

# Royal Academy of Dramatic Art Academic Regulations 2018-19

## Appendix 9: Complaints Policy and Procedures

### Introduction

- 1 The Royal Academy of Dramatic Art is committed to considering and investigating genuine complaints from students. The Academy defines a complaint as being an expression of dissatisfaction by one or more students about an action or lack of action by RADA, or about the standard of service provided by or on behalf of the Academy, which warrants a response. The Academy will seek to learn from the experience of complaints and improve services for all members of the Academy. This complaints procedure fulfils the Academy's obligations under its validation agreement with King's College London and 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 King's College London's B6 Student Complaints Procedure, and the Office of the Independent Adjudicator's Good Practice Framework for Handling Complaints and Academic Appeals.
- 2 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 the Director of Student & Academic Services (or nominee)  
Stage Three: appeal, incorporating within it a Conservatoire-level review.
- 3 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 Academy.
- 4 The majority of cases are satisfactorily resolved through informal discussions without the need for a formal complaint to be made and the Academy emphasises the importance of seeking informal and early resolution wherever possible.
- 5 Where it is appropriate to make a complaint, the student should raise the matter her/himself: this procedure is not intended to be used by a third party making a complaint on behalf of a student. 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 Academy will usually ask the group to nominate one student to act as group representative. In such cases, the Academy will normally communicate through the nominated student representative only.
- 6 The Director of Student & Academic Services may depute to another senior administrative officer any or all of the responsibilities ascribed to the Director of Student & Academic Services, 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.
- 7 The Academy Director may delegate powers under these regulations and procedures to the Director of Actor Training or Director of Technical Training, or other senior academic officer within the Academy 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.

## Advice and guidance for students

- 8 Students are encouraged to seek guidance both before and during use of this procedure from their course leader, the Counselling and Wellbeing Manager and other members of Student & Academic Services. As the Academy 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 Academy may provide an external contact for advice and guidance for the student drawn from another Conservatoire school who will be fully independent from the review process.

## Scope of this procedure

- 9 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 (this is referred to as the 'complainant'):
- i) the provision of academic programmes (how your training is provided);
  - ii) how your training is provided when on placement;
  - iii) inadequate services or facilities at the Academy (for example student welfare, catering or accommodation provided by the Academy);
  - iv) decisions, actions or perceived lack of action taken by a member of the Academy (this might include in relation to other policies and procedures such as disciplinary);
  - v) staff misconduct;
  - vi) student misconduct (see RADA's disciplinary policy);
  - vii) complaints relating to discrimination, harassment or bullying (please see further guidance about complaints within this area).
- 10 The student complaints procedure does not cover the following areas:
- i) Complaints arising from action taken under the Disciplinary or Fitness to Train policies which should be directed towards the respective appeals procedure.
  - ii) Complaints arising from matters relating to academic progression, assessment which are covered by academic appeals (Section A6 of King's College London policy <http://www.kcl.ac.uk/governancezone/Students/Regulation-A6-Academic-Appeals-2015-16.aspx>)
- 11 The scope of the student complaints procedure extends to former students of the Academy, provided that any Stage Two complaint is made within three months of the date of the incident which gave rise to the complaint.
- 12 The Academy may suspend, hold in abeyance or terminate proceedings in complaint cases that are being investigated by the police or are subject to judicial proceedings.
- 13 The Academy 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;
  - ii) insistence on pursuing non-meritorious complaints and/or unrealistic outcomes;
  - iii) insistence on pursuing what may be meritorious 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.
- 14 The Director of Student & Academic Services or her nominee may consider possible action under the relevant provision(s) of disciplinary regulations 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.
- 15 Neither the student nor the Academy shall normally be represented by a legal practitioner at meetings or hearings held under this policy.
- 16 The Academy will not consider anonymous complaints.
- 17 Subject to the above, the Academy undertakes that any student seeking to use this procedure will not be treated less favourably in her/his subsequent academic career, or Academy life, as a result of action taken to pursue an alleged complaint.

### **Resolution of complaints**

- 18 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 disciplinary procedures) or a combination of these or other outcomes.
- 19 At each stage of the procedure, the complainant will receive the reasons for the outcome of the complaint.
- 20 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 Academy 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.

### **Confidentiality and record keeping**

- 21 The Academy will seek to do all within its power to limit the disclosure of information as is consistent with conducting a fair investigation and the implementation of any recommendations following investigation into the complaint. However, if a student names another member of the Academy, then the person(s) named will normally have the right to know the complaint made against her/him in order to be able to reply to the complaint. This is consistent with the duties owed to the Academy's staff and students. If a student refuses to name a person who is relevant to their complaint, the Academy will not be able to consider or investigate the case.
- 22 Once a student has made a formal complaint, records will not be held on the student's file, but separately, by Student & Academic Services. Records will be retained as required for a reasonable period as a way of monitoring and enhancing the Academy's services, and in accordance with the Academy's duties under Data Protection legislation.
- 23 RADA will share, as necessary, information with the Conservatoire for Dance and Drama and/or King's College London regarding your 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. All such information will be treated confidentially. In submitting a formal complaint/appeal under this procedure, you are consenting to your data being shared appropriately. If you have any questions or concerns regarding this procedure you should contact a member of the HE Courses team at RADA.

## **Timescales**

- 24 This procedure outlines timescales within which the Academy and the student aim to work. Only in exceptional circumstances and at the discretion of Academy Director will the Academy accept complaints from students outside these timescales. The Academy endeavours 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 Academy'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 Academy is unable to meet the prescribed timescales, the reasons for any delay and a revised timescale will be communicated to all parties.
- 25 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 Director of Student & Academic Services will the Academy consider a complaint raised after this deadline.

