



ROYAL
ACADEMY
OF
DANCE

Disciplinary Rules and Procedures

*relating to all members, pursuant to Bye-Laws 9.3 and
10.1 of the Royal Academy of Dance*

Complaints Officer

1. The Chief Executive of the Royal Academy of Dance (RAD) shall nominate a person(s) to be the Complaints Officer of any complaints made against a member; including any complaint against a member who is a teacher registered with the Royal Academy of Dance (collectively referred to as 'member').

Suspension

2. Depending upon the seriousness of the complaint against the member, the Complaints Officer may at any time recommend to the Chief Executive that the individual's membership be suspended and, where appropriate, also their teacher registration, pending the conclusion of any investigation into the complaint made as the Complaints Officer considers appropriate.
3. The Chief Executive may at his sole discretion determine that suspension of membership of the RAD and teacher registration (if applicable), is appropriate. The Chief Executive may also determine the duration of the suspension, which for the avoidance of doubt, could be for the period up to and including the outcome of any Conduct Hearing convened in respect of the complaint, and any Appeal Hearing.
4. In the event a member is suspended, they have a right to appeal the whole or part of their suspension to the Chief Executive. Any such appeal should be addressed to the Chief Executive and should set out fully the reasons why their suspension should be lifted, and be supported by such documentary evidence as is available to the member. The Chief Executive may at his sole discretion uphold the member's appeal and, as a condition of the whole or part of the suspension being lifted, impose such terms and conditions as they consider appropriate in the particular circumstances.
5. The Chief Executive's decision on an appeal against suspension will be final.

Screening procedure and mediation

6. The Complaints Officer shall review all complaints that are made against a member and, having made such further enquiries as they see fit, shall reach one of the following findings:
 - a. that there is no prima facie case to answer; or
 - b. that the complaint is trivial or vexatious and is dismissed; or
 - c. noting that the complaint is the subject of proceedings before a court and that pending the outcome of those proceedings the complaint shall be put on one side and reviewed in the light of the outcome of those

proceedings; or

- d. that the complaint may be resolved through a process of mediation, in which case the Complaints Officer shall make arrangements for such a process to be put in place. If the mediation is unsuccessful, then the Complaints Officer shall reach one of the findings at (i) or (ii) below:
 - i. that there is a prima facie case to answer and a Conduct Hearing should be convened; or
 - ii. there is no prima facie case to answer and the complaint be dismissed and the matter closed.

Regulatory Bodies

7. Where the nature of the complaint leads the Complaints Officer to reasonably believe that the member may have acted in a way which makes it necessary to inform any relevant Regulatory Body, the Complaints Officer will arrange for such Regulatory Body to be so informed.
8. The Complaints Officer will at all times, during the subsequent progress of the complaints procedure, have due regard to the requirements of any relevant Regulatory Body, including updating such Regulatory Body on the progress of the complaints procedure as necessary, and also to any relevant legislation.

Conduct Hearings

9. In the event a Conduct Hearing needs to be convened the Complaints Officer will request the Chief Executive to nominate a person or panel of persons to hear the complaint against the member. Depending upon the nature of the complaint, the Chief Executive may in his sole discretion determine that the Conduct Hearing should be conducted by way of a person sitting alone or by a panel of not more than three people and chaired by such person as the Chief Executive may in his sole discretion consider appropriate, having regard to the nature and facts and matters of the complaint including the location of the member against whom the complaint is made.
10. The Chief Executive will also nominate a senior member of management to represent and put the RAD's case at the Conduct Hearing and any subsequent Appeal Hearing that is convened.
11. A complaint referred to a Conduct Hearing shall be heard as soon as practicable, following the conclusion of any investigations that the Complaints Officer considers necessary and appropriate.
12. The member shall be advised in writing by the Complaints Officer:

- a. of the date and place of the Conduct Hearing and the person or panel of persons appointed to hear the complaint;
- b. of the complaint that has been made against them;
- c. that they are entitled to make written representations, attend the hearing and to speak and give evidence on their own behalf or to be represented at the hearing by a third party;
- d. that they have the right to call, question and cross examine witnesses;
- e. of the names of any witnesses to be called on behalf of the RAD, including the person who will act as its representative in putting its case at the Conduct Hearing;
- f. that if the member does not attend the hearing the matter may be determined in their absence; and
- g. that they are invited to submit any written evidence in support of their defence to the claim against them, including any mitigating evidence, for inclusion in the bundle of documents to be put forward as evidence at the Conduct Hearing.

Conduct Hearing procedure

- 13. Subject to the Charter and any subordinate provisions of the RAD from time to time in force, and rule 14 below, the person nominated to hear any complaint at a Conduct Hearing (or in the case of a Panel the Chair of the Panel in consultation with the other members of the Panel) may decide on the procedure to be adopted at the Conduct Hearing, including any further investigations that may be required prior to making any decision, and the person who should conduct those investigations.
- 14. All Conduct Hearings, including any reconvened Conduct Hearing, shall be held in private with a note-taker present.
- 15. Having reviewed all the evidence presented at the hearing and heard what the member or their representative has to say refuting the complaints, including any mitigating factors, the person conducting the Conduct Hearing (or the Chair of the Panel as the case may be) shall decide whether the complaint or any part of it is upheld.
- 16. If at the conclusion of the Conduct Hearing the complaint is upheld any one or more of the following sanctions will be imposed:
 - a. the member be reprimanded;
 - b. the member have their membership of the RAD terminated forthwith;
 - c. the member's teaching registration will be removed (where appropriate)
 - d. the member's name will be removed from the RAD register of teachers,

(where appropriate);

- e. the member will be declared ineligible to apply for future membership of the RAD or teacher registration, for a specified period or indefinitely.
- 17. The decision of the Conduct Hearing will be notified to the member in writing within 10 working days of the Conduct Hearing taking place. This period may be extended should further investigations be necessary with regard to the evidence presented at the hearing, or should further time to consider the evidence be required by the person hearing the Conduct Hearing or the Panel as the case may be. In such an event the member will be notified by the Complaints Officer of the estimated time frame for the decision.

