national centre for circus arts

Guide to the Students Complaints Procedure

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OVERVIEW OF THE NATIONAL CENTRE FOR CIRCUS ARTS STUDENT COMPLAINTS PROCEDURE

- Stage 1: INFORMAL RESOLUTION
- Stage 2: FORMAL STAGE
- Stage 3: Complaint Review

END OF INTERNAL PROCEDURES

• Completion of Procedures

For Academic Complaints, following Stage 3 students can also submit a Request for Review under Stage 3 of the <u>University of Kent's Student Complaints Procedure</u>

National Centre for Circus Arts's definition of a complaint

The National Centre for Circus Arts Student Complaints Procedure is the means by which we deal with complaints made by one or more 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"

Advice and Support with the Student Complaints Procedure

You can talk to a member of Student Support staff, or the Academic Registrar & Head of Compliance, for advice and guidance about using the Student Complaints Procedure, or if you have any questions.

- Formal documentation applicable to this guide
 - National Centre for Circus Arts Student Complaints Procedure plus appendices
 - Appendix 1: Complaint Review Panel
 - Appendix 2: Stage 2 Student Complaint Form
 - Appendix 3: Stage 2 Student Group Complaint Form
 - $\circ\quad$ Appendix 4: Stage 3 Complaint Review Request Form
 - \circ $\;$ Appendix 5: Stage 3 Group Complaint Review Request Form $\;$

General Information

• "Balance of Probabilities"

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.

• External Officers

In certain circumstances, the School may involve External Officers in the interests of procedural integrity and fairness.

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 dance 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.

In operating any of the processes under our 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. This means that members of staff from another institution may as necessary fulfil a procedural role where normally the policy indicates this will be a member of School staff. For ease of reference, we call such members of staff 'External Officers'.

• Disclosure of complaint outcomes or information related to a complaint

Where it has good cause, National Centre for Circus Arts will disclose part or all of a complaint outcome, and/or information about students that has come to light during the course of a complaint, to relevant parties. This may include the Police, if applicable (such as if there is a complaint about criminal conduct).

There may also be circumstances where the School needs to disclose information to other parties, such as placement providers and/or employers or sponsors. It is at the School Principal's discretion as to who else needs to be given information arising from a complaint, including any information relating to the process or outcome. The disclosure of any such information will be made in accordance with the General Data Protection Regulations (2018).

• Completion of Procedures and the Office of the Independent Adjudicator (OIAHE)

Once all stages of the Student Complaints Procedure have been completed, this means that the School's internal procedures have ended. The School will issue you with a Completion of Procedures Letter which means that you can apply to take your complaint to the OIAHE, the ombudsman for student complaints in higher education, and ask them to review your 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: <u>https://www.oiahe.org.uk/students/</u>

You normally need to have completed the School's internal procedures before a Completion of Procedures Letter will be issued. However, if you are dissatisfied with the Stage 2 Complaint Outcome but don't feel that you meet either of the grounds for a review of the outcome under Stage 3 of the procedure, you can request a Completion of Procedures Letter by contacting the Academic Registrar & Head of Compliance.

• Complaints about sexual misconduct, harassment and related behaviours

National Centre for Circus Arts has a zero-tolerance policy on behaviours which fall into the categories of sexual misconduct, harassment, or other unacceptable behaviours. Such behaviours breach the School's Policy on Sexual Misconduct, Harassment and Related Behaviours.

If you report such behaviours to the School, this is often referred to as 'making a disclosure'. We will normally deal with your disclosure under Stage 1 of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours.

If you submit a formal complaint to us under Stage 2 of the Student Complaints Procedure that makes a disclosure/carries a report of such behaviour, we will normally refer your complaint into Stage 1 of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours. This is because those procedures are designed to be flexible and responsive to the disclosure of those types of issues, therefore it is usually more appropriate to deal with those types of complaint under the Stage 1 of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours. This might mean that the School does not in the end follow the Student Complaints Procedure for managing the issue raised in your formal Stage 2 complaint.

