

Student Complaints Policy and Procedures



Student Complaints Policy and Procedures

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Student Complaints Policy and Procedures

A) Introduction

- 1 The Conservatoire for Dance and Drama and its Schools ('the Conservatoire') are committed to considering and investigating genuine complaints from students. The Conservatoire defines a complaint as being an expression of dissatisfaction by one or more students about an action or lack of action by a Conservatoire Member School, or about the standard of service provided by or on behalf of a Conservatoire Member School, which warrants a response. The Conservatoire and its Schools will seek to learn from the experience of complaints and improve services for all members of the Conservatoire.
- 2 This complaints procedure encompasses the Conservatoire for Dance and Drama's procedures for student complaints. This policy and its procedures has been designed to operate in accordance with the Office of the Independent Adjudicator's Good Practice Framework for Handling Complaints and Academic Appeals.
- 3 In the operation of the processes set out in this Policy the School will remain mindful of its legal obligations, including its duty of care and its obligations under the Equality Act 2010 which include, where appropriate, the duty to make reasonable adjustments.
- 4 The definition of the Conservatoire and its Member Schools to which this policy applies includes the following:
 - Central School of Ballet
 - London Contemporary Dance School
 - National Centre for Circus Arts
 - Northern School of Contemporary Dance
 - Rambert School of Ballet and Contemporary Dance
 - The Conservatoire's Shared Services

Students of Bristol Old Vic Theatre School (BOVTS) should use the BOVTS Student Complaints Procedure, which can be located at the following link: <http://www.oldvic.ac.uk/courses/policies.html>.

Students of the London Academy of Music and Dramatic Art (LAMDA) should use the LAMDA Student Complaints Procedure, which can be obtained directly from the School.

Students of the Royal Academy of Dramatic Art (RADA) should use the RADA Student Complaints Procedure, which can be obtained directly from the School.

- 5 This policy applies to and may be used to address matters of complaint arising after the formal confirmation by one of the above-named Conservatoire Schools of acceptance of an offer to study on a programme of higher education, including prior to the point of enrolment. Matters of complaint arising during the application process before a candidate has accepted an offer to study on a programme of higher education with a Conservatoire School should be addressed using the respective School's Admissions Appeals and Complaints Procedure.

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- 6 The basis of this procedure is that it is fair, efficient and transparent, with one informal and two formal elements:

Stage One: informal resolution, dealt with at the most local relevant level.

Stage Two: formal resolution, investigation by a senior director/manager of the student's School (or nominee), or an officer of the Conservatoire either from Shared Services or another Conservatoire School, as appropriate

Stage Three: appeal, incorporating within it a Conservatoire-level review.

- 7 For the avoidance of doubt, in the event of the procedure being updated or amended, the version of this policy that will apply will be determined by the date (usually the academic year) the complaint is logged with the student's Conservatoire School.
- 8 The majority of cases are satisfactorily resolved through informal discussions without the need for a formal complaint to be made and the Conservatoire emphasises the importance of seeking informal and early resolution wherever possible.
- 9 Where it is appropriate to make a complaint, the student should raise the matter themselves; this procedure is not intended to be used by a third party making a complaint on behalf of a student.

Group Complaints

- 10 Where the issues raised in a complaint affect a number of students, those students can submit a complaint as a 'group complaint'. In such circumstances, in order to manage the progression of the complaint, the relevant School will usually ask the group to nominate one student to act as group representative (the 'lead student'). Group complaints should be submitted using the Student Group Complaint Form (Appendix 2).
- 11 The Conservatoire and its Schools will direct all communications in handling the complaint to the Lead Student. However, all Stage Two Complaint outcomes and Stage Three Appeal Outcomes will be copied to all students listed as having made the Stage Two Complaint/Stage Three Appeal. For further information on how to make a formal group complaint, please see Section:
- 12 **To make a Stage Two Formal Group Complaint, the Lead Student must:**
 1. Ascertain which students wish to make a group complaint in advance of completing the Student Group Complaint Form;
 2. Complete the Student Group Complaint Form in full, with the exception of Section 2 'Details of other students bringing the complaint';
 3. Ask the other students identified as wishing to make the formal complaint to complete Section 2 of the Student Complaint Form;
 4. Submit via email to the Assistant Registrar (Quality) a completed Student Group Complaint Form, copying into the email all students who have signed this form;
 5. Submit any supporting evidence (this should be listed in Section 5 of the form) together with the form.

