

Central School of Ballet
Student Complaints Policy

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Introduction

1. Central School of Ballet ('Central') is committed to providing all students with a high-quality education and student experience. However, we recognise that there may be instances where students have **legitimate complaints** regarding their course, the services or facilities provided by Central. We take all such complaints seriously, deal with them in confidence, and ensure that students will not be disadvantaged for raising a complaint.
2. This Student Complaints Policy sets out how students of Central can make a complaint and how Central will deal with it, as well as the complaint scheme available from the Office of the Independent Adjudicator for Higher Education (OIA). These proportionate procedures are designed to ensure that all student complaints are heard and responded to in a manner that is timely, fair, transparent, and based on the consideration of relevant evidence. As far as is reasonably possible, we will safeguard the interests and wellbeing of any student making a complaint and, when relevant, staff who may be named or otherwise involved in a complaint.
3. This Policy and its procedures cover both academic and non-academic complaints. Academic complaints are defined as specific concerns about the provision of a course of study or related academic service, e.g. delivery of teaching, training on placement, assessment. A non-academic complaint is defined as a specific concern, other than one relating to an academic matter (as defined above), made by a student about services or facilities provided by Central.
4. Students on Central's higher education courses receive their award from the validating university, i.e. University of Kent and are therefore also students at University of Kent. This Policy and its procedures do not cover the complaints procedures of the University of Kent. Please refer to the University's website: <https://student.kent.ac.uk/support/student-complaints>
5. For the avoidance of doubt, in the event of this Policy and Procedures being updated or amended, the applicable version to be applied will be determined by the date (usually the academic year) that a formal complaint is logged with Central.
6. Most complaints or issues of concern can be satisfactorily resolved through informal discussions without the need for a formal complaint to be made. Central emphasises the importance of seeking informal and early resolution wherever possible.

7. The Student Complaints Policy and its procedures are intended for registered students of Central, including recent graduates and the new incoming students whose written acceptance of an offer to study a higher education course has been confirmed by Central School of Ballet.
8. This Policy does not cover the following areas which are dealt with in separate policies and procedures:
 - Complaints relating to visiting speakers and events are dealt with under the appeal process of the Code of Practice on Freedom of Speech.
 - Complaints arising from action taken under the Non-Academic Misconduct Policy are dealt with under the appeals procedures of the Policy.
 - Complaints regarding emergency temporary or permanent exclusion imposed under the Emergency Powers of Exclusion and Suspension are covered by the appeal procedure of the Policy.
 - Complaints regarding decisions concerning students under the Criminal Records Policy are dealt with by the Director of Finance and Operations.
 - Complaints regarding admissions process/appeal raised by applicants against decisions regarding self-disclosure of criminal offences are dealt with under the Admissions Policy.
 - Appeals against Hardship Funds and Course Fee Waiver decisions are dealt with by the Director of Finance and Operations.
 - Appeals or further complaints relating to academic progression, assessment, award and/or academic misconduct are covered by the appeals procedures of the validating university, the University of Kent¹.
9. This Policy and its procedures adhere to the principles set out in the Office of the Independent Adjudicator for Higher Education ([OIA's Good Practice Framework for Handling Complaints and Academic Appeals](#)).
10. References to singular nouns in this Policy may also be interpreted as plural and vice versa depending on context. Except where otherwise stated, all timescales in this Policy are stated as calendar days, excluding bank

¹ <https://www.kent.ac.uk/education/collaborative-partnerships/validated-institutions/validated-student-information/appeals-against-recommendations-of-boards-of-examiners>
<https://www.kent.ac.uk/education/collaborative-partnerships/validated-institutions/validated-student-information/appeals-against-recommendations-of-academic-misconduct-cmtes>

holidays and non-working days (e.g. School closure over the summer and Christmas periods, etc.).

What is a complaint under this Policy?

11. Central School of Ballet adopts OIA's **definition of complaint** as follows:

an expression of dissatisfaction by one or more students about action or lack of action by Central School of Ballet, or about the standard of service we provide or was provided on our behalf.

