

## Student Complaints Policy & Procedures

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| <b>Policy owner:</b>                                                                                                                                                                                                                                            | Northern School of Contemporary Dance – Leadership Team                                                                      |
| <b>Lead contact:</b>                                                                                                                                                                                                                                            | Head of Quality & Compliance & Compliance                                                                                    |
| <b>Audience:</b>                                                                                                                                                                                                                                                | Students Northern School of Contemporary Dance<br>Courses of Higher Education                                                |
| <b>Approving body:</b>                                                                                                                                                                                                                                          | Northern School of Contemporary Dance: Senate                                                                                |
| <b>Date approved:</b>                                                                                                                                                                                                                                           | July 2025                                                                                                                    |
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| <b>Supersedes:</b>                                                                                                                                                                                                                                              | Student Complaints Policy & Procedures 2022                                                                                  |
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| <b>Related Statutes, Ordinances, General Regulations</b>                                                                                                                                                                                                        | Validating Universities’ Academic Regulations<br>Equality Act 2010<br>OIAHE: <a href="#">Good Practice Framework</a>         |
| <b>Related Policies, Procedures and Guidance:</b>                                                                                                                                                                                                               | Admissions Complaints & Appeals, Student Protection Plan, Harassment, Sexual Misconduct Policy, Privacy Notices, EEDI Policy |
| <b>UK Quality Code reference:</b>                                                                                                                                                                                                                               | Quality Code Expectations for Quality; Advice & Guidance: Concerns, Complaints & Appeals                                     |
| <b>OfS Conditions reference:</b>                                                                                                                                                                                                                                | Conditions: C1, C2                                                                                                           |
| <b>Equality and Diversity Considerations:</b>                                                                                                                                                                                                                   | Policy should be available in accessible format for all students.                                                            |
| <b>Date Equality and Diversity Assessment Completed:</b>                                                                                                                                                                                                        | N/A                                                                                                                          |
| <b>Further information:</b><br>All queries relating to this policy should be referred to the Quality Office;<br><a href="mailto:quality.office@nscd.ac.uk">quality.office@nscd.ac.uk</a><br><i>* September 2026 update: job title changed on pages 13,14,16</i> |                                                                                                                              |

## Table of Contents

|                                                                       |           |
|-----------------------------------------------------------------------|-----------|
| <b>Section 1: Student Complaints Policy .....</b>                     | <b>3</b>  |
| 1. Introduction .....                                                 | 3         |
| 2. Scope & Principles .....                                           | 3         |
| 3. Timescales .....                                                   | 6         |
| 4. Definitions .....                                                  | 6         |
| 5. Advice & Guidance for students .....                               | 7         |
| 6. Responsibilities .....                                             | 7         |
| 7. Communication of Policy .....                                      | 8         |
| 8. Data Processing, Confidentiality & Record Keeping .....            | 8         |
| 9. Legal Framework .....                                              | 9         |
| 10. Complaints .....                                                  | 9         |
| 11. Related Documents .....                                           | 10        |
| 12. Key Contacts .....                                                | 10        |
| <b>Section 2: Student Complaints Procedures .....</b>                 | <b>11</b> |
| <b>Stage One: Early Resolution .....</b>                              | <b>11</b> |
| Roles & responsibilities of staff for Stage 1: Early Resolution ..... | 12        |
| <b>Stage Two: Formal Complaint .....</b>                              | <b>12</b> |
| Roles & responsibilities of staff for Stage 2 .....                   | 14        |
| Timescale for Stage 2 complaint .....                                 | 14        |
| <b>Stage Three: Appeal .....</b>                                      | <b>15</b> |
| Appeals Panel .....                                                   | 16        |
| Roles & responsibilities of staff for Stage 3 .....                   | 19        |
| Timescale for Stage 3 complaint .....                                 | 20        |
| <b>Resolution &amp; Outcome .....</b>                                 | <b>20</b> |
| <b>Appendices .....</b>                                               | <b>21</b> |

# Section 1: Student Complaints Policy

## 1. Introduction

- 1.1 Northern School of Contemporary Dance (NSCD) is committed to considering and investigating genuine complaints from students. NSCD defines a complaint as being an expression of dissatisfaction by one or more students about an action or lack of action by NSCD, or about the standard of service provided by or on behalf of NSCD, which warrants a response. The School will seek to learn from the experience of complaints and improve services for all students at NSCD.
- 1.2 The complaints policy encompasses NSCD's procedures for student complaints. This policy and its procedures have been designed to operate in accordance with the Office of the Independent Adjudicator's Good Practice Framework for Handling Complaints and Academic Appeals<sup>1</sup>.

