



## **NATIONAL CENTRE FOR CIRCUS ARTS Complaints Policy and Procedures**

### **Introduction**

1 The National Centre for Circus Arts is committed to considering and investigating genuine complaints from students. The National Centre for Circus Arts defines a complaint as being an expression of dissatisfaction by one or more students about an action or lack of action by the National Centre for Circus Arts, or about the standard of service provided by or on behalf of the National Centre for Circus Arts, which warrants a response. The National Centre for Circus Arts will seek to learn from the experience of complaints and improve services for all members of the National Centre for Circus Arts. 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.

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 Head of Academic Administration (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 National Centre for Circus Arts.

4 The majority of cases are satisfactorily resolved through informal discussions without the need for a formal complaint to be made and the National Centre for Circus Arts 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 National Centre for Circus Arts will usually ask the group to nominate one student to act as group representative. In such cases, the National Centre for Circus Arts will normally communicate through the nominated student representative only.

6 The Head of Academic Administration may depute to another senior administrative officer any or all of the responsibilities ascribed to the Head of Academic Administration, 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 Head of Academic Administration may delegate powers under these regulations and procedures to a Course Manager, or other senior academic officer within the National Centre for Circus Arts 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 Manager
- other Higher Education department staff such as the the Juggling Strand Manager
- the Admissions and Student Support Manager

As the National Centre for Circus Arts 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 National Centre for Circus Arts 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 National Centre for Circus Arts (for example student welfare provision at the National Centre for Circus Arts);
- iv) decisions, actions or perceived lack of action taken by a member of the National Centre for Circus Arts (this might include in relation to other policies and procedures such as disciplinary);
- v) staff misconduct;
- vi) student misconduct (see the National Centre for Circus Arts'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  
[http://www.nationalcircus.org.uk/docs/AppendixLAppealsComp\\_1473085924.pdf](http://www.nationalcircus.org.uk/docs/AppendixLAppealsComp_1473085924.pdf) and  
<https://www.kent.ac.uk/teaching/qa/collaborative/validation/studentinfo.html>

11 The scope of the student complaints procedure extends to former students of the National Centre for Circus Arts, 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 National Centre for Circus Arts 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 National Centre for Circus Arts 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 Academic Administration or 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 National Centre for Circus Arts shall normally be represented by a legal practitioner at meetings or hearings held under this policy.

16 The National Centre for Circus Arts will not consider anonymous complaints.

17 Subject to the above, the National Centre for Circus Arts undertakes that any student seeking to use this procedure will not be treated less favourably in her/his subsequent academic career, or during their time at the National Centre for Circus Arts, 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 National Centre for Circus Arts 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 National Centre for Circus Arts 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 National Centre for Circus Arts, 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 National Centre for Circus Arts' staff and students. If a student refuses to name a person who is relevant to their complaint, the National Centre for Circus Arts 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 the Head of Academic Administration in an electronic file with restricted access. Records will be retained as required for a reasonable period as a way of monitoring and enhancing the National Centre for Circus Arts' services, and in accordance with the National Centre for Circus Arts' duties under Data Protection legislation. As a school of the Conservatoire for Dance and Drama, the National Centre for Circus Arts will share, as necessary, information with the Conservatoire/validating university 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 the Head of Academic Administration.

## **Timescales**

23 This procedure outlines timescales within which the National Centre for Circus Arts and the student aim to work. Only in exceptional circumstances and at the discretion of the Director of Higher Education will the National Centre for Circus Arts accept complaints from students outside these timescales. The National Centre for Circus Arts 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 National Centre for Circus Arts' 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 National Centre for Circus Arts is unable to meet the prescribed timescales, the reasons for any delay and a revised timescale will be communicated to all parties.

24 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 Higher Education will the National Centre for Circus Arts consider a complaint raised after this deadline.

## **Stage One: Informal Resolution**

25 The National Centre for Circus Arts 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.

26 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 course Manager, the Juggling Strand Manager, for a complaint relating to your programme/course;
- ii) the Admissions & Student Support Manager for complaints relating to a student service, financial matter;
- iii) any member of staff in the Higher Education office for complaints relating to discrimination, bullying or harassment.

27 If the complaint concerns any of the people listed above, then you are advised to speak either to:

- another member of the Higher Education department staff
- the Head of Academic Administration
- the Director of Higher Education

28 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 National Centre for Circus Arts.