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13 To make a Stage Three Appeal incorporating Conservatoire Review, the Lead Student must:

- i. Ascertain which students that were part of the group submitting the Stage Two Complaint wish to make a Stage Three Appeal;
- ii. Complete a fresh Student Group Complaint Form, again with the exception of Section 2 'Details of other students bringing the complaint'
- iii. Ask the other students identified as wishing to make the Stage Three Appeal to complete Section 2 of the Student Complaint Form;
- iv. Submit via email, copying in those students who have consented to the Lead Contact acting on their behalf, to the Assistant Registrar (Quality) [EMAIL] the following:
 - the freshly completed Stage Three Appeal Student Group Complaint Form,
 - the original Stage 2 Student Group Complaint form that was submitted by the Lead Student, together with any supporting evidence which was submitted for consideration with the Stage 2 submission;
 - the Stage 2 Outcome letter;
 - Any other new evidence which the group wished to have considered as part of the Stage 3 appeal.

14 The Lead Student may not use the same Student Complaint Form that was submitted for Stage Two to make a Stage Three Appeal, as this will not clearly indicate the consent of all students involved in the group complaint that they wish to proceed to a Stage Three Appeal.

15 Only students who have signed this form should be copied in; copying in other students who have not clearly consented to authorising the Lead Student to act on their behalf may constitute misconduct (see the Conservatoire Non-Academic Misconduct Policy at <http://www.cdd.ac.uk/policies/student-related-policies/>).

B) Roles and responsibilities of staff

16 For Stage One Complaints

The following staff roles have responsibilities in this area, and may deal with informal verbal complaint, in the first instance; all informal verbal or written complaints and discussions should be recorded for reference, and the complainant shall be informed of their right to instigate the formal stage of the procedure (Stage Two):

- Course/programme leaders
- Module leaders
- Student Support staff
- Professional Services Staff
- Other relevant staff of the Conservatoire (eg staff involved in managing Conservatoire events)

17 For Stage Two Complaints

The following staff roles have responsibilities in this area:

- **Conservatoire Assistant Registrar to log and acknowledge receipt of Stage Two complaint** in Shared Services and forward to School if submitted in time, **or refer to the Conservatoire Academic Registrar** for Completion of Procedures letter if out of time. In

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such instances, a copy of the Completion of Procedures letter would be forwarded to the Principal of the complainant's School;

- **Stage Two Investigator (either the School Principal's nominee, or another officer of the Conservatoire as required)** to assess the validity, consider and investigate complaint, checking to see whether any third party needs to be notified that their data is being processed;
- **Stage Two Investigator** to inform, in writing, the outcome of the formal complaint, informing the complainant of the right to escalate to Stage Three of the procedure;
- **Stage Two Investigator** to forward a copy of the written Stage Two outcome letter, plus all complaint documentation, to the **Conservatoire Quality Assurance Manager**.
- **Conservatoire Quality Assurance Manager** to produce annual report on student complaints for the Conservatoire Senate.

18 Where the matter(s) of complaint relates to operations of the committees and the administration of the Conservatoire, unless it is deemed out of time the Assistant Registrar will forward the complaint to the Academic Registrar, who shall investigate the Stage Two Complaint (or nominate an officer of the Conservatoire to investigate it).

19 For Stage Three Appeals

The following staff roles have responsibilities in this area:

- **Conservatoire Assistant Registrar (Quality)** to log and acknowledge receipt of **Stage Three Appeal** in Shared Services, notify Principal of complainant's School as required of its receipt, and forward to CEO (or nominee);
- **CEO of the Conservatoire (or nominee)** checks to see whether any third party needs to be notified that their data is being processed;
- **CEO of the Conservatoire (or nominee)** considers the request for a review, and either appoints Appeal Panel to review complaint, or issues a Stage Three Review Outcome Letter and Completion of Procedures letter, copying in the Principal of the complainant's School plus the Stage Two investigator.

20 The Chief Executive Officer of the Conservatoire (CEO) may depute to another senior administrative officer of the Conservatoire any or all of the responsibilities ascribed to the CEO under these procedures, providing that person will be in a position to act and be seen to act impartially, either generally or in respect of a particular case.

21 The Principal of each Conservatoire School may delegate powers under these procedures to another senior officer within their School or, if this is not possible, the Conservatoire, providing that person will be in a position to act and be seen to act impartially, either generally or in respect of a particular case.

C) Advice and guidance for students

22 Students are encouraged to seek guidance both before and during use of this procedure from their School (such as the student support and welfare staff), or from the Quality Assurance Manager and Assistant Registrars of the Conservatoire's Shared Services. Contact details for Shared Services staff can be found on the Conservatoire website at <http://www.cdd.ac.uk/about-us/contact-us/>, or you can email qualityoffice@cdd.ac.uk.

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- 23 As each Conservatoire school is a small institution, if there is any possibility of a conflict of interest between the person from whom you seek guidance and individuals involved in investigating the complaint, you will be informed. Where appropriate, the student's School may provide an external contact for advice and guidance for the student drawn from either Shared Services or another Conservatoire school, who will be fully independent from the review process.

