

## Student Complaints Procedure

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# PART 1: POLICY ON STUDENT COMPLAINTS

## A) INTRODUCTION

1. National Centre for Circus Arts is committed to considering and investigating genuine complaints from students. The School **defines a complaint** as

*an expression of dissatisfaction by one or more students about action or lack of action by National Centre for Circus Arts, or about the standard of service we provide or provided on our behalf.*

This definition has been adopted from the definition used by the Office of the Independent Adjudicator for Higher Education (OIA), the ombudsman for student complaints.

2. This procedure sets out how students of National Centre for Circus Arts can make a complaint and how National Centre for Circus Arts will deal with it. A student who lodges either an informal (Stage 1) or Formal (Stage 2) complaint under this procedure will normally be referred to as 'the Complainant'. Students may also lodge a 'Group Complaint' (see 'Group Complaints' for further information).
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) that a formal complaint is logged with the School.
4. The majority of complaints or issues of concern can be satisfactorily resolved through informal discussions without the need for a formal complaint to be made and the School emphasises the importance of seeking informal and early resolution wherever possible.
5. The Student Complaints Procedure is intended for students of National Centre for Circus Arts, and are not intended to be used by a third party making a complaint on behalf of a student. National Centre for Circus Arts will not normally accept complaints made by third parties on behalf of a student.
6. National Centre for Circus Arts subscribes to the Office of the Independent Adjudicator for Higher Education (OIAHE, often referred to as the OIA) Scheme. This policy and its procedures adhere to the principles set out in the [Office of the Independent Adjudicator's Good Practice Framework for Handling Complaints and Academic Appeals](#).

### ***Burden of proof: Balance of Probabilities***

7. All decisions and findings reached at any stage of the National Centre for Circus Arts Student Complaints Procedure are made on the balance of probabilities. The balance of probabilities means that any decision-maker in these procedures (e.g. the Stage Two Complaint Investigator) must be satisfied that on the basis of the evidence considered, there is sufficient justification to uphold or partly uphold the complaint. In reaching such decisions, decision makers will take into account whether it is more likely than not that any reported events occurred as has been reported.

### ***Roles and responsibilities; delegation***

8. In operating any of the processes or procedures under this Policy, National Centre for Circus Arts may as necessary involve members of staff in the School to carry out necessary roles and responsibilities. In certain circumstances, the School may involve External Officers in the interests of procedural integrity and fairness (see 'Procedural integrity and fairness', and 'External Officers', below).
9. At Stage 1 (Informal Resolution) of the procedures under this policy, any member of National Centre for Circus Arts staff may necessarily receive and resolve issues of complaint and concern. They have the delegated authority by the School Chief Executive to do so.
10. At Stage 2 (Formal Complaint) of the procedures under this policy, the School Chief Executive, (henceforth referred to as 'the Chief Executive') will appoint an individual to act as the Stage 2 Complaint Investigator. This individual will normally be a member of staff of National Centre for Circus Arts who has no involvement in the delivery of the student's course of study. In certain circumstances, the Chief Executive may delegate the role of Stage 2 Complaint Investigator to an External Officer to ensure procedural integrity and fairness (see 'Procedural integrity and fairness', and 'External Officers', below).
11. At Stage 3 (Complaint Review) of the procedures under this policy, the Chief Executive will either act as the Stage 3 Reviewer or will delegate this role to another individual, who shall be either:
  - a member of the School's Senior management team, or
  - an External Officer who is a senior member of staff in another higher education institution, or
  - a trustee from the National Centre for Circus Arts Board of Governors, with appropriate expertise

***Academic Complaints and the validating university (University of Kent)***

12. The types of complaint that can be raised under this Policy are set out in Section B: SCOPE OF THE POLICY. Matters of complaint raised under this Policy may be deemed by National Centre for Circus Arts to be non-academic complaints, academic complaints, or a mixture of both.
13. National Centre for Circus Arts delivers degree courses that are validated by the University of Kent (also commonly referred to as the 'validating university' or 'awarding body'). As the validating university, the University of Kent has a remit and interest in the consideration of academic complaints that fall within the scope of the National Centre for Circus Arts Student Complaints Procedure (see Section B: SCOPE OF THE POLICY).
14. Academic complaints should be submitted to National Centre for Circus Arts under this Policy in the first instance. When a Complainant raising an academic complaint has exhausted the School's procedures under this policy, they may submit a Request for Review to the University of Kent under Stage 3 of the [University of Kent's Student Complaints Procedure](#).
15. Academic complaints that are submitted directly to the University of Kent will normally be referred back to National Centre for Circus Arts to be managed under the National Centre for Circus Arts Student Complaints Procedure.

16. Where 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.
17. For further information regarding academic complaints, please see PART 1: Section B 'Scope of the Policy'.

***Procedural integrity and fairness***

18. Integrity and fairness are at the heart of all the School's policies and procedures. National Centre for Circus Arts has a number of close artistic and historical links with similar small specialist higher education providers of circus and allied artistic disciplines. We recognise that there may be times where the involvement in our processes and procedures of one or more individuals who are located within a similar or cognate higher education context and who are fully independent of National Centre for Circus Arts, may be of substantial benefit to students, providing assurances against bias and prejudice, and giving independent oversight of our procedures and processes. This oversight also helps to ensure fairness and reasonableness, and maintain and enhance quality.

***External Officers***

19. In operating any of the processes or procedures under this Student Complaints Procedure, National Centre for Circus Arts may therefore, as necessary, involve appropriate members of staff from one or more similar small specialist higher education providers of circus and allied artistic disciplines, to support those processes, and/or for procedural advice and guidance. Such members of staff may as necessary fulfil a procedural role where normally the policy indicates this will be a member of School staff. For ease of reference, National Centre for Circus Arts terms such members of staff to be 'External Officers'. No proceedings under this Policy shall therefore be invalidated by virtue of the involvement of an External Officer.
20. In order to avoid any potential conflicts of interest (e.g where procedural independence may be compromised), and/or where specific expertise is required, External Officers as defined above may also as necessary operate procedures under this Policy on behalf of National Centre for Circus Arts, at the request of the School Chief Executive or their nominee. No proceedings under this Policy shall therefore be invalidated by virtue of the involvement of an External Officer procured by National Centre for Circus Arts.

***Disclosure of complaint outcomes and associated information***

21. Where it has good cause<sup>1</sup> to do so, in accordance with the General Data Protection Regulations 2018 (GDPR) the School will disclose part or all of a complaint outcome and/or information about students ascertained in the course of such processes to relevant parties, such as the Police. There may also be circumstances in which disclosures may have to be made to other parties, such as placement providers and/or employers or sponsors. Other than the student, it is at the School Chief Executive's discretion as to who else needs to be informed about any matter relating to the process and outcomes.

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<sup>1</sup> Good cause would be, for example, where an outcome of a complaint might necessitate the referral of a matter to the police. This may not necessarily be at the end of all complaints procedures, but might, for example, be the result of a complaint which contains information that may constitute a criminal offence and which it is necessary to refer to the police ahead of any formal School complaint and/or misconduct procedures being able to be concluded.

22. In the operation of the processes set out in this Policy, National Centre for Circus Arts will remain mindful of its legal obligations, including its duty of care and its obligations under the Equality Act which include the requirement to make reasonable adjustments.

## **B) SCOPE OF THIS PROCEDURE**

23. **This procedure covers complaints in the following areas:**
- i. the provision of academic programmes (how students' training is provided);
  - ii. how students' training is provided when on placement;
  - iii. inadequate services or facilities at the 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 School staff (this might include in relation to other policies and procedures);
  - v. staff misconduct;
  - vi. student misconduct (please see also the [Non-Academic Misconduct policy](#));
  - vii. complaints relating to discrimination, harassment or bullying (please see the Policy on Sexual Misconduct, Harassment and Related Behaviours for further guidance about complaints within this area);
  - viii. matter(s) of complaint relating to operations of the committees and/or the administration of the School
24. **This Policy 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](#) of the validating university, the University of Kent.