Appeal and Appeal Hearing procedure

- 18. A member has the right to appeal the whole or part of the decision of a Conduct Hearing within seven days of receipt of written notification of the findings being sent to them. Any such appeal should be sent to the Complaints Officer and shall set out the grounds upon which the member is appealing against the decision and against any sanction imposed. The Complaints Officer shall be responsible for the setting up of an Appeal Hearing.
- 19. In the event that an Appeal Hearing needs to be convened, the Chief Executive will hear the member's appeal against the decision made at the Conduct Hearing. Where the Chief Executive considers it appropriate for another person to hear the appeal or for the appeal to be heard by a panel, the Chief Executive will consult with the Board of Trustees for the Board to recommend that such other person or persons be nominated to hear the appeal and in the case of an Appeal Panel who the Chair of that Appeal Panel will be.
- 20. The Appeal Hearing will not be a re-hearing and any oral evidence given at the Conduct Hearing will not be re-heard unless new evidence has come to light since the decision of the Conduct Hearing and it is considered appropriate for further oral evidence to be given.
- 21. Subject to the Charter and any subordinate provisions of the RAD as may be amended from time to time, and rule 22 below, the person nominated to hear any appeal, or in the case of a Panel, the Chair of the Panel in consultation with the members of the Panel may decide on the procedure to be adopted at the Appeal Hearing, including any further investigations that may be required prior to making any decision, and the person who should conduct those investigations.

22. All Appeal Hearings shall be held in private with a note-taker present.
23. The person hearing the appeal or the Appeal Panel, as the case may be, shall consider the grounds of appeal put by the member or the member's representative, and will have regard to whether the complaint has been properly heard under these Regulations, whether the rules as set out in the Bye-laws in respect of disciplinary action have been satisfactorily observed, and whether the person or Panel, as the case may be, reached a reasonable decision having regard to the evidence presented to them at the Conduct Hearing and the circumstances giving rise to the complaint.
24. If the person hearing the Appeal or the Appeal Panel as the case may be concludes that the handling of the complaint has been unsatisfactory, they may overturn the finding or decision made at the Conduct Hearing, remove the sanction imposed on the member or substitute a different sanction from amongst those available to the Conduct Hearing.
25. If new evidence is put before the Appeal Hearing, and the person hearing the Appeal or the Appeal Panel, as the case may be, is satisfied that the evidence could not reasonably have been made available to the Conduct Hearing, then they may direct that the Conduct Hearing be reconvened to hear the new evidence.
26. The rights of appeal of the member under this section shall apply equally to the outcome of a reconvened Conduct Hearing.

Postponement of hearings and non-attendance

27. The member will be entitled to make one application for the postponement of a Conduct or Appeal Hearing. Should the member wish to postpone the date of any hearing, this should be done no later than five clear days before the hearing setting, out the reason why the member is unable to attend and giving alternative dates within a 60-day period when the member will be able to attend. Should the member not provide alternative dates, the Complaints Officer will set a date for the Conduct Hearing and notify the member of this new date. There will be no further postponement of the hearing date, unless the member is able to provide documentary evidence that their inability to meet the postponed date is because of sickness or injury or other matters outside the member's control.
28. Should the member fail to attend the Conduct Hearing, or any Appeal Hearing either in person or by way of a representative appointed to attend on their behalf at the time and date set out in the letter from the Complaints Officer, including any agreed postponed date, the Hearing will proceed in the member's absence and a decision will be made on the evidence available to the Chair of the Meeting including any written

representations submitted in accordance within Rule 29.

29. If the member is unable to attend the Conduct Hearing or Appeal Hearing on the date fixed, or any postponed date, the member or their appointed representative may submit written representations for the Chair of the hearing or Appeal Panel to consider. Such written representations must be submitted at least 24 hours prior to the Hearing commencing.

General

30. No person, including a substitute person as detailed in rule 31 below, shall be appointed to hear a Conduct or an Appeal Hearing if the complaint relates to them, or they have previously been involved in any investigation into the conduct of the member or the complaint made against that member.
31. Where, due to unforeseen circumstances, the person nominated to hear a complaint at a Conduct Hearing or an appeal against the decision made at a Conduct Hearing is no longer available to hear the complaint or appeal, or to participate in any re-hearing that is directed to take place, the Chief Executive shall appoint a substitute person or persons to hear or conclude any Conduct or Appeal Hearings against the member.

Publication of Decisions of Conduct Hearings and Appeal

32. Decisions of Conduct Hearings and Appeal Hearings shall be notified to the Board of Trustees and to the member in writing. The outcome of any hearing, including any sanction imposed on the member may, depending on the conduct and circumstances giving rise to the Conduct Hearing, be reported on the RAD website and in the RAD's publications, *Dance Gazette*, *Focus on Members* and *Focus on Exams*, or any other publication deemed by the RAD to be appropriate.
33. The RAD shall keep records of the Conduct Hearing and Appeal Hearing proceedings and subject to any statutory or regulatory requirement or obligation or court order these records shall not be made available to the public.
34. These Regulations will be regularly reviewed and any revisions that are considered necessary put to the Board of Trustees for approval.

Costs

35. In any proceedings under these Regulations, the RAD and the member shall bear their own costs in respect of the same.