D) Scope of this procedure

- 24 This procedure covers complaints in the following areas, the consequences of which should normally have had an alleged adverse impact on the student wishing to make the complaint (who is referred to as the 'complainant'):

- i) the provision of academic programmes (how a student's training is provided);
- ii) how a student's training is provided when on placement;
- iii) inadequate services or facilities at a Conservatoire School (for example student welfare, learning resources or catering provided by the School);
- iv) decisions, actions or perceived lack of action taken by a member of the Conservatoire (this might include in relation to other policies and procedures such as disciplinary);
- v) staff misconduct;
- vi) student misconduct (see the Non-Academic Misconduct policy);
- vii) complaints relating to discrimination, harassment or bullying (please see the Conservatoire Policy on Sexual Misconduct, Harassment and Related Allegations for further guidance about complaints within this area);
- viii) matter(s) of complaint relates to operations of the committees and the administration of the Conservatoire

- 25 The student complaints procedure does not cover the following areas:

- i) Complaints arising from action taken under the Non-Academic Misconduct or Support Through Studies policies, which should be directed towards the respective appeals procedure;
- ii) Complaints arising from matters relating to academic progression and/or assessment, which are covered by the academic appeals procedure.

- 26 The scope of the student complaints procedure extends to former students of the Conservatoire, provided that any Stage Two complaint is made within three months of the date of the incident which gave rise to the complaint.

- 27 The Conservatoire may suspend, hold in abeyance or terminate proceedings in complaint cases that are being investigated by the police or are subject to judicial proceedings.

- 28 The Conservatoire may terminate consideration of a complaint if it considers it to be made without foundation (frivolous) or in bad faith (vexatious). Examples of frivolous or vexatious complaints include:

- i) complaints which are obsessive, harassing, or repetitive;

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- ii) insistence on pursuing non-meritorious¹ complaints and/or unrealistic outcomes;
- iii) insistence on pursuing what may be meritorious² complaints in an unreasonable manner;
- iv) complaints which are designed to cause disruption or annoyance;
- v) demands for redress which lack any serious purpose or value.

- 29 The CEO or nominee may consider possible action under the relevant provision(s) of the non-academic misconduct policy in the case of a student held, at any stage in the process, to have brought forward an alleged complaint under this procedure without foundation, knowing the alleged complaint to be in bad faith.
- 30 Neither the student nor their School shall normally be represented by a legal practitioner at meetings or hearings held under this policy.
- 31 The Conservatoire will not normally consider anonymous complaints.
- 32 Subject to the above, the Conservatoire undertakes that any student seeking to use this procedure will not be treated less favourably in her/his subsequent academic career, or School life, as a result of action taken to pursue an alleged complaint.

E) Resolution of complaints

- 33 Where a complaint is upheld in whole or in part, possible outcomes may include:
- an apology;
 - a clear explanation of the events or context that led to the incident in question;
 - a change in procedures to ensure that the circumstances do not recur;
 - referral of the complaint for consideration under another procedure (for example non-academic misconduct procedures), or
 - a combination of these or other outcomes.
- 34 At each stage of the procedure, the complainant will receive the reasons for the outcome of the complaint.
- 35 If at any stage in the investigation of a complaint, the person charged with investigation determines that the complaint should more appropriately be considered under another Conservatoire or School regulation or procedure, the investigator shall refer the complaint for consideration under that procedure. The student making the complaint will be informed about the change in approach, and the reason (where this information can be provided without prejudice to the rights of other parties). At this point, any further action under the student complaints procedure shall normally be halted pending the outcome of the investigation under the other procedure.

F) Data processing, confidentiality and record keeping

- 36 The Conservatoire will make its best endeavours to limit the disclosure of information as is consistent with conducting a fair investigation and the implementation of any

¹ 'Non-meritorious' complaints are complaints made without proof, substantiating support or without a valid basis.

² 'Meritorious' complaints are complaints made with proof, substantiating support and/or with a valid basis.

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recommendations following investigation into the complaint. However, if a student names another member of the Conservatoire,, then the person(s) named will normally have the right to know the complaint made against them in order to be able to reply to the complaint. If a student refuses to name a person who is relevant to their complaint, the Conservatoire may not be able to consider or investigate the case, or may only be able to consider or investigate it to a limited extent.

37 Once a student has made a formal complaint, records will not be held on the student's file, but separately, by both the School and Shared Services. In accordance with the Conservatoire's duties under the General Data Protection Regulations (2018) and the Data Protection Act (2018) and in keeping with OIA recommendations, records will be retained for a minimum of 15 months and for no longer than is reasonably necessary (i.e. no longer than 6 years after the final action on the student's case, at which point the individual student file will be destroyed). Some deviation from this schedule can be expected for cases which, in the judgement of the School and/or Shared Services, are unique or complex and therefore require shorter or longer record retention periods.

