

# ROYAL ACADEMY OF DANCE

## **Complaint Policy & Procedure** **Making a Complaint against a Member**

### **1. Introduction**

- 1.1. The Royal Academy of Dance (RAD) takes complaints made about its Members very seriously and in its dealings with anyone who brings a complaint ("Complainant"), will act fairly, without bias or prejudice and in accordance with all legal requirements and the rules of any regulatory authority that may govern its operations.
- 1.2. All RAD Members are expected to comply with the [Code of Conduct \(CoC\)](#), and Teaching Members must also comply with the [Code of Professional Practice \(CoPP\)](#).
- 1.3. Anyone with concerns of the conduct of a Member must firstly raise the issue directly with the Member or their employer (e.g. the principal of the school where they work) with a view to resolving the issue.
- 1.4. Only if the Complainant is unable to resolve the issue directly with the Member or their employer should the Complainant raise the matter as a formal complaint with the RAD and this policy sets out the process which we will use for dealing with such complaints.

### **2. What issues are the RAD unable to review?**

- 2.1. The RAD is a membership organisation and not an investigatory, regulatory, or governing body.
- 2.2. Any complaint about an RAD Member must be submitted to the RAD not more than two months after the alleged incident. Unless the Complainant was not aware of the incident at the time it occurred, or where the complaint has the potential to bring the RAD's name into disrepute.
- 2.3. The RAD has no jurisdiction or authority to deal with any complaint relating solely to the Members' management of their own dance school or business, or any dance school or business in which they are employed or engaged.  
Examples include:
  - 2.3.1. contractual disputes,
  - 2.3.2. scale of tuition charges,
  - 2.3.3. cancellation policy,
  - 2.3.4. refund on fees policy,
  - 2.3.5. a student's readiness to be entered for an examination,
  - 2.3.6. contracts/informal agreements relating to pay,
  - 2.3.7. allegations of student poaching,

- 2.3.8. commercial matters, including proximity to other schools, or
- 2.3.9. school purchases or any franchise agreement.
- 2.4. The RAD will not normally intervene where the complaint against a Member is one that:
  - 2.4.1. has been reported to the local authority, other agencies or regulators for investigation,
  - 2.4.2. has been reported to the police authorities for investigation,
  - 2.4.3. is subject to ongoing legal proceedings, or
  - 2.4.4. criminal proceedings are already underway.
- 2.5. Where a Complainant institutes legal proceedings against a Member, the RAD will wait until those proceedings have drawn to a conclusion. Once the outcome of those legal proceedings is known the RAD will take the outcome of these proceedings into account.
  - 2.5.1. In some severe cases the RAD may temporarily suspend the member pending the outcome of legal proceedings.
- 2.6. Anonymous complaints will not be accepted.
- 2.7. The RAD is unable to accept complaints about individuals teaching RAD syllabi who are not members of the RAD, or complaints about non-member employees of schools which also employ an RAD Member.

### **3. How to make a complaint**

- 3.1. The RAD will review alleged breaches of the CoC, and/or CoPP, and any allegations of “unfitting conduct” as detailed within the RAD’s [Supplemental Charter and Bye-laws](#).
- 3.2. Any complaint against a Member should be raised with the Complaints Officer in writing to RAD HQ or by email to [complaints@rad.org.uk](mailto:complaints@rad.org.uk).  
The complaint must include:
  - 3.2.1. the name, email, telephone and postal address of the person making the complaint,
  - 3.2.2. the name of the Member the complaint is against,
  - 3.2.3. evidence of action taken to try and resolve the issue with the Member or their employer,
  - 3.2.4. a factual explanation of the alleged incident,
  - 3.2.5. reference to which part, or parts, of the CoC and/or CoPP the complaint relates to,
  - 3.2.6. supporting documentation or evidence,
  - 3.2.7. the name(s) and contact details for witnesses (their prior permission must be obtained), and
  - 3.2.8. consent for the Complaints Officer to share the details of the complaint with the Member; including name(s) and evidence.

### **4. Who else should I submit a complaint to?**

- 4.1. If the Member who is the subject of the complaint, is also a Member of another awarding organisation, a complaint should also be made to that other organisation in accordance with their complaints procedure. The Complainant should provide the RAD with:
  - 4.1.1. the name of that awarding organisation,
  - 4.1.2. details of the date the complaint was notified to the other awarding organisation, and

- 4.1.3. any contact details of the person at the awarding organisation dealing with their complaint.
- 4.2. The RAD may at its sole discretion take no further action in respect of the complaint made by the Complainant, pending a decision by the other organisation.

