



University of Bradford

**Regulations Governing Appeals and
Complaints by Applicants and Students
against a decision in relation to Compliance
with UK Visas and Immigration Regulations
(Tier 4)**

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1. Introduction

The University of Bradford is committed to the fair and equitable treatment of all applicants and students. Applicants/students making an appeal or complaint will not suffer any disadvantage or recrimination as a result of doing so. The following regulations relate solely to the conduct of appeals and complaints made by applicants/students regarding the following:

- The issuing of Confirmation of Studies (CAS);
- Reports made to the Home Office on individual applicants/students;
- Suspension/withdrawal of study due to an individual students' immigration status.

Allegations of racial, sexual and other forms of harassment are covered by the Personal Harassment and Bullying Procedures, a link to which can be found at:

<http://www.brad.ac.uk/equality/policies/DignityandRespectPolicy2012.pdf>

These regulations have been developed in accordance with the QAA Quality Code Chapters B9: Academic Appeals and Student Complaints and B11: Research Degrees.

2. General Principles

This policy outlines the procedures for initiating an appeal or complaint specifically relating to Compliance with the UK Visas and Immigration Regulations (Tier 4) at the University of Bradford.

The following information should be considered to ensure that the correct procedure, dependent on the nature of the case, is used.

2.1 Appeals

An appeal (see section 3) is a request for a reconsideration of a decision made by the PBS¹ Team in relation to;

- the University refusing to issue an individual a Confirmation of Acceptance for Studies (CAS);
- the withdrawal of a Confirmation of Acceptance for Studies (CAS) by the University;
- a report to the Home Office on an individual applicant/student;
- the suspension or withdrawal of a student (or an applicant not being permitted to enrol at the University) on the basis of their immigration status.

¹ Points Based System, UK Visas and Immigration (Tier 4).

These regulations should be followed if an applicant/student:

- believes that the decision reached is incorrect; or
- believes the application has not been considered in line with the University Admissions Policy, the University Ordinances and Regulations or the Equal Opportunities Policy.

For an appeal to be considered it must fulfil the criteria listed in section 3.2.

2.2 Complaints

A complaint (see Section 4) may be made if an applicant/student believes they have legitimate grounds to be dissatisfied with the process followed or the actions of a staff member:

- in dealing with their case; or
- in issuing a Confirmation of Acceptance for Studies (CAS) (incorrect information on a Confirmation of Acceptance for Studies (CAS) or a delay leading to an adverse decision); and/or
- a refusal to issue a Confirmation of Acceptance for Studies (CAS).

If a complaint is upheld the outcome will include an apology and/or an undertaking to review procedures but will not necessarily include a reconsideration of any decision.

In the event that an applicant/student submits both an appeal and a complaint, the applicants/students appeal will be first addressed, as satisfactory resolution at this stage can often remove the need for a complaint to be made. On conclusion of the appeals process the applicant/student will be asked if they still wish to make a complaint, and if they do, will be assisted to initiate this process.

Students are encouraged to approach the Student Advisor ubu-advice@bradford.ac.uk in the Students' Union for assistance with the preparation and submission of an appeal or a complaint.

Applicants/students who have declared a mental health difficulty should be offered the support of the Mental Health Advisor disabilities@bradford.ac.uk in completing the appeal/complaint form and gathering supporting evidence. Where appropriate, applicants/students will be advised to seek assistance in completing the form from the Disabilities Service.

3 Appeals Procedure

3.1 General

The appeals process will be conducted as quickly as is reasonably practicable, without compromising the robustness of the investigation into the particular circumstances of the appeal. It is expected that the deadlines documented below will normally be adhered to, however in exceptional circumstances this time period may need to be extended. In such cases the applicant/student will be notified that their case will take longer than the advertised timescales to investigate.