### ***Academic Appeals and Academic Complaints***

25. In the event of an academic complaint where one or more of the issues of complaint fall outside the academic appeals procedure, National Centre for Circus Arts may pause consideration of the complaint until an associated academic appeal has been considered.
26. As the validating university with overall responsibility for ensuring the academic quality and standards of the courses delivered by National Centre for Circus Arts, the University of Kent has an interest in academic complaints. Where appropriate and/or necessary, National Centre for Circus Arts may involve the University of Kent in the consideration of any academic complaints. Students may Request a Review of an academic complaint under the University of Kent's Student

Complaints Procedure once the internal National Centre for Circus Arts student complaint procedures under this Policy have been exhausted.

27. 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, policy or procedure, or a regulation, policy or procedure of the validating university, the complaint will be referred for consideration under that regulation/procedure. In this instance, the complainant 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 this procedure shall normally be halted pending the outcome of the investigation under the other procedure.
28. 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.

#### ***Frivolous and vexatious complaints***

29. 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<sup>2</sup> complaints and/or unrealistic outcomes;
  - iii) insistence on pursuing complaints in an unreasonable manner;
  - iv) complaints which are designed to cause disruption or annoyance;
  - v) 'counter-complaints' in response to allegations which, on the balance of probabilities, would otherwise not have been made;
  - vi) demands for redress which lack any serious purpose or value.
30. The National Centre for Circus Arts Chief Executive or their nominee (eg the Stage 2 Complaint Investigator) 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.
31. Neither the student nor National Centre for Circus Arts shall normally be represented by a legal practitioner at meetings or hearings held under this policy.
32. Subject to the above, National Centre for Circus Arts undertakes that any student seeking to use this procedure will not be treated less favourably in their subsequent academic career, or School life, as a result of action taken to pursue an alleged complaint.

#### ***Complaints prior to enrolling and registering as a student***

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<sup>2</sup> 'Non-meritorious' complaints are complaints made without proof, substantiating support or without a valid basis, and/or which do not fall within the scope of this policy.

33. This policy may be used to address matters of complaint arising after National Centre for Circus Arts has formally confirmed the acceptance of an offer of a place to study on a course of higher education at the School, including prior to the point of enrolment. Matters of complaint arising during the application process before a candidate has had confirmation of acceptance of a place should be raised using the National Centre for Circus Arts [Admissions Appeals and Complaints Policy](#).

***Complaints whilst registered as a current student***

34. All students, if registered as a current student with National Centre for Circus Arts on a course of higher education, may use this policy and its procedures to raise a complaint with the School. This includes where students may be interrupting their studies – if they are registered but not enrolled, they are still entitled to use this policy and its procedures.

***Complaints by former students/graduates***

35. Former students and/or graduates of the School may make a complaint under this policy and procedures, provided that any Stage 2 complaint is made within three months of the date of the incident which gave rise to the complaint.
36. An exception to this is non-recent complaints of sexual misconduct, harassment and/or related behaviours, which may be raised with the School by any individual at any time under the Policy on Sexual Misconduct, Harassment and Related Behaviours. The procedures under this policy may be used to raise such a complaint should a Complainant wish, although the School reserves the right to manage such complaints under the Stage 1 Procedures of the Policy on Sexual Misconduct, Harassment and Related Behaviours. This may mean that such complaints, though made under this Student Complaints Policy, are referred for management into other School procedures.

***Complaints regarding Sexual Misconduct, Harassment and Related Behaviours***

37. Complaints regarding sexual misconduct, harassment and/or related behaviours can be raised both formally and informally under the Policy on Sexual Misconduct, Harassment and Related Behaviours. This Student Complaints Policy and its procedures can be used by a student to raise allegations/make a disclosure of sexual misconduct, harassment and/or related behaviours should they wish, but it will not normally be necessary to do so.
38. Please see Section G: MAKING A COMPLAINT for further information.

***Complaints regarding staff misconduct***

39. Students may raise a complaint about alleged staff misconduct under either Stage 1 or Stage 2 of these procedures, or under the Policy on Sexual Misconduct, Harassment and Related Behaviours.
40. Please see Section G: MAKING A COMPLAINT for further information.

***Complaints regarding placements***

41. A complaint relating to a student's placement may fall under the jurisdiction of this Policy and procedures, or it may fall under the jurisdiction of the placement provider. National Centre for Circus Arts students may use this Student Complaints Procedure to raise a complaint. Concerns can be raised with National Centre for Circus Arts and should normally be raised via Stage 1 of the



procedures under this Policy in this first instance (see Section C 'OVERVIEW OF PROCEDURES'), whereby the School can determine the relevant jurisdiction (whether it is the School or the Placement Provider who should consider the complaint). Students should raise the issue(s) with the School member of staff who is the named contact for students on that placement, or alternatively they can contact the Head of Admissions, Registry and Student Support. National Centre for Circus Arts will support students to raise concerns with a Placement Provider if required.

#### ***Anonymous complaints***

42. National Centre for Circus Arts will not normally consider anonymous complaints. In exceptional circumstances however (eg where there may be a perceived risk to the safety and/or wellbeing of an individual or a group of individuals), the School may look into an anonymous complaint to satisfy itself that it is managing risks appropriately and meeting its Safeguarding Duty.

#### ***Complaints raised by third parties***

43. A complaint from a third party made on behalf of a student will only be accepted for consideration by National Centre for Circus Arts if the School receives express written permission from the student authorising the third party to act on their behalf.

#### ***Complaints from external parties***

44. This Policy and its procedures are for use by registered students of National Centre for Circus Arts only. External parties may not use this policy and its procedures to raise a complaint with National Centre for Circus Arts; for complaints by external parties please contact [info@nationalcircus.org.uk](mailto:info@nationalcircus.org.uk) in the first instance.

### **C) OVERVIEW OF PROCEDURES**

45. The basis of National Centre for Circus Arts's student complaint procedures is that they are fair, efficient, transparent, and reasonably flexible where appropriate in order to facilitate outcomes, and apply the principles of natural justice. The School expects that most issues of complaints will be raised and can be resolved under Stage 1 of the procedures.
46. If a complaint is directly raised under Stage 2 without an attempt to resolve the matter under Stage 1 of the procedures, where appropriate the School will refer the matter back into Stage 1 of the procedures to attempt to resolve it more swiftly.
47. There are three stages to the procedures.

**Stage 1: Informal Resolution** – most complaints can be raised and resolved informally. Students are expected to try and resolve their complaint informally in the first instance if it is appropriate to do so by raising the issue with a member of staff. The Head of Academic Administration and Student Support can be approached for assistance with this if needed.

**Stage 2: Formal Complaint** – this stage involves investigation by a member of School staff or nominated External Officer (see 'Procedural Integrity and Fairness, and 'External Officers'), as appropriate.

**Stage 3: Complaint Review** – this stage can be used if the Complainant is dissatisfied with the Stage 2 Complaint Outcome. There are specific grounds upon which a request for a

review of the Stage 2 decision can be made. The Stage 3 Reviewer will normally be the School Chief Executive or their nominee. The Stage 3 procedure will normally be fully undertaken by the Stage 3 Reviewer, however in exceptional circumstances, the Stage 3 Reviewer may appoint a Complaint Review Panel to consider and reach a final decision on the case.