• Complaints about staff misconduct

We know that it can be hard for students to make an allegation of staff misconduct. Please be assured that we treat all allegations very seriously and ensure that they are managed under relevant procedures. Allegations about staff misconduct may be referred into the School's HR procedures to be formally investigated.

If you make an allegation of staff misconduct, we will normally deal with it under Stage 1 of the procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours in the first instance. This is because this policy covers any type of unacceptable behaviour by both students and staff. The Stage 1 procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours can help the School informally gather information from you about the allegations, determine any necessary action, and identify any support you might need.

WHAT THE STUDENT COMPLAINTS PROCEDURE COVERS	HOW TO RAISE ISSUES & RELEVANT INFORMATION
i. the provision of academic programmes (how students' training is provided)	Issues can initially be raised via student reps who can escalate them to staff or via committees, or you can approach a tutor, or the Head of Academic Administration and Student Support
ii. how students' training is provided when on placement	Issues can initially be raised with the School staff contact for your placement, or you can contact the Head of Academic Administration and Student Support
iii. inadequate services or facilities at the School (for example student welfare, learning resources or catering provided by the School)	Issues can initially be raised via student reps who can escalate them to staff or via committees, or you can approach a member of staff in the relevant department or the Head of Academic Administration and Student Support
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)	If you feel it's not too sensitive, issues can initially be raised with the member of staff in question under Stage 1 of the procedures, or you can contact another member of School staff for advice.
v. staff misconduct	You can speak to a member of Student Support staff for support and guidance, the Head of Academic Administration and Student Support, or the School Chief Executive. Initially, your complaint will normally be dealt with under the Stage 1 procedures of the Policy on Sexual Misconduct, Harassment and Related Behaviours .
vi. student misconduct (please see also the <u>Non-Academic</u> <u>Misconduct policy</u>)	Issues can initially be raised via a member of Student Support staff. Depending on the nature of the alleged behaviour that could be misconduct, the matter might be dealt with under the Stage 1 procedures of the Policy on

	Sexual Misconduct, Harassment and Related Behaviours. It also might result in the referral of the allegations into the procedures under the <u>Non-Academic Misconduct policy</u> .
vii. complaints relating to discrimination, harassment or bullying (please see the <u>Policy on</u> <u>Sexual Misconduct, Harassment</u> <u>and Related Behaviours</u> for further guidance about complaints within this area)	Issues can initially be raised via a member of Student Support staff, and will be dealt with under the Stage 1 procedures of the Policy on Sexual Misconduct, Harassment and Related Behaviours . The Stage 1 procedures will be used to determine what the next steps might be and the School will take your wishes into account when making a decision about what (if any) action needs to be taken, although this has to be the School's decision.
viii. matter(s) of complaint relating to operations of the committees and/or the administration of the School	Issues can initially be raised via the Head of Academic Administration and Student Support, via <u>stevie@nationalcircus.org.uk</u>

	WHAT THE STUDENT COMPLAINTS PROCEDURE DOES NOT COVER	RELEVANT INFORMATION
i.	Complaints arising from action taken under the Non-Academic Misconduct or Support Through Studies policies	You cannot use the Student Complaints Procedure to complaint about a decision, finding or outcome taken under the Non- Academic Misconduct procedures, or the Support Through Studies formal procedures. You can raise such issues under the relevant appeals procedure. You will be informed about your right of appeal/complaint in the course of the Non-Academic Misconduct procedures, or the Support Through Studies formal procedures.
ii.	Complaints arising from matters relating to academic progression and/or assessment, which are covered by the academic appeals	The Student Complaints Procedure cannot be used for complaints/appeals about a failure to progress to the next year of your course, a failure to complete the course, or a module or assessment mark that you are unhappy about. Instead, you can use the <u>University of</u>

university, the University of Kent.	information about the Academic Appeals	
	procedures can be found in your Student	
	Handbook.	

