

LAMDA

Student Handbook 2019-20

Appendix: Complaints and Appeals
Policy and Procedures

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Introduction

- 1 LAMDA is committed to considering and investigating genuine complaints from students. The Academy defines a complaint as being an expression of dissatisfaction by one or more students about an action or lack of action by LAMDA, or about the standard of service provided by or on behalf of LAMDA, which warrants a response. LAMDA will seek to learn from the experience of complaints and improve services for all members of the LAMDA. This policy and its procedures has been designed to operate in accordance with the Office of the Independent Adjudicator's Good Practice Framework for Handling Complaints and Academic Appeals.
- 2 The basis of this procedure is that it is fair, efficient and transparent, with one informal and two formal elements:

Stage One: informal resolution, dealt with at the most local relevant level.

Stage Two: formal resolution, investigation by the Head of Academic Services & Development (or nominee, usually the Quality Assurance Manager)

Stage Three: appeal
- 3 For the avoidance of doubt, in the event of the procedure being updated or amended, the version of this policy that will apply will be determined by the date (usually the academic year) the complaint is logged with LAMDA.
- 4 The majority of cases are satisfactorily resolved through informal discussions without the need for a formal complaint to be made and LAMDA emphasises the importance of seeking informal and early resolution wherever possible.
- 5 Where it is appropriate to make a complaint, the student should raise the matter her/himself: this procedure is not intended to be used by a third party making a complaint on behalf of a student. Where the issues raised in a complaint affect a number of students, those students can submit a complaint as a 'group complaint'. In such circumstances, in order to manage the progression of the complaint, LAMDA will usually ask the group to nominate one student to act as group representative. In such cases, LAMDA will normally communicate through the nominated student representative only.
- 6 The Head of Academic Services & Development may depute to another senior administrative officer any or all of the responsibilities ascribed to the Head of Academic Services & Development, providing that person will be in a position to act and be seen to act impartially, either generally or in respect of a particular case.
- 7 The Head of Academic Services & Development may delegate powers under these regulations and procedures to the Registrar, the Teaching, Learning and Quality Manager or another senior academic officer within LAMDA, providing that person will be in a position to act and be seen to act impartially, either generally or in respect of a particular case.

Advice and guidance for students

8 Students are encouraged to seek guidance both before and during use of this procedure from any of the following:

- *their pastoral tutor*
- *the Head of the Drama School / Head of Technical Training as appropriate*
- *the Registrar*
- *other members of the Academic Services team*

As LAMDA is a small institution, if there is any possibility of a conflict of interest between the person from whom you seek guidance and individuals involved in investigating the complaint, you will be informed. Where appropriate, LAMDA may provide an external contact from a similar school, whom the student may wish to contact for advice and guidance and who will be fully independent from the review process.

Scope of this procedure

9 This procedure covers complaints in the following areas, the consequences of which should normally have had an alleged adverse impact on the student wishing to make the complaint (this is referred to as the 'complainant'):

- i) the provision of academic programmes (how your training is provided);
- ii) how your training is provided when on placement;
- iii) inadequate services or facilities at LAMDA (for example student welfare, catering or accommodation provided by LAMDA);
- iv) decisions, actions or perceived lack of action taken by a member of LAMDA staff (this might include in relation to other policies and procedures such as disciplinary);
- v) staff misconduct;
- vi) student misconduct (see LAMDA's disciplinary policy);
- vii) complaints relating to discrimination, harassment or bullying (please see further guidance about complaints within this area).

10 The student complaints procedure does not cover the following areas:

- i) Complaints arising from the admissions process prior to enrolment as a student
- ii) Complaints arising from action taken under the Disciplinary or Fitness to Train policies which should be directed towards the respective appeals procedure.
- iii) Complaints arising from matters relating to academic progression or assessment which are covered by academic appeals

11 The scope of the student complaints procedure extends to former students of LAMDA, provided that any Stage Two complaint is made within three months of the date of the incident which gave rise to the complaint.

12 LAMDA may suspend, hold in abeyance or terminate proceedings in complaint cases that are being investigated by the police or are subject to judicial proceedings.