38 Schools of the Conservatoire for Dance and Drama will share, as necessary, information with the Conservatoire (including Shared Services and other members of Conservatoire Schools)/validating university regarding a student's complaint which may include personal and sensitive data as part of the fair and proper investigation of the complaint, and to maintain and enhance standards and good practice. As necessary means where it is necessary to share information regarding a student's complaint in order to investigate and resolve the complaint, including Appeal Panel hearings at Stage Three of the procedure. All such information will be treated confidentially. In submitting a formal complaint/appeal under this procedure, you will be asked to indicate that you consent to your data being shared appropriately. If you have any questions or concerns regarding this procedure you should contact the Quality Assurance Manager in Shared Services by emailing qualityoffice@cdd.ac.uk (see also Section C - Advice and guidance for students).

39 **Third party information**

Complainants making a case which includes information about a third party should not forward personal information relating to that third party without the expressed consent of that individual. For example, a student who wishes to submit information in support of their complaint about the impact of the cause for complaint which includes additional impact on a family member should not forward any detailed personal medical/other information about that family member. Rather, the complainant needs to submit evidence/information that supports their claim about the effect the circumstances have had.

40 Where a student submits evidence in support of their complaint that constitutes third party personal information, the investigating officer at Stage Two or Stage Three will need to notify the third³ party that their data is being processed, in accordance with Article 14 of the GDPR.

41 **Conservatoire staff data**

Information about Conservatoire staff acting in their professional capacity may be disclosed at any stage in the procedures, including to an Appeals Panel, or to the Office of the Independent Adjudicator (OIA), if it forms part of the information considered under the

³ <http://www.privacy-regulation.eu/en/article-14-information-to-be-provided-where-personal-data-have-not-been-obtained-from-the-data-subject-GDPR.htm>

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Conservatoire's Student Complaints Procedure. Sometimes, this may include sensitive personal data (e.g. a complaint about the impact of staff absence as a result of illness). All sensitive personal data will be redacted as far as possible during the course of the procedure.

G) Timescales

- 42 This procedure outlines timescales within which the Conservatoire and the student aim to work. Only in exceptional circumstances and at the discretion of the CEO or their nominee will complaints from students outside these timescales be accepted. The Conservatoire will endeavour to respond within the timescales that are outlined, but unfortunately this may not always be possible. In some cases an investigation might need to take longer than usual to ensure that all of the issues raised have been appropriately addressed. In addition, there may be circumstances beyond the investigating officer's control, such as staff absence, where it may not be possible to adhere to the timescales it has set for itself and still carry out a proper investigation. Where the prescribed timescales are unable to be met, the reasons for any delay and a revised timescale will be communicated to all parties.
- 43 The complainant should raise the complaint at the earliest opportunity and in any case in respect of Stage Two no later than three months from the complainant being aware of the incident/sequence of events giving rise to the complaint. Only exceptionally and at the discretion of the CEO or nominee will a complaint raised after this deadline be considered. The longer the time between the cause of complaint and the issue being raised, the more difficult it may be to meaningfully investigate and resolve the complaint.

PROCEDURE

Stage One: Informal Resolution

- 44 The Conservatoire is committed to a swift resolution of complaints, and most complaints can be resolved informally. Wherever possible they are usually best resolved directly and should initially be raised as near as possible to the point in time at which the problem occurred, to facilitate a swift resolution and to avoid inadvertent exacerbation of any unresolved issues.
- 45 Initially attempts should be made to talk to a relevant member of staff to try to resolve the problem before taking it further. For example, this might include the following:
- i) *A lead tutor or head of department for a complaint relating to your programme/course;*
 - ii) *A member of registry staff for complaints relating to a student service or financial matter;*
 - iii) *A member of staff responsible for student support and wellbeing for complaints relating to discrimination, bullying or harassment.*
- 46 If the complaint concerns any of the people listed above, then you are advised to speak either to:
- *An alternative member of registry staff*
 - *your course leader or another course leader*
- 47 The person nominated as the first point of contact will listen to and discuss informally the nature of the complaint. Although the nominated person(s) will not carry out a formal

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investigation they may make some necessary enquiries and can advise on how the matter could be resolved swiftly, and will normally keep informal notes for their own purposes. They may, if they deem it appropriate, provide a written 'outcome record' where agreement is reached or where it may be considered helpful to aid understanding for any party; in line with the informal nature of this stage, this may be articulated via e-mail. In this event, however, such a 'record' would still be deemed an informal complaint resolution by the Conservatoire.