## 2. Scope & Principles

- 2 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, who is referred to as the 'complainant':
  - 2.1.1 the provider not meeting obligations including those outlined in course/student handbooks or a student charter
  - 2.1.2 misleading or incorrect information in prospectuses or promotional material and other information provided by the provider
  - 2.1.3 concerns about the delivery of a programme, teaching or administration including, where applicable, delivery by a partner provider
  - 2.1.4 poor quality of learning resources or facilities
  - 2.1.5 poor quality services
  - 2.1.6 events causing significant disruption to the normal delivery of a course, service or other aspect of the student experience, such as industrial action or a public health emergency
  - 2.1.7 bullying or harassment by another student or a staff member (please refer to the [Harassment & Sexual Misconduct Policy](#))
  - 2.1.8 concerns about policies or procedures relating to financial support, immigration processes or support
  - 2.1.9 concerns about a service delivered by other organisations or contractors on behalf of the provider that the student feels has affected their learning experience.

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<sup>1</sup> <https://www.oiahe.org.uk/media/otzp4do5/gpf-handling-complaints-and-academic-appeals.pdf>

- 2.2 The student complaints procedure does not cover the following areas:
- 2.2.1 complaints arising from action taken under the Non-Academic Misconduct or Student Engagement & Support Through Studies policies, which should be directed towards the respective appeals procedure;
  - 2.2.2 complaints arising from matters relating to academic progression and/or assessment, which are covered by the Academic Appeals Policy.
  - 2.2.3 complaints during the application process before an offer is accepted should be addressed using the NSCD Admissions Appeals and Complaints Procedure.

### 2.3 Group Complaints

- 2.3.1 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, NSCD will usually ask the group to nominate one student to act as group representative (the 'lead student'). Group complaints should be submitted using the Student Group Complaint Form (see Appendix 2).
- 2.3.2 NSCD will direct all communications in handling the complaint to the Lead Student. However, all Stage Two Complaint outcomes and Stage Three Appeal Outcomes will be copied to all students listed as having made the Stage Two Complaint/Stage Three Appeal.

- 2.4 The scope of the student complaints procedure extends to former students of NSCD, provided that any Stage Two complaint is made within three months of the date of the incident which gave rise to the complaint.
- 2.5 NSCD will usually suspend or terminate proceedings in complaint cases that are being investigated by the police or are subject to judicial proceedings.
- 2.6 NSCD 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:
- 2.6.1 complaints which are obsessive, harassing, or repetitive;
  - 2.6.2 insistence on pursuing complaints made without proof and/or

- unrealistic outcomes;
  - 2.6.3 insistence on pursuing complaints in an unreasonable manner;
  - 2.6.4 complaints which are designed to cause disruption or annoyance;
  - 2.6.5 demands for redress which lack any serious purpose or value.
- 2.7 The CEO or nominee 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.
- 2.8 The basis of this procedure is that it is fair, efficient and transparent, with three stages: early resolution, formal resolution, and appeal.
- 2.9 For the avoidance of doubt, in the event of an update, the version of the policy applied will be the one in force at the time a formal complaint is logged.
- 2.10 In operating any of the processes or procedures under this Policy NSCD may as necessary involve members of staff from across the school or members of staff from an external partner with a means of seeking impartiality, in all cases we will consult the student/s on our rationale for engaging with partners. No proceedings under this Policy shall therefore be invalidated by virtue of the involvement of an External Officer.
- 2.11 The majority of cases are satisfactorily resolved through informal discussions as part of seeking an early resolution and without the need for a formal complaint to be made. NSCD emphasises the importance of seeking informal and early resolution wherever possible.
- 2.12 Complaints should be raised by the student themselves; this procedure is not intended for third parties.
- 2.13 Neither the student nor their School shall usually be represented by a legal practitioner at meetings or hearings held under this policy.
- 2.14 NSCD will not usually consider anonymous complaints although does commit to logging these and monitoring and addressing required action.
- 2.15 Subject to the above, NSCD 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.