13 LAMDA may terminate consideration of a complaint if it considers it to be made without foundation (frivolous) or in bad faith (vexatious). Examples of frivolous or vexatious complaints include:

- i) complaints which are obsessive, harassing, or repetitive;
- ii) insistence on pursuing non-meritorious complaints and/or unrealistic outcomes;
- iii) insistence on pursuing what may be meritorious complaints in an unreasonable manner;
- iv) complaints which are designed to cause disruption or annoyance;
- v) demands for redress which lack any serious purpose or value.

- 14 The Head of Academic Services & Development or nominee may consider possible action under the relevant provision(s) of disciplinary regulations in the case of a student held, at any stage in the process, to have brought forward an alleged complaint under this procedure without foundation, knowing the alleged complaint to be in bad faith.
- 15 Neither the student nor LAMDA shall normally be represented by a legal practitioner at meetings or hearings held under this policy.
- 16 LAMDA will not consider anonymous complaints.
- 17 Subject to the above, LAMDA undertakes that any student seeking to use this procedure will not be treated less favourably in her/his subsequent academic career, or Academy life, as a result of action taken to pursue an alleged complaint.

Resolution of complaints

- 18 Where a complaint is upheld in whole or in part, possible outcomes may include an apology, a clear explanation of the events or context that led to the incident in question, a change in procedures to ensure that the circumstances do not recur, referral of the complaint for consideration under another procedure (for example disciplinary procedures) or a combination of these or other outcomes.
- 19 At each stage of the procedure, the complainant will receive the reasons for the outcome of the complaint.
- 20 If at any stage in the investigation of a complaint, the person charged with investigation determines that the complaint should more appropriately be considered under another LAMDA regulation or procedure, the investigator shall refer the complaint for consideration under that procedure. The student making the complaint will be informed about the change in approach, and the reason (where this information can be provided without prejudice to the rights of other parties). At this point, any further action under the student complaints procedure shall normally be halted pending the outcome of the investigation under the other procedure.

Confidentiality and record keeping

- 21 LAMDA will seek to do all within its power to limit the disclosure of information as is consistent with conducting a fair investigation and the implementation of any recommendations following investigation into the complaint. However, if a student names another LAMDA student or member of staff, then the person(s) named will normally have the right to know the complaint made against her/him in order to be able to reply to the complaint. This is consistent with the duties owed to LAMDA's staff and students. If a student refuses to name a person who is relevant to their complaint, LAMDA will not be able to consider or investigate the case.
- 22 Once a student has made a formal complaint, records will not be held on the student's main file, but separately, in a confidential area. Records will be retained as required for a reasonable period as a way of monitoring and enhancing the LAMDA's services, and in accordance with the LAMDA's duties under Data Protection legislation. LAMDA will, if necessary, share information with the validating university regarding your complaint, which may include personal and sensitive data as part of the fair and proper investigation of the complaint, and to maintain and enhance standards and good practice. All such information will be treated confidentially. In submitting a formal complaint/appeal under this procedure, you are consenting to your data being shared appropriately. If you have any questions or concerns regarding this aspect of the procedure you should contact LAMDA's Chief Operating Officer.

Timescales

- 23 This procedure outlines timescales within which LAMDA and the student aim to work. Only in exceptional circumstances and at the discretion of the Head of Academic Services & Development will LAMDA accept complaints from students outside these timescales. LAMDA endeavours to respond within the timescales that are outlined, but unfortunately this may not always be possible. In some cases an investigation might need to take longer than usual to ensure that all of the issues raised have been appropriately addressed. In addition, there may be circumstances beyond the LAMDA'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 LAMDA is unable to meet the prescribed timescales, the reasons for any delay and a revised timescale will be communicated to all parties.
- 24 The complainant should raise the complaint at the earliest opportunity and in any case in respect of Stage Two no later than three months from the complainant being aware of the incident/sequence of events giving rise to the complaint. Only exceptionally and at the discretion of the Head of Academic Services & Development will LAMDA consider a complaint raised after this deadline.