#### **D) DATA PROCESSING, CONFIDENTIALITY AND RECORD KEEPING**

48. National Centre for Circus Arts will endeavour 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 School, then the person(s) named will normally have the right to know the complaint made against them in order to be able to properly reply to the complaint, in accordance with the principles of fairness and natural justice. If a student refuses to name a person who is relevant to their complaint, the School may not be able to consider or investigate the case, or may only be able to consider or investigate it to a limited extent.
49. Once a student has made a formal complaint, records will not be held on the student's file but separately in the School's Student Casework records. In accordance with National Centre for Circus Arts's duties under the General Data Protection Regulations (GDPR) (2018) and the Data Protection Act (DPA) (2018), 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 casework file will normally be destroyed). Some deviation from this schedule can be expected for cases which, in the judgement of the School, are unique or complex and therefore require shorter or longer retention periods. Please see the School's [Data Processing Statement](#) and accompanying schedules for further details.
50. National Centre for Circus Arts will share, as necessary, information internally within the School, with the validating university and/or External Officers regarding a student's complaint which may include personal and sensitive data ('special category 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 with Complaint Review Panel Members conducting Hearings at Stage 3 of these procedures. All such information will be treated confidentially.
51. In submitting a Stage 2 formal complaint or Complaint Review request under these procedures, students will be asked to indicate that they consent to their data being shared appropriately, via the Stage 2 Complaint Form/Stage 3 Complaint Review Request Form, as applicable.
52. Anonymised student casework data will be shared internally for monitoring and assurance purposes. Any queries or concerns can be directed to the Head of Academic Administration and Student Support in the first instance, who may refer them to the School's Data Protection Officer where applicable.

#### ***Third party information***

53. 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 (such as GP letters) without their consent. Equally, the complainant should also consider whether it is necessary to share such information.
54. Where a student submits evidence in support of their complaint that constitutes third party personal information, the investigating officer at Stage 2 or Stage 3 will need to notify the third<sup>3</sup> party that their data is being processed, in accordance with Article 14 of the GDPR.

***National Centre for Circus Arts staff data***

55. Information about School staff acting in their professional capacity may be disclosed at any stage in the procedures, including to a Complaint Review Panel, or to the Office of the Independent Adjudicator (OIA), if it forms part of the information considered under the National Centre for Circus Arts 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) which may be deemed special category data under the GDPR. All sensitive personal/special category data will be redacted as far as possible during the course of the procedure.

**E) MONITORING AND ASSURANCE**

56. In accordance with its terms of reference, the Stage 3 Reviewer and/or a Complaint Review Panel may refer matters relating to individual student cases arising from a Stage 3 Complaint Review to the Board of Governors. As part of its monitoring and quality assurance duties, the Board will also monitor disciplinary matters, statistical data, or related issues arising from these procedures.
57. With reference to this Policy, the Board of Governors should:
- Review urgent recommendations made by the Complaint Review Panel and/or Stage 3 Reviewer expediently, which may be undertaken by the Chair on behalf of the Board;
  - Monitor any recommendations arising from panels;
  - Review annually all cases, recommendations and outcomes arising from the Student Complaints Procedure, as part of its annual monitoring, review and quality assurance;
  - Report any matters to the School Board of Governors as appropriate, for maintenance and enhancement of quality assurance.
58. Copies of the summary record and outcome letter pertaining to the proceedings of a Complaint Review Panel shall be placed on the relevant student's file and a record of the proceedings and any relevant recommendations/outcomes shall be kept centrally in the School for record and monitoring purposes. Both records shall be retained in accordance with the School's records management policy.

**F) ADVICE AND GUIDANCE**

59. Guidance can be sought both before and during the use of this procedure from the Head of Admissions, Registry & Student Support or from the Academic Registrar & Head of Compliance. Please see also the Guide to the Student Complaints Policy & Procedure.

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<sup>3</sup> <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>

## PART 2: STUDENT COMPLAINT PROCEDURES

### G) MAKING A COMPLAINT

#### ***Making a complaint about a matter that falls under the Policy on Sexual Misconduct, Harassment and Related Behaviours***

60. National Centre for Circus Arts has a zero-tolerance policy on sexual misconduct, harassment and related behaviours and the School welcomes students making disclosures about such behaviours without the need to submit a formal complaint under the student complaints procedure. This notwithstanding, it is open to students in such circumstances to submit a Stage 2 Formal Complaint under these procedures, however the School will normally refer the complaint out of the Student Complaints Procedures and into Stage 1 of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours in order to provide the appropriate support to the complainant, gather information and determine any necessary action. In this instance, the School may either terminate the Student Complaints Procedure, or hold it in abeyance.
61. Complaints that fall within the scope of the Policy on Sexual Misconduct, Harassment and Related Behaviours are not time-limited and may be made to the School at any time. They will normally be referred into the Stage 1 Procedures under that policy to be managed in accordance with the principles and processes of that policy. Under the Policy on Sexual Misconduct, Harassment and Related Behaviours the School may deem a complaint to be a 'non-recent' complaint and will manage it in accordance with that Policy.
62. If an informal complaint of sexual misconduct, harassment and/or related behaviours is received it will normally be dealt with under the Stage 1 Procedures of the Policy on Sexual Misconduct, Harassment and Related Behaviours.
63. If a formal Stage 2 Complaint is received under this Policy that would fall within the scope of the Policy on Sexual Misconduct, Harassment and Related Behaviours, it will normally be referred into Stage 1 of the procedures under that policy to be managed in order that the appropriate support can be given and the case managed in line with the principles of that policy. In such circumstances, the Student Complaint Procedures will either be terminated by the School, or held in abeyance pending the outcome of the Early Investigation and any other relevant action (including, where applicable, referral of a case into HR procedures). Please see Stage 2 in the 'Student Complaint Procedures' section of this Policy for further information.

#### ***Making a complaint regarding staff misconduct***

64. **Stage 1 complaints** made by students about staff misconduct will normally be dealt with under Stage 1 of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours in the first instance, to provide appropriate support to the complainant, gather information and determine any necessary action.
65. **Stage 2 complaints** made by students about staff misconduct may be referred out of the Student Complaints procedure and into Stage 1 of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours in the first instance, to provide appropriate support to the

complainant, gather information and determine any necessary action. The Student Complaints Procedures will be held in abeyance during this time and the normal timescales will cease to apply.

66. Where a complaint is referred into School HR procedures for investigation and/or relevant action (eg disciplinary action against a member of staff), the Stage 2 Complaint Outcome may be co-produced by the Stage 2 Complaint Investigator and the HR Department, or may solely be produced by the HR Department, whichever is the most appropriate (taking account of timelines, staff availability and the overall circumstances of the case).
67. Where the Stage 2 Complaint Outcome is produced by the HR Department, this will constitute the outcome of the relevant HR procedures, and will confirm whether the student's complaint has been upheld overall by the School. It will set out what matters were investigated and considered in the HR investigation, and will provide as much detail as possible to the Complainant to help them understand the outcome arrived at, although the School may be limited in the extent of detail it is able to provide. In this event, the student will still have recourse to Stage 3 of this procedure.

***Making a complaint: individual students***

68. Students are generally expected to raise any concerns or issues of complaint with the School informally first, however the School acknowledges that there may be circumstances when it is appropriate to raise a matter initially via a formal Stage 2 complaint. Students may seek advice and guidance from the Head of Admissions, Registry and Student Support or from the Head of Studies if they are unsure as to whether they should make a formal complaint.
69. Where a Stage 2 complaint is made by a student without first being raised by the Complainant informally under Stage 1 of these procedures, where appropriate the School may refer the complaint back into Stage 1 of these procedures to see if the matter can be informally resolved.