- 48 If the outcome of the discussion is that no resolution can be agreed to the satisfaction of the complainant, they will be made aware of the opportunity to submit a formal complaint. Although not obliged, a complainant would normally be expected to wait for the outcome of the informal stage before making a formal complaint under Stage Two of this procedure. The nominated member of staff may themselves wish to refer the complainant to Stage Two of this procedure should they feel that the matter requires a more thorough investigation or the complaint appears to be particularly complex. If the complainant does not agree to submitting a formal complaint, the Conservatoire will deem this to be the end of the matter.

Stage Two: Formal Investigation

- 49 Should a complaint not be dealt with informally to the satisfaction of the complainant, they may initiate a formal complaint. For submitting a formal group complaint, please refer to section 'Group Complaints' (paragraphs 9-14) of this policy.
- 50 Stage Two of the complaint procedure involves an investigation by either a senior member of the complainant's School, nominated by the relevant School Principal (in consultation with Shared Services where necessary), or an officer of the Conservatoire (either from Shared Services or another Member School). If the complaint relates to the conduct of the member of staff who would normally be nominated by the School Principal, the School Principal shall nominate an alternative senior member of staff either from the School or from the Conservatoire.
- 51 To initiate a Stage Two complaint, the complainant must submit a completed Student Complaint Form⁴ to the Assistant Registrar (Quality), Shared Services, via email to qualityoffice@cdd.ac.uk. The Assistant Registrar will review the complaint submission to ascertain whether it has been received within the requisite timescale. Complaints that are received within the timescale will be forwarded to the Principal of the complainant's School to nominate a Stage Two Investigator, unless they relate to matters of the operations of the committees and/or administration of the Conservatoire, in which case they will be forwarded to the Conservatoire's Academic Registrar. Complaints that are deemed to be 'late' will be referred to the Conservatoire's Academic Registrar to instigate Completion of Procedures. The Stage Two Investigator will normally have 21 days from the date of receipt by the School of the completed Complaint Form to investigate and respond in writing to the complainant.
- 52 If the Stage Two investigator deems it necessary, the investigation may involve interviewing the complainant and other persons directly involved (though this will not necessarily always be the case). The person charged with investigating the complaint may seek opinion and information from any person with an interest in or knowledge of the matter being complained about. The details of the complaint (including personal sensitive information) will only be disclosed as necessary, however it may be necessary to disclose such information in the course of investigating the complaint.

⁴ All formal (written) complaints should be submitted using a Student Complaint Form

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- 53 At the conclusion of the investigation, the Stage Two Investigator will form a judgment on the merits of the complaint and the complainant will be informed in writing of her/his findings. The findings will include the judgment regarding the merits of the complaint and, where applicable, proposals for a resolution of the complaint and/or recommendations for further action arising from the complaint. The Stage Two Outcome Letter will also inform the complainant of the right to move to Stage Three of this procedure if they remain dissatisfied with the findings.

Stage Three: Appeal incorporating Conservatoire Review

- 54 An appeal against the findings of the Stage Two Investigator may be allowed, subject to the discretion of the Conservatoire CEO or nominee, if they are satisfied that either or both of the following criteria apply:

i) that there is new evidence that could not have been, or for good reason was not, made available at the time of the investigation of the Stage Two complaint, and that sufficient evidence remains that the complaint warrants further consideration;

ii) that evidence can be produced of significant procedural error in the investigation of the Stage Two complaint,, including allegations of prejudice or bias, and that sufficient evidence remains that the complaint warrants further consideration.

- 55 An appeal must be requested in writing, together with a copy of the original complaint and the Stage Two Outcome Letter and submitted to the CEO within 14 days from the date of the Stage Two Outcome Letter. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied. For information on how to make an appeal following a group complaint, please refer to section 'Group Complaints' (paragraphs 9-14) of this policy.

- 56 If the CEO (or nominee) is satisfied that one or more of the above grounds have been met to warrant an appeal to be heard, they will appoint a Complaints Appeal Panel. The student will be advised in writing of the decision about whether a Complaints Appeal Panel has been appointed, normally within 21 days of receiving the written request submission from the complainant. If the appeal is rejected, reasons will be given and a Completion of Procedures letter issued.

- 57 The Complaints Appeal Panel will be served by a Secretary, appointed by the Conservatoire CEO. The Secretary shall act as note-taker and shall advise the Complaints Appeal Panel regarding procedural matters but shall not take part in any decision-making.

- 58 The terms of reference of the Appeal Panel shall be:

i) to consider appeal cases referred to it by the CEO and to determine, on the balance of probabilities, whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at during Stage Two;

ii) if the conditions of (i) are met, to make a judgment on the complaint and if appropriate proposals or recommendations for further actions.