### 3. Timescales

- 3.1. NSCD commits to the timescales as laid out in the [OIAHE Good Practice Framework](#) for handling student complaints and academic appeals. As such, we endeavour to complete consideration of a formal complaint or academic appeal and any associated review within 90 calendar days. The 90-calendar day timeframe requires students to meet any deadlines set out within this policy and procedures.
- 3.2. Timescales are detailed within the Procedures in section 2 of this document for each stage of the Complaints Process.
- 3.3. This procedure outlines the timescales within which NSCD and the student aim to work. Only in exceptional circumstances and at the discretion of the CEO or their nominee will complaints from students outside these timescales be accepted. NSCD will endeavour to respond within the timescales that are outlined, but unfortunately this may not always be possible.
- 3.4. 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<sup>2</sup> 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.
- 3.5. 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 (e.g. School closure over the holiday periods).

### 4. Definitions

- 4.1 **A Student Complaint:** an expression of dissatisfaction by one or more students about something a provider has done or not done, or about the standard of service provided by or on behalf of the provider.<sup>3</sup>
- 4.2 **Academic Appeal:** a challenge to or request for reconsideration of a decision by an academic body that makes decisions on student progress, assessment and awards. This may include a request to change marks or progress decisions, or final award classifications.<sup>4</sup> (Not investigated under this policy, see [Academic Appeals](#)).

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<sup>2</sup> The Investigating Officer is the senior member of staff assigned the role of leading the investigation

<sup>3</sup> 7: <https://www.oiahe.org.uk/media/otzp4do5/gpf-handling-complaints-and-academic-appeals.pdf>

<sup>4</sup> 12: <https://www.oiahe.org.uk/media/otzp4do5/gpf-handling-complaints-and-academic-appeals.pdf>

- 4.3 **Students:** Current students on a course of study, recent former students and graduates, and people who have been offered a place on a higher education course at NSCD.
- 4.4 **Complainant:** The student or group of students making the complaint.
- 4.5 **External Officer:** Staff from external institutions involved in the complaint process.
- 4.6 The Student Complaints Policy has a staged approach defined in 3 stages:
- Stage One – Early resolution
  - Stage Two – Formal resolution
  - Stage Three – Appeal including External Officers.

## 5. Advice & Guidance for students

- 5.1 Students are encouraged to seek guidance both before and during use of this procedure from staff at NSCD such as; Student Support and Wellbeing staff, Head/s of Faculty or tutors.
- 5.2 As NSCD 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, NSCD will provide an external contact for advice and guidance for the student who will be fully independent from the review process.

## 6. Responsibilities

- 6.1 All members of staff are responsible for knowing and applying this policy.
- 6.2 The Quality Office logs complaints and monitors the process and the outcomes for all stages of the procedures.
- 6.3 The CEO/Principal nominates investigators and oversees appeals.
- 6.4 The CEO/Principal may ask another senior administrative officer of NSCD to lead any or all of the responsibilities ascribed to the CEO under these procedures, 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.
- 6.5 Staff involved in complaint stages must manage processes in line with confidentiality, fairness, and independence.

- 6.6 NSCD may involve staff from across the school or external partners for impartiality.
- 6.7 Group complaints require a nominated lead student to coordinate and submit documentation.

## **7. Communication of Policy**

- 7.1 The policy is made available on the NSCD website and on the Virtual Learning Environment (VLE) in the Student Handbook.
- 7.2 The policy will be provided in alternative formats upon request.
- 7.3 Staff training includes this policy and its application.