**To make a Stage 2 Formal Complaint, the Complainant must:**

70. Complete and submit a Student Complaint Form to [stevie@nationalcircus.org.uk](mailto:stevie@nationalcircus.org.uk) no later than **3 months** from the date of the issue(s) of complaint occurring.

**To make a Stage 3 Complaint Review request, the Complainant must:**

71. Complete and submit a Complaint Review Request Form to the School Chief Executive via email no later than **14 days** from the date of the Stage 2 Complaint Outcome Letter.

***Making a complaint: former students***

72. If a student has withdrawn from National Centre for Circus Arts they may make a formal complaint up to three months from the formal date of withdrawal from their course. The exception to this is if they make a complaint that falls within the scope of the Policy on Sexual Misconduct, Harassment and Related Behaviours, which can be made at any time.

***Making a complaint: recent graduates***

73. A graduate of National Centre for Circus Arts may make a formal Stage 2 complaint up to 3 months from the date of their graduation. The exception to this is if they make a complaint that falls within the scope of the Policy on Sexual Misconduct, Harassment and Related Behaviours, which can be made at any time.

### ***Making a complaint: Group Complaints***

74. 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 School will usually ask the group to nominate one student to act as group representative (the 'lead student').
75. Group complaints should be submitted using the Student Group Complaint Form (Appendix 2).
76. Group complaints are expected to be raised informally with the School in the first instance. Appointed student representatives may raise complaints informally on behalf of a group of students to, the Head of Academic Administration and Student Support, the Head of Circus Delivery, or another member of staff. Where a Group Student Complaint is raised as a Stage 2 complaint without being raised informally first, where appropriate the School may refer the complaint back into Stage 1 of these procedures to see if the matter can be informally resolved.
77. National Centre for Circus Arts will direct all communications in handling the complaint to the Lead Student. However, all Stage 2 Complaint outcomes and Stage 2 Complaint Review Outcomes will be copied to all students listed as having made the Stage 2 Complaint/Stage 3 Complaint Review request. For further information on how to make a formal group complaint at either Stage 2 or Stage 3 of these procedures, please see below:

### ***Making a Stage 2 Formal Group Complaint***

#### **To make a Stage 2 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 [stevie@nationalcircus.org.uk](mailto:stevie@nationalcircus.org.uk) 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.

### ***Making a Stage 3 Complaint Review Group Request***

#### **To make a Stage 3 Complaint Review Group request, the Lead Student must:**

- i. Ascertain which students that were part of the group submitting the Stage 2 Complaint wish to make a Stage 3 Complaint Review request;
- ii. Complete a **Student Group Complaint Review Request Form** in order to make a Complaint Review Request, 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 3 Complaint Review request to complete Section 2 of the Student Complaint Form;
  - iv. Submit the completed form via email to the School Chief Executive within 14 days of the date of the Stage 2 Complaint Outcome Letter, copying in those students who have consented to the Lead Contact acting on their behalf, the following:
    - the freshly completed Student Group Complaint Form via which the Stage 3 Complaint Review Request is being made,
    - 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 Complaint Review request.
78. The Lead Student may not use the same Student Complaint Form that was submitted for Stage 2 to make a Stage 3 Complaint Review request, as this will not clearly indicate the consent of all students involved in the group complaint that they wish to proceed to a Stage 3 Complaint Review.
79. 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 [Non-Academic Misconduct Policy](#))
80. An individual student who was not the Lead Student but was a participant in the original Group Student Complaint may individually take on the Lead Student role to submit a Stage 3 Complaint Review Request Form where the rest of the group do not wish to make such a request, but should still use the **Student Group Complaint Review Request Form** (Appendix 5 to the Student Complaints Procedure). In doing so, the Lead Student should make clear that they have consulted with the group and that the other members do not wish to request a review of the Stage 2 Complaint Outcome. Such a request may not be made on behalf of any student without their expressed consent, which should be indicated on the form.

## H) RESOLUTION OF COMPLAINTS

### *Types of complaint resolutions*

81. 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;
  - where viable and appropriate, a change in circumstances/decision affecting the complainant



- referral of the complaint for consideration under another procedure (for example non-academic misconduct procedures or staff disciplinary procedures), or
  - a combination of these or other outcomes.
82. At each stage of the procedure, the complainant will receive the reasons for the outcome of the complaint.

***Compensation and refunds***

83. In some instances, compensation and/or a financial refund may be appropriate outcomes where a complaint is justified and therefore upheld. There are different types of compensatory action which the School can take and these can, but may not always be, financial. Where in the course of operating these procedures the School determines that compensation (whether financial or not) and/or a refund is warranted, the School will act in accordance with its Refunds and Compensation Policy, and will take account of the OIA guidance on [‘Putting Things Right’](#).
84. For further information on refunds and compensation, please see the National Centre for Circus Arts [Fees Policy](#).

**I) TIMESCALES**

85. This policy and procedures set out timescales within which the School and the complainant aim to work. Only in exceptional circumstances and at the discretion of the School Chief Executive or their nominee will complaints submitted outside the specified timescales be accepted.
86. All timescales referred to within these procedures are comprised of calendar days (e.g. 14 days = 14 calendar days), however these timescales do not include bank holidays and statutory closure days (eg School closure over the Christmas period, staff inset days etc).
87. For formal Stage 2 complaints, the School aims to complete all procedures (under Stages 2 and 3 of this Policy) within 90 days wherever possible. The 90 days will commence from the date on which the School formally receives and acknowledges a Stage 2 Complaint (e.g. where a Stage 2 Complaint is submitted after 5pm on any day, the next working day will normally be deemed the date of receipt and thus the start of the 90-day period).
88. The School will endeavour to respond to and resolve complaints 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.
89. A summary of the timescales pertaining to these procedures is set out in the table below, however further details can be found in each relevant stage of these procedures.

***Summary of procedural timescales***

Circumstance / Stage of procedure	Relevant timescale & pertinent information
<b>Complaints regarding Sexual Misconduct, Harassment and Related Behaviours</b> (including Stage 1 and Stage 2 complaints made under the Student Complaints Policy & Procedure)	<ul style="list-style-type: none"> <li>• Not time-limited</li> <li>• May be made to the School at any time</li> <li>• Will be referred into Stage 1 Procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours to be managed</li> </ul>
<b>Stage 1 Complaints (Informal Complaints)</b>	<ul style="list-style-type: none"> <li>• Should be raised as soon as is reasonably possible and no later than 3 months from the date of the issue(s) of complaint occurring</li> <li>• If complaint cannot be resolved informally, a formal complaint should be submitted normally no later than 3 months of the date of the issue(s) of complaint occurring</li> </ul>
<b>Submission of Stage 2 Formal Complaint by a student</b> (both individual and group complaints)	<ul style="list-style-type: none"> <li>• Should be submitted at the earliest opportunity and no later than 3 months from date of the issue(s) of complaint occurring, via email to <a href="mailto:stevie@natioanlcircus.org.uk">stevie@natioanlcircus.org.uk</a></li> </ul>
<b>Submission of Stage 2 Formal Complaint by a former student</b>	<ul style="list-style-type: none"> <li>• Former students may submit a formal Stage 2 Complaint up to three months from the formal date of withdrawal from their course</li> </ul>
<b>Submission of Stage 2 Formal Complaint by a recent graduate</b>	<ul style="list-style-type: none"> <li>• Recent graduates may submit a formal Stage 2 Complaint up to three months from the date of their graduation</li> </ul>
<b>Investigation and conclusion of a Stage 2 Formal Complaint</b>	<ul style="list-style-type: none"> <li>• Investigation by Stage 2 Complaint Investigator completed and Stage 2 Outcome Letter sent normally within 21 days from the date of receipt by the School of the Stage 2 Complaint</li> </ul>
<b>Submission of Stage 3 Complaint Review Request Form</b> (both individuals and group complaints)	<ul style="list-style-type: none"> <li>• Should be completed and submitted via email to the School Chief Executive no later than 14 days from the date of the Stage 2 Complaint Outcome Letter</li> </ul>
<b>Consideration and conclusion of the Stage 3 Complaint Review procedures by the Stage 3 Reviewer</b>	<ul style="list-style-type: none"> <li>• Stage 3 Reviewer will review the complaint against the grounds and issue a Complaint Review Outcome Letter normally within 21 days of the date of the Stage 3 Complaint Review request.</li> </ul>