12. Examples of complaints covered in this Policy include:

Academic complaints

- Quality and adequacy of the provision of a course of study or related academic service, e.g. delivery of teaching, training on placement

Non-academic complaints

- Infringement of a student's right to freedom of speech within the law
- Inadequate services, facilities or learning resources at Central School of Ballet (e.g. student welfare, library collection and access).
- Misleading or incorrect information in the promotional material and other information provided by Central School of Ballet
- Decisions, actions or perceived lack of action taken by a staff member of Central School of Ballet
- Serious staff misconduct
- Misconduct of other students
- Complaints involving other organisations or contractors providing a service on behalf of Central School of Ballet (please note that your complaint may be referred to an appropriate third party for resolution).

13. A complaint out of the scope of this Policy shall be dealt with in relevant policies and procedures. They are:

- i) Complaints arising from action taken under the Non-Academic Misconduct or Support Through Studies policies, which should be directed towards the respective appeals procedure;
- ii) Complaints arising from matters relating to academic progression and/or assessment, which are covered by the academic appeals procedure of the validating university, the University of Kent.

What is a legitimate complaint?

14. Legitimate complaints are genuine, valid and evidence-based, often related to issues that fall within the boundaries of acceptable standards of course delivery, teaching, services and facilities or legal requirements concerning Higher Education provision. Complaints made without foundation (frivolous) or in bad faith (vexatious) are illegitimate complaints for the purpose of this Policy and its procedures. Examples of frivolous or vexatious complaints include:

- complaints which are obsessive, harassing or repetitive;
- insistence on pursuing non-meritorious complaints and/or unrealistic outcomes;
- insistence on pursuing complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- ‘counter-complaints’ in response to allegations which, on the balance of probabilities², would otherwise not have been made;
- demands for redress which lack any serious purpose or value.

Who can make a complaint?

15. Complaints can normally be made by registered students on a Higher Education course with Central School of Ballet, including new incoming students who have received Central School of Ballet’s confirmation of their written acceptance of Central School of Ballet’s offer of a place to study; students on approved periods of intermission; suspended/excluded students; or former students/recent graduates. Former students who left Central School of Ballet without completion of studies or recent graduates may make a complaint to Central School of Ballet provided that the formal complaint (Stage 2) is made within three months of the date of the incident which gave rise to the complaint. An exception to this is non-recent complaints of sexual misconduct, harassment and/or related behaviours, which may be raised with the School by any individual at any time under the Policy on Sexual Misconduct, Harassment and Related Behaviours.

16. Matters of complaint regarding the application process before an applicant has had confirmation of acceptance of a place should be raised using the Admissions Complaints Procedure under the Admissions Policy published on Central School of Ballet website. The applicant’s appeal against a decision made regarding their voluntary disclosure of criminal offences records is also processed under the Admissions Policy.

17. A complainant raising a complaint to Central School of Ballet is expected to:

² The balance of probabilities is the guiding principle to determine whether a reported issue has more likely than not occurred based on the evidence considered.

- Be respectful and courteous in the submission of a complaint and in the subsequent investigations.
- Seek a resolution that is reasonable, constructive and proportionate.
- Provide a full explanation of the complaint in a timely fashion, along with supporting evidence.
- Co-operate when undergoing the procedures stated in this Policy as far as they are reasonably able.

18. Complaints will normally be made by individual students, but where appropriate, groups of students are permitted to make a collective complaint where the subject matter is the same or similar. In such circumstances, the group (more than two students) should appoint a Lead Student. Due to the complexity, group complaints consisting of more than two students will automatically move to the Formal Stage of Complaints (i.e. Stage 2) (see the Complaints procedures section below).

19. A complaint from a third party made on behalf of a student will only be accepted for consideration by Central School of Ballet when the following conditions are met:

- in exceptional circumstances such as when the student has a health issue or disability; and
- with the student's written authorisation for the third party to act on their behalf.