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- 59 The membership of the Appeal Panel shall be:
- i) A Chair, usually the Principal or Deputy Principal (or equivalent) of another Conservatoire School to that of the complainant, appointed by the Conservatoire CEO;
 - ii) A senior member of academic staff from another Conservatoire School to that of the complainant, appointed by the Chair of the Conservatoire's Senate;
 - iii) A member of staff from another Conservatoire School to that of the complainant, appointed by the Chair of the Conservatoire's Senate drawn from the panel of members trained in complaints handling;
 - iv) A student representative, either drawn from a different programme, or if this is not possible, a different Conservatoire school.
- 60 No member of staff from the School of the complainant will serve as a member of the Appeal Panel, nor will any staff member directly involved in the case.
- 61 All documentary evidence relating to the complaint and the hearing of the Panel shall be circulated to the Panel members, to the complainant and to all person(s) and/or departments complained about not less than seven days prior to the hearing.
- 62 Such documentation shall normally include the following:
- i) the composition of the Appeal Panel;
 - ii) the date, time and place of the hearing;
 - iii) a brief summary of the purpose of the hearing;
 - iv) all documentation submitted by the complainant at Stages One and Two;
 - v) the report of the Stage Two Investigator;
 - vi) the letter from the CEO (or nominee) at Stage Three confirming the reasons for the granting of the hearing; all written responses; and any other documentation, correspondence or written submissions relevant to the hearing, including witness statements submitted at any stage during the process.
- 63 The complainant and all person(s) and representatives of departments complained about shall normally be expected to attend the hearing to give evidence. Any other persons may be asked to attend to give evidence, or for any other reason, if the Panel so wishes. The complainant and person(s) complained about shall have the right to invite a reasonable number of relevant witnesses to give evidence to the Complaints Appeal Panel. The names of any witnesses must be received in writing by the Secretary to the Complaints Appeal Panel at least two working days prior to the hearing who will notify the relevant members of the panel, departments and staff.
- 64 It is the complainant's responsibility to invite any witnesses they wish to attend, to ensure witnesses can attend, and to provide them with any documentation. An appeal hearing will not normally be postponed due to the unavailability of a witness, and any decision to postpone is at the sole discretion of the Chair of the Complaints Appeal Panel. The Chair will also have the discretion to determine whether the number of witnesses requested is reasonable. Where feasible, written witness statements should be procured in advance of the hearing and circulated to the Panel. Where the Chair is not satisfied that by attending the hearing a witness will add any information to a written statement which will progress the

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hearing, the Chair may reasonably refuse to admit that witness to the hearing. The Chair's decision on the admission of all evidence, including witness evidence, at the hearing shall be final.

- 65 The complainant may also be accompanied by a family member or a friend (either from inside or outside the complainant's School) but that person will not normally be allowed to speak on the student's behalf. However, the Panel will have the discretion to consider representations from the student for the friend or family member to make a statement at the culmination of the hearing.
- 66 If the complainant is to be accompanied, the name(s) of the person/persons who is/are to attend must be received in writing by the Secretary of the Panel at least two working days prior to the hearing. The Panel has the discretion to refuse to permit a representative or friend or family member to attend where prior written notice has not been given.
- 67 Except where the CEO (or nominee deems there to be good cause⁵, each party's evidence or statement(s) will be given in the presence of the other party/parties involved in the dispute and, through the Chair, questions may be asked about each presentation by all parties. The Panel may also ask questions of all parties. Through the Chair, all parties may also ask questions of all witnesses called to give evidence. The Chair of the Complaints Appeal Panel has ultimate discretion to permit or allow any questions posed by all parties.
- 68 The Appeal Panel's findings shall be arrived at by a majority vote of the members of the Panel with the Chair holding a casting vote. All votes cast shall be confidential to the Panel and the decision shall be announced as the decision of the Panel. The Panel may have reason to adjourn for a specified period to allow for the collation of additional information that may have subsequently come to light. This will be at the discretion of the Chair.
- 69 The findings shall include the Panel's judgment regarding the merits of the complaint and, if applicable, proposals for the resolution of the complaint, recommendations for a review of procedures or practices that may have contributed to the complaint, or any further action arising from the complaint.
- 70 The Secretary will send written confirmation of the decision of the Panel to the complainant in the Hearing Outcome Letter, normally within 14 days of the meeting at which the decision was made. The written confirmation will state the reasons for the decision made. A copy of the Hearing Outcome letter will be sent to the Principal of the School, the
- 71 The Panel may make recommendations to any member of the relevant School's Senior Management Team concerning the implementation of a decision or findings to resolve a complaint. The Panel may make other relevant recommendations as appropriate. All outcomes will be recorded and monitored by Shared Services and will inform the annual report regarding complaints, submitted to the Conservatoire's Senate.

⁵ Good cause would normally constitute cases where a complaint of harassment, discrimination or bullying might mean that it would be unreasonable to place the complainant in a confrontational situation with the person against whom such allegations are levied. Where such decisions are made to hear all parties' representations separately, this does not presume any guilt nor should it prejudice any outcome or decision of the Panel.