	<ul style="list-style-type: none"> <li>Where the complaint is exceptionally referred to a Complaint Review Panel, the complainant will be notified of this decision via the Complaint Review Outcome Letter, but this will not be the end of the procedure.</li> </ul>
<b><i>Consideration and conclusion of the Stage 3 procedures by a Complaint Review Panel</i></b>	<ul style="list-style-type: none"> <li>Please see Appendix 1 to this Policy for full information, details and timescales pertaining to a Complaint Review Panel</li> </ul>
<b><i>Completion of Procedures</i></b>	<ul style="list-style-type: none"> <li>A Completion of Procedures Letter will be issued within 28 days of the conclusion of the School's internal procedures regarding the complaint.</li> </ul>

## J) COMPLAINTS PROCEDURE

### Stage 1: Informal Resolution

90. 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, to facilitate a swift resolution and to avoid inadvertent exacerbation of any unresolved issues.
91. Stage 1 complaints should be raised as soon as is reasonably possible and no later than three months from the date of the issue(s) of complaint occurring. If the complaint cannot be resolved informally, a formal Stage 2 complaint should be submitted normally no later than three months of the date of the issue(s) of complaint occurring. Where the complainant has unsuccessfully endeavoured to informally resolve a complaint under Stage 1, the School may extend this deadline to ensure the student is not disadvantaged.
92. 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, head of department or the Head of Studies, for a complaint relating to your course;*
  - ii) A member of professional services 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.*
93. If the complaint concerns any of the people listed above, then students are advised to speak either to:
- An alternative member of professional services staff*

- *Their course leader or another course leader*

***Complaints raised informally that fall within the scope of the Policy on Sexual Misconduct, Harassment and Related Behaviours***

94. Where a complaint or concern that may reasonably be deemed to fall within the scope of the Policy on Sexual Misconduct, Harassment and Related Behaviours is raised informally with a member of staff, the member of staff should follow the Stage 1 Procedure under that policy. In doing so, they will act as the Initial Supporter, and may also act as the Early Investigation Officer (or refer the matter to another member of staff to act as the Early Investigation Officer).

***All other complaints***

95. The staff member with whom a student raises their informal complaint may refer the matter to someone else to resolve informally, or they may endeavour to resolve it informally themselves.
96. To endeavour to resolve the informal complaint, the relevant staff member performing this role will listen to and informally discuss the nature of the complaint with the student in the first instance. Although the staff member will not carry out a formal 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.

***Satisfactory resolution of the complaint at Stage 1***

97. Where any specific actions are agreed as a result of a Stage 1 complaint, the relevant member of National Centre for Circus Arts staff managing the issue of complaint may, if they deem it appropriate, produce 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 School.

98. In the event that a 'written outcome record' is produced, this will be forwarded to the Academic Registrar & Head of Compliance, along with the School Chief Executive (this will normally be managed via email correspondence). The Head of Academic Administration and Student Support will log the Stage 1 complaint and outcome in the School's Student Casework Records.

***Where a Stage 1 Complaint is not satisfactorily resolved***

99. 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 2 of this procedure. The member of staff may themselves wish to refer the complainant to Stage 2 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 School will deem this to be the end of the School's consideration of the complaint.

100. In this instance, the staff member will inform the student in writing via email that the School therefore deems this to be the end of the matter, and should notify the Head of Academic Administration and Student Support via email, including the following information:
- The date the issue of complaint was first raised
  - What the staff member had done to endeavour to resolve the complaint (which in some circumstances may only be encouraging the student to submit a formal Stage 2 Complaint if the staff member deemed informal resolution inappropriate), including discussions had, time given to the student to think about their options, and any agreed actions
  - The date the student had been advised to submit a Stage 2 Complaint
  - The date the staff member was notified that the student did not wish to pursue a formal Stage 2 Complaint
101. The Head of Academic Administration and Student Support will log the outcome of the informal Stage 1 Complaint.
- 

### **Stage 2: Formal Complaint**

102. Should a complaint not be dealt with informally under Stage 1 to the satisfaction of the complainant, they may initiate a formal Stage 2 Complaint. All formal complaints must be submitted using a **Stage 2 Student Complaint Form**; the School will not normally consider formal complaints not made using the form except in exceptional circumstances (eg as a reasonable adjustment).
103. For information on making an individual formal Stage 2 Complaint, please refer to 'Making a complaint: individual students'. For submitting a formal group Stage 2 Complaint, please refer to section 'Making a complaint: Group Complaints' in Section G 'MAKING A COMPLAINT' of this policy.
104. A Stage 2 Complaint should be submitted as soon as possible using the Student Complaint Form and **no later than three months from the date of the issue(s) of complaint occurring**, unless it is a complaint that falls within the scope of the Policy on Sexual Misconduct, Harassment and Related Behaviours (see Section H: TIMESCALES and Section G: MAKING A COMPLAINT '*Making a complaint about a matter that falls under the Policy on Sexual Misconduct, Harassment and Related Behaviours*' for further information).
105. Only exceptionally and at the discretion of the Head of Academic Administration and Student Support (or their nominee) will a complaint raised after the 3 month 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.
106. Stage 2 of this complaints procedure involves an investigation by the Stage 2 Complaint Investigator, who will normally be the Head of Academic Administration and Student Support, or their nominee.

107. If the complaint relates to the conduct of a member of staff who would normally be nominated to act as the Stage 2 Complaint Investigator, the Deputy Chief Executive shall nominate an alternative member of staff. If the matters of complaint indicate that the impartiality of the Deputy Chief Executive is in some way compromised, the complaint shall normally be referred to the Chief Operating Officer who may act as the Stage 2 Complaint Investigator or nominate another member of staff.

## **Stage 2 Procedure**

### ***Process for consideration of a Stage 2 Complaint***

108. To lodge a Stage 2 complaint, the complainant must submit a completed Student Complaint Form via email to [stevie@nationalcircus.org.uk](mailto:stevie@nationalcircus.org.uk). A member of professional services staff, normally the Head of Academic Administration and Student Support, 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 considered by a Stage 2 Complaint Investigator.
109. Where a Stage 2 Complaint has not been submitted within the relevant timescale, the School will issue a Completion of Procedures Letter to the Complainant.
110. On receipt of a formal Stage 2 Complaint by the School, a member of the School Senior Management Team (normally the Head of Academic Administration and Student Support) will determine whether or not the complaint has been received within the relevant timescale to be eligible for consideration, and whether or not the complaint falls within the scope of this Policy.
111. The Head of Academic Administration and Student Support will determine whether they can reasonably act as the Stage 2 Complaint Investigator or will nominate another member of staff, who shall be unconnected with the delivery of teaching or assessment of the student, or an External Officer. In the event that the Head of Academic Administration and Student Support is unavailable, the Chief Operating Officer of the School will nominate a member of staff to act as the Stage 2 Complaint Investigator.
112. **The Stage 2 Complaint Investigator will:**
- Be a member of staff in the School, either the Head of Academic Administration and Student Support or their nominee (including an External Officer);
  - have no connection to the delivery of teaching or assessment of the student;
  - assess the validity of the complaint, and consider and investigate the complaint, checking whether any third party needs to be notified that their data is being processed;
  - produce a formal written Stage 2 Complaint Outcome and issue it to the Complainant, informing the Complainant of their right to escalate their complaint to Stage 3 of the procedures
113. The Stage 2 Complaint Investigator will normally have 21 days from the date of receipt by the School of the completed Stage 2 Complaint Form to investigate and respond in writing to the complainant.