20. A relevant person making a complaint to Central School of Ballet is hereafter named complainant.

Guiding Principles

21. Central School of Ballet ensures that the Student Complaints Policy abides by the following guiding principles.

Timely – we will follow the timescales and procedures set out in this Policy. We will normally complete all complaints within 90 days of the start of the formal complaint. However, there may be circumstances when the complaint may take longer, for example, collection of evidence/information, liaison with external parties and/or agencies. Should there be any delay in the complaint process you will be advised and kept up to date.

Fair – we will ensure that all staff involved in the decision-making are independent and well-resourced, and that each party is given an equal opportunity to present their case. Students will not be disadvantaged because of bringing a complaint.

Independent – decisions will be made by people without perceived or actual conflicts of interest at all stages.

Confidential – a complaint will be treated with an appropriate level of confidentiality and will normally only be disclosed to those involved in its investigation.

Action Taken – Central School of Ballet will ensure appropriate action is taken and will use this process to improve the student experience.

Decision-making - All decisions and findings reached at any stage of the Student Complaints Policy are made on the balance of probabilities³.

Freedom of Speech – All parties involved in the operation and execution of this Policy and its procedures (including the Complaint Appeal Panel) shall abide by the Code of Practice on Freedom of Speech published on Central School of Ballet website.

22. Anonymous complaints are normally not actionable as Central School of Ballet is under an obligation to deal with allegations in a fair and reasonable way and in accordance with the principles of natural justice. Natural justice means that adjudication is unbiased and given in good faith and that each party is aware of the arguments and documents given by the other. In cases of doubt as to whether to raise a complaint a student can seek confidential advice from the Registry and Admissions Manager and/or the Director of Higher Education. The balance of probabilities is the guiding principle that determines whether a reported issue has more likely than not occurred based on the evidence considered, i.e. if there is a greater than 50% chance.

23. In exceptional circumstances (e.g. where there may be a perceived risk to the safety and/or wellbeing of an individual or a group of individuals), Central School of Ballet may investigate an anonymous complaint to satisfy itself that it is managing risks appropriately and meeting its Prevent and Safeguarding Duties and/or any other statutory requirements.

Academic Complaints

24. Academic complaints should be submitted to Central School of Ballet under this Policy in the first instance. On exhaustion of all procedures under this Policy, a complainant not satisfied with the outcome has a further right of complaint to the University of Kent⁴.

³ The balance of probabilities means that any decision-maker in these procedures 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.

⁴ <https://www.kent.ac.uk/education/collaborative-partnerships/validated-institutions/validated-student-information/complaints>

25. Academic complaints that are submitted directly to the University of Kent will normally be referred back to Central School of Ballet to be managed under this Policy.

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

27. Complaints arising from matters relating to academic progression, assessment, award and/or academic misconduct are covered by the appeals procedures of the University of Kent⁵.

Police Investigation or Judicial Proceedings

28. Central School of Ballet may suspend, hold in abeyance or terminate proceedings in complaint cases that are being investigated by the police or are subject to judicial proceedings.

⁵ <https://www.kent.ac.uk/education/collaborative-partnerships/validated-institutions/validated-student-information/appeals-against-recommendations-of-boards-of-examiners>
<https://www.kent.ac.uk/education/collaborative-partnerships/validated-institutions/validated-student-information/appeals-against-recommendations-of-academic-misconduct-cmtes>

Complaints Procedures

29. There are three stages to the procedures.

Stage 1: Informal Complaint & Resolution – most complaints can be raised and resolved informally. Students are expected to try and resolve their complaint informally in the first instance if it is appropriate to do so by raising the issue with a member of staff. There are also other avenues for students to raise the issue, e.g. via the student representatives and Student Voice Forums. The Director of Higher Education (DoHE) can be approached for assistance if needed.

Stage 2: Formal Complaint – this stage will only commence **when informal complaints cannot be resolved in Stage 1**. Due to the complexity, group complaints involving two students or more will automatically enter this Stage on receipt of the written complaint. The Formal Complaint Stage involves investigation (which may include interviewing the complainant or other relevant persons) by the DoHE or their nominee. If the complaint relates to the conduct of the DoHE, the Executive Director shall nominate an alternative staff.