Appeals will not be permitted from parents, sponsors or employers of applicants/students. However, in cases where an applicant/student is under the age of 18 or has a mental health issue or disability which might impinge on their ability to make an appeal, a third party may be nominated, in writing, to progress the appeal on their behalf. In all such cases the University will ensure that sensitive personal data is only released to the third party with the express permission of the applicant/student concerned.

Where necessary, appropriate adjustments will be made to the process to accommodate the needs of disabled applicants/students and applicants/students with mental health issues; this includes the provision of these procedures in a format accessible to the applicant concerned.

3.2 Grounds of Appeal

Appeals may be made on one or more of the following grounds;

- 3.2.1 That there is substantial new evidence which may have affected the decision and which was not available at the time the original decision was made. There must be a good, documented reason why this evidence was not presented at the time of the original application.
- 3.2.2 That there were *demonstrable* procedural irregularities in the conduct of the decision-making processes which are of such a nature as to cause reasonable doubt as to whether the outcome would have been different had they not occurred;
- 3.2.3 That there is evidence of an administrative error of such a nature as to cause reasonable doubt as to whether the University would have reached the same conclusion if it had not been made;
- 3.2.4 That there is evidence of prejudice or bias on the part of one or more members of University staff

3.3 Consideration of Appeals

- 3.3.1 An applicant/student wishing to make an appeal must do so in writing to the Complaints and Appeals Office, complaintsandappeals@bradford.ac.uk. The appeal must be received within 10 working days of the receipt of the decision.
- 3.3.2 Appeals against a decision in relation to Compliance with the UK Visas and Immigration Regulations (Tier 4) will be investigated by the Complaints and Appeals Office on behalf of the Deputy Vice Chancellor, Academic Development. The Deputy Vice-Chancellor, Academic Development will assess the case proposed by the Complaints and Appeals Office and determine the appropriate outcome.
- 3.3.3 The outcome will be notified to the appellant as soon as possible, normally within 15 working days after receipt of the appeal. The outcome of the appeal represents the University's final decision.

Appeals will not be considered on the following grounds:

- A challenge against an academic judgement in relation to an individual applicants suitability for entry to a particular programme;
- Assessment results which lead to withdrawal on the grounds of academic failure;
- Withdrawal of a Doctoral student following completion of the Capability Procedure.

The University cannot consider an appeal against the actions or Regulations of a Third Party for example the Home Office. In these instances the appeal should be made directly to the relevant body.

3.4 Submission of Appeal

Applicants/students must submit their appeal to the Complaints and Appeals Office within 10 working days of being notified of the decision they are appealing against. Late appeals will not normally be considered, and if submitted must include a detailed explanation of the reason for the late submission.

Applicants/students will be expected to complete and submit the 'Admissions/Compliance with UK Visas and Immigration Regulations (Tier 4)' Appeals Form and a Letter of Appeal setting out, in writing and in full, the grounds for and the nature of the appeal; no additional grounds may be cited nor additional substantive points made at any later time in the consideration of the appeal without just cause.

3.5 Completion of Procedures/Outcome Letter

Upon receipt of an appeal the Complaints and Appeals Office will conduct an investigation into the case. The Complaints and Appeals Office will present the case to the Deputy Vice-Chancellor, Academic Development and request that he/she assesses the information provided and confirm the findings and outcome.

On conclusion of the process at University level a student of the University will be issued with a formal Completion of Procedures letter. This letter will detail why the students appeal has been successful/unsuccessful.

On conclusion of the process at University level an applicant will be issued with a formal Outcome letter. This letter will detail why the applicants appeal has been successful/unsuccessful.

The Office of the Independent Adjudicator (OIA) will not consider cases in respect of complaints relating to a service, maladministration, unfair practices and/or procedural irregularities which have resulted in an incorrect decision being made unless they relate to registered students. For further information on the Office of the Independent Adjudicator (OIA) please visit <http://oiahe.org.uk/default.aspx>.

