

## **Admissions Appeals and Complaints Policy & Procedure**

**This document comprises the following:**

- A) Admissions Appeals and Complaints Policy (pages 1-8)**
- B) Admissions Appeals and Complaints Procedure (pages 8-11)**
- C) Admissions Appeals and Complaint Form (see school website)**

### **A) National Centre for Circus Arts Admissions Appeals and Complaints Policy**

#### **1 General principles**

1.2 National Centre for Circus Arts 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 National Centre for Circus Arts.

1.3 Some issues may be able to be resolved amicably via an informal query, and applicants are welcome to explore their concern informally with National Centre for Circus Arts 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.

1.4 For informal queries about issues concerning an admissions decision, applicants should email [Joanna@nationalcircus.org.uk](mailto:Joanna@nationalcircus.org.uk) in the first instance. Where concerns or queries regarding an admissions decision are not explored informally with the School first, the School will normally endeavour to seek an informal resolution before embarking upon the formal procedures set out in this document.

1.5 The formal appeal and complaints procedure contains 2 stages:

**Stage 1: Formal Stage**

**Stage 2: Request for Review Stage**

1.6 No applicant will be treated less favourably or with discrimination as a result of lodging an appeal or complaint under these procedures. However, where National Centre for Circus Arts 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.

## **2 Data Processing and Confidentiality**

2.1 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 staff in the School to which an applicant has applied. 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 staff from similar small specialist higher education providers of dance and allied artistic disciplines who have relevant expertise and/or authority.

2.2 National Centre for Circus Arts undertakes to treat all appeals and complaints received under these procedures with confidentiality and sensitivity. Your data will be processed in accordance with the General Data Protection Regulations 2018 (GDPR) and the Data Protection Act 2018. The School's Data Protection Policy can be found at the following link: <https://www.nationalcircus.org.uk/app/uploads/2022/07/ncca-student-data-processing-statement.pdf> National Centre for Circus Arts' Data Processing Statement sits alongside this policy and can also be found at [student-data-protection-policy.pdf \(nationalcircus.org.uk\)](#)

2.3 For data contained within, or relating to, an Admissions Appeal and/or Complaint submitted under this Policy, National Centre for Circus Arts will only share your data with third parties in accordance with our policy on data protection where the law either requires or allows us to do so, or where we have your express consent.

2.4 National Centre for Circus Arts will retain data submitted with Stage 1 and Stage 2 admissions appeals and complaints for monitoring and assurance purposes. Formal Stage 1 and Stage 2 admissions appeals and complaints records will be retained by the School in accordance with the School's Data Processing Statement and Data Retention Schedule. Statistical data arising from Stage 1 and Stage 2 admissions appeals and complaints will be anonymised and reported normally on an annual basis to the National Centre for Circus Arts Academic Board, and may be shared with the National Centre for Circus Arts Board of Governors in the interests of monitoring and assurance.

### 3 Definitions

#### Appeals

3.1 An **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/audition
- The decision to make an offer
- The content of the offer
- The decision to reject on exam results.

#### Complaints

3.2 A **complaint** is defined as a specific concern related to a procedural error, irregularity or maladministration in the admissions procedures or policies.

### 4 Outcomes

4.1 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 complaint or appeal is upheld, the investigating officer/reviewer will determine the most appropriate outcome; this may not necessarily be the desired outcome expressed by the applicant.

4.2 After carrying out the review, and taking all relevant facts into consideration, the investigating officer/reviewer will determine whether to uphold the complaint or appeal. They will provide the applicant with a reasoned decision in writing for her/his findings, 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. Examples of outcomes of successful appeals or complaints are:

- A formal apology;
- A fresh audition and/or interview, without prejudice, either in the current round (if possible) or in a subsequent year, including moving a candidate to a later stage in the recruitment process (eg a later audition stage);
- A conditional offer of a place (subject to meeting any conditions within a specified timeframe before a place can be confirmed);

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

4.4 Applicants should be aware that where the offer of a place on a course of higher education with National Centre for Circus Arts is made in the event of a successful appeal or complaint, this will be subject to the School's requirements, offered at the next available opportunity and may not necessarily occur within the year pertaining to the application. 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.

4.5 In the event of a complaint or appeal being upheld but where we are still not satisfied that an applicant is suitable to be admitted to the course, other appropriate means of resolution will be sought, where it is deemed appropriate by the School to do so. The reasons why the applicant is not considered suitable for admission to the course will be communicated in the Stage 2 Outcome letter.

## **5 Making a Stage 1 or Stage 2 Admissions Complaint/Appeal**

5.1 The Admissions Complaints and Appeals Procedure contained further on in this document sets out the formal processes that an applicant should follow if they wish to make a formal admissions complaint and/or appeal. Please see page 10 onwards for the procedure. In addition, please find more information about making admissions complaints and appeals below in this section of the policy.