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- 72 In the case of **non-academic complaints**, the decision of the Complaints Appeal Panel shall be final. The Panel's decision will be the end of the internal procedure, and a Completion of Procedures letter shall be issued (see Section 64 of this policy).
- 73 In the case of **academic complaints**, on receipt of the Panel's decision the complainant has a further final recourse to pursue the complaint with the validating university, as outlined in Sections 63-65 of this policy.

Academic complaints and recourse to the Validating University

- 74 The validating university (University of Kent) defines 'academic complaints' thus:

"An academic complaint is any specific concern about the provision of a programme of study or related academic service.

Note: Students may lodge an academic complaint at any point during the academic year.⁶

Once a student's academic complaint has reached the end of the internal Conservatoire procedures, under the University of Kent's regulations the complainant has the right to take their complaint to the University, by making a "Grievance to Council".

- 75 The University of Kent specifies its position in relation to complaints from students following a University approved programme of study at a partner institution in its "Complaints Procedure for Students" as follows⁷:

"14. The position in relation to complaints from students following a University approved programme of study at a partner institution is as follows:

a) Academic Complaints: should be submitted following the procedure of the institution in which the student is based; a complainant remaining dissatisfied, who has exhausted the complaints procedure of the partner institution, may then submit the complaint as a grievance to the University of Kent Council (see sections 11 and 12 above).

b) Partner institutions may process complaints on non-academic grounds according to their procedures for doing so without recourse to the University of Kent.

Where such complaints are made with respect to services provided by the University of Kent, the University of Kent's complaint procedure for students should be used.

A non-academic complaint means any specific concern, other than one relating to an academic matter as defined in section 6) above, made by a student with regard to services provided by the institution against which the complaint is made."

- 76 The procedure for taking an academic complaint to the University of Kent once the School's internal procedures have been exhausted, is articulated by the University in its "Complaints Procedure for Students" as follows:

⁶ <https://www.kent.ac.uk/teaching/documents/quality-assurance/guidance/pdf/appeals.pdf>

⁷ [https://www.kent.ac.uk/regulations/Regulations%20Booklet/Complaints%20Procedure%20final%20Nov%20V5\(Published%2018%20sept%202015\).pdf](https://www.kent.ac.uk/regulations/Regulations%20Booklet/Complaints%20Procedure%20final%20Nov%20V5(Published%2018%20sept%202015).pdf)

Student Complaints Policy and Procedures

GRIEVANCE TO COUNCIL

11. The university's ordinances give the University Council the power "to entertain, adjudicate upon and, if thought fit, redress any grievances of the Officers of the University, the Professors and academic staff, the Graduates or the Students who for any reason feel aggrieved".

12. A student who remains dissatisfied after following the procedures set out above may contact the Student Conduct and Complaints Manager in writing to seek a review of the complaint by the University Council provided that these procedures have been completed and the grievance to Council has been submitted within three months of notification of the outcome of the final stage indicated in section 10. The Student Conduct and Complaints Manager will acknowledge the request within five working days of receipt and will refer the case to the Senior Deputy Vice-Chancellor.

Note: The Council would not normally intervene to change decisions by University Officers or formal bodies which had been properly exercised or determined unless procedural fault, bias, irregularity or other inadequacy was found.

The Office of the Independent Adjudicator for Higher Education (OIA)

77 Once the internal procedures of either the Conservatoire, or (in the case of academic complaints) the University of Kent have been exhausted, a Completion of Procedures letter will be issued, and student complainants are entitled to ask the OIA to consider any unresolved complaint: <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>.

78 For the benefit of clarity, Table 1 below articulates the circumstances of responsibility for issuing a Completion of Procedures letter:

Table 1

Type of Process	Completion of Procedures Process	Completion of Procedures letter issuer
Non-academic complaint	The Conservatoire for Dance & Drama issues CoP letter within requisite timeframe either following Stage Three or at earlier stage if applicable; copy sent with copy of Final Outcome Letter to University of Kent.	Responsible Officer (or nominee) at CDD
Academic complaint	After Stage 3, the Conservatoire for Dance & Drama issues CoP letter within requisite timeframe. However, student still has the right to take their case to "Grievance to Council" at University of Kent; Following "Grievance to Council" procedure, UoK issues Completion of Procedures letter within requisite timeframe; copy sent with copy of Final Outcome Letter to CDD.	University of Kent (Validating University)