Stage 3: Complaint Appeal – this stage is for the **complainant who is dissatisfied with the outcome of the Stage 2 Formal Complaint** to seek review with justifiable grounds⁶. The Stage 3 Reviewer will normally be the Executive Director or their nominee. The Stage 3 procedure will normally be fully undertaken by the Stage 3 Reviewer, who will make a final decision on the case. However, in exceptional circumstances, the Stage 3 Reviewer may appoint a Complaint Appeal Panel to consider and reach a final decision on the case. The Executive Director may engage an External Officer⁷ to a Complaint Appeal Panel.

30. If a complaint is directly raised under Stage 2 without an attempt to resolve the matter under Stage 1 of the procedures, where appropriate, the School will refer the matter back into Stage 1 of the procedures to attempt to resolve it more swiftly.

Although not obliged, a complainant would normally be expected to wait for the outcome of the informal stage before making a formal complaint under Stage 2. The

⁶ Justifiable grounds for Appeal:

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

⁷ Appropriate members of staff from one or more similar small specialist higher education providers of dance and allied artistic disciplines to provide assurances against bias and prejudice and facilitate independent review for fairness and enhancement of the quality of the procedures. No proceedings under this Policy shall therefore be invalidated by virtue of the involvement of an External Officer.

staff dealing with the informal complaint may themselves wish to refer the complaint to Stage 2 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 will be deemed to be the end of Central School of Ballet's consideration of the complaint and the complainant will be duly notified in writing covering the following information. The Registry and Admissions Manager will be copied in for filing and reporting purposes.

- a. The date the issue of complaint was first raised.
- b. The process taken by the staff member to resolve the complaint (which in some circumstances may only be encouraging the complainant to submit a formal Stage 2 Complaint if the staff member deemed informal resolution inappropriate). This may include conversation with the complainant on the subject matter, time given to the student to think about their options, and any agreed actions.
- c. The date the complainant had been advised to submit a formal Stage 2 Complaint.
- d. The date the staff member was notified by the complainant that they did not wish to pursue a formal Stage 2 Complaint.

31. To make a Stage 2 Formal Complaint, the complainant(s) must complete and submit an [online Student or Group Complaint Form](#) with supporting evidence no later than **3 months** from the date of the occurrence of the issue of complaint.

32. To make a Stage 3 Complaint Appeal request, the complainant must complete and submit an [Central School of Ballet Stage 3 Student or Group Complaint Appeal Request Form](#). The form must be accompanied with the Stage 2 Complaint Outcome and any other new supporting evidence via email **no later than 14 days** from the date of the Stage 2 Complaint Outcome Letter.

33. All complainants involved in a group complaint must indicate their consent to authorise the Lead Student to act on their behalf via the form. The Lead Student of the group complaint will be the contact point with Central School of Ballet during the investigation in Stage 2 and appeal in Stage 3. The Lead Student has the responsibility to keep all group complainants informed of the progress, including but not limited to copying in the group complainants on information submitted to Central School of Ballet to initiate and facilitate the process in Stages 2 and 3. Copying in other students and/or individuals who have not signed the relevant forms is a misconduct subject to disciplinary action under the Non- Academic Misconduct Policy and Procedures.

34. A complainant of a group complaint who decides not to proceed to Stage 3 Complaint Appeal is not obliged to participate in Stage 3 with the other complainants of the group who wish to do so. The complainant can indicate their desire not to

proceed by signing the relevant opting-out section of the Group Complaint Appeal declaration form. By doing so, the complainant is released from all obligations and responsibilities as a complainant and shall not receive further information regarding the case.