## **8. Data Processing, Confidentiality & Record Keeping**

- 8.1 NSCD will make its best endeavours 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 NSCD, then the person(s) named will normally have the right to know the complaint made against them in order to be able to reply to the complaint.
- 8.2 If a student refuses to name a person who is relevant to their complaint, NSCD may not be able to consider or investigate the case or may only be able to consider or investigate it to a limited extent.
- 8.3 Once a student has made a formal complaint, records will be held on file by the School. In accordance with the General Data Protection Regulations (2018) and the Data Protection Act (2018) and in keeping with OIA recommendations.
- 8.4 NSCD may need to share information with third parties such as the Office for Students or Office of the Independent Adjudicator for Higher Education (OIA) regarding a student's complaint. We will not share personal and sensitive data ('special category data' as defined in the General Data Protection Regulations) 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.
- 8.5 In submitting a formal complaint/appeal under this procedure, you will be asked to indicate that you consent to your data being shared appropriately.

- 8.6 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.
- 8.7 Where a student submits evidence in support of their complaint that constitutes third party personal information, the investigating officer at Stage Two or Stage Three will need to notify the third<sup>5</sup> party that their data is being processed, in accordance with Article 14 of the GDPR.
- 8.8 Information about NSCD staff acting in their professional capacity may be disclosed at any stage in the procedures, including to an Appeals Panel, or to the Office of the Independent Adjudicator, if it forms part of the information considered under the 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). All sensitive personal data will be redacted as far as possible during the course of the procedure.

## 9. Legal Framework

This policy has been designed to follow the guidelines issued by the Office of Independent Adjudication in Higher Education and reflects obligations under the:

- [Equality Act 2010](#)
- [General Data Protection Regulation \(GDPR\)](#)
- [Data Protection Act 2018](#)
- [Education Act 1994 \(Section 22\)](#)
- [Competition and Markets Authority: Higher education: consumer law advice for providers and students](#)

## 10. Complaints

- 10.1 All complaints should follow the 3 stages of the Complaints Policy and Procedure, this includes an appeal stage.
- 10.2 Once the internal procedures of Northern School of Contemporary Dance have been exhausted, a Completion of Procedures letter will be issued, and student

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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>

complainants are entitled to ask the OIA to consider any unresolved complaint:

<https://www.oiahe.org.uk/students/can-you-complain-to-us/>

## 11. Related Documents

- 11.1 [Academic Appeals Policy](#)
- 11.2 [Non-Academic Misconduct Policy](#)
- 11.3 [Admissions Complaints and Appeals Procedure](#)
- 11.4 [NSCD Privacy Notices](#)
- 11.5 [Equality, Equality, Diversity and Inclusion Policy](#)

## 12. Key Contacts

| Name             | Role                                 | Email                                                                            |
|------------------|--------------------------------------|----------------------------------------------------------------------------------|
| Quality Office   | Policy Oversight                     | <a href="mailto:quality.office@nscd.ac.uk">quality.office@nscd.ac.uk</a>         |
| Student Services | Student Support or general enquiries | <a href="mailto:studentservices@nscd.ac.uk">studentservices@nscd.ac.uk</a>       |
| HR Manager       | Staff queries & grievances           | <a href="mailto:Geraldine.mcdowell@nscd.ac.uk">Geraldine.mcdowell@nscd.ac.uk</a> |

## Section 2: Student Complaints Procedures

### Stage One: Early Resolution

- 2.1 NSCD is committed to a swift resolution of complaints, and most complaints can be resolved early and 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.
- 2.2 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:
  - 2.1.2.1 A Module Leader or Head of Faculty for a complaint relating to your course;
  - 2.1.2.2 A member of the Quality Office for complaints relating to a student service or financial matter;
  - 2.1.2.3 A member of staff responsible for student support and wellbeing for complaints relating to discrimination, bullying or harassment.
- 2.3 If the complaint concerns any of the people listed above, then you are advised to speak to another member of staff with the school, for example another tutor or member of the Student Support Team.
- 2.4 The person nominated as the first point of contact will listen to and discuss informally the nature of the complaint. Although the nominated person(s) 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. They may provide a written 'outcome record' where an agreement is reached or where it may be considered helpful to outline the action taken for all parties. In line with the informal nature of this stage, this is usually articulated via e-mail. Such a 'record' would still be deemed an informal complaint resolution by NSCD.
- 2.5 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.

- 2.6 Although not obliged, a complainant would normally be expected to wait for the outcome of the early resolution stage before making a formal complaint under Stage Two of this procedure.
- 2.7 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.
- 2.8 If the complainant does not agree to submitting a formal complaint, NSCD will deem this to be the end of the matter.

