



ROYAL
ACADEMY
OF
DANCE

Disciplinary
Rules and
Procedures
for Members of the RAD

In accordance with the Royal Academy of Dance's Bye-Laws, the Academy may take disciplinary action against any member who is guilty of conduct unfitting of an RAD member (conduct which is referred to in the Bye-Laws "unfitting conduct"). Pursuant to 9.3 and 10.1 of the Royal Academy of Dance RAD's **Supplemental Charter and Bye-laws**

1. Introduction

- 1.1. All complaints against Members are reviewed in accordance with the Royal Academy of Dance's (RAD) **Complaints Policy and Procedure – Making a Complaint Against a Member.**
- 1.2. The RAD will review alleged breaches of the **Code of Conduct (CoC)** and/or **Code of Professional Practice (CoPP)**, and any allegations of "unfitting conduct" as detailed within the RAD's **Supplemental Charter and Bye-laws.**
- 1.3. 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 teaching member of the Royal Academy of Dance (collectively referred to as 'member').
- 1.4. The Disciplinary Procedures for Members of the RAD set out the procedures that the RAD follows when:
 - 1.4.1. the Complaints Officer decides a complaint should be referred to the Chief Executive, or
 - 1.4.2. the Complaints Officer is made aware of "unfitting conduct" which is not reported to the RAD through a complaint but constitutes a prima facie case and should be referred to the Chief Executive, or
 - 1.4.3. the complaint is upheld.

2. What happens if the Complaints Officer decides a complaint against a Member should be referred to the Chief Executive?

- 2.1. 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, pending the conclusion of the review into the complaint.

- 2.2. The Chief Executive may at his/her sole discretion decide that suspension of membership of the RAD is appropriate.
- 2.3. The Chief Executive may decide the length of the suspension, which could be for the period up to and including the outcome of:
 - 2.3.1. a complaint review,
 - 2.3.2. external investigation by a third party,
 - 2.3.3. Conduct Hearing,
 - 2.3.4. Appeal Hearing, or
 - 2.3.5. in severe circumstances the Chief Executive may impose a permanent suspension.

3. What happens if a complaint against a Member is upheld?

- 3.1. As per section 7 of the RAD's **Complaints Policy and Procedure – Making a Complaint Against a Member**, if a complaint against a Member is upheld, it may be appropriate for action to be taken against the Member, this could include:
 - 3.1.1. A written warning,
 - 3.1.2. required attendance at a meeting for a verbal warning,
 - 3.1.3. required attendance at a conduct hearing, or
 - 3.1.4. immediate suspension of membership.

4. Written warnings

- 4.1. If a member is issued a written warning, as per section 7.1.1. in the RAD's **Complaints Policy and Procedure – Making a Complaint Against a Member**. The Complaints Officer will write to the Member to inform them that their conduct has fallen below the standards expected and they are subsequently required to take appropriate action. The written warning will set out:
 - 4.1.1. the nature of the breach of the Code of Conduct (CoC) and/or Code of Professional Practice (CoPP),
 - 4.1.2. the improvement required, i.e. a clear indication of how the Member is expected to behave in the future and any subsequent action required within a specified timeframe,

- 4.1.3. that if there are further confirmed breaches of the CoC and/or CoPP they will be subject to further disciplinary action under this procedure,
- 4.1.4. the length of time that the written warning will remain “live” and on file (normally not less than 12 months),
- 4.1.5. that the Member has the right to appeal, as per section 9.