35. Where a Complaint Appeal Panel is appointed for Stage 3 at the discretion of the Stage 3 Reviewer, a hearing will be held. The complainant (or the complainants of the group complaint) will be invited to attend the hearing and to make any final representations on the matter. The Panel will consider the Stage 2 Complaint Outcome, together with any representations made by the complainant verbally at the hearing or submitted in writing, to make the final decision on the complaint. The Terms of Reference, Panel membership, and the Complaint Appeal Panel proceedings are in **Appendix 4**. The Complaint Appeal Panel may be instructed to conduct a full review or a review of the specified scope of the complaint, as deemed appropriate by the Stage 3 Reviewer. The Panel will make the final decision on the complaint with reference to the following:

- a) whether all or part of the Stage 2 Complaint Outcome (including any findings) should be overturned and replaced with another final decision; or
- b) whether all or part of the Stage 2 Complaint Outcome should be amended, or
- c) whether the original Stage 2 Complaint Outcome should stand, as following the review there is no or insufficient justification for any change(s) to the Stage 2 Complaint Outcome, and
- d) whether there are any recommendations or actions for Central School of Ballet arising from the Stage 3 Appeal.

36. Central School of Ballet will issue the outcomes of Stage 2 and Stage 3 to the complainant (individual complaint) and all complainants in a group complaint as follows.

- a. Stage 2 – **Complaint Outcome Letter** (COL) covering overall outcome, a resolution and the right of the complainant to move to Stage 3 if they are dissatisfied with the outcome and/or resolution. The COL will also provide the considerations, findings and conclusions for reaching the outcome.
- b. Stage 3 – **Complaint Review Outcome Letter** (CROL) covering the Reviewer/Panel's findings, considerations and final decision.

37. On completion of Stage 3, a complainant dissatisfied with the outcome:

- has a further right of complaint to the University of Kent for academic complaints; under such circumstance, the Central School of Ballet Letter

issued by Central School of Ballet to the complainant will be copied to University of Kent.

- may make a complaint to OIA within 12 months of the date of the Central School of Ballet Letter issued by Central School of Ballet.

38. The timescales of respective stages of this Policy will commence from the date Central School of Ballet formally receives the complaint/request for review in writing. For complaints/requests for review submitted after 5 p.m. on any day, the next working day will normally be deemed the date of receipt and thus the start of the timescales for relevant stages of complaint. A summary of the timescales is set out below.

Stage of complaint	Deadline for complainant to Raise the Complaint	Resolution by CSB
1- Informal	As soon as is reasonably possible and no later than 3 months	As soon as is reasonably practical, normally within 7 days, with the agreed resolution documented in an 'outcome record' as deemed appropriate.
2- Formal	No later than 3 months of the date of occurrence of the issue of complaint*	Complaint Outcome Letter – within 21 days from the date of Central's receipt of the Formal Complaint
3- Appeal	Within 14 days of receipt of the Stage 2 Complaint Outcome Letter	a. Complaint Review Outcome Letter - within 21 days of the receipt of the Stage 3 complaint review request. b. For cases referred to a Complaint Appeal Panel, another 21 days will be added. The complainant will receive an interim Complaint Review Outcome Letter from the Stage 3 Reviewer regarding the referral and the rationale. On conclusion of the Complaint Appeal Panel's process, the complainant will receive the final Complaint Review Outcome Letter from the Panel Secretary. If adjournment of the Panel's meeting is required to collect information for decision-making, the Panel will normally reconvene within 21 days of the original hearing date.
Central School of Ballet	Not Applicable	Central will issue a Central School of Ballet Completion of Procedures letter within 28 days after the conclusion of its internal Student Complaints procedures

**Only exceptionally and at the discretion of the Director of Higher Education (or their nominee) will a complaint raised after the 3-month deadline be considered. The longer the time between the cause of complaint and the issue being raised, the more difficult it may be to meaningfully investigate and resolve the complaint.*

Complaints to OIA

39. The OIA runs an independent scheme to review student complaints. A student dissatisfied with the final outcome of these procedures may make a complaint to the OIA.

40. Students need to have completed these procedures before they complain to the OIA. Once the procedures have been exhausted, Central School of Ballet will send the student a letter called a 'Central School of Ballet Completion of Procedures letter', normally within 28 days after the conclusion of its internal procedures. The student must submit their complaint to the OIA within 12 months of the date of their Central School of Ballet Letter.

