

Student Complaints Policy and Procedure

1. Introduction

1.1 NFTS policy: The National Film and Television School (the “NFTS” or the “School”) welcomes the views of its students. It recognises that there may be occasions when a student is dissatisfied with an aspect of their experience at the NFTS. It is the NFTS’s policy that any such concerns are dealt with in a fair and transparent way which respects the rights of all individuals involved.

1.2 Sector guidance: In devising this Policy and Procedure, the NFTS has taken into account:

- [The Good Practice Framework for Handling Complaints and Academic Appeals](#) published by the OIA;
- [The revised UK Quality Code for Higher Education published by the Quality Assurance Agency for Higher Education](#);
- [The Competition and Markets Authority - Advice on Consumer Protection Law - UK Higher Education Providers](#); and
- [The Office for Students Conditions of Registration – Condition E6: Harassment and Sexual Misconduct](#).

1.3 Legal obligations: In operating this Policy and Procedure, the NFTS remains mindful of its legal obligations, including its obligations under the Equality Act 2010 to make reasonable adjustments.

1.4 Support and advice: Any person bringing a complaint, or involved in a complaint, is encouraged to seek advice and support from the Student Support and Wellbeing team or the Registrar.

- Student Support and Wellbeing: swellbeing@nfts.co.uk
- Registrar: ewheal@nfts.co.uk

2. Scope

2.1 Students: This Policy and Procedure applies to all students of the NFTS throughout their period of registration.

2.2 Complaint: This Policy and Procedure shall apply in the event of a student, or a group of students, being dissatisfied with something which the NFTS has or has not done, or with the standard of service provided by or on behalf of the NFTS.

2.3 Potential complaint issues: Examples of issues which students might raise as complaints may include:

- the NFTS failing to meet obligations set out in course or student handbooks;
- the learning resources or facilities provided by the NFTS;
- the administration or delivery of a course or module;
- an aspect of the course (such as a specific concern about the provision of a course), or a related academic service or other part of school life, which is within the NFTS’s control;
- a non-academic service provided by the NFTS;
- bullying, harassment or sexual misconduct by a member of staff (“staff” includes workers, visiting tutors, consultants, contractors and agency workers) – see paragraph 2.6 below; or
- a certain action or lack of action taken by the NFTS.

2.4 Other issues: This Policy and Procedure does not apply to:

- concerns or appeals about students' academic performance which are dealt with under the [Academic Appeals Procedure](#);
- concerns or appeals about the admissions process which are covered under the [Admissions Policy](#);
- allegations about student or apprentice behaviour which are dealt with under the [Student and Apprentice Misconduct Policy](#);
- complaints which have already been considered under this Policy and Procedure or another NFTS procedure;
- concerns falling under other NFTS policies or procedures.

For advice and guidance on which policy and procedure applies, please contact the Registrar: ewheal@nfts.co.uk.

2.5 Issues falling within more than one School policy or procedure: It is recognised that some cases can involve a combination of issues, where some fall within the scope of this Policy and Procedure and some do not, and the policy and procedure in each case to be applied will be assessed individually. In these circumstances, the student will be informed which issues will be considered under which procedure and they will be directed to any alternative procedure as appropriate to ensure all relevant issues are considered. Students will be informed of the implications, if any, of following two or more procedures (concurrently or consecutively), particularly where one procedure may be paused until another is completed.

2.6 Bullying, harassment or sexual misconduct: This Policy and Procedure may be paused in relation to any allegation of bullying, harassment or sexual misconduct made by a student against a member of staff which is raised as a complaint in order to allow any such allegation to be investigated under the Staff Disciplinary and Dismissal Procedure or, where appropriate, under a single investigation – see paragraph 4.9 below. Once the allegation has been investigated under the Staff Disciplinary and Dismissal Procedure or any single investigation, this Policy and Procedure will be promptly resumed.

2.7 Group complaints: Where the issue(s) raised affect a number of students, a group complaint may be submitted provided that the group nominates one or two students to act as the group lead representative(s). In such cases, all students included within a group appeal must sign a group written statement so that the NFTS can be confident that the complaint represents the views of all members of the group. It is essential that staff and students are completely clear who is involved in a group complaint and this must be set out very clearly in the written statement.

2.8 Nominee: Any reference in this Policy and Procedure to the holder of a role, for example the Registrar, the Quality Assurance Manager or the Director of Curriculum, shall include that person's nominee.