Stage One: Informal Resolution

- 25 LAMDA is committed to a swift resolution of complaints, and most complaints can be resolved informally. Wherever possible they are usually best resolved directly and should initially be raised as near as possible to the point in time at which the problem occurred.
- 26 Initially attempts should be made to talk to a relevant member of staff to try to resolve the problem before taking it further. This might include the following:
- i) For a complaint relating to your course, a Head of Department or the Senior Tutor responsible for your course
 - ii) For a complaint relating to your enrolment, your tuition fees or student loan, the Registrar or the Head of Finance
 - iii) For a complaint concerning discrimination, bullying or harassment, the Registrar
- 27 If the complaint concerns any of the people listed above, then you are advised to speak either to:
- i) The Head of Drama School or Head of Technical Training, as appropriate for your course
 - ii) The Quality Assurance Manager or the Head of Academic Services & Development
- 28 The person nominated as the first point of contact, as defined above, will listen to and discuss informally the nature of the complaint. Although the nominated person(s) will not carry out a formal investigation they can advise on how the matter could be resolved swiftly and will normally keep informal notes for their own purposes. They may, if they deem it appropriate, provide a written 'outcome record' where agreement is reached or where it may be considered helpful to aid understanding for any party; in line with the informal nature of this stage, this may be articulated via e-mail. In this event, however, such a 'record' would still be deemed an informal complaint resolution by LAMDA.
- 29 If the outcome of the discussion is that no resolution can be agreed to the satisfaction of the complainant, they will be made aware of the opportunity to submit a formal complaint. Although not obligatory, a complainant would normally be expected to wait for the outcome of the informal stage before making a formal complaint under Stage Two of this procedure. The nominated member of staff may themselves wish to refer the complainant to Stage Two of this procedure should they feel that the matter requires a more thorough investigation or the complaint appears to be particularly complex. If the complainant does not agree to submitting a formal complaint this is the end of the matter as far as LAMDA and this procedure is concerned.

Stage Two: Investigation by the Teaching, Learning and Quality Manager (or nominee)

- 30 Should a complaint not be dealt with informally to the satisfaction of the complainant she/he may initiate a formal complaint. Stage Two of the complaint procedure involves an investigation by the Teaching, Learning and Quality Manager or nominee. If the complaint relates to the conduct of the Teaching, Learning and Quality Manager, the complaint shall be referred to another member of the Senior Management Team, who will decide on an appropriate mechanism for investigation.
- 31 To initiate a Stage Two complaint, the complainant must submit a completed Student Complaint Form¹ by email to the Teaching, Learning and Quality Manager. The Teaching, Learning and Quality Manager or her/his nominee will normally have 28 days from the date of receipt of the completed Complaint Form to investigate and respond in writing to the complainant.
- 32 If the investigator deems it necessary, the investigation may involve interviewing the complainant and other persons directly involved. The person charged with investigating the complaint may seek opinion and information from any person with an interest in or knowledge of the matter being complained about.
- 33 At the conclusion of the investigation the Teaching, Learning and Quality Manager or her/his nominee will form a judgment on the merits of the complaint and the complainant will be informed in writing of her/his findings. The findings will include the judgment regarding the merits of the complaint and, if applicable, proposals for a resolution of the complaint and/or recommendations for further action arising from the complaint. The letter will also inform the complainant of the right to move to Stage Three of this procedure if she/he remains dissatisfied with the findings.

Stage Three: Appeal

- 34 An appeal against the findings of the Teaching, Learning and Quality Manager may be allowed, subject to the discretion of the Head of Academic Services & Development or nominee, if she/he is satisfied that either or both of the following criteria apply:
 - i) that there is new evidence that could not have been or, for good reason, was not made available at the time of the investigation by the Teaching, Learning and Quality Manager or nominee, and that sufficient evidence remains that the complaint warrants further consideration;
 - ii) that evidence can be produced of significant procedural error on the part of LAMDA in investigating the complaint, including allegations of prejudice or bias, and that sufficient evidence remains that the complaint warrants further consideration.
- 35 An appeal must be requested in writing, together with a copy of the original complaint and the investigation outcome letter and submitted to the Head of Academic Services & Development within 14 days from the date of written notification of the decision which is to be the subject of the appeal. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied.
- 36 If the Head of Academic Services & Development decides to allow an appeal to be heard she/he will appoint an Appeal Panel. She/he will normally advise the student, in writing, of her/his decision about allowing an appeal within 21 days of receiving the request. If the appeal is rejected, reasons will be given and a completion of procedures letter issued.
- 37 The terms of reference of the Appeal Panel shall be:

¹ All formal (written) complaints should be submitted using a Student Complaint Form