## **5. Who will be told about the complaint?**

- 5.1. All complaints will be treated confidentially. The list of people the details of the complaint may be released to include:
  - 5.1.1. the RAD Complaints Officer and the RAD Complaint Assistant,
  - 5.1.2. the Complaint Officer's line manager,
  - 5.1.3. the RAD Safeguarding Manager, where the complaint concerns the safeguarding of children and vulnerable adults,
  - 5.1.4. the Member who is involved in, or who is the subject(s) of the complaint,
  - 5.1.5. Members of any Conduct or Appeal Hearing convened under the RAD Disciplinary Rules and Procedure, and any staff Member who provides administrative support in the conduct of any such hearings,
  - 5.1.6. the RAD Director of Marketing and Communications,
  - 5.1.7. the RAD Chief Executive,
  - 5.1.8. the RAD Board of Trustees,
  - 5.1.9. the external legal firm retained by the RAD,
  - 5.1.10. other awarding organisations
  - 5.1.11. the police, local authorities, other agencies or regulators that govern the operations of RAD, the Member's dance business or teaching practice as may be required by law.
- 5.2. The Chief Executive reserves the right to nominate someone in place of the stated post holders in 5.1 when in his/her opinion it is absolutely necessary.
- 5.3. The outcome of any complaint, including any sanction imposed on the Member may, depending on the conduct and circumstances, be reported on the RAD website and in the RAD's publications, Dance Gazette, Focus on Members, Focus on Exams, or any other publication deemed by the RAD to be appropriate.
- 5.4. In order for RAD to be able to process complaints effectively, it is essential that neither party publishes information which has been provided as part of the complaint, including correspondence, without consent of the other. Material provided by both parties during the complaints procedure must only be used for the purpose of the complaint. This does not prevent either party from disclosing information about the complaint to third parties in order to seek assistance, so long as they take reasonable steps to ensure that the third parties are aware of and will respect confidentiality. Significant, repeated or deliberate disclosure of confidential information by a Complainant, or subject of a complaint, or a failure to abide by RAD's policy on confidentiality may affect our ability to continue to deal with a complaint.
- 5.5. Information received will be used only for the purposes of reviewing the complaint. Processing and storage of the information will comply with the requirements of the General Data Protection Regulations (GDPR), the Data Protection Act 1998, and the RAD's Information Management Policy & Procedures.

## **6. What is the process for reviewing a complaint?**

- 6.1. On receiving the complaint, the Complaints Officer will acknowledge receipt within 15 working days.
- 6.2. The complaint will be reviewed by the Complaints Officer and they will decide and communicate to the Complainant within 15 working days of the date of the acknowledgement letter if:
  - 6.2.1. the complaint is one which the RAD has no jurisdiction over, and it cannot be taken forward as a formal complaint, or
  - 6.2.2. the Complainant must supply more information as detailed in 3.2 for the complaint to be fully considered within 15 working days of receipt unless otherwise agreed, or
  - 6.2.3. the complaint falls within the RAD's jurisdiction and authority it may be reviewed as a formal complaint under this Policy, or
  - 6.2.4. the complaint should be referred to the Chief Executive as per 10.2 of the RAD's [Bye-laws, or if the Complaint Officer sees fit due to the nature of the complaint.](#)
- 6.3. The Member who is the subject of the complaint will be sent a notice of the complaint, including:
  - 6.3.1. details of the complaint against them; including the name of the Complainant, and
  - 6.3.2. any supporting evidence and documentation. Unless the information would prejudice any criminal proceedings or there are concerns about the safety of the Complainant or any third party.
- 6.4. The Member is under an obligation to co-operate and will be expected to respond, stating their case and providing any relevant information or evidence within 15 working days of the date the notice of the complaint was sent to them.

The Member must include:

  - 6.4.1. evidence of action taken to try and resolve the issue with the Complainant
  - 6.4.2. a factual explanation of the alleged incident,
  - 6.4.3. supporting documentation or evidence, which must relate only to the allegations made by the Complainant and cannot include character references,
  - 6.4.4. the name(s) and contact details for witnesses (their prior permission must be obtained), and
  - 6.4.5. consent for the Complaints Officer to share the details of their response with the Complainant; including name(s) and evidence.
- 6.5. Once the Member has responded, the Complaints Officer will review all evidence received from both parties, at this stage they may need to contact the Complainant, the Member, and/or witness for further information or clarification.
- 6.6. The amount of time taken to review all evidence will be on a case by case basis, dependent on the severity and complexity of the complaint.
- 6.7. Once the Complaints Officer has received all evidence they will make a decision based on the balance of probability. There are four possible outcomes:
  - 6.7.1. There is no breach of the CoC and/or CoPP; the complaint is rejected and no further action taken.