### ***Issues raised informally under this policy***

5.2 Issues raised informally under this policy with National Centre for Circus Arts will not be deemed to constitute a Stage 1 Admissions Complaint or Appeal. However, where such issues are raised informally, these should be raised as promptly as possible in order that they may reasonably be addressed.

5.3 Where an applicant raises an issue of complaint or appeal informally under this policy, this should normally be raised within 21 days of the incident/issue arising. Where a matter is raised informally later than 21 days afterwards, National Centre for Circus Arts shall determine whether or not the matter has been raised within a reasonable timeframe, taking account of the circumstances concerned. 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 normal 21-day timeframe.

### ***Stage 1 admissions appeals and complaints***

- 5.4 Candidates can make a submission of both an admissions complaint and appeal simultaneously using the same form, as applicable and relevant to their case.
- 5.5 In all circumstances, the Admissions Appeal and Complaint Form should be used to make a Stage 1 Admissions Appeal and/or Complaint to National Centre for Circus Arts. Submissions made not using the form will not normally be accepted for consideration.
- 5.6 To make a Stage 1 admissions complaint or appeal, **A Stage 1 admissions complaint or appeal should be lodged normally within 28 calendar days of either the admissions decision or of the incident occurring.**
- 5.7 All Stage 1 admissions appeals and complaints will be logged by National Centre for Circus Arts and where the Head of Academic Administration and Student Support is satisfied that the Stage 1 submission is complete, they will appoint a Stage 1 Investigator.
- 5.8 Complaints or appeals received outside of the 28 day timeframe will not normally be accepted, and will only be considered in exceptional circumstances (e.g. where an applicant can demonstrate to the satisfaction of the School 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 Head of Academic Administration and Student Support, or other relevant senior member of staff nominated by the Chief Executive, and Principal of National Centre for Circus Arts.
- 5.9 Complaints or appeals that are incomplete (e.g. do not indicate the grounds upon which the appeal/complaint is being made) will normally be terminated by the School without consideration.
- 5.10 A Stage 1 outcome letter will be sent to the applicant **normally within 28 calendar days of the date of receipt of the Stage 1 complaint/appeal by the School.**

### ***Stage 2 Request for Review***

- 5.11 In all circumstances, the Admissions Appeal and Complaint Form should be used to make a Stage 2 Admissions Appeal and/or Complaint to National Centre for Circus Arts. Submissions made not using the form will not normally be accepted for consideration.
- 5.12 **A Stage 2 Request for Review should be lodged within 14 calendar days of the date of the Stage 1 outcome letter.**

5.13 A Stage 2 outcome letter will be sent, **normally within 21 calendar days of receipt of the Stage 2 complaint/appeal.**

***Final Decision Letter (Stage 2 Outcome Letter)***

5.14 The School's final decision will be issued in writing in a Final Decision Letter, **normally within 14 days from the date of receipt by the School of the Stage 2 Outcome Letter and case.**

5.15 Whilst National Centre for Circus Arts will endeavour to ensure that the above timescales are adhered to for responding, 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.

## **6 Eligibility**

6.1 An admissions complaint or appeal should normally be submitted by the applicant. Appeals or complaints made on behalf of the applicant by parents, representatives, school 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.

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

6.3 Applicants who wish to make a complaint or an appeal pertaining to a decision to withdraw or amend a provisional offer of a place to study with National Centre for Circus Arts following a review of any relevant criminal convictions, should use this procedure.

6.4 Applicants are strongly encouraged to discuss the matter with peers, parents, advisors, teachers or tutors for support and guidance before deciding to lodge an appeal or complaint, and to consider whether matters might reasonably be informally raised with National Centre for Circus Arts ahead of submitting a formal Stage 1 admissions complaint or appeal.

6.5 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.

6.6 Admissions appeals or complaints that are made anonymously under this complaints procedure will not normally be considered under any circumstances.

### ***Admissions Appeals and Complaints eligibility***

**6.7 National Centre for Circus Arts does not deem the following appeals and complaints to be eligible for consideration:**

- Appeals and complaints which do not meet either of the grounds<sup>1</sup> stated in either Stage 1 or Stage 2 of this admissions procedure
- Appeals and complaints made against an admissions decision that are based on the academic judgement of School 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 its courses.
- Appeals and complaints which are frivolous or vexatious, or made in bad faith

*Examples of frivolous or vexatious 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 National Centre for Circus Arts 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;
- (f) unreasonable demands for redress.

## **7 External advice**

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<sup>1</sup> See Sections 3 and 4 of the Admissions Appeals and Complaints Procedure for the Stage 1 and Stage 2 grounds of complaint and appeal.

7.1 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 you wish to take your complaint further you are advised to consult your local Citizens Advice Bureau for advice on the legal avenues open to you, or the Competition and Markets Authority.

## **B) Admissions complaints and appeals procedure**

### **1 Informal Stage**

1.1 Some issues may be able to be resolved amicably via an informal query, and applicants are welcome to explore their concern informally with National Centre for Circus Arts to which they have applied before deciding to proceed with a formal appeal or complaint.