Data Processing, Confidentiality and Record Keeping

41. Central School of Ballet will endeavour to limit the disclosure of information as is required for the conduct of a fair investigation/review and the implementation of any recommendations following investigation/review. However, if the complaint is about another member of Central School of Ballet (staff or student), the person will normally have the right to know of the complaint made against them to be able to properly answer the complaint, in accordance with the principles of fairness and natural justice. If a complainant refuses to name a person who is relevant to their complaint, Central School of Ballet may not be able to consider or investigate the case or may only be able to consider or investigate it to a limited extent.

42. Once a formal complaint/request for review is received by Central School of Ballet, related information will be filed in the Student Casework records and copied to the student file of the complainant. In accordance with Central School of Ballet's duties under the General Data Protection Regulations (GDPR) (2018) and the Data Protection Act (DPA) (2018), records will be retained for a minimum of 15 months and for no longer than is reasonably necessary (i.e. no longer than 6 years after the final action on the student's case, at which point the individual student casework file will normally be destroyed). Some deviation from this arrangement can be expected for cases which, in the judgement of Central School of Ballet, are unique or complex and therefore require shorter or longer retention periods. Please see the Data Protection Policy on Central School of Ballet website for further details.

43. Central School of Ballet will share, as necessary, information internally within the School, with the Complaint Appeal Panel Members conducting a hearing at Stage 3 of these procedures, and with the validating university regarding a student complaint. The shared information may include personal and sensitive data ('special category data') as part of the fair and proper investigation/review of the complaint to reach a resolution, and to maintain and enhance standards and good practice. All such information will be treated confidentially.

44. Written resolution for all stages of the complaint procedures together with any other relevant documents will be shared with the Executive Director and Admissions

and Registry Manager. The Admissions and Registry Manager or DoHE will log the complaints and outcomes in the Student Casework Records for reporting to the relevant board and committees.

45. All complainants entering Stage 2 Formal Complaint or Stage 3 Complaint Review under these procedures must indicate their consent to their data being shared appropriately in relevant forms.

46. Anonymised student casework data will be shared internally for monitoring and assurance purposes. Any queries or concerns regarding data processing can be directed to the Admissions and Registry Manager in the first instance, who may refer them to the Data Protection Officer where applicable.

47. Information about a serious incident under Prevent Duty shall be reported to Office for Students (OfS). Information about an individual susceptible to radicalisation can be shared without consent if there is a lawful basis for doing so⁸.

Third party information

48. Complainants making a case which includes information about a third party should not forward personal information relating to that third party without the expressed consent of that individual. For example, a student who wishes to submit information in support of their complaint about the impact of the cause for complaint which includes additional impact on a family member should not forward any detailed personal medical/other personal and/or sensitive information about that family member (such as medical letter or certificate) without their consent. Equally, the complainant should also consider whether it is necessary to share such information.

49. Where a student submits evidence in support of their complaint that constitutes third⁹ party personal information, the investigating officer at Stage 2 or reviewer at Stage 3 will need to notify the third party that their data is being processed, in line with the GDPR.

Central School of Ballet staff data

50. Information about School staff acting in their professional capacity may be disclosed at any stage in the procedures, including to a Complaint Appeal Panel, or to the OIA if it forms part of the information considered under the Student Complaints Policy. Sometimes, this may include sensitive personal data (e.g. a complaint about

⁸ Paragraph 170 of the Prevent duty guidance: England and Wales (2023) which sets out that “When seeking to share personal data regarding people susceptible to radicalisation, practitioners should consider whether it is appropriate to rely on the person’s consent and must comply with the requirements of data protection legislation. Where it is not possible to rely on consent, it is still possible to share information if there is a lawful basis for doing so.”

https://assets.publishing.service.gov.uk/media/65e5a5bd3f69457ff1035fe2/14.258_HO_Prevent+Duty+Guidance_v5d_Final_Web_1_.pdf

⁹ <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>

the impact of staff absence because of illness) which may be deemed special category data under the GDPR. All sensitive personal/special category data will be redacted as far as possible during the procedures.