- 6.7.2. There is no breach of the CoC and/or CoPP; the complaint is rejected and recommendations are applied.
- 6.7.3. That the complaint is trivial or vexatious, the complaint is rejected.
- 6.7.4. There is a breach of the CoC and/or CoPP; appropriate action applied.
- 6.8. Upon completion of findings the Complaints Officer will write to the Complainant with confirmation of the process undertaken and the outcome, no later than one month after the conclusion of the complaint findings.
- 6.9. The RAD aims to process all complaints received within the timescales set out above. If there are any delays, due to exceptional circumstances, and/or circumstances outside the RAD's control, it may be necessary to extend the time limit. If so, the Complaints Officer will keep the Complainant and Member informed and give an estimation of the time period by which steps under this Policy will be taken.

## **7. What happens next?**

- 7.1. If a complaint against a Member is upheld, it may be appropriate for action to be taken against the Member under the RAD's [Disciplinary Rules and Procedures](#). This could include:
  - 7.1.1. A written warning informing them that their conduct has fallen below the standards expected and they are subsequently required to take appropriate action. The Member will be required to report to the RAD that appropriate action has been completed.
  - 7.1.2. Required attendance at an RAD meeting (face-to-face in person or virtually) where they are issued a verbal warning informing them that their conduct has fallen below the standards expected and they are subsequently required to take appropriate action. The Member will be required to report to the RAD that appropriate action has been completed.
  - 7.1.3. Required attendance at a Conduct Hearing, under the RAD's [Disciplinary Rules and Procedures](#).
  - 7.1.4. Immediate suspension of membership.

## **8. Vexatious complaints**

- 8.1. In some cases, Complainants will contact the RAD in distressing circumstances and may need significant support and assistance. However, in a small minority of cases, Complainants seek to interact with staff in an unacceptable way as outlined below. RAD may reject, without further consideration, complaints which are vexatious or disproportionate. This applies both to the nature of the complaint and to how it is pursued. We do not expect our staff to tolerate unacceptable behaviour including:
  - 8.1.1. vexatious or disproportionate pursuit of a complaint,
  - 8.1.2. behaviours that because of its frequency or nature hinders our ability to handle complaints effectively,
  - 8.1.3. using abusive, offensive, aggressive, racist or foul language in conversation or correspondence with staff,
  - 8.1.4. harassing, verbally abusing or seeking to intimidate staff,
  - 8.1.5. engaging in unreasonably protracted or repetitive communications with staff,

- 8.1.6. attending RAD's offices and seeking to speak with a Member of staff without an appointment,
- 8.1.7. repeatedly refusing requests by staff to follow RAD's procedures,
- 8.1.8. making persistent and/or unreasonable demands of staff and/or the complaints process.
- 8.2. We reserve the right to take appropriate action in cases where Complainants are behaving unacceptably including restricting the manner in which the Complainant may communicate with our staff or declining to further consider a complaint.
- 8.3. In cases where the Complainant consistently fails to respond to requests for information or other correspondence from the Complaints Officer within 15 working days, the complaint will be rejected.

## **9. Appeals**

- 9.1. If you are dissatisfied with the way in which your complaint has been handled by the RAD Complaints Officer, you may address your concern to the RAD's Chief Executive by sending a Complaint Appeal (Appeal).
- 9.2. Your Appeal must be made in writing, dated and signed and sent within 15 working days of receiving the reply from the Complaints Officer. You should outline the reasons for your Appeal in full.
- 9.3. Emailed Appeals are acceptable provided your full name and postal address details are included.
- 9.4. Anonymous Appeals will not be dealt with.
- 9.5. The Chief Executive will acknowledge receipt of an Appeal within 15 working days.
- 9.6. The Chief Executive will review all the information and may reconvene a meeting with the subject of the complaint.
- 9.7. The Chief Executive will respond in full to the Appeal. The response will be sent as soon as is reasonably possible and within two months of the Appeal being received. If it is anticipated that the review into the Appeal will be lengthy you will be kept informed and given an estimation of the extended time required.
- 9.8. The Chief Executive's decision will be final.

## **10. MONITORING AND REVIEW**

- 10.1. Complaints and Appeals received in accordance with the RAD's Customer Complaints Policy and Procedure are statistically monitored and action taken as appropriate.
- 10.2. The Customer Complaint Policy and Procedure is reviewed on a biennial basis for approval and ratification by the Board of Trustees.