SUMMARY OF THE PROCEDURES

STAGE 1

INFORMAL RESOLUTION

SUMMARY

- Most complaints and concerns can be resolved informally without the need to submit a formal complaint. National Centre for Circus Arts welcomes an open and frank dialogue with our students. If you have a concern or a problem that may constitute a complaint, you should speak to a member of staff to try and resolve it before taking it further.
- Members of staff that you can talk to about any issues you have include:
 - A lead tutor or head of department, or the Head of Academic Administration and Student Support, for a complaint relating to your course
 - A member of professional services staff, for complaints relating to a student service or a financial matter
 - A member of staff responsible for student support and wellbeing, for complaints relating to discrimination, bullying or harassment
- If the complaint concerns any of the people listed above which would mean you cannot raise the issue with them, then you should speak either to an alternative member of the School's Professional Services staff, your course leader, or another course leader.
- If you are not sure who to talk to, then you can contact the Head of Academic Administration and Student Support on TEAMS for advice.
- Stage 1 is informal, and most matters can be resolved under this Stage without the need to escalate the complaint further. If the issue(s) of complaint has not been resolved to your satisfaction, you can enter the next stage of the procedure and make a formal complaint under Stage 2.
- Sometimes, if they feel it is helpful, necessary and appropriate, the member of staff who has been dealing with your complaint under Stage 1 of these procedures will produce a written 'outcome record', usually via email, of any actions that are agreed. This will be considered by the School to be a record of 'informal complaint resolution'. As this is an informal stage for resolving complaints, a written outcome record will not always be produced.

Stage 1: Informal Resolution – Further information

Where a Stage 1 complaint is not satisfactorily resolved

- 1. If no resolution of the issue(s) can be informally agreed to your satisfaction, you will be made aware of the opportunity to submit a formal complaint. It is helpful if you wait for the staff member handling your complaint under Stage 1 to come back to you with an outcome and proposed resolution of the issue(s) before you proceed to make a formal complaint.
- 2. You may find that the member of staff refers you to Stage 2 of the Student Complaints Procedure. They will do this if they feel that the matter requires a more thorough investigation, or if the complaint appears to be particularly complex. It is not obligatory in these circumstances to submit a formal complaint – that is your decision as a complainant. The staff member should give you some time to think about what you want to do. In any case, you have up to 3 months from the date of the issue(s) of complaint occurring, to submit a formal complaint.
- 3. If you are referred by a staff member to Stage 2 but you don't want to submit a formal complaint and you notify the staff member of this, the School will deem this to be the end of the School's consideration of the complaint and the end of the matter.
- 4. In this instance, the staff member will inform you in writing via email that the School therefore deems this to be the end of the matter. The staff member will notify the Head of Academic Administration and Student Support via email of this outcome so that it can be logged by the School, 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 you to submit a formal Stage 2 Complaint if the staff member considered informal resolution to be inappropriate), including discussions had, time given to you to think about your options, and any agreed actions
 - The date you were advised to submit a Stage 2 Complaint
 - The date the staff member was notified that you did not wish to pursue a formal Stage 2 Complaint