- i) to consider appeal cases referred to it by the Head of Academic Services & Development and to determine whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at during Stage Two;
 - ii) if the conditions of (i) are met, to make a judgment on the complaint and, if appropriate, proposals or recommendations for further actions.
- 38 The membership of the Appeal Panel shall be:
- i) A Chair, usually the Principal / Director of LAMDA but if she/he cannot serve for reasons of impartiality, then another member of the Senior Management Team, appointed by the Head of Academic Services & Development. The Principal / Director may serve as Panel Chair if she/he has not been involved in either the subject of the appeal or in appointing the Panel.
 - ii) One member appointed by the Head of Academic Services & Development drawn from the Senior Management Team.
 - iii) A senior member of academic staff not connected with the case.
 - iv) A student representative, drawn from a different programme.
- 39 The Appeal Panel will not include the relevant Head in whose discipline the student is training or any staff member directly involved in the case.
- 40 All documentary evidence relating to the complaint and the hearing of the Panel shall be circulated to the Panel members, to the complainant and to all person(s) and/or departments complained about not less than seven days prior to the hearing.
- 41 Such documentation shall normally include the following:
- i) the composition of the Appeal Panel;
 - ii) the date, time and place of the hearing;
 - iii) a brief summary of the purpose of the hearing;
 - iv) all documentation submitted by the complainant at Stages One and Two;
 - v) the report of the Head of Academic Services & Development (or other investigator) at Stage Two;
 - vi) the letter from the Teaching, Learning and Quality Manager at Stage Three confirming the reasons for the granting of the hearing; all written responses; and any other documentation, correspondence or written submissions relevant to the hearing, including witness statements submitted at any stage prior to Stage Three.
- 42 The complainant and all person(s) and representatives of departments complained about shall normally be expected to attend the hearing to give evidence. Any other persons may be asked to attend to give evidence, or for any other reason, if the Panel so wishes. The complainant and person(s) complained about shall have the right to invite a reasonable number of relevant witnesses to give evidence to the Panel. The names of any witnesses must be received in writing by the Head of Academic Services & Development at least two working days prior to the hearing who will notify the relevant members of the panel, departments and staff. It is the complainant's responsibility to invite any witnesses they wish to attend, and it is the complainant's responsibility to ensure witnesses can attend, and provide them with any documentation. The appeal will not normally be postponed due to the unavailability of a witness, and any decision to postpone is at the sole discretion of the Chair. The Chair will also have the discretion to determine whether the number of witnesses requested is reasonable. Where feasible, written witness statements should be procured in advance of the hearing and circulated to the Panel. Where the Chair is not satisfied that by attending the hearing a witness will add any information to a written statement which will progress the hearing, the Chair may reasonably refuse to admit that witness to the hearing. The Chair's decision on the admission of all evidence, including witness evidence, at the hearing shall be final.

- 43 The complainant may also be accompanied by a family member or a friend (either from inside or outside LAMDA) but that person will not normally be allowed to speak on the student's behalf. However, the Panel will have the discretion to consider representations from the student for the friend or family member to make a statement at the culmination of the hearing.
- 44 If the complainant is to be accompanied, the name(s) of the person/persons who is/are to attend must be received in writing by the Head of Academic Services & Development at least two working days prior to the hearing. The Panel has the discretion to refuse to permit a representative or friend or family member to attend where prior written notice has not been given.
- 45 Except where the Head of Academic Services & Development deems there to be good cause², each party's evidence or statement(s) will be given in the presence of the other party/parties involved in the dispute and, through the Chair, questions may be asked about each presentation by all parties. The Panel may also ask questions of all parties. The Panel and all parties may also ask questions of all witnesses called to give evidence.
- 46 The Appeal Panel's findings shall be arrived at by a majority vote of the members of the Panel with the Chair holding a casting vote. All votes cast shall be confidential to the Panel and the decision shall be announced as the decision of the Panel. The Panel may have reason to adjourn for a specified period to allow for the collation of additional information that may have subsequently come to light. This will be at the discretion of the Chair.
- 47 The findings shall include the Panel's judgment regarding the merits of the complaint and, if applicable, proposals for the resolution of the complaint, recommendations for a review of procedures or practices that may have contributed to the complaint, or any further action arising from the complaint.
- 48 The Chair will give confidential written confirmation of the decision of the Panel to the complainant and to all named individuals or parties directly involved in the dispute, normally within 14 days of the meeting at which the decision was made. The written confirmation will state the reasons for the decision made.
- 49 The Panel may make recommendations to any member of LAMDA's Senior Management Team concerning the implementation of a decision or findings to resolve a complaint. The Panel may make other relevant recommendations as appropriate. All outcomes will be recorded and monitored by a designated staff member drawn from Academic Services or other administration team.
- 50 In the case of **non-academic complaints**, the decision of the Panel shall be final. The Panel's decision will be the end of the internal procedure, and a completion of procedures letter shall be issued (see Section 54 of this policy).
- 51 In the case of **academic complaints**, on receipt of the Panel's decision the complainant has a further final recourse to pursue the complaint with the validating university, as outlined in Sections 52-53 of this policy.