Monitoring and Assurance

51. An annual Student Casework Report is submitted to the Board of Governors for monitoring and quality assurance and enhancement purposes. As part of their monitoring and quality assurance duties, the Boards and Committee will also monitor disciplinary matters, statistical data, or related issues arising from these procedures.

Non-disclosure agreements

52. Central School of Ballet shall not enter into non-disclosure agreements ¹⁰relating to allegations about harassment or sexual misconduct to a third party.

Advice and Guidance

53. Guidance regarding the use of this Policy and associated procedures can be sought from the Director of Higher Education or Admissions and Registry Manager.

¹⁰ <https://www.officeforstudents.org.uk/for-providers/student-protection-and-support/harassment-and-sexual-misconduct/prevent-and-address-harassment-and-sexual-misconduct/non-disclosure-agreements/>

Appendices to this policy:

Appendix 1: Stage 2 Online Student or Group Complaint Form: [Central School of Ballet Stage 2 Student or Group Complaint Form – Fill in form](#)

Appendix 2: Stage 3 Online Group Complaint Form link: [Central School of Ballet Stage 3 Student or Group Complaint Review Request Form – Fill out form](#)

Appendix 3: Student Group personal details and signed declaration document for upload.

Appendix 4: Terms of Reference, Membership and Proceedings of Complaint Appeal Panel

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Terms of Reference

1. The Complaint Appeal Panel is appointed by the Executive Director to:
 - a. consider cases referred to it by the Stage 3 Reviewer;
 - b. determine, on the balance of probabilities, whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at Stage 2;
 - c. make a judgment on the complaint and if appropriate proposals or recommendations for further actions, if the conditions of (b) are met.

Panel Membership

2. The Complaint Appeal Panel shall comprise:
 - a. A Chair, usually the Executive Director or a Trustee;
 - b. An External Officer;
 - c. A member of staff who may be either an academic staff or a member of the Senior Management Team.

3. No member of staff who is directly involved in the complaint will serve as a member of the Panel.
4. The Stage 3 Reviewer may serve on the Panel, either as the Chair or as a member.
5. The Complaint Appeal Panel will be served by a Secretary, appointed by the Executive Director. The Secretary shall advise the Complaint Appeal Panel on procedural matters and shall not take part in any decision-making.
6. The Complaint Appeal Panel shall abide by the Code of Practice on Freedom of Speech published on the Central School of Ballet's website.

Complaint Appeal Panel Proceedings

7. 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 the complaint subject (i.e. the person and/or department against whom/which the complaint is lodged), normally at least **seven days** before the hearing.
8. Such documentation will normally include the following:
 - a. A Panel Hearing Agenda, that sets out:
 - the Terms of Reference and Membership of the Complaint Appeal Panel
 - other expected/invited attendees, including the Secretary, the Notetaker, the witness, the complaint subject or the staff representative of the department being the complaint subject;
 - the date, time and place of the hearing;
 - a brief summary of the purpose of the hearing;
 - A list of the documentation submitted to the Panel;
 - The applicable procedures under which the Panel is being held (i.e. this Appendix)
 - b. All documentation submitted by the complainant at Stages 1 and 2;
 - c. The Stage 2 Complaint Outcome Letter;
 - d. The interim Complaint Review Outcome Letter from the Stage 3 Reviewer;
 - e. The Stage 3 Complaint Outcome Review Request Form submitted by the complainant(s) together with the supporting documentation;
 - f. Any/all written responses by the complaint subject; and

g. Any other documentation, correspondence or written submissions relevant to the hearing, including witness statements submitted at any stage during the process.

Attendance at the Hearing

9. The complainant and the complaint subject shall normally be expected to attend the Panel hearing to give evidence. In the case of group complaint, depending on group numbers, all complainants or a selection of group complainants will be invited to attend. If any of the group complainants is not able to attend, they may request those who attend to act on their behalf at the hearing. The group complaint attendees' actions/statements at the hearing shall be binding as a group. The Panel Chair may invite other relevant persons to give evidence to the Panel.