SUMMARY

- National Centre for Circus Arts expects students to try to resolve complaints informally in the first instance. If you go straight to a Stage 2 formal complaint without following Stage 1 first, the School may refer your formal complaint back into the informal stage to try and resolve it more quickly and efficiently. In this instance, you will still have the right to submit a formal complaint once Stage 1 has been completed.
- If you have tried to resolve a complaint informally under Stage 1 of the Student Complaints Procedure but it has not been resolved to your satisfaction, you have the right to escalate your complaint to Stage 2 and submit a formal complaint to the School.
- A formal complaint must be made using the Stage 2 Student Complaint Form, and should be submitted to <u>stevie@nationalcircus.org.uk</u> as soon as possible and no later than 3 months from when the issue(s) of complaint occurred. You can find the Stage 2 Student Complaint Form under the Student Complaints Procedures section at <u>Policies and Procedures - National Centre for Circus Arts</u> | <u>National Centre for Circus Arts</u> (<u>nationalcircus.org.uk</u>)You should ensure that you complete all relevant sections of the form; incomplete forms may not be accepted for consideration.
- If you submit a formal complaint after this deadline, it may not be considered by the School. In this case, the School will issue you with a Completion of Procedures Letter so that you can take your complaint to the Office of the Independent Adjudicator (the OIA) who is the ombudsman for student complaints. You can find more information about the OIA further on in this guide.
- Students may also submit a formal Student Group Complaint to the School under Stage 2 of the Student Complaints Procedure. Please see the section of this guide 'Group Complaints' for information about how to make a formal group complaint.
- On receipt of a Stage 2 formal complaint, the School will appoint a Stage 2 Complaint Investigator to investigate and consider the complaint.
- The Stage 2 Complaint Investigator may interview you and/or any other parties as part of their investigation, although this is not compulsory. They will undertake interviews if they feel it necessary in order to gather more information as part of their investigation of the complaint.
- The Stage 2 Complaint Investigator will issue you with a Stage 2 Complaint Outcome Letter, normally within 21 days of receipt of the Stage 2 complaint. They may include their full investigation report in the outcome letter, or they may produce a separate report to accompany the letter. They will provide you with their considerations and findings. The Stage 2 Outcome Letter will also set out your right to progress the

complaint to Stage 3 of the Student Complaints Procedure ('Complaint Review').

Stage 2: Formal Complaint – Further information

- 1. 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**
- 2. A complaint may be partly upheld where the Stage 2 Complaint Investigator finds that some grounds for complaint have been established, but that not all of your complaint is justified.
- 3. You 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.
- 4. 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.
- 5. 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.
- 6. Advice and guidance about completing the Stage 2 Complaint Form, or about any aspect of the Student Complaints Procedure, can be sought from the Head of Academic Administration and Student Support. You can ask a member of Student Support staff to help you with any queries if you wish.

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COMPLAINT REVIEW

SUMMARY

- If you are dissatisfied with the outcome of your Stage 2 Complaint, you can submit a request for the Stage 2 Complaint outcome to be reviewed.
- You must use the Stage 3 Complaint Review Form if you want to make such a request. This can be found under the Student Complaints Procedures section at <u>Policies and</u> <u>Procedures - National Centre for Circus Arts | National Centre for Circus Arts</u> (nationalcircus.org.uk)
- A request must be made under one or both of the Stage 3 Grounds of request. The Stage 3 Complaint Review Form sets out these grounds to help you make your request.
- A Stage 3 Complaint Review request **must be submitted** via email to <u>stevie@nationalcircus.org.uk</u> within 14 days of the date of your Stage 2 Complaint Outcome Letter.
- Students may also submit a Stage 3 Student Group Complaint Review request to the School under Stage 2 of the Student Complaints Procedure. Please see the section of this guide 'Group Complaints' for information about how to raise a Stage 3 Student Group Complaint Review request.
- The School Principal will either act as the Stage 3 Reviewer, or will appoint another senior member of staff to act in this capacity. This may be someone from National Centre for Circus Arts, or it might be an External Officer. You can find more information about External Officers further on in this Guide.
- In exceptional circumstances they may decide that a Complaint Review Panel should undertake the final consideration of your complaint.