3. General Principles

3.1 Key objectives: The procedure is based on the principles of fairness and transparency. It is set out to ensure:

- a timely resolution of a complaint, with an emphasis on local resolution at the earliest opportunity;
- that the process is accessible, fair, transparent and evidence-based;
- that the processes, decisions and the reasons for decisions are clear and there is opportunity for independent review;
- that decisions made will be reasonable and, where appropriate, provide relevant redress;
- that students and others involved are supported appropriately throughout the process;

- that students will be notified early in the process if the remedy sought is beyond what the NFTS can reasonably provide or what is in its power to provide. Students should be mindful of the usual forms of redress which the NFTS may offer to a complainant to remedy any upheld elements of a complaint – see paragraph 4.18 below.

3.2 Standard of proof: The “standard of proof” (the level of proof required) will be “the balance of probabilities”, i.e. that it is more likely than not that something happened.

3.3 Accompaniment, representation: Any student making a complaint has the right to be accompanied by a Students’ Union representative, a current NFTS student or a current NFTS member of staff at any stage of the procedure. Neither the student nor the NFTS will normally be permitted to be represented by a legal practitioner at meetings or hearings.

3.4 Information obtained: All information obtained within the procedure will be held in accordance with data protection legislation and the [Student Privacy Notice](#).

3.5 Confidentiality: Complaints will be treated with an appropriate degree of confidentiality. Information will only be shared with relevant staff (and, if appropriate, other individuals, such as an external investigator if relevant) in order for the complaint to be dealt with (including investigated) and/or otherwise processed in accordance with data protection legislation. Where a complaint is made about a member of staff, the NFTS will normally provide a copy of the complaint to the member of staff concerned in order to deal with the complaint and so that the member of staff is able to respond to the complaint; the outcome of the complaint (for example, whether or not the complaint has been found justified) may also be shared with the member of staff. In addition, information may be shared with relevant staff (and, if appropriate, other individuals, such as an external investigator if relevant) if the complaint results in the implementation of a separate NFTS procedure. If there are elements of a student’s complaint which are particularly sensitive and the student has concerns about the sharing of information, the student may raise this with the Quality Assurance Manager or the Registrar, who will discuss if / how disclosure can be minimised. Anonymous complaints will not normally be considered.

3.6 Conduct: It is expected that all individuals involved in a complaint will act reasonably, fairly and courteously towards each other and respect the processes. The NFTS may decline to deal with a complaint in circumstances where a student acts contrary to such expectation.

3.7 Consequences of making a complaint: No student will suffer any disadvantage or recrimination as a result of making a complaint in good faith and their studies at the NFTS will not be prejudiced as the result of making such a complaint. However, if a complaint made is found to be wholly unreasonable, or is vexatious, frivolous, abusive or malicious in nature, the NFTS reserves the right to include this finding in the student’s records. The NFTS may treat the making of such a complaint as misconduct and may take disciplinary action under the Student Misconduct Procedure. The NFTS will decline to deal with complaints that are wholly unreasonable, vexatious, frivolous, abusive and/or malicious.

3.8 Academic Standards Committee: Outcomes of complaint hearings by any Complaints Panel will be recorded, anonymised and reported within the NFTS to the Academic Standards Committee.

4. Process

4.1 Deadline for making a complaint: In order to be considered, a complaint must be received no later than three months after the date of the incident which gave rise to the complaint. The NFTS does not routinely extend time limits for making complaints. If a complaint is submitted outside the three month deadline, it will normally be deemed out of time. In exceptional circumstances, some

flexibility may be exercised where a student makes a demonstrable case in writing that they were not reasonably able to submit the complaint within the three month period. In such cases, the student may be asked to produce evidence to support the reason(s) for making a late complaint.

4.2 Personal information: At all stages of the complaints process a student should avoid disclosing sensitive personal information (for example, medical conditions) about themselves and/or others unless they consider it is necessary to do so at that stage and the personal information is relevant to the issues raised in the complaint.

4.3 Key stages: The complaints process consists of three stages – an informal discussion stage, a formal complaint stage and a review stage.

Stage One – Informal discussion

4.4 Initial contact: A student who has concerns should first raise the concern(s) with an appropriate member of staff (for example, an appropriate Head of Department, the Registrar, the Student Support and Wellbeing team, an appropriate tutor) as soon as possible after the incident(s) occurred. Concerns which are raised at this stage (and at Stage Two) more than three months after the incident(s) occurred may be deemed out of time and they may not be considered. A brief written record of the discussion will be made by the member of staff and shared with the student. This informal consideration of a concern should normally be completed within five working days of the concern(s) being raised.

4.5 Subsequent stage: If a student's concern(s) are not satisfactorily resolved through this initial informal discussion, the student may then choose to lodge a formal complaint.