10. The complainant has the right to attend the Panel hearing accompanied by a supporter who can be a staff member or another student or a family member or a friend, subject to approval by the Panel Chair. The accompanying supporter will not normally be allowed to speak during the hearing. However, the Panel may invite the accompanying supporter to make a statement in support of the complainant at the end of the hearing. In the case of a complainant requiring reasonable adjustments due to disability or impairment, a relevant individual shall normally be permitted to be a representative of the complainant and speak on their behalf during the hearing at the invitation of the Panel Chair.

11. The name of the accompanying supporter (and representative for the complainant requiring reasonable adjustments) must be received in writing by the Panel Secretary at least 48 hours prior to the hearing. The Panel Chair has the discretion to refuse to permit the accompanying supporter and representative to attend the hearing if a prior written notice has not been given by the deadline.

12. The procedures under the Student Complaints Policy are a civil and internal process. Accordingly, neither the complainant nor Central School of Ballet shall normally be represented by a legal practitioner at meetings or hearings held under this Policy. Where a student requests to be represented by a legal practitioner at a Panel hearing, the Panel Chair may reject the request unless there are mitigating circumstances with reasonable grounds to do so. If legal representation is approved for the complainant, Central School of Ballet reserves the right to procure its own legal representation.

Witnesses

13. The complainant and, if applicable, the complaint subject shall have the right to invite a reasonable number of relevant witnesses to give evidence to the Complaint Appeal Panel. The admission of any witnesses to the Panel hearing will be at the discretion of the Chair. Both parties must inform the Panel Chair of the names of any witnesses they wish to call, normally at least 48 hours in advance of the hearing.

14. Upon the agreement of the Panel Chair to admit the requested witness(es), it is the complainant's responsibility to invite the witnesses, to ensure they can attend, and to provide them with any relevant documentation. The 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 Panel Chair.

15. The Panel Chair will also have the discretion to determine whether the number of witnesses requested is reasonable.

16. Witnesses may submit a written statement for the consideration of the Panel, in lieu of attending the hearing. Where feasible, written witness statements should be provided for circulation to the Panel at least 48 hours before the hearing. Statements submitted after this deadline may not be accepted by the Panel for lack of sufficient time to make preparation.

17. A witness having submitted a written statement is normally not expected to attend the hearing. The Panel Chair may refuse to admit that witness to the hearing. The Chair's decision on the admission of all evidence at the hearing, including witness evidence, shall be final.

Representations at the Hearing

18. Except where the Chair of the Panel deems there to be good cause¹¹, both the complainant and the complaint subject will give evidence or statement(s) in the presence of each other. The Panel may ask questions of all parties.

19. Through the Chair, questions may be asked by the complainant and any responding parties. Through the Chair, all parties may also ask questions of all witnesses called to give evidence. The Panel Chair has ultimate discretion to permit any questions asked by any parties.

Complaint Appeal Panel Findings and Outcome

20. The Panel will reach a decision by a majority vote of the members of the Panel present at the hearing but will be announced as a decision of the Panel. The votes of the individual Panel members will be treated as confidential.

21. The Panel may adjourn for a specified period to allow for the collection of additional information that may have come to light during the hearing. The decision to adjourn the meeting is at the discretion of the Chair. The Secretary will endeavour to collect the relevant information that the Panel considers necessary to reach a decision. Normally the Panel will reconvene within 21 days of the original hearing date to continue its deliberations, reach a decision and agree on its findings.

¹ A reasonable adjustment is required to stagger the attendance of the complainant with a disability and the complaint subject so as to support the disabled complainant with obvious difficulty in reliving the incident in the presence of the complaint subject. The same applies to the complaint subject with a disability.

22. 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.

23. The Panel Secretary will issue a Complaint Appeal Panel Outcome Letter cleared by members and approved by the Chair to the complainant, the Panel members, and any other necessary relevant parties, normally within **14 days of the hearing**. The written confirmation will state the reasons for the decision made, the finding, Panel's judgment, resolution of the complaint and recommended actions for Central School of Ballet.