### **2 Informal queries regarding admissions decisions**

2.1 For informal queries about issues concerning an admissions decision, applicants should contact [Joanna@nationalcircus.org.uk](mailto:Joanna@nationalcircus.org.uk)

### **3 Admissions complaints and appeals procedure – Stage 1: Formal Stage**

#### ***Submitting a Stage 1 admissions complaint or appeal (Formal Stage)***

3.1 Applicants can lodge a Stage 1 admissions complaint or appeal by electronically completing the **Admissions Appeal/Complaint Form<sup>2</sup>**, clearly marked as ‘Stage 1 Complaint or Appeal’ as relevant to the case and submitting it within **28 calendar days of either the admissions decision or of the incident occurring** to National Centre for Circus Arts at:

[Joanna@nationalcircus.org.uk](mailto:Joanna@nationalcircus.org.uk)

3.2 All Stage 1 admissions appeals and complaints will be logged by National Centre for Circus Arts and the Admissions and registry Manager (or their nominee) will review the Stage 1 submission to check that it is in time and complete. Incomplete or late submissions will not be considered unless there are exceptional circumstances.

3.3 All formal Stage 1 admissions appeals and complaints must clearly indicate the grounds upon which the appeal and/or complaint is being made. Where no grounds are indicated, the School will normally terminate the process and the appeal and complaint without consideration.

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<sup>2</sup> An Admissions Appeal and Complaint form can be downloaded from the School website at the following link: <https://www.nationalcircus.org.uk/student-support-and-faqs/policies-and-procedures/>



### 3.4 *Grounds of Complaint*

Stage 1	Grounds under which a Stage 1 complaint may be made
a)	That there is evidence of significant administrative or procedural error in the admissions process
b)	That there is evidence of prejudice or bias in the selections process

### 3.5 *Grounds of Appeal*

Stage 1	Grounds under which a Stage 1 appeal may be made
a)	That there is evidence of significant administrative or procedural error in the admissions process
b)	That there is evidence of prejudice or bias in the selections process
c)	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

3.6 On receipt of a Stage 1 Admissions Appeal or Complaint, the Head of Academic Administration and Student Support will determine the most appropriate individual in the School (or, if appropriate, an external member of staff) 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.

3.7 A Stage 1 Outcome Letter will be sent, normally within 28 calendar days of the date of receipt of the Stage 1 complaint/appeal.

## 4 **Admissions complaints and appeals procedure**

### **Stage 2: Request for Review**

#### ***Submitting a Stage 2 admissions complaint or appeal – Request for Review***

4.1 If an applicant is dissatisfied with the outcome of the admissions complaint or appeal, they may lodge a request for a review lodged **within 14 calendar days of the date of the Stage 1 outcome letter**, under any or all of the following grounds:

Stage 2	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

4.2 Applicants can lodge a Stage 2 admissions complaint or appeal by submitting the following:

- a freshly 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 to: [Joanna@nationalcircus.org.uk](mailto:Joanna@nationalcircus.org.uk)

4.3 All Stage 2 admissions appeals and complaints will be logged by National Centre for Circus Arts and the Head of Academic Administration and Student support (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.

4.4 On receipt of a Stage 2 Admissions Appeal or Complaint, the Head of Academic Administration and Student Support of National Centre for Circus Arts will either undertake an independent review of the appeal/complaint, or will nominate an alternative officer, normally another senior member of staff from the School not involved in the original admissions decision, or an external member of staff from a similar institution, to undertake the review. This person is known as the 'Stage 2 Reviewer'.

4.5 In undertaking the review, the Stage 2 Reviewer will review the full submission and accordingly may contact staff, including the Stage 1 Investigator, for information.

4.6 A Stage 2 Outcome will normally be reached within 28 days of the date of receipt of the Stage 2 complaint/appeal.

4.7 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 constitute the School's Final Decision. This decision and the reasons for it will be communicated in the Final Decision (Stage 2 Outcome) Letter.

***Successful Stage 2 Request for Review***

4.8 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 Final Decision on the case. The Final Decision on the case will be made by the School led by the Stage 2 Reviewer and communicated in the Final Decision (Stage 2 Outcome) Letter.

4.9 Where one or more of the above Stage 2 grounds are met, the Stage 2 Reviewer will arrange a review of the case by the School which may as necessary include any members of the relevant admissions team, forwarding the case with any relevant recommendations arising from the review of the Stage 1 admissions appeal/complaint.

4.10 The School's review and consideration of its original admissions decision should address any recommendations made by the Stage 2 Reviewer, and determine an appropriate outcome. The reasons for the School's final decision will be provided in the Final Decision (Stage 2 Outcome) Letter.

***Final Decision following a successful admissions appeal/complaint***

4.11 Following final consideration of the case resulting from a successful Stage 2 Request for Review, the decision of the School is final.

4.12 The Stage 2 Reviewer will issue a Final Decision Letter, a copy of which will be sent to any relevant staff as necessary for information.