## **Stage One: Informal Resolution**

- 12 The Academy is committed to a swift resolution of complaints. 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.
- 13 Initially attempts should be made to talk to the relevant member of staff to try to resolve the problem before taking it further. This might include the following:
- i) A lead tutor or head of department for a complaint relating to your programme/course;
  - ii) The Registry Manager for complaints relating to a student service or financial matter;
  - iii) The Counselling and Wellbeing Manager for complaints relating to discrimination, bullying or harassment.
- 26 If the complaint concerns any of the people listed above, then you are advised to speak either to a member of Student & Academic Services, to your course leader, or to another course leader. These are: Director of Actor Training, Director of Technical Training, Head of MA Courses, Director of Short Courses.
- 27 The person nominated as the first point of contact, as defined above, will listen to and discuss informally the nature of the complaint. Although the nominated person(s) will not carry out a formal investigation they 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 Academy.
- 28 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 this is the end of the matter as far as this procedure is concerned.

### **Stage Two: Investigation by the Director of Student & Academic Services (or nominee)**

- 29 Should a complaint not be dealt with informally to the satisfaction of the complainant she/he may initiate a formal complaint. Stage Two of the complaint procedure involves an investigation by the Director of Student & Academic Services or nominee. If the complaint relates to the conduct of the Director of Student & Academic Services, the complaint shall be referred to the Academy Director who will decide on an appropriate mechanism for investigation.
- 30 To initiate a Stage Two complaint, the complainant must submit a completed Student Complaint Form to the Student & Academic Services office. The Director of Student and Academic Services or her/his nominee will normally have 28 days from the date of receipt of the completed Complaint Form to investigate and respond in writing to the complainant.
- 31 If the investigator deems it necessary, the investigation may involve interviewing the complainant and other persons directly involved. 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.
- 32 At the conclusion of the investigation the Director of Student & Academic Services or her/his nominee 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, if applicable, proposals for a resolution of the complaint and/or recommendations for further action arising from the complaint. The letter will also inform the complainant of the right to move to Stage Three of this procedure if she/he remains dissatisfied with the findings.

### **Stage Three: Appeal incorporating Conservatoire review**

- 33 An appeal against the findings of the Director of Student & Academic Services may be allowed, subject to the discretion of the Academy Director or nominee, if she/he is 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 by the Director of Student & Academic Services and that sufficient evidence remains that the complaint warrants further consideration;
  - ii) that evidence can be produced of significant procedural error on the part of the Academy in investigating the complaint, including allegations of prejudice or bias, and that sufficient evidence remains that the complaint warrants further consideration.
- 34 An appeal must be requested in writing, together with a copy of the original complaint and the investigation outcome letter and submitted to the Academy Director within 14 days from the date of written notification of the decision which is to be the subject of the appeal. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied.

- 35 If the Academy Director decides to allow an appeal to be heard she/he will appoint an Appeal Panel. She/he will normally advise the student, in writing, of her/his decision about allowing an appeal within 21 days of receiving the request. If the appeal is rejected reasons will be given and a completion of procedures letter issued.
- 36 The terms of reference of the Appeal Panel shall be:
- i) to consider appeal cases referred to it by the Academy Director and to determine 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.
- 37 The membership of the Appeal Panel shall be:
- i) A Chair, usually the Chair of RADA's Council but if she/he cannot serve for reasons of impartiality, then another member of RADA's Council, appointed by the Academy Director. The Academy Director may serve as Panel Chair if she/he has not been involved in either the subject of the appeal or in appointing the Panel.
  - ii) One member appointed by the Academy Director drawn from the Senior Management Team.
  - iii) A senior member of academic staff from a Conservatoire School appointed by the Chair of the Conservatoire's Academic Board, to be drawn from either principals or deputy principals (or equivalent).
  - iv) A student representative, either drawn from a different programme, or if this is not possible, a different Conservatoire school.
- 38 The Appeal Panel will not include the relevant director in whose discipline the student is training or any staff member directly involved in the case.
- 39 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.
- 40 Such documentation shall 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 Director of Student & Academic Services (or other investigator) at Stage Two;
  - vi) the letter from the Academy Director 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 prior to Stage Three.
- 41 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 Panel. The names of any witnesses must be received in writing by the Academy Director's Executive Assistant at least two working days prior to the hearing who will notify the relevant departments and staff. It is the complainant's responsibility

to invite any witnesses they wish to attend, and it is the complainant's responsibility to ensure witnesses can attend, and provide them with any documentation. The appeal 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. 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 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.

- 42 The complainant may also be accompanied by a family member or a friend (either from inside or outside the Academy) 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.
- 43 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 Academy Director's Executive Assistant 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.
- 44 Except where the Academy Director deems there to be good cause<sup>1</sup>, 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. The Panel and all parties may also ask questions of all witness called to give evidence.
- 45 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.
- 46 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.
- 47 The Chair will give confidential written confirmation of the decision of the Panel to the complainant and to all named individuals or parties directly involved in the dispute, normally within 14 days of the meeting at which the decision was made. The written confirmation will state the reasons for the decision made.
- 48 The decision of the Panel shall be final and will be the end of the internal procedure, and a completion of procedures letter shall be issued.
- 49 The Panel may make recommendations to any member of RADA's Senior Management Team concerning the implementation of a decision or findings to resolve a complaint. The Panel may

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<sup>1</sup> 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.

make other relevant recommendations as appropriate. All outcomes will be recorded and monitored by a designated staff member drawn from Student & Academic Services or other administration team.

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

- 50 Student members of the Academy are entitled to ask the OIA to consider any unresolved complaint against the Academy: <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>.

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