

## Royal Academy of Dramatic Art Academic Regulations 2020-21

### Appendix 9: Complaints Policy and Procedures

#### Introduction

1. In this document, “you” or “your” means the student; “we”, “us” and “ours” means the Royal Academy of Dramatic Art (RADA).
2. We are committed to considering and investigating genuine complaints from students. We define a complaint as being an expression of dissatisfaction by one or more students about our action or lack of action, or about the standard of service we provide, or is provided on our behalf, which warrants a response. We will seek to learn from the experience of complaints and improve services for all members of the Academy. This complaints procedure fulfils the our obligations under our validation agreement with King’s College London. This policy and its procedures have 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.
3. The basis of this procedure is that it is fair, efficient and transparent, with one informal and two formal elements:
  - a. Stage One: early resolution, dealt with at the most local relevant level.
  - b. Stage Two: formal resolution, investigation by the Registrar (or nominee)
  - c. Stage Three: appeal.
4. 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 us.
5. The majority of cases are satisfactorily resolved through informal discussions without the need for a formal complaint to be made. We emphasise the importance of you seeking informal and early resolution wherever possible.
6. Where it is appropriate to make a complaint, you should raise the matter yourself: this procedure is not intended to be used by a third party making a complaint on your behalf. Where the issues raised in a complaint affect a number of you, you can submit a complaint as a ‘group complaint’. In such circumstances, in order to manage the progression of the complaint, we will usually ask you to nominate one student to act as group representative. In such cases, we will normally communicate through the nominated student representative only.
7. The Registrar may depute to another senior administrative officer any or all of the responsibilities ascribed to Registrar, 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.
8. 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 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

9. You are encouraged to seek guidance both before and during use of this procedure from your course leader, the Deputy Registrars, Head of Student Wellbeing and other members of Student and 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, we may provide an external contact for advice and guidance for you who will be fully independent from the review process.

## Scope of this procedure

10. 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:
- the provision of academic programmes (how your training is provided);
  - how your training is provided when on placement;
  - inadequate services or facilities at the Academy (for example student welfare, catering or accommodation provided by the Academy);
  - 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);
  - staff misconduct;
  - student misconduct (see RADA's disciplinary policy);
  - complaints relating to discrimination, harassment or bullying (please see further guidance about complaints within this area).
11. The student complaints procedure does not cover the following areas:
- Complaints arising from action taken under the Disciplinary or Fitness to Train policies which should be directed towards the respective appeals procedure.
  - 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-201516.aspx>)
12. 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.
13. We may suspend, hold in abeyance or terminate proceedings in complaint cases that are being investigated by the police or are subject to judicial proceedings.
14. We may terminate consideration of a complaint if we consider it to be made without foundation (frivolous) or in bad faith (vexatious). Examples of frivolous or vexatious complaints include:
- complaints which are obsessive, harassing, or repetitive;
  - insistence on pursuing non-meritorious complaints and/or unrealistic outcomes;
  - insistence on pursuing what may be meritorious complaints in an unreasonable manner;

- d. complaints which are designed to cause disruption or annoyance;
  - e. demands for redress which lack any serious purpose or value.
15. The Registrar or their 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.
  16. Neither you nor we shall normally be represented by a legal practitioner at meetings or hearings held under this policy.
  17. We will not consider anonymous complaints.
  18. Subject to the above, we undertake that if you seek to use this procedure, you will not be treated less favourably in your subsequent academic career, or Academy life, as a result of action taken to pursue an alleged complaint.

### **Resolution of complaints**

19. 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.
20. At each stage of the procedure, you will receive the reasons for the outcome of the complaint.
21. 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. You 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**

22. We will seek to do all within our 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 your complaint names another member of the Academy, 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. This is consistent with the duties owed to our staff and other students. If you refuse to name a person who is relevant to your complaint, we will not be able to consider or investigate the case.
23. Once you have made a formal complaint, records will not be held on your file, but separately, by Student and Academic Services. Records will be retained as required for a reasonable period as a way of monitoring and enhancing our services, and in accordance with our duties under Data Protection legislation.
24. We will share, as necessary, information with 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

25. This procedure outlines timescales within which we aim to work. Only in exceptional circumstances and at the discretion of Academy Director will we accept complaints from students outside these timescales. We 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 our 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 we are unable to meet the prescribed timescales, we will tell all parties the reasons for any delay and set out a revised timescale.
26. You should raise your complaint at the earliest opportunity and in any case in respect of Stage Two no later than three months from you being aware of the incident/sequence of events giving rise to the complaint. Only exceptionally and at the discretion of the Registrar will we consider a complaint raised after this deadline.