114. If the Stage 2 Complaint 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.
115. At the conclusion of their investigation, the Stage 2 Complaint Investigator will form a judgment on the merits of the complaint and determine one of the following outcomes:
- That the complaint is **UPHELD** overall
  - That the complaint is **PARTLY UPHELD**
  - That the complaint is **NOT UPHELD**
116. The complainant will be informed in writing of the Stage 2 Complaint Investigator’s decision(s) regarding the complaint. The Stage 2 Complaint Outcome Letter will include the following:
- The overall outcome of the Stage 2 Complaint;
  - Where applicable, proposals for a resolution of the complaint and/or recommendations for further action arising from the complaint;
  - The right of the complainant to move to Stage 3 of these procedures if they are dissatisfied with the Stage 2 Complaint Outcome.
117. The considerations, findings and conclusions of the Stage 2 Complaint Investigator that explain their judgement(s) regarding the merits of the complaint, may also be included in the Stage 2 Outcome Letter, or they may be provided in a separate report, at the discretion of the Stage 2 Complaint Investigator.
118. Even where a complaint is not upheld, the Stage 2 Complaint Investigator may propose one or more resolutions or actions the School may take, as a result of their consideration of the complaint.
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### **Stage 3: Complaint Review**

119. A Stage 3 Complaint Review request is not a request for a fresh investigation of the complaint; rather, it is a request for a review of the Stage 2 Complaint Outcome, to determine whether the School should reach a different outcome arising from the complaint.

### ***Grounds for requesting a review of the Stage 2 Complaint Outcome***

120. If the Complainant remains dissatisfied with the Stage 2 Complaint Outcome, they can request a review of the Stage 2 Complaint Investigator's decisions and/or findings under one or both of the following **Stage 3 grounds for request**:

- 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 2 complaint, and that there is sufficient evidence that the complaint warrants further consideration;**
- ii) **that evidence can be produced of significant procedural error in the investigation of the Stage 2 complaint, including allegations of prejudice or bias, and that there is sufficient evidence that the complaint warrants further consideration.**

121. The School Chief Executive will act as Stage 3 Reviewer or will delegate this role to another individual (see Section A: INTRODUCTION '*Roles and Responsibilities: Delegation*').

122. Stage 3 of these procedures will normally be concluded by the Stage 3 Reviewer, who will make a final decision on the case. In exceptional circumstances, the Stage 3 Reviewer may use their discretion to appoint a Complaint Review Panel to reach the School's final decision on the matter.

### ***Overview of Stage 3 procedures***

123. Stage 3 of these procedures is a 2-step process:

123.1.1 **Step 1:** The role of the Stage 3 Reviewer is not to re-investigate the complaint, but to assess whether or not the grounds upon which the request for a review has been made are met.

123.1.2 **If the grounds are not met**, that is the end of Stage 3 and the end of the National Centre for Circus Arts Student Complaints Procedure. The Stage 3 Reviewer will not proceed to review the Stage 2 Complaint Outcome; the original Stage 2 Outcome will stand as the School's final decision on the complaint. The Stage 3 Reviewer will issue a Stage 3 Complaint Review Outcome Letter setting out their findings that the grounds are not met, normally within 21 days of the date of receipt by the School of the Stage 3 Complaint Review Request Form. A Completion of Procedures Letter will be issued by the School within 28 days of the Stage 3 Complaint Review Outcome Letter.

123.2 **Step 2: If the grounds are met**, the Stage 3 Reviewer will move to step 2 of the Stage 3 procedure and will ensure a review of the Stage 2 Complaint Outcome occurs to determine whether there is a justification for reaching a different outcome. The Stage 3 Reviewer will normally undertake this review themselves as a paper-based exercise, but in exceptional circumstances has the discretion to appoint a Complaint Review Panel to hold a Hearing via which the Stage 2 Complaint Outcome will be reviewed.

124. In the event that a Stage 3 Complaint Review request is made by a Complainant, the decision of the Stage 3 Reviewer, or (if appointed) the Complaint Review Panel, is Final and will constitute the School's final decision on the complaint.



### Stage 3 Procedure

125. A Stage 3 Complaint Review Request Form should be submitted by the Complainant (or, in the case of a Group Complaint, by the Lead Student) to the School Chief Executive via email within 14 days of the date of the Stage 2 Complaint Outcome letter.
126. Complaint Review Requests received by the School after the above-stated deadline will not normally be accepted. In such instances, the School will issue a Completion of Procedures Letter to the Complainant (see Section K: COMPLETION OF PROCEDURES AND THE OFFICE OF THE INDEPENDENT ADJUDICATOR).
127. On receipt of a Stage 3 Complaint Review Request the Stage 3 procedures under this policy, the procedure below will be followed:
- The **Chief Executive** will receive and acknowledge receipt of a Stage 3 Complaint Review request, and will determine whether it has been received within the stated 14-day deadline. If so, the Stage 3 Complaint Review will proceed for consideration by the Stage 3 Reviewer. If not, the Chief Executive will notify the Head of Academic Administration and Student Support of the need to issue a Completion of Procedures letter;
  - If the Stage 3 Complaint Review Request is received within the deadline, the **Chief Executive will determine whether they can act as the Stage 3 Reviewer, or alternatively will delegate this role to another individual** (see Section A: INTRODUCTION '*Roles and Responsibilities: Delegation*')
  - The **Stage 3 Reviewer** will check to see whether any third party needs to be notified that their data is being processed;
  - The **Stage 3 Reviewer** will undertake initial consideration of the Stage 3 Complaint Review Request Form together with the Stage 2 Complaint Outcome Letter and the accompanying complaint documentation against the grounds upon which the request has been made. They will determine:
    - Whether the request meets either or both of the above grounds
    - If so, whether they should proceed to review the Stage 2 Outcome and reach a final decision on the complaint, or whether, in exceptional circumstances, the case warrants exceptional consideration by a Complaint Review Panel.
128. Whether the request meets the grounds for the Stage 2 Complaint Outcome to be reviewed or not, the outcome of the Stage 3 procedures constitutes the end of the National Centre for Circus Arts Student Complaints Procedure. The final outcome of the Stage 3 review procedure will be communicated in writing to the Complainant via a Stage 3 Complaint Review Outcome Letter, or if applicable, via a Stage 3 Complaint Review Panel Outcome Letter.

#### ***Initial consideration of the request for a review***

129. The Stage 3 Reviewer will firstly determine whether or not the request for a Complaint Review meets either or both of the **Stage 3 grounds for request**, which if so would justify a review of the overall Stage 2 Complaint findings and outcome(s) either by the Stage 3 Reviewer, or (at the discretion of the Stage 3 Reviewer and in exceptional circumstances) by a Complaint Review Panel.