² 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.

Academic complaints and recourse to the Validating University

52 The validating university (University of Kent) defines 'academic complaints' thus:

"An academic complaint is any specific concern about the provision of a programme of study or related academic service.

Note: Students may lodge an academic complaint at any point during the academic year.³

Once a student's academic complaint has reached the end of the internal School procedures, under the University of Kent's regulations the complainant has the right to take their complaint to the University, by making a "Grievance to Council".

53 The University of Kent specifies its position in relation to complaints from students following a University approved programme of study at a partner institution in its "Complaints Procedure for Students" as follows⁴:

"14. The position in relation to complaints from students following a University approved programme of study at a partner institution is as follows:

a) Academic Complaints: should be submitted following the procedure of the institution in which the student is based; a complainant remaining dissatisfied, who has exhausted the complaints procedure of the partner institution, may then submit the complaint as a grievance to the University of Kent Council (see sections 11 and 12 above).

b) Partner institutions may process complaints on non-academic grounds according to their procedures for doing so without recourse to the University of Kent.

Where such complaints are made with respect to services provided by the University of Kent, the University of Kent's complaint procedure for students should be used.

A non-academic complaint means any specific concern, other than one relating to an academic matter as defined in section 6) above, made by a student with regard to services provided by the institution against which the complaint is made."

54 The procedure for taking an academic complaint to the University of Kent once the School's internal procedures have been exhausted, is articulated by the University in its "Complaints Procedure for Students" as follows:

GRIEVANCE TO COUNCIL

11. The university's ordinances give the University Council the power "to entertain, adjudicate upon and, if thought fit, redress any grievances of the Officers of the University, the Professors and academic staff, the Graduates or the Students who for any reason feel aggrieved".

12. A student who remains dissatisfied after following the procedures set out above may contact the Student Conduct and Complaints Manager in writing to seek a review of the complaint by the University Council provided that these procedures have been completed and the grievance to Council has been submitted within three months of notification of the outcome of the final stage indicated in section 10. The Student Conduct and Complaints Manager will

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

⁴ [https://www.kent.ac.uk/regulations/Regulations%20Booklet/Complaints%20Procedure%20final%20Nov%20V5\(Published%2018%20sept%202015\).pdf](https://www.kent.ac.uk/regulations/Regulations%20Booklet/Complaints%20Procedure%20final%20Nov%20V5(Published%2018%20sept%202015).pdf)

acknowledge the request within five working days of receipt and will refer the case to the Senior Deputy Vice-Chancellor.

Note: The Council would not normally intervene to change decisions by University Officers or formal bodies which had been properly exercised or determined unless procedural fault, bias, irregularity or other inadequacy was found.

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

- 55 Once the internal procedures of LAMDA, or (in the case of academic complaints) the University of Kent have been exhausted, a Completion of Procedures letter will be issued, and student members of LAMDA are entitled to ask the OIA to consider any unresolved complaint against LAMDA: <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>.
- 56 For the benefit of clarity, the table below articulates the circumstances of responsibility for issuing a Completion of Procedures letter:

Type of Process	End of Process	Completion of Procedures letter issuer
Academic complaint	Goes to "Grievance to Council" at University of Kent	University of Kent (Validating University)
Non-academic complaint	Stage 3 of this procedure Either: Appeal Panel decision, or the finding of no grounds to appoint an Appeal Panel	Principal / Director of LAMDA

Approved by:	<i>LAMDA Academic Board</i>
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