5. Verbal warnings

- 5.1. If a Member is required to attend a meeting (face-to-face in person or virtually) where they will be issued a verbal warning, as per section 7.1.1. in the RAD’s **Complaints Policy and Procedure – Making a Complaint Against a Member**. The Complaints Officer will write to the Member to inform them of:
 - 5.1.1. the date and place of the meeting
 - 5.1.2. the name(s) of the senior member(s) of RAD staff who will attend the meeting.
- 5.2. At the meeting, the RAD staff(s) will confirm:
 - 5.2.1. the meeting will be recorded for minuting purposes, and that the Academy may rely upon the recorded oral warning in the case of further misconduct,
 - 5.2.2. the nature of the breach of the CoC and/or CoPP
 - 5.2.3. the improvement required, i.e. a clear indication of how the Member is expected to behave in the future and any subsequent action required within a specified timeframe,
 - 5.2.4. that if there are further confirmed breaches of the CoC and/or CoPP they will be subject to further disciplinary action under this procedure,
 - 5.2.5. the length of time that the verbal warning record will remain “live” and on file (normally not less than 12 months),
 - 5.2.6. that the Member has the right to appeal, as per section 9.

6. Conduct Hearings

- 6.1. If a member is required to attend a Conduct Hearing, as per section 7.1.3. in the **RAD's Complaints Policy and Procedure – Making a Complaint Against a Member**, this will be set up as soon as practical.
- 6.2. The Complaints Officer shall be responsible for setting up a Conduct Hearing as soon as practical.
- 6.3. The Chief Executive will nominate a Conduct Hearing Panel of up to three people; including a Chair of the panel, to listen to the complaint against the Member.
- 6.4. The Chief Executive will also nominate a senior member of RAD staff to represent the RAD and put forward the RAD's case at the Conduct Hearing.
- 6.5. No person(s) will be appointed to listen to a Hearing if the complaint relates to them, or they have previously been involved in any investigation into the conduct of the Member.
- 6.6. The Member will be advised in writing by the Complaints Officer of:
 - 6.6.1. the date and place of the Conduct Hearing,
 - 6.6.2. the names of the Conduct Hearing Panel,
 - 6.6.3. the name of the senior member of RAD staff representing the RAD,
 - 6.6.4. that they may attend the hearing in person, submit evidence in writing or be represented by a third party,
 - 6.6.5. that the RAD have the right to question and cross examine the Member,
 - 6.6.6. that if the Member does not attend the hearing the matter may be determined in their absence; and
 - 6.6.7. 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 documents to be put forward as evidence at the Conduct Hearing.
- 6.7. The Conduct Hearing Panel may decide on the procedures to be taken at the Conduct Hearing, including any further reviews or information gathering that may be required prior to making any decision, and the person(s) who should conduct those.

- 6.8. The Member or the Member's Representative will have the opportunity to contest the complaints and put forward any mitigating factors.
- 6.9. The RAD's Conduct Hearing is not a court of law and there is no requirement for the allegations to be proven 'beyond all reasonable doubt'. The role of the Conduct Hearing Panel, is to take due account of all the evidence available and to reach an outcome based on a 'balance of probabilities', from the evidence provided. The Conduct Hearing Panel will review all the evidence presented at the Hearing and decide whether the complaint, or any part of it, is upheld.
- 6.10. The decision of the Conduct Hearing will be sent to the Member in writing within 15 working days of the Conduct Hearing taking place. The time period for informing the Member of the decision may be extended if further investigations are required following the evidence presented at the hearing, or if further time is required to consider the evidence by the Conduct Hearing Panel. The Complaints Officer will inform the Member of the estimated time frame for the decision.

7. What sanctions can be applied as an outcome of a Conduct Hearing?

- 7.1. If the complaint is upheld in whole or part any one or more of the following sanctions may be imposed, proportionate to the seriousness of the breach of the CoC and/or CoPP:
 - 7.1.1. the Member be reprimanded under 7.1.1 or 7.1.2 of the Member Complaint Policy & Procedure,
 - 7.1.2. the Member have their membership of the RAD terminated immediately,
 - 7.1.3. the Member's teaching registration removed and the Member's name removed from the RAD register of teachers, (where appropriate),
 - 7.1.4. the Member is ineligible to apply for future membership of the RAD or teacher registration, for a specified period of time or indefinitely.

8. Suspension