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Equality Impact

Potential impact on groups with protected characteristics? <i>(positive; neutral; negative)</i>	Positive / Neutral / Negative
Does the policy take account of the needs of people with different protected characteristics?	Yes. Flexibility is built in (e.g. deferrals, ability to interview etc). Provision made for reasonable adjustments; cases carefully scrutinised and considered, taking account of the students' specific circumstances. Fully independent appeal stage.
Age	Yes
Disability	Yes
Gender reassignment	Yes
Pregnancy and Maternity	Yes
Race	Yes
Religion or belief (including no belief)	Yes
Sex	Yes
Sexual orientation	Yes
Equality Impact Assessment completed by:	CDD Quality Assurance Manager June 2018
Date policy approved by Senate:	27 June 2018
Due for next review:	May 2019

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Table 2

Conservatoire Completion of Procedures Process		Responsibilities of School	Responsibilities of Conservatoire
(Non-academic complaints)			
<p>1) Stage Three is completed without an Appeal Panel</p> <p style="text-align: center;">OR</p> <p>2) Stage Three is completed following an Appeal Panel</p> <p style="text-align: center;">OR</p> <p>3) Student requests a Completion of Procedures letter at culmination of Stage Two.</p>	<p>1) CEO (or nominee) writes Stage Three Outcome letter, issues a CoP Letter & sends copy of both to the School Principal and Stage Two Investigator accordingly.</p> <p>2) Secretary to Complaints Appeal Panel writes Appeal Hearing Outcome letter. CEO (or nominee) issues a CoP Letter & sends copy of both letters to the School Principal and Stage Two Investigator accordingly.</p> <p>3) Request, if received by the School, should be forwarded to the CEO of CDD. CEO (or nominee) will issue CoP letter, copying in School Principal and Stage Two Investigator.</p>	<p>1) Retain copy of both Stage Three Outcome Letter and CoP letter securely, separately from student’s file; ensure full complaint file and documentation has been forwarded to Shared Services for secure retention.</p> <p>2) Retain copy of both Appeal Hearing Outcome Letter and CoP letter securely, separately from student’s file. Update School records (statistics).</p> <p>3) Forward any request received from student for CoP to CEO immediately upon receipt. Retain copy of Stage Two Outcome letter and CoP letter securely, separately from student’s file; ensure full complaint file and documentation has been forwarded to Shared Services for secure retention.</p>	<p>1) Issue CoP within 28 days of date of Stage Three Outcome Letter. Retain copy of both Stage Three Outcome Letter and CoP letter securely. Match up with file. Update Conservatoire records.</p> <p>2) Issue CoP within 28 days of Appeal Hearing Outcome Letter. Retain copy of both Stage Three Outcome Letter and CoP letter securely. Match up with file. Update Conservatoire records.</p> <p>3) Ensure Stage Two Outcome Letter has been issued. Issue CoP within 28 days of original receipt of request from student. Retain copy of Stage Two Outcome Letter and CoP letter securely. Match up with file. Update Conservatoire records.</p>

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University of Kent Completion of Procedures Process (Academic Complaints only)		Responsibilities of School	Responsibilities of Conservatoire
1) Stage Three is completed by the Conservatoire without an Appeal Panel	1) CEO (or nominee) writes Stage Three Outcome Letter, specifying that the Conservatoire's procedures have been completed but that the complainant retains the right to take their complaint to the University of Kent. CEO issues CoP letter for the Conservatoire, and forwards a copy to the University of Kent.	1) Retain copy of both Stage Three Outcome Letter and CoP letter securely, separately from student's main file; ensure full complaint file and documentation has been forwarded to Shared Services for secure retention.	1) Issue CoP within 28 days of date of Stage Three Outcome Letter, forwarding copy to University of Kent and School Principal. Retain copy of both Stage Three Outcome Letter and CoP letter securely. Match up with file. Update Conservatoire records. Follow up with Kent to check whether student has requested Grievance to Council procedure; update Conservatoire records.
2) Stage Three is completed by the Conservatoire following an Appeal Panel	2) Secretary to Complaints Appeal Panel writes Appeal Hearing Outcome letter, specifying that the Conservatoire's procedures have been completed but that the complainant retains the right to take their complaint to the University of Kent. CEO (or nominee) issues a CoP Letter & sends copy of both letters to University of Kent, the School Principal and Stage Two Investigator accordingly.	2) Retain copy of both Appeal Hearing Outcome Letter and CoP letter securely, separately from student's main file. Update School records (statistics).	2) Issue CoP within 28 days of Appeal Hearing Outcome Letter. Retain copy of both Stage Three Outcome Letter and CoP letter securely.
3) Student decides to take complaint to University of Kent following Conservatoire's Stage Three conclusion.	3) University of Kent follows its Grievance to Council procedure, and issues CoP letter once procedure has been completed. University of Kent forwards copy of CoP letter to CEO, who passes a copy to School Principal.	3) Retain copy of Kent CoP letter securely, separately from student's main file. Update School records (statistics).	3) Retain copy of Kent CoP letter securely; match up with complaint file. Update Conservatoire records.