### **Roles & responsibilities of staff for Stage 1: Early Resolution**

- 2.9 The following staff roles have responsibilities in this area, and may deal with informal complaints in the first instance; all informal verbal or written complaints and discussions will be recorded for reference, and the complainant shall be informed of their right to instigate the formal stage of the procedure (Stage Two):
- Head/s of Faculty
  - Module leaders
  - Student Support staff
  - Professional Services & Support Staff
- 2.10 Where students have raised informal verbal complaints which require actions, we would expect staff or students to communicate this to the Quality Office so that it can be monitored and added to the 'student cases and complaints log' for audit purposes.

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## **Stage Two: Formal Complaint**

- 2.11 Should a complaint not be dealt with informally at Early Resolution Stage 1 to the satisfaction of the complainant, they may initiate a formal complaint using the relevant Complaints Form (see appendices).
- 2.12 To submit a formal group complaint, please refer to the guidance below and 2.3 of Section 1 of this policy.
- 2.13 After assigning a student to be the 'Lead student', the lead student must:
- Ascertain which students wish to make a group complaint in advance of completing the Student Group Complaint Form.

- Complete the Student Group Complaint Form in full, with the exception of Section 2 'Details of other students bringing the complaint'.
- Ask the other students identified as wishing to make the formal complaint to complete Section 2 of the Student Complaint Form.
- Submit via email to the Quality Office a completed Student Group Complaint Form, copying into the email all students who have signed this form.
- Submit any supporting evidence (this should be listed in Section 5 of the form) together with the form.

2.14 Stage Two of the complaint procedure involves an investigation by a senior member of NSCD (Investigating Officer), nominated by the CEO/Principal. If the complaint relates to the conduct of the member of staff who would normally be nominated by the CEO/Principal, they shall nominate an alternative senior member of staff from the School. If the matters of complaint indicate that the impartiality of the CEO/Principal is in some way compromised, the complaint shall normally be referred to the Board of Governors.

2.15 To initiate a Stage Two complaint, the complainant must submit a completed Student Complaint Form via email to the Quality Office. The Quality Office 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 forwarded to the CEO/Principal to nominate a Stage Two Investigator. Complaints that are deemed to be 'late' will be referred to the Head of Quality & Compliance to instigate Completion of Procedures. The Stage Two Investigator will normally have 21 days from the date of receipt by the School of the completed Complaint Form to investigate and respond in writing to the complainant.

2.16 If the Stage Two 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. The details of the complaint will only be disclosed as necessary, however it may be necessary to disclose such information in the course of investigating the complaint.

2.17 At the conclusion of the investigation, the Stage Two Investigator **will form a judgment on the merits** of the complaint, and the complainant will **be informed in writing** of their findings. The findings will include the judgment regarding the merits of the complaint and, where applicable, **proposals for a resolution** of the complaint and/or

recommendations for further action arising from the complaint. The **Stage Two Outcome Letter** will also inform the complainant of the right to move to Stage Three of this procedure if they remain dissatisfied with the findings.

### **Roles & responsibilities of staff for Stage 2**

2.18 The following staff roles have responsibilities in this area:

- **NSCD Quality Office** to log and acknowledge receipt of Stage Two complaint if submitted in time, or refer to the Head of Quality & Compliance for Completion of Procedures letter if out of time. In such instances, a copy of the Completion of Procedures letter would be forwarded to the CEO/Principal of NSCD.
- **Stage Two Investigator** (CEO/Principal's nominee) to assess the validity, consider and investigate complaint, checking to see whether any third party needs to be notified that their data is being processed.
- **Stage Two Investigator** to inform, in writing, the outcome of the formal complaint, informing the complainant of the right to escalate to Stage Three of the procedure.
- **Stage Two Investigator** to forward a copy of the written Stage Two outcome letter, plus all complaint documentation, to the **Quality Office** to produce annual report on student complaints for the NSCD Senate.

2.19 All stage 2 complaints will be added to the 'student cases and complaints log' for audit purposes and monitoring of outcomes.