Stage Two – Formal complaint

4.6 Complaint submission: If a student is dissatisfied with the outcome of the discussion with the member of staff or feels the issue cannot be reasonably resolved through informal discussion, they may, within 10 working days from that discussion, submit a formal complaint. A student may also submit a formal complaint if the nature of the issues complained about are not appropriate for informal consideration under Stage One (for example, if they are complex or sensitive in nature). The complaint must set out in full the issues complained about and must be submitted electronically to the Registrar. The student will need to make clear the details of the complaint in writing, provide any evidence to support their complaint, outline clearly the outcome being sought and confirm their contact details.

4.7 Submission outside deadline: A student submitting a formal complaint more than 10 working days from the date of the discussion with the member of staff must provide a satisfactory explanation as to why they were unable, for good reason, to submit a formal complaint electronically within the required timescale (or why they consider it was not appropriate for the complaint to be considered at Stage One).

4.8 Eligibility check: On receipt of the formal complaint the Registrar will undertake an eligibility check to determine whether:

- the complaint falls under the scope of this Policy and Procedure, in which case the complaint will be put forward for further consideration under this Policy and Procedure;
- the complaint is ineligible since it does not fall under the scope of this Policy and Procedure (in which case the student will be signposted to any relevant NFTS procedure);
- the student has failed to comply with the deadline for the submission of a complaint and failed to demonstrate good reason for not having met this deadline, in which case the complaint will be dismissed;
- the issues raised in the complaint should be referred to be dealt with under an alternative NFTS procedure;

- the complaint is wholly unreasonable, vexatious, frivolous, abusive and/or malicious, in which case the NFTS will decline to deal with it.

4.9 Issues falling within more than one School policy or procedure: If the issues in the complaint fall to be considered under this Policy and Procedure and also under another NFTS policy or procedure, the Registrar will determine what action will be taken to deal with the issues – for example, as relevant and appropriate in the particular circumstances:

- In the case of a complaint against a member of staff that may constitute bullying, harassment or sexual misconduct and therefore may also fall within the Staff Disciplinary and Dismissal Procedure, that this Policy and Procedure be paused to allow the appointment of a single investigating officer to investigate the relevant issues. The Registrar shall make any such determination in consultation with the HR Director. The investigating officer will make findings of fact, and recommend whether the case should be considered first under the Staff Disciplinary and Dismissal Procedure, before then being promptly referred by the Registrar to a Complaints Panel, as detailed in paragraphs 4.16 - 4.19 below.
- That the issue raised by the complaint be considered under another NFTS policy or procedure (for example, the Academic Appeals Procedure) and, following the conclusion of that procedure, to promptly determine the complaint under this Policy and Procedure.

4.10 Eligibility results: In all cases, the student will be informed in writing (normally within 10 working days of submitting the formal complaint) of the outcome of the eligibility check. A Completion of Procedures letter will be issued to students whose case has been dismissed at this stage.

4.11 Information sharing: Information about the outcome of any staff procedure (or the staff-related process that led to the outcome) that arises from a student complaint will be shared with a student where appropriate and necessary to do so and in accordance with data protection legislation or other relevant law.

4.12 Applicable procedure: Once accepted as a complaint under this Policy and Procedure, and subject to any variation determined in accordance with paragraph 4.9 above, the procedure outlined in the following paragraphs will apply.

4.13 Investigation: The Registrar will appoint an investigating officer to investigate the complaint (the “Investigating Officer”). The Investigating Officer will usually be the Quality Assurance Manager but may be an external investigator. In conducting the investigation, the Investigating Officer will meet with the student to discuss the complaint and, where appropriate, to seek clarification of the issues raised. The Investigating Officer will also ask any other persons who are relevant to comment on the complaint, for example any person named in the complaint, and may meet with any such persons (including witnesses named in the complaint). It may be necessary to involve the HR Director if the Investigating Officer wishes to contact any member of staff (including the student’s Head of Department).

4.14 Complaints about members of staff: If the complaint is about a member of staff, the Investigating Officer will ensure that, in the course of the investigation, the staff member is provided with an opportunity to fully respond to relevant issues raised in the complaint by way of written response and/or minuted and verified individual interview. Where applicable, a member of staff’s opportunity to respond to issues raised in the complaint may be provided as part of and in accordance with a separate applicable procedure (for example, the Staff Disciplinary and Dismissal Procedure). The Investigating Officer will make findings of fact and recommendations for next steps. This may include recommending:

- consideration under another policy and procedure, such as the Staff Disciplinary and Dismissal Policy and Procedure;
- referral of the complaint to a Complaints Panel in accordance with this Policy and Procedure;

- dismissal of the complaint on the grounds of being unreasonable, vexatious, frivolous, abusive and/or malicious.