Applicants will not be permitted to register for their proposed programme of study until;

- the outcome of the appeal is determined; and
- the determination permits the student to be accepted onto the programme; and
- the applicant meets all the requirements for enrolment onto the programme; and
- the student has valid immigration permission (where required).

The continued attendance of current students, whilst appealing under these procedures, will be considered on a case by case basis. In rare occurrences the regulations set out by the UK Visas and Immigration Department of the Home Office may override the University regulations. The University will work within the relevant Legal frameworks.

4. Complaints procedure

4.1 General

The Complaints procedure for applicants/students is intended to enable applicants/students to bring matters of concern to the attention of the University, and to facilitate the investigation of those concerns with the aim of ensuring a satisfactory resolution.

An example of a complaint in this area would be one which relates to the services offered by the University, any process or procedural irregularities during the processing of a Confirmation of Acceptance for Studies (CAS) or any report to the UK Visas and Immigration Department of the Home Office.

The procedure aims to be simple, clear and fair to all parties involved and include an informal resolution as an option at any point. Complaints will be handled sensitively, courteously and confidentially. All complaints will be dealt with as quickly as possible to avoid issues becoming protracted.

The principles of natural justice will be complied with, namely:

- the complaint will be dealt with in good faith and in an impartial and fair manner;
- no one will be the judge of an issue which concerns their own cause;
- persons investigating and/or hearing the complaint will be impartial;
- the details of the complaint will be available to all parties in advance of any hearing;
- all parties will be given the opportunity to present their views in writing, and at any hearing that might be called;
- all parties will be informed of the investigation and/or hearing and the reasons for any decisions made.

Any staff member named in a complaint will be informed of the substance of the complaint and will have the right of reply as part of the process. Information contained within the complaint will be made available only to those members of staff involved in its resolution. The Dean of School and/or Director of the relevant Professional Service will also be informed of the complaint, and of the outcome.

Complaints require investigation to enable resolution; where a complaint is made anonymously, it is unlikely to be possible to undertake such an investigation. For practical reasons therefore, normally no action will be taken in the event of a complaint being made anonymously.

4.2 Grounds for Complaint

Grounds for a complaint may include (but are not limited to):

4.2.1 Delay in issuing a Confirmation of Acceptance for Studies (CAS) or error on a Confirmation of Acceptance for Studies (CAS) leading to either an adverse decision from the UK Visas and Immigration Department of the Home Office or an incorrect visa being issued;

4.2.2 Processes or procedural irregularities in relation to the issuing of a Confirmation of Acceptance for Studies (CAS);

4.2.3 That there is evidence of prejudice or bias on the part of one or more members of University staff.

Complaints on the following grounds will not be considered:

4.2.4 A complaint against an external body (such as the UK Visas and Immigration Department of the Home Office). These complaints must be submitted to the relevant body.

4.2.5 A complaint about a decision which disputes the academic or professional judgement of University staff.

4.2.6 Where the decision not to issue a Confirmation of Acceptance for Studies (CAS); a delay in issuing a Confirmation of Acceptance for Studies (CAS); or a report to the UK Visas and Immigration Department of the Home Office, arises from a failure on the part of an applicant/student to fulfil any of the requirements specified by the PBS² Team.

4.3 Stage 1: Local Resolution

Where possible the University aims to resolve complaints quickly and at the local level. Other than in exceptional and fully documented circumstances, an applicant/student who wishes to make a complaint should invoke the Stage 1 of the procedure within **one calendar month** of the incident which is the cause of the complaint.

Applicants/students should identify the reasons for their dissatisfaction and the outcome they are seeking. A applicant/student should complete an 'Admissions/Compliance with UK Visas and Immigration Regulations (Tier 4)' Complaint Form and submit this with a letter or email detailing the reasons for their dissatisfaction. The applicant/student should also state the outcome that they are seeking.

