute a valid reason). Any request for a change in the date of the hearing must be submitted in writing to the Head of Admissions and the decision to change any previously agreed arrangements will be made by the Chair of the Academic Board. Applicant / Chair
of the Academic
Board

Note: 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.

- c) The Head of Admissions will collate all documentation relating to the appeal, along with a copy of the Admissions Appeal Procedure. The Head of Admissions will circulate these documents to all parties, a minimum of **5 working days** prior to the hearing. Head of
Admissions

Note: 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.

- d) The applicant has the option to have a person/friend accompany them during the hearing. If the applicant wishes to bring an additional person/friend with them they must inform the Head of Admissions at a minimum of 5 days prior to the hearing taking place. The person/friend is entitled to speak or act on behalf of the applicant, however, it would not be appropriate for the person/friend to be a legal practitioner, acting in a professional capacity. Applicant

- e) If the applicant is unable to attend the hearing, no adverse conclusions will be drawn by the Academic Board. Normally, the person/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 person/friend in the absence of the applicant, provided that the applicant has authorised this in writing and this is accepted by the Chair of the Academic Board. Academic Board/
Applicant

Higher Education Admissions Appeals Procedure for The Open University



	Responsibility
f) 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 Board, notice will be given at a minimum of 5 days prior to the hearing taking place. The member of staff can be accompanied by a person/friend. The Chair will provide the member of staff with the relevant 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 Procedure, 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 Admission Appeal issue the Chair may agree to the simultaneous operation of the Admissions Appeal Procedure and Staff Disciplinary Procedure.	Academic Board
g) All parties will be allowed to be present throughout the whole of the meeting of the Academic Board except when the decision is being debated.	Academic Board/ Applicant
h) During the hearing: 1) The Chair will outline the procedure of the meeting to all parties 2) The Chair will ask the applicant and/or friend to present their case in support of their appeal 3) Members of the Academic Board may ask questions of the applicant and/or friend. 4) The Chair will ask the Directorate representative(s) to present their case 5) Members of the Academic Board may ask questions of the Directorate representative(s) 6) The Chair will ask the applicant and/or friend and the Directorate representative to leave the meeting 7) The Academic Board will consider the evidence in private and reach a decision in accordance with clause 7.5(c).	Academic Board
i) 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.	Academic Board
7.5 Decision of the Academic Board	
a) The decision of the Academic Board will be by majority decision. Where the Board is unable to agree a majority decision, the Chair will have a second, casting vote. Note: the outcome of the hearing will be confidential until the decision of the Academic Board has been published.	Academic Board/ Chair

Higher Education Admissions Appeals Procedure for The Open University



		Responsibility
<p>b) After consideration of the available evidence relating to an appeal, the Academic Board may:</p> <ol style="list-style-type: none"> 1) Instruct the Head of Admissions to reconsider the applicant's application, making recommendations regarding elements of the application and/or process to which the Head of Admissions should pay particular attention to. 2) Reject the application <p>Note: 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.</p>		Academic Board
<p>c) The applicant shall be informed, in writing, within 5 working days, of the outcome of the Academic Board.</p>		Academic Board
<p>d) The Academic Board shall keep a record of its proceedings. The record shall be available, in exceptional circumstances, at the discretion of the Chair of the Academic Board.</p>		Academic Board
<p>7.6 Procedures following decision of the Academic Board</p>		
<p>7.6.1 When it is decided that an Admissions Appeal shall be reconsidered by Directorate, Directorate should act on the recommendations of the Academic Board. The ultimate decision of Directorate shall be final.</p>		Directorate
<p>7.6.2 If Directorate upholds the original decision it should supply the applicant, Chair of the Academic Board and the Head of Admissions with a detailed rationale for its final decision.</p>		Directorate
<p>8.0 RECORDS</p>		
<p>8.1 The HE Development Manager is responsible for the coordination of assessments and for maintaining the documented records associated with this procedure. S/he will determine the records to be held, their location, retention period and dispersion using the Quality Record Schedule (ref: 3.1 as a guide.</p>		HE Development Manager
<p>9.0 Documentation</p>		
<p>9.1 OU-AA-02 Admission Appeal Application Form</p>		

Higher Education Admissions Appeals Procedure for The Open University



10.0 Quality Records Schedule

Identification of Record	Medium	Storage Location/ Protection	Retention Period	Access Rights/ Retrieval	Method of Disposal
OU-AA-02 – Admissions Appeals Application Form					
Admission Appeals documentation					