Stage 3: Complaint Review – Further information

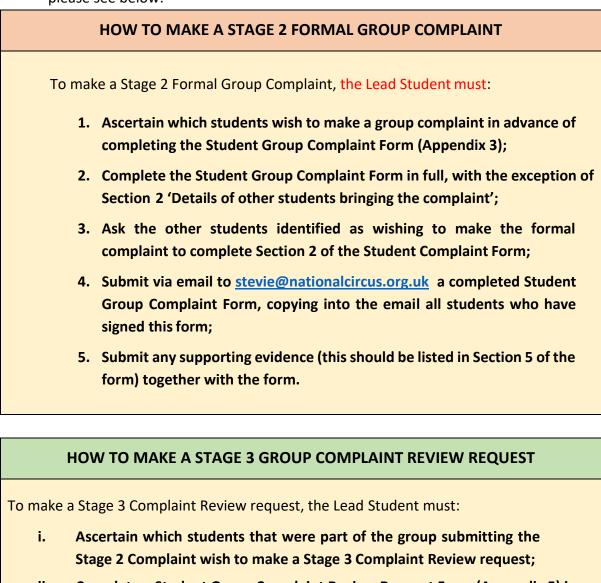
- 7. A Stage 3 Complaint Review request is not a request for a fresh investigation of the complaint; rather, it is a request for a review of the Stage 2 Complaint Outcome, to determine whether the School should reach a different outcome arising from the complaint.
- 8. If you remain dissatisfied with the Stage 2 Complaint Outcome, you 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.
- 9. You must make a request under one or both of the above grounds. Requests not made under either of the above grounds will not be accepted by the School. In this instance, you will be issued with a Completion of Procedures Letter so that if you wish, you can take your complaint to the OIA, the ombudsman for student complaints.
- 10. The Chief Executive will act as Stage 3 Reviewer or will delegate this role to another individual.
- 11. 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. Full details of the Complaint Review Panel procedure, membership, terms of reference and timescales, are set out in Appendix 1 to the National Centre for Circus Arts Student Complaints Procedure. Appendix 1 can be found at the end of the Student Complaints Procedure document.

MAKING A GROUP COMPLAINT

- 12. 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').
- 13. Group complaints should be submitted using the **Student Group Complaint Form** (Appendix 2).
- 14. 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 their course leader, the Head of Academic Administration and Student Support, 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.
- 15. 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:



- Complete a Student Group Complaint Review Request Form (Appendix 5) 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 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.

Making a Stage 3 Group Complaint Review Request – Further information

- 16. 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.
- 17. <u>Only students who have signed this form should be copied in; copying in other</u> 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)
- 18. 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.

Circumstance / Stage of procedure	Relevant timescale & pertinent information
Complaints regarding Sexual Misconduct, Harassment and Related Behaviours (including Stage 1 and Stage 2 complaints made under the Student Complaints Policy & Procedure)	 Not time-limited May be made to the School at any time Will be referred into Stage 1 Procedures under the Policy on Sexual Misconduct, Harassment and Related Behaviours to be managed
Stage 1 Complaints (Informal Complaints)	 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 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

Summary of timescales

Submission of Stage 2 Complaint (Formal Resolution) by a student (both individual and group complaints)	 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 <u>stevie@nationalcircus.org.uk</u>
Submission of Stage 2 Complaint (Formal Resolution) by a former student	 Former students may submit a formal Stage 2 Complaint up to three months from the formal date of withdrawal from their course
Submission of Stage 2 Complaint (Formal Resolution) by a recent graduate	 Recent graduates may submit a formal Stage 2 Complaint up to three months from the date of their graduation
Investigation and conclusion of a formal Stage 2 Complaint	• 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
Submission of Stage 3 Complaint Review Request Form (both individuals and group complaints)	 Should be completed and submitted via email to the School Principal no later than 14 days from the date of the Stage 2 Complaint Outcome Letter
Consideration and conclusion of the Stage 3 Complaint Review procedures by the Stage 3 Reviewer	• 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.
	• 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.
Consideration and conclusion of the Stage 3 procedures by a Complaint Review Panel	• Please see Appendix 1 to this Policy for full information, details and timescales pertaining to a Complaint Review Panel
Completion of Procedures	• A Completion of Procedures Letter will be issued within 28 days of the conclusion of the

School's internal procedures regarding the
complaint.