### **Timescale for Stage 2 complaint**

2.20 The complainant should raise the complaint at the earliest opportunity and in any case in respect of submitting a formal Stage Two Complaint **no later than three months** from the complainant being aware of the incident/sequence of events giving rise to the complaint.

2.21 Only exceptionally and at the discretion of the CEO/Principal or nominee will a complaint raised after this 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. The Stage Two Outcome letter will normally be sent **21 days after receipt** of the Stage Two complaint. Please see 'COMPLAINTS PROCEDURE' below for more details about making a Stage Two Complaint.

## Stage Three: Appeal

- 2.22 An appeal against the findings of the Stage Two Investigator may be allowed, subject to the discretion of the CEO or nominee, if they are satisfied that either or both of the following criteria apply:
- 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 Two complaint, and that sufficient evidence remains that the complaint warrants further consideration;
  - that evidence can be produced of **significant procedural error** in the investigation of the Stage Two complaint, including allegations of prejudice or bias, and that sufficient evidence remains that the complaint warrants further consideration.
- 2.23 An appeal must be **requested in writing**, together with a copy of the original complaint and the Stage Two Outcome Letter and submitted to the CEO within **14 days from the date of the Stage Two Outcome Letter**. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied.
- 2.24 If the CEO (or nominee) is satisfied that one or more of the above grounds have been met to warrant an appeal to be heard, they will appoint a **Complaints Appeal Panel**. The student will be advised in writing of the decision about whether a Complaints Appeal Panel has been appointed, normally within 21 days of receiving the written request submission from the complainant. If the appeal is rejected, reasons will be given and a Completion of Procedures letter issued.
- 2.25 The Complaints Appeal Panel will be served by a Secretary, appointed by the CEO. The Secretary shall act as note-taker and shall advise the Complaints Appeal Panel regarding procedural matters but shall not take part in any decision-making.
- 2.26 To submit a Stage Three formal group complaint, please refer to the guidance below and 2.3 of Section 1 of this policy.
- 2.27 To make a Stage Three Appeal incorporating full panel Review the Lead Student must:
- 2.27.1 Ascertain which students that were part of the group submitting the Stage Two Complaint wish to make a Stage Three Appeal.

- 2.27.2 Complete a new **Student Group Complaint Form**, again with the exception of Section 2 ‘Details of other students bringing the complaint’
- 2.27.3 Ask the other students identified as wishing to make the Stage Three Appeal to complete Section 2 of the Student Complaint Form.
- 2.27.4 Submit via email, copying in those students who have consented to the Lead Contact acting on their behalf, to the Head of Quality & Compliance via [quality.office@nscd.ac.uk](mailto:quality.office@nscd.ac.uk) the following:

- i. the freshly completed **Stage Three Appeal Student Group Complaint Form**,
- ii. 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,
- iii. the **Stage 2 Outcome letter**,
- iv. Any other **new** evidence which the group wished to have considered as part of the Stage 3 appeal.

- 2.28 The Lead Student may not use the same Student Complaint Form that was submitted for Stage Two to make a Stage Three Appeal, as this will not clearly indicate the consent of all students involved in the group complaint that they wish to proceed to a Stage Three Appeal.
- 2.29 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 **Non-Academic misconduct**.

### **Appeals Panel**

- 2.30 The **terms of reference** of the Appeal Panel shall be:
- to consider appeal cases referred to it by the CEO and 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 Two;
  - if the conditions of 2.3.1 are met, to make a judgment on the complaint and if appropriate proposals or recommendations for further actions.
- 2.31 The **membership** of the Appeal Panel shall be:

- A Chair, usually the CEO/Principal or Vice Principal or another member of senior staff not previously involved in the complaint
- A member of academic staff from NSCD not previously involved in the complaint
- An External member or a member from the Board of Governors
- A student representative, drawn from a different course

2.32 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.

2.33 An example of **documentation** usually circulated to panel members may 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 Stage Two Investigator;
- vi) the letter from the CEO (or nominee) 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 during the process.

2.34 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.

2.35 The complainant and person(s) complained about shall have the right to invite a reasonable number of relevant witnesses to give evidence to the Complaints Appeal Panel. The names of any witnesses must be received in writing by the Secretary to the Complaints Appeal Panel at least two working days prior to the hearing who will notify the relevant members of the panel, departments and staff.