4.15 Referral of complaint: Where the Investigating Officer has recommended that the matter be referred to a Complaints Panel, or following the conclusion of the Staff Disciplinary Process (if applicable), the Registrar will refer the complaint to a Complaints Panel for a decision in accordance with paragraphs 4.16 – 4.19 below.

4.16 Complaints Panel - information: All written information to be provided to the Complaints Panel will also be made available to the student before the meeting, and the student will have an opportunity to provide a further statement if they so wish.

4.17 Determination by Complaints Panel: Having completed its consideration of the complaint, the Complaints Panel shall determine whether:

- there is a reasonable justification for the complaint (in whole or in part), in which case the Complaints Panel will consider any appropriate redress in accordance with paragraph 4.18 below (if the complaint was about a member of staff it may not be possible to disclose to the complainant information about any action taken under staff processes in respect of the member of staff due to employment/data protection legislation); and/or
- there is no reasonable justification for the complaint either in whole or in part, and that it or relevant parts of it be dismissed.

4.18 Redress: Redress is what is offered to the complainant to remedy the upheld elements of the complaint. Redress will fit the circumstances of the particular complaint and may include one or more of the following:

- an apology from the NFTS;
- an opportunity to repeat the experience under different circumstances;
- reperformance of a service or part of a service by the NFTS;
- the return of all or a proportion of tuition fees or other charges;
- financial compensation;
- referral to the HR Director for consideration under the Staff Disciplinary and Dismissal Procedure;
- any other appropriate action.

4.19 Student notification: The student will be notified in writing of the decision on their complaint, with reasons, normally within five working days of the meeting of the Complaints Panel. The student will also be informed of any required next steps and of their right to request a review of the Stage Two decision and the timescale for doing so. If the complaint is against a member of staff, where reasonable and to the extent that data protection obligations and confidentiality allow, the member of staff will be notified of the outcome.

Stage Three – Review

4.20 Review request: If a student is dissatisfied with the decision reached at Stage Two, they may, within 10 working days from the date of the written Stage Two decision letter, request a review of the decision on one or more of the following grounds:

- there has been a material procedural irregularity which has demonstrably affected the Stage Two decision;
- the Stage Two decision is unreasonable;
- there is material new evidence which the student was unable, for valid reasons, previously to provide and which would have significantly affected the Stage Two decision.

4.21 Review grounds and evidence: The student will need to:

- make a formal request for a review in writing to the Director of Curriculum;

- make clear on which of the three grounds for a review under paragraph 4.20 they rely and provide evidence that a review is justified;
- provide the Director of Curriculum with a copy of the Stage Two complaint, complaint file and decision;
- make clear the outcome sought.

4.22 Review request response: Upon receipt of a request for a review of a decision of the Complaints Panel from a student, the Director of Curriculum will:

- write to the student to acknowledge receipt of the request for a review;
- inform the student when they might expect to hear the outcome of the review, which should normally be within 10 working days from the request for a review;
- undertake a review of all the evidence and documents supplied by the student and to the Complaints Panel, provided that the Director of Curriculum reserves the right to ask one or more members of staff to assist in the review.

4.23 Determination by Director of Curriculum: Having completed the review, the Director of Curriculum will decide whether the review is upheld or dismissed (in whole or in part) and any redress to be provided to the student as described in paragraph 4.18 above.

4.24 Student notification: The Director of Curriculum will normally within 10 working days from the request for a review notify the student in writing of the decision, with reasons, and arrange for a Completion of Procedures Letter to be issued to the student.

4.25 External review: All students have the right to take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Once a Completion of Procedures Letter has been issued, a student may apply for external review of their concern by the OIA, in accordance with the OIA's scheme.

5. The Office of the Independent Adjudicator

5.1 OIA scheme: Decisions taken under this Policy and Procedure may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints. More information about the OIA can be accessed at <https://www.oiahe.org.uk/>. The OIA can be contacted at 0118 959 9813 or enquiries@oiahe.org.uk. Where applicable, students will be provided with a Completion of Procedures Letter and information about how to apply to the OIA for a review of a decision taken under this Policy and procedure. It should be noted that matters must be referred to the OIA within 12 months of the Completion of Procedures Letter.

6. Complaints Panel Members

6.1 Membership - voting and non-voting: Each Complaints Panel reports to the Academic Standards Committee and is comprised as follows:

- Chair - a current or former member of the Academic Standards Committee appointed by the Registrar;
- at least two independent Heads of Department from different specialisations;
- the Quality Assurance Manager, who will act as a non-voting secretary to the Complaints Panel.

Meetings of a Complaints Panel may be attended by a clerk, who will usually be the Registrar, and a note-taker.

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