29 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 the National Centre for Circus Arts and this procedure is concerned.

### **Stage Two: Investigation by the Director of Academic Administration (or nominee)**

30 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 Head of Academic Administration or nominee. If the complaint relates to the conduct of the Head of Academic Administration, the complaint shall be referred to the Director of Higher Education who will decide on an appropriate mechanism for investigation.

31 To initiate a Stage Two complaint, the complainant must submit a completed Student Complaint Form<sup>1</sup> to the Head of Academic Administration via email. The Head of Academic Administration 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.

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<sup>1</sup> All formal (written) complaints should be submitted using a Student Complaint Form

32 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.

33 At the conclusion of the investigation the Head of Academic Administration 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**

34 An appeal against the findings of the Head of Academic Administration may be allowed, subject to the discretion of the Director of Higher Education 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 Head of Academic Administration or nominee, 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 National Centre for Circus Arts in investigating the complaint, including allegations of prejudice or bias, and that sufficient evidence remains that the complaint warrants further consideration.

35 An appeal must be requested in writing, together with a copy of the original complaint and the investigation outcome letter and submitted to the Director of Higher Education 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.

36 If the Director of Higher Education 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 normally within 21 days of receiving the request. If the appeal is rejected reasons will be given and a completion of procedures letter issued.

37 The terms of reference of the Appeal Panel shall be:

- i) to consider appeal cases referred to it by the Director of Higher Education 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.

38 The membership of the Appeal Panel shall be:

- i) A Chair, usually the Director of Higher Education but if she/he cannot serve for reasons of impartiality, then another member of the Senior Management Team, appointed by the Director of

Higher Education. The Director of Higher Education 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 Director of Higher Education 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.

39 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.

40 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.

41 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 Head of Academic Administration (or other investigator) at Stage Two;
- vi) the letter from the Principal 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.

42 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 Head of Academic Administration at least two working days prior to the hearing who will notify the relevant members of the panel, 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.

43 The complainant may also be accompanied by a family member or a friend (either from inside or

outside the National Centre for Circus Arts) 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.

44 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 Head of Academic Administration 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.

45 Except where the Director of Higher Education deems there to be good cause<sup>2</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.

46 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.

47 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.

48 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.

49 The Panel may make recommendations to any member of the National Centre for Circus Arts' 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 the Head of Academic Administration or their nominee.

50 In the case of **non-academic complaints**, the decision of the 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 54 of this policy).

51 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 52-53 of this policy.

## **Academic complaints and recourse to the Validating University**

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<sup>2</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.

52 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.<sup>3</sup>”

Once a student’s academic complaint has reached the end of the internal School 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”.

53 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 follows<sup>4</sup>:

*“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.”*

54 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:

#### **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*

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<sup>3</sup> <https://www.kent.ac.uk/teaching/documents/quality-assurance/guidance/pdf/appeals.pdf>

<sup>4</sup> [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)

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)

55 Once the internal procedures of either the National Centre for Circus Arts/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 members of the National Centre for Circus Arts are entitled to ask the OIA to consider any unresolved complaint against the National Centre for Circus Arts: <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>.

56 For the benefit of clarity, the table below articulates the circumstances of responsibility for issuing a Completion of Procedures letter:

Type of Process	End of Process	Completion of Procedures letter issuer
Non-academic complaint	<p>CDD CoP Protocol 3 (see table below)</p> <p>Before beginning the ‘final’ or ‘review’ stage of any complaint or appeal, the School notifies the CDD of the case and conducts the review in collaboration with a designated member of CDD staff;</p> <p>The School sends the final outcome letter to both the student and the Conservatoire for Dance &amp; Drama;</p> <p>The Conservatoire for Dance &amp; Drama issues CoP letter within requisite timeframe.</p>	Responsible Officer (or nominee) at CDD
Academic complaint	After Stage 3, Goes to “Grievance to Council” at University of Kent	University of Kent (Validating University) <i>(Copy of Completion of Procedures letter and Final Outcome letter sent to Conservatoire for Dance and Drama)</i>

Approved by:	<i>Academic Board</i>
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Date Approved:	<i>October 2017</i>
Policy effective from:	<i>2017-2018</i>
Next review due by:	<i>September 2018</i>