## Stage One: Early Resolution

27. We are 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.
28. Initially you should try to talk to the relevant member of staff to try to resolve the problem before taking it further. As well as a personal tutor, this might include the following:
  - a. A lead tutor or head of department for a complaint relating to your programme/course;
  - b. The Deputy Registrar (Admissions and Student Services) for complaints relating to a student service or financial matter;
  - c. The Head of Student Wellbeing for complaints relating to discrimination, bullying or harassment.
29. If the complaint concerns any of the people listed above, then you are advised to speak either to a member of Student and Academic Services, to your course leader, or to another course leader. These are: Director of Actor Training, Director of Technical Training, MA Theatre Lab Course Leader, Director of Short Courses.
30. 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 us.
31. If the outcome of the discussion is that no resolution can be agreed to your satisfaction, we will advise you of the opportunity to submit a formal complaint. Although not obliged, we would normally expect you 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 you 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 you do 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 Registrar (or nominee)**

32. Should a complaint not be dealt with informally to your satisfaction you may initiate a formal complaint. Stage Two of the complaint procedure involves an investigation by the Registrar or nominee. If the complaint relates to the conduct of the Registrar, the complaint shall be referred to the Academy Director who will decide on an appropriate mechanism for investigation.
33. To initiate a Stage Two complaint, you must submit your complaint to the Student and Academic Services office. You will find guidance at the end of this document about information you must include with your complaint. The Registrar or their nominee will normally have 28 days from the date of receipt of the complaint to investigate and respond in writing to the complainant.
34. If the investigator deems it necessary, the investigation may involve interviewing you 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.
35. At the conclusion of the investigation the Registrar or their nominee will form a judgment on the merits of the complaint and will inform you in writing of their 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 you of the right to move to Stage Three of this procedure if you remain dissatisfied with the findings.

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

36. An appeal against the findings of the Registrar may be allowed, subject to the discretion of the Academy Director or nominee, if they are satisfied that either or both of the following criteria apply:
  - a. 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 Registrar and that sufficient evidence remains that the complaint warrants further consideration;
  - b. 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.
37. 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.
38. If the Academy Director decides to allow an appeal to be heard they will appoint an Appeal Panel. They will normally advise you, in writing, of their 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.
39. The terms of reference of the Appeal Panel shall be:
  - a. 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;
  - b. if the conditions of a above are met, to make a judgment on the complaint and if appropriate proposals or recommendations for further actions.

40. The membership of the Appeal Panel shall be:
- a. A Chair, usually the Chair of RADA's Council but if they 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 they have not been involved in either the subject of the appeal or in appointing the Panel.
  - b. One member appointed by the Academy Director drawn from the Senior Management Team.
  - c. A senior member of staff from another university or higher education institution.
  - d. A student representative, either drawn from a different programme, or if this is not possible, from another university or higher education institution.
41. 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.
42. 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.
43. Such documentation shall include the following:
- a. the composition of the Appeal Panel;
  - b. the date, time and place of the hearing;
  - c. a brief summary of the purpose of the hearing;
  - d. all documentation submitted by the complainant at Stages One and Two;
  - e. the report of the Registrar (or other investigator) at Stage Two;
  - f. 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.
44. The following rules apply in respect of witnesses and evidence at the appeal hearing:
- a. You, and all person(s) and representatives of departments complained about, shall normally be expected to attend the hearing to give evidence.
  - b. Any other persons may be asked to attend to give evidence, or for any other reason, if the Panel so wishes.
  - c. 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.
  - d. 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.
  - e. 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.

- f. Where feasible, written witness statements should be procured in advance of the hearing and circulated to the Panel.
  - g. 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.
  - h. The Chair's decision on the admission of all evidence, including witness evidence, at the hearing shall be final.
45. You 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 your behalf. However, the Panel will have the discretion to consider representations from you for the friend or family member to make a statement at the culmination of the hearing.
46. If you are 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.
47. 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. At the conclusion of the evidence, all parties to the complaint will be asked to withdraw, to enable the Panel to consider its findings in private.
48. 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.
49. 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.
50. The Chair will give confidential written confirmation of the decision of the Panel to you 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.
51. 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.
52. 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 make other relevant recommendations as appropriate. All outcomes will be

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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 you 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.

recorded and monitored by a designated staff member drawn from Student and Academic Services or other administration team.

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

53. 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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