2.36 Reasonable adjustments, including attendance at an Appeal Panel via remote means such as Zoom or Microsoft Teams will be fully considered by the Chair

of the Panel with reasonable attempt made to ensure the needs of all members are met.

- 2.37 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. An appeal 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 Appeal Panel.
- 2.38 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.
- 2.39 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.
- 2.40 The complainant may also be accompanied by a family member or a friend (from inside or outside the School), 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.
- 2.41 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 **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.
- 2.42 Except where the CEO or nominee deems there to be good cause<sup>6</sup>, each party's evidence or statement(s) will be given in the presence of the other party/parties involved in the dispute and, through the Chair, questions may be asked about each presentation by all parties. The Panel may also ask questions of all parties. Through the Chair, all parties may also ask questions of all witnesses called to give evidence. The Chair of the Complaints Appeal Panel has ultimate discretion to permit or allow any questions posed by all parties.

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<sup>6</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.

- 2.43 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.
- 2.44 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.
- 2.45 The Secretary will send written confirmation of the decision of the Panel to the complainant in the **Hearing Outcome Letter, normally within 14 days of the meeting** at which the decision was made. The written confirmation will state the reasons for the decision made. A copy of the Hearing Outcome letter will be sent to the CEO/Principal.
- 2.46 The Panel may make recommendations to any member of the NSCD Leadership Team concerning the implementation of a decision or findings to resolve a complaint. The Panel may make other relevant recommendations as appropriate. All outcomes will be recorded and monitored by The Quality Office and will inform the annual report regarding complaints, submitted to the NSCD Senate.

### **Roles & responsibilities of staff for Stage 3**

- 2.47 The following staff roles have responsibilities in this area:
- 2.47.1 **The Quality Office to log and acknowledge receipt of Stage Three Appeal,** notify the Vice Principal of NSCD as required of its receipt, **and forward to CEO/Principal** (or nominee).
  - 2.47.2 **CEO/ Principal of NSCD (or nominee)** checks to see whether any third party needs to be notified that their data is being processed.
  - 2.47.3 **CEO/ Principal of NSCD (or nominee) considers the request for a review,** and either appoints Appeal Panel to review complaint, or issues a Stage Three Review Outcome Letter and Completion of Procedures letter, copying in plus the Stage Two investigator.
- 2.48 The CEO/Principal may depute to another senior administrative officer of NSCD any or all of the responsibilities ascribed to the CEO under these procedures, 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.

### Timescale for Stage 3 complaint

- 2.49 A Stage Three Appeal should be submitted by the complainant to the CEO/Principal **within 14 days** of the date of the Stage Two Outcome letter. The CEO's review and outcome letter detailing whether the Stage Three Appeal submission meets the grounds for an Appeal Panel to be appointed will normally be completed within 21 days following receipt of the StageThree Appeal request. Please see 'COMPLAINTS PROCEDURE' below for more details about making a Stage Three Appeal.
- 2.50 In the case of **Student Complaints**, the decision of the Complaints Appeal 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.

### Resolution & Outcome

- 2.51 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 non-academic misconduct procedures), or
  - a combination of these or other outcomes.
- 2.52 At each stage of the procedure, the complainant will receive the reasons for the outcome of the complaint.
- 2.53 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 NSCD regulation or procedure, the investigator shall refer the complaint for consideration under that regulation/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.
- 2.54 Once the internal procedures of Northern School of Contemporary Dance have been exhausted, a **Completion of Procedures letter** will be issued. This letter confirms the NSCD process has been completed, after which and student complainants are entitled to ask the **Office of Independent Adjudicator (OIA)** to consider any unresolved complaint: <https://www.oiahe.org.uk/students/can-you-complain-to-us/>
- 2.55 It is usually better to complain as soon as possible after the conclusion of the NSCD processes. The OIAHE must receive a student complaint within **12 months** of the date of the **Completion of Procedures Letter**, otherwise the complaint will not be accepted. The 12-month period will normally run from the date of the Completion of Procedures Letter.

## **Appendices**

Appendix 1: Complaint Form (individual)

Appendix 2: Group Complaint Form