

Appeals Procedure

Emil Dale School of Performing Arts (EDSA) & Emil Dale Academy (EDA)*** sets out clear Disciplinary procedures for students in the event of a behavioural incident/s. In the event that a student/ parent/ guardian is not satisfied with the consequence given, they can follow this procedure.

****In this procedure, the abbreviation of EDA will be used to cover all business streams*

EDA is very proud of the behaviour and discipline of our students, and we know for the vast majority of students they will thrive and develop in their training, socially and academically without incident.

This procedure must be read alongside the Behaviour & Disciplinary Procedure.

EDA is a learning and training environment, and as such the disciplinary procedures will always try to find ways to teach and educate students to learn positive and commendable behaviours, and reflect on previous actions to ensure future incidences do not occur. EDA will only permanently exclude students in the most serious of consequences.

EDA reserves the right to discontinue training a student at any time throughout the year due to bad attitude, poor commitment, late fee payments, continual lack of organisation/preparation for classes and assessments or any breach of the terms and conditions.

All students will be reviewed within the first 6 weeks of the academic year; this period will be a probationary period whereby EDA can dismiss a student from the course during this period without following the warnings procedure. Following the initial 6-week probationary period, the following expectations and disciplinary procedures will apply.

Please note that any degree students who wish to make an Academic appeal against a decision made by the University of Bedfordshire and EDA, must follow the procedures as outlined by the University here: <https://www.beds.ac.uk/student-experience/academic-information/academic-appeals-policy/> (correct as of 25th June 2020)



Appeals procedure or complaints procedure?

Where a student submits an appeal which would be more appropriately dealt with under the EDA's Complaints Procedure (or vice versa), EDA will transfer the appeal or complaint to the correct procedure and inform the student that this has happened.

Legal representation

EDA's Appeals procedure is an internal process the purpose of which is to establish the facts in light of evidence and on the balance of probabilities. The procedure is not an adversarial one, therefore legal representation is not required by any of the parties involved and will not be permitted.

Permissible grounds

(a) Administrative or procedural irregularity/error

There is evidence that there was a procedural irregularity or administrative error in the conduct of assessment or in the process of reaching a progression, withdrawal or assessment decision.

Evidence: The student must set out clearly and fully what they consider the irregularity/error to be, how and when this occurred and how it may have or did affect the assessment, progression or withdrawal decision.

(b) The presentation of new evidence of mitigating circumstances where, for good reason, the decision-making body was not made aware of these

The student must explain what the circumstances were and what their impact was. They must also provide a valid and overriding reason why this evidence was not made available to the decision making body via EDA's procedures at the time the circumstances occurred.

Evidence: Information, resources or material that were not available at the time of the Disciplinary procedures, and proof why they were not available at the time.

(c) Prejudice or bias (actual or perceived) which can be proven

That there is evidence of prejudice or bias or the perception of prejudice or bias on behalf of the decision-making body such that the result of the behavioural consequence should not stand.

Evidence: The student must set out clearly and fully the reasons for the claim of bias or perception of bias. This may include comments from a third party which records the comments or remarks made by others.

Non-permissible grounds

The following are not grounds for appeal and will be rejected:

(a) Academic judgement

Appeals against academic judgement are not permitted. Students cannot appeal against a decision simply because they are unhappy with the outcome. It has to be demonstrated that there are grounds for the appeal as set out in 2.1. If a student believes that there has been an error in calculating or recording marks, they can request a clerical check or marks via the Head of Faculty.

(b) Programme management

Problems that arise during the course of a student's studies, including problems with supervision, tuition or information provided, should be dealt with at the time they occur. Such matters should be raised through the EDA's Complaints Procedure. An appeal can be submitted if it can be demonstrated that the School has

not followed its procedures in dealing with the problem or the student had a valid and overriding reason for not raising the matter at the time it occurred.