***Stage 3 Complaint Review Request that does not meet any grounds***

130. In the event that the Stage 3 Reviewer finds that the request does not meet the ground(s) upon which it has been made, this is the end of the Student Complaints Procedure. In this instance:
- The Stage 3 Reviewer will produce a Stage 3 Complaint Review Outcome Letter, notifying the Complainant that they have not established any grounds for a review of the Stage 2 Complaint Findings and Outcome, and setting out their considerations and reasons for this decision;
  - This letter will normally be issued within 21 days following receipt of the Stage 3 Complaint Review request;
  - Where the student has lodged an academic complaint, the letter will set out their right of recourse to the validating university (see Section A: INTRODUCTION '*Academic Complaints and the validating university (University of Kent)*'). The letter will confirm that this is the end of the National Centre for Circus Arts Student Complaints Procedure;
  - The Stage 3 Reviewer will notify the Head of Academic Administration and Student Support that the end of the Student Complaints Procedure has been reached and that a Completion of Procedures letter is required.

***Stage 3 Complaint Review Request that meets either or both Stage 3 grounds***

131. Where the Stage 3 Reviewer finds that the Stage 3 Complaint Review request meets either or both of the grounds upon which it has been made, they will either:
- Proceed to review the Stage 2 Complaint Outcome and findings, in which case the outcome of the Stage 3 Reviewer is final (please see '*Stage 3 Review of the Stage 2 Complaint Outcome by the Stage 3 Reviewer*' in this section of the Policy), or
  - **In exceptional circumstances**, use their discretion to refer the case to a Complaint Review Panel for final consideration (see '*Discretionary Grounds: Complaint Review Panel*, below), in which case the outcome of the Complaint Review Panel is final.
132. Where the Stage 3 Reviewer determines that a Complaint Review Panel should undertake final consideration of the Stage 2 Complaint Outcome, a Stage 3 Complaint Review Outcome Letter informing the Complainant of this decision will be issued by the Stage 3 Reviewer:
- The Stage 3 Complaint Review Outcome Letter will be issued normally within 21 days of the date of receipt of the Stage 3 Complaint Review Request;
  - The Letter may set out any specific directives for the Complaint Review Panel as deemed appropriate by the Stage 3 Reviewer;

- The Stage 3 Reviewer may order a full review of the Stage 2 Complaint Outcome and findings, or at their discretion, they may limit or restrict the scope of the Panel’s review of the complaint.

133. At the discretion of the Stage 3 Reviewer, the decision to appoint a Complaint Review Panel may also be communicated informally to the Complainant ahead of the Stage 3 Review Complaint Outcome Letter.

***Discretionary Grounds: Complaint Review Panel***

134. A review of a Stage 2 Complaint Outcome at Stage 3 of these procedures will normally be undertaken by the Stage 3 Reviewer.

135. However, in exceptional circumstances, and at their discretion, the Stage 3 Reviewer may order a review of the findings and judgements of the Stage 2 Complaint Investigator by a Complaint Review Panel. Please see Appendix 1 for the Terms of Reference, membership, timescales and full Complaint Review Panel procedure.

136. The Stage 3 Reviewer will notify the Complainant of their decision to refer the complaint to the Complaint Review Panel via a Stage 3 Complaint Review Outcome Letter, as soon as possible and normally within 21 days of the date of receipt by the School of the Stage 3 Complaint Review Request.

137. This will not be the end of the Stage 3 procedure (as it otherwise would be where the Stage 3 Reviewer does not appoint a Complaint Review Panel). Instead, the Complaint Review Panel will conclude the Stage 3 procedure once it has reviewed the Stage 2 Complaint Outcome. The final decision on the case will be communicated to the Complainant via the Complaint Review Panel Outcome Letter.

138. Where a Complaint Review Panel is appointed, a Hearing will be held. The Complainant will be invited to attend the Hearing and to make any final representations on the matter. The Panel will consider the Stage 2 Complaint Outcome, together with any representations made by the Complainant verbally at the Hearing or submitted in writing, to determine the School’s final decision on the complaint. Please see Appendix 1 for the Terms of Reference, Panel membership, and full Complaint Review Panel procedure.

139. Where a Complaint Review Panel is appointed, the relevant timescales set out in Appendix 1 (‘Stage 3 Complaint Review: Complaint Review Panel Procedure’) will apply. This will include sufficient time for Panel documentation and notice of the date of a Hearing to be issued to all relevant parties ahead of the Panel Hearing, along with the production of the Complaint Review Panel Outcome Letter. Complainants should anticipate that it will take longer to resolve the School’s final consideration of their complaint in the event that a Complaint Review Panel is appointed than if the Stage 3 Reviewer concludes the consideration of the complaint.

140. It is fully at the discretion of the Stage 3 Reviewer to determine whether the case warrants final consideration by a Complaint Review Panel. As an example, ‘exceptional circumstances’ may be where the Stage 3 Reviewer is not satisfied that either of the grounds for request have been met, but considers that in the interests of natural justice the case warrants further consideration.

141. Whilst the Stage 3 Reviewer reserves the right to refer a Stage 3 Complaint Review Request to a Complaint Review Panel, this does not preclude the Stage 3 Reviewer from sitting on the Panel, either as the Chair or in another capacity.

***Stage 3 Review of the Stage 2 Complaint Outcome by the Stage 3 Reviewer***

142. Where the Stage 3 Reviewer proceeds to review the Stage 2 Outcome and reach a final decision on the complaint, they will determine whether:
- a) whether all or part of the Stage 2 Complaint Outcome (including any findings) should be overturned and replaced with a fresh final decision;
  - b) whether all or part of the Stage 2 Complaint Outcome should be amended, or
  - c) whether the original Stage 2 Complaint Outcome should stand, as following the review there is no or insufficient justification for any change(s) to the Stage 2 Complaint Outcome, and
  - d) whether there are any recommendations or actions for the School arising from the Stage 3 Review.

***Conclusion of the Stage 3 Complaint Review***

143. The Stage 3 Reviewer will set out their considerations and findings in a Stage 3 Complaint Review Outcome Letter. This letter will stand as the record of National Centre for Circus Arts's final decision on the matter, and will normally be issued within 21 days following receipt of the Stage 3 Complaint Review request.
144. The Stage 3 Reviewer will notify the Head of Academic Administration and Student Support of the need to issue a Completion of Procedures letter at the conclusion of the procedures, and will ensure the Stage 2 Complaint Investigator is notified of the outcome of the Stage 3 Review.
145. Complainants should anticipate that it will take longer to resolve the School's final consideration of their complaint in the event that a Complaint Review Panel is appointed, than if the Stage 3 Reviewer concludes the consideration of the complaint.
146. Following the issue of the Stage 3 Complaint Review Outcome Letter setting out the Stage 3 Reviewer's final decision, or the issue of the Stage 2 Complaint Review Panel Outcome Letter following a review by a Complaint Review Panel, a Completion of Procedures Letter will be issued to the complainant within 28 days of the date of the applicable Stage 3 outcome letter.

**K) COMPLETION OF PROCEDURES & OFFICE OF THE INDEPENDENT ADJUDICATOR**

147. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. National Centre for Circus Arts is a member of this scheme. If a student is unhappy with the final outcome of these procedures they may be able to ask the OIA to review their case. More information about making a complaint to the OIA, what it can and can't

look at and what it can do to put things right if something has gone wrong, can be found here:  
<https://www.oiahe.org.uk/students/>

148. Completion of Procedures Letters will normally be issued by the School within 28 days of the conclusion of the School's internal Student Complaints Procedure.
149. Students normally need to have completed these complaint procedures before they complain to the OIA. Once the complaint procedures have been exhausted, National Centre for Circus Arts will send the student a letter called a 'Completion of Procedures Letter', and the student will have 12 months from the date of their Completion of Procedures Letter to apply to take their case to the OIA. More information about Completion of Procedures Letters and when students should expect to receive one can be found on the OIA website here:  
<https://www.oiahe.org.uk/providers/completion-of-procedures-letters/>
150. The guidance published by the Office of the Independent Adjudicator shall be followed in the issuing of Completion of Procedures Letters to students in respect of these procedures<sup>3</sup>.
151. Where some or all of the issues of complaint constitute an academic complaint, the Completion of Procedures Letter will be copied to the validating university, the University of Kent.