Applicants/students will receive a written or email acknowledgment normally within 10 working days of the University receiving their complaint, and a full response, in writing or by email, within one calendar month. Should this timescale need to be extended the applicant/student will be informed of this.

All notes of meetings regarding the case held between the Head of Admissions and staff or applicants must be saved securely; along with any agreed outcomes. If the issue cannot be resolved via this method a formal complaint may follow³.

4.4 Stage 2: University Consideration

If a complainant does not feel they have received a satisfactory outcome following the completion of Stage 1, they are entitled to place a formal complaint in writing to the Complaints and Appeals Manager, as outlined below.

An 'Admissions/Compliance with UK Visa and Immigration Regulations (Tier 4)' Complaints Form must be submitted, and must include full details of the issue(s) raised along with all supporting evidence. The complaint must be received within **one calendar month** of the incident which is the cause of the complaint.

Formal complaints will be acknowledged within seven working days of receipt and every effort will be made to investigate them quickly and efficiently. It is anticipated that all complaints should be resolved within three calendar months from the date the 'Admissions/Compliance with UK Visa and Immigration Regulations (Tier 4)' Complaints Form was received by the University. In certain complex cases this deadline may need to be extended. In such instances the complainant will be informed of the reason for the delay and likely timescales.

² Points Based System, UK Visas and Immigration (Tier 4)

³ Storage of notes/information must be in line with the *University of Bradford Document Retention and Disposal Policy*.

Whilst investigating complaints, in relation to Compliance with the UK Visas and Immigration Regulations (Tier 4), the Complaints and Appeals Manager will seek guidance in making any decisions from Officers of the University with appropriate expertise.

- 1 An applicant will receive the decision in writing, in the form of an Outcome letter which will set out the reasons why the applicant complaint has been successful or unsuccessful.
- 2 A registered student, who has complained about a process issue, will receive a decision in writing, in the form of a Completion of Procedures letter which will set out the reasons why the applicant's complaint has been successful or unsuccessful.

The decision of the Complaints and Appeals Manager is final and is not subject to any further University of Bradford complaints process.

4.5 Completion of Procedures/Outcome Letter

On conclusion of the process at University level the applicant/student will be issued with a formal Outcome/Completion of Procedures letter.

The Office of the Independent Adjudicators (OIA) will not consider cases in respect of complaints relating to a service, maladministration, unfair practices and/or procedural irregularities which have resulted in an incorrect decision, in relation to Compliance with the UK Visas and Immigration Regulations (Tier 4), unless they relate to registered students. For further information on the Independent Adjudicators (OIA) please visit <http://oiahe.org.uk/default.aspx>.

5. Correspondence Details

Full contact details (including full name, course and application number) must be included in all correspondence.

5.1 Appeals:

Appeals should be made in writing to;

Complaints and Appeals Office
Student and Academic Services
University of Bradford
Bradford , BD7 1DP

Email: complaintsandappeals@bradford.ac.uk

5.2 Complaints:

5.2.1 Stage 1 complaints should be discussed with;

Head of Admissions
University of Bradford
Bradford, BD7 1DP

ao-managers@bradford.ac.uk

5.2.2 Formal complaint can be made in writing to;

Complaints and Appeals Office
Student and Academic Services
University of Bradford
Bradford, BD7 1DP

Email: complaintsandappeals@bradford.ac.uk

5.3 Advice and Support

5.3.1 Student Union Advice Centre
University of Bradford Students Union
Bradford, BD7 1DP

Email: ubu-advice@Bradford.ac.uk

5.3.2 Sue Baker
Visa Support Team, University of Bradford
Bradford, BD7 1DP

Email: s.m.baker@Bradford.ac.uk

No applicant will be disadvantaged in any way by making an appeal or complaint.

6. Key - Terms

Abbreviation	
PBS	Points Based System, UK Visas and Immigration
CAS	Confirmation of Acceptance for Studies
OIA	Office of the Independent Adjudicator
QAA	Quality Assurance Agency

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