(c) Vexatious appeals

Appeals which are vexatious will be rejected. These include:

- Appeals which are obsessive, harassing or repetitive
- Pursuing non-meritorious appeals and/or demanding unrealistic, unreasonable outcomes
- Pursuing appeals in an unreasonable manner, even where these may be meritorious
- Appeals which are designed to cause disruption or annoyance
- Demands for redress which lack any purpose or value

Procedure for making an Appeal

Notice in writing & submission deadline

Any student, parent or guardian that wishes to appeal against a decision made as a result of Disciplinary procedures must submit notice of their appeal in writing, no later than 7 days after the Disciplinary consequence has been issued.

This notice should set out the grounds of the appeal and state whether the appeal is in respect of the whole or in respect of any specified part of any finding of fact, decision, or sentence, and include any evidence that they wish to be considered.

Note, for any appeals regarding any student aged 18+, appeals must be made by the student and not by third parties unless there are mitigating circumstances which prevent the student from making the appeal (this includes parents/guardians).

In order to comply with Data Protection legislation, EDA will not engage in correspondence with third parties regarding the appeal unless the student has given written permission for them to do so.

EDA will then communicate with either the student or the third party but not both.

This must be sent to info@emildale.co.uk.

Response

Providing that the appeal falls within the ground for appeal, EDA must respond within 7 days, explaining the grounds on which the disciplinary action and consequence has been decided.

There may be times when the timescales of the above will not be achievable. The Student/ parent/ guardian must still email EDA within 7 days of the consequence being issued to state that they would like to appeal and provide reasons for not being able to submit all evidence within 7 days. Similarly, EDA may require longer than 7 days to respond.

Both parties must communicate and agree a timescale for receipt of the appeal and/ or the response.

Immediate rectifying action

Where the initial evaluation demonstrates that there is overwhelming evidence in support of the appeal or that a procedural error has occurred, this can be referred directly to the decision-making body (Disciplinary Advisory Board) with a recommended course of action. If the decision-making body disagrees with that course of action, the appeal should be referred to an impartial Appeals Reviewer as outlined below.

If the student/ parent/ guardian is not satisfied with the response, this will be passed to an impartial Appeals Reviewer.

Nomination of impartial Appeals Reviewer

EDA will nominate an impartial Appeals Reviewer who has not had any prior interaction with the Disciplinary procedures relevant to the case. This may be a teacher, staff member or an external person from a partner school/ institution. The name of this person will be shared with the Student/ parent/ guardian upon nomination. If the Student/ parent/ guardian is not satisfied with the nomination, they may request another person.

If the student/ parent/ guardian is not satisfied with 5 nominations of Impartial Appeals Reviewer

The role of the Appeals Reviewer and, on their behalf where necessary a departmental administrator as investigator, will be to identify and examine all evidence that may support the appeal, and to answer questions raised by the reviewer.

The nature of the appeal and evidence from the Student/ parent/ guardian will be submitted to the Appeals Reviewer. EDA will also submit evidence of their investigations and disciplinary procedures to the Appeals Reviewer.

The Appeals Reviewer may wish to interview or discuss details of the case with the Student/ Parent/ Guardian, with other students or staff members.

The Appeals Reviewer may wish to investigate the decisions further, and will have 7 days to respond and determine the outcome of their findings.

Decision of Appeals Reviewer

The Appeals Reviewer will make one of the following decisions and report this back to EDA senior management:

- (a) Reject the appeal due to insufficient grounds. The reasons will be communicated to the student a member of the EDA senior management team and they will be advised of their right to request a review of the decision
- (b) Make a recommendation on the appeal for the Disciplinary Advisory Board to consider. The decision making body can:
 - (i) Uphold the appeal
 - (ii) Partially uphold the appeal (possibly offering a revised outcome)
 - (iii) Reject the appeal

Outcome (i): The School will consider the matter closed.

Outcomes (ii) and (iii): The student may request an Appeal Panel if they are unhappy with the outcome

- (c) Refer the appeal to an Appeals Panel. This will happen where the case is complex and/or contains contradictory evidence.

Appeals Panel

The purpose of the Appeals Panel is to assess whether the student has valid grounds for their appeal.