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<sup>3</sup> <https://www.oiahe.org.uk/providers/completion-of-procedures-letters/>

**Student Complaints Procedure  
APPENDIX 1  
COMPLAINT REVIEW PANEL**

**1. Introduction**

1.1 Following receipt of a Stage 3 Complaint Review request, in exceptional circumstances the Stage 3 Reviewer may use their discretion and appoint a Complaint Review Panel to review the Stage 2 Complaint Outcome. This Appendix sets out the Terms of Reference, membership, timescales and procedures for the Complaint Review Panel.

***Notice of a Complaint Review Panel***

1.2 The Complainant will initially be notified of the Stage 3 Reviewer's decision to appoint a Complaint Review Panel via the Stage 3 Complaint Review Outcome Letter. The School will endeavour to organise a Panel as quickly as possible following the decision of the Stage 3 Reviewer.

1.3 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.

**2. Terms of Reference of the Complaint Review Panel**

2.1 The **terms of reference** of the Complaint Review Panel shall be:

- (i) to consider cases referred to it by the Stage 3 Reviewer;
- (ii) 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 2;
- (iii) if the conditions of (i) are met, to make a judgment on the complaint and if appropriate proposals or recommendations for further actions.

**3. Panel Membership**

3.1 The **membership** of the Complaint Review Panel shall be:

- i) A Chair, usually the Chief Executive or Deputy Chief Executive of the School, a Trustee of the School, or an External Officer, appointed by the School Chief Executive;
- ii) A senior member of academic staff, who may be from National Centre for Circus Arts or an External Officer, appointed by the School Chief Executive;
- iii) A member of staff who may be either an academic member of staff or a Professional Services member of staff, either of National Centre for Circus Arts or an External Officer from another School to that of the complainant, appointed by the School Chief Executive.

3.2 No member of staff who is directly involved in the complaint will serve as a member of the Panel.

3.3 The Stage 3 Reviewer may sit on the Panel, either as the Chair or in another capacity.

#### **4. Complaint Review Panel Procedure**

4.1 The Complaint Review Panel will normally be held remotely online to facilitate attendance. Exceptionally, the School may determine to hold the Panel physically on site.

4.2 Where the Complaint Review Panel is held remotely, all Panel members will attend remotely and separately.

##### ***Servicing the Panel***

4.3 The Complaint Review Panel will be served by a Secretary, appointed by the School Chief Executive. The Secretary shall be supported by a note-taker and shall advise the Complaint Review Panel regarding procedural matters but shall not take part in any decision-making.

4.4 The Panel Secretary shall be responsible for the following:

- Organising the Panel, including finding members and setting the date;
- Ensuring the Panel membership is approved by the School Chief Executive;
- Inviting the relevant Parties to the Panel Hearing;
- Issuing the Panel documentation to all Panel members and the Complainant;
- Drafting and issuing the Complaint Review Panel Outcome Letter, ensuring it is approved by the Chair of the Panel prior to issue;
- Ensuring relevant staff in the School are notified of the need to issue a Completion of Procedures Letter.

4.5 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, normally at least seven days before the Hearing.

4.6 Such documentation will normally include the following:

- (i) A Panel Hearing Agenda, that sets out:
  - a. the Membership of the Complaint Review Panel plus other expected/invited attendees, including the Secretary and Notetaker;
  - b. the date, time and place of the Hearing;
  - c. a brief summary of the purpose of the Hearing;
  - d. A list of the documentation submitted to the Panel;
  - e. The applicable procedures under which the Panel is being held
- (ii) all documentation submitted by the complainant at Stages 1 and 2;
- (iii) the report of the Stage 2 Complaint Investigator;
- (iv) the letter from the Stage 3 Reviewer confirming the reasons for the granting of the hearing;
- (v) any/all written responses; and
- (vi) any other documentation, correspondence or written submissions relevant to the

hearing, including witness statements submitted at any stage during the process.

### ***Attendance at the Hearing***

- 4.7 The Complainant and all person(s) and, if applicable, representatives of departments complained about shall normally be expected to attend the Panel 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.
- 4.8 The Complainant has the right to attend the Panel Hearing accompanied by a family member or a friend (either from inside or outside the School) but that person will not normally be allowed to speak on the Complainant's behalf. However, the Panel will consider representations from the Complainant for the friend or family member to make a statement in support of the Complainant at the end of the Hearing.
- 4.9 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 2 working days prior to the hearing. The Panel Chair has the discretion to refuse to permit a representative or friend or family member to attend where prior written notice has not been given.
- 4.10 The Student Complaints Procedure is a civil, internal process, not a legal one. Accordingly, neither the Complainant nor the School shall normally be represented by a legal practitioner at meetings or hearings held under this policy. Where a student requests to be represented by a legal practitioner at a Panel Hearing, the School reserves the right to procure its own legal representation.

### ***Witnesses***

- 4.11 The Complainant and, if applicable, person(s) complained about shall have the right to invite a reasonable number of relevant witnesses to give evidence to the Complaint Review Panel. The admission of any witnesses to the Panel Hearing will be at the discretion of the Chair.
- 4.12 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. A Complaint Review Panel 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 Review Panel.
- 4.13 The Panel Chair will also have the discretion to determine whether the number of witnesses requested is reasonable.
- 4.14 Witnesses may submit a written statement for the consideration of the Panel, in lieu of attending the Hearing. Where feasible, written witness statements should be procured in advance of the Hearing and circulated to the Panel. Witness statements should be submitted to the Panel Secretary normally at least 2 working days in advance of the Hearing. Statements submitted after this deadline may not be accepted by the Panel, as there may be insufficient time to read and digest them.
- 4.15 Where a witness has submitted a written statement, they will not normally be expected to attend the Hearing. 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 at the Hearing, including witness evidence, shall be final.

- 4.16 The names of any witnesses must be received in writing by the Secretary to the Complaint Review Panel at least 2 working days prior to the hearing. The Panel Secretary will update the Panel Agenda with the relevant information.

#### ***Representations at the Hearing***

- 4.17 Except where the Chair of the Panel deems there to be good cause<sup>4</sup>, each party's evidence or statement(s) will be given in the presence of the other party/parties involved in the dispute. The Panel may ask questions of all parties.
- 4.18 Through the Chair, questions may be asked by the Complainant and any responding parties, however it is at the discretion of the Panel Chair to permit or allow any questions. Through the Chair, all parties may also ask questions of all witnesses called to give evidence. The Chair of the Complaint Review Panel has ultimate discretion to permit or allow any questions posed by all parties.

#### ***Complaint Review Panel Findings and Outcome***

- 4.19 The 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 during the course of the Hearing. This will be at the discretion of the Chair.
- 4.20 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.
- 4.21 The Panel Secretary will issue a Complaint Review Panel Outcome Letter to the Complainant, Panel members, and any other necessary relevant parties, normally within 14 days of the meeting at which the decision was made. The written confirmation will state the reasons for the decision made, and will normally stand as the official record of the Hearing.
- 4.22 In the case of **non-academic complaints**, the decision of the Complaint Review Panel shall be final. The Panel's decision will be the end of the School's internal procedure, and a Completion of Procedures Letter shall be issued (see Section K: Completion of Procedures and the Office of the Independent Adjudicator).

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<sup>4</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.

4.23 In the case of **academic complaints**, on receipt of the Complaint Review Panel Outcome Letter, the Complainant has further recourse to pursue the complaint with the University of Kent, the validating university (see Section A: Introduction - *'Academic Complaints and the validating university (University of Kent)'*).