The Appeals Panel will consist of three members of academic staff:

- Chair: An Associate from outside EDA but has academic standing at a partner institution, or nominee
- 2 members of academic staff who are unconnected with the case

Student companion at the appeals panel

The student may be accompanied to the Appeals Panel by a companion who can be a family member, a friend or member of the Students Council who is there to provide support but is not permitted to address the panel. The student is expected to present their own case and answer the Panel's questions. The name and details of the companion must be sent to info@emildale.co.uk at least 7 calendar days before the meeting of the Appeals Panel.

Dates for the panel

If there are dates on which it is impossible for a student to attend a meeting, they should inform EDA by emailing info@emildale.co.uk as soon as possible. Every attempt will be made to arrange a date which is convenient to all of those involved, however, if the student is unable to attend the meeting in person it may be possible to arrange for the appeal to be conducted via Zoom during working hours. If neither option is possible then the appeal will be conducted in the student's absence.

Confirmation of attendance at the appeal panel

Once the date and time of the appeal hearing has been agreed, formal notification will be sent to the student at least 14 calendar days prior to the appeal hearing and will include the names and roles of the Panel members. The student

will be asked to confirm their attendance at the hearing and they should inform EDA at the earliest opportunity if they believe there is a conflict of interest with any of the Panel members. If such a conflict of interest exists, an alternative panel member will be found. This may require the appeal hearing to be rescheduled to a later date.

Absence of appeal panel member

If any member of the Appeals Panel is absent on the day of the hearing due to unforeseen circumstances, the student will be asked if they wish to proceed with the hearing or if they would like to reschedule the hearing to an alternative date.

Appeals panel procedure

The procedure for the meeting is as follows:

- (a) The Appeals Panel members will meet for an hour prior to the start of the appeal to agree the questions they would like to put to the student and the decision-making body-representative(s).
- (b) The Chair explains the purpose of the hearing and asks all those present to introduce themselves (5 minutes maximum).
- (c) The Chair invites the student to give a brief summary of the main grounds for their appeal (10 minutes maximum).
- (d) The Chair invites the decision-making body representative(s) to give a brief summary of their position on the appeal (10 minutes maximum).
- (e) If the student or decision-making body representative(s) have asked to call other people to present evidence, the Chair will decide when and if it is appropriate to call them into the hearing. They will only be permitted to attend the Panel when asked to give evidence and may not stay for the entire proceedings.
- (f) The Appeals Panel will put questions to both the student and the decision-making body representative(s) as appropriate (40 minutes for the student and 40 minutes for the decision making body representative(s) maximum).
- (g) The Chair may permit either the student or the decision-making body representative(s) to put questions to each other at any stage of the hearing, however, all questions must be put through the Chair.
- (h) The Chair will ask the student if they want to make any concluding remarks before the Panel retires to consider its findings (10 minutes maximum).
- (i) The Chair will draw matters to a close and the panel will retire to make its decision (5 minutes maximum).
- (j) The Chair has the discretion to vary the procedure in any case where they consider it appropriate and just to do so. Any variation must be recorded in the notes of the meeting and must be in accordance with the Appeals Procedure.
- (k) The Chair has the right to adjourn the hearing until a future date or time in exceptional circumstances.

Appeals panel decisions

The Appeals Panel can make one of the following decisions:

- (a) Uphold the appeal
- (b) Partially uphold the appeal
- (c) Reject the appeal

Communication of the appeal panel's decision

The outcome of the formal stage of the procedure must be communicated to the student and the decision-making body representative(s) in writing within 7 calendar days. Clear and concise reasons for each decision will be provided along with a copy of the notes from the hearing. The student and/or the decision-making body representative(s) may inform the writer of the outcomes of any errors/omissions in the notes and an amended copy of the notes will be provided if the amendments are approved by the Chair.

Once an appeal procedure has completed, no further appeal on the same matter will be permitted

Version Number	Date of Issue	Review Date	Author	Changes Made/ detail
01	22.06.2020	22.06.2021	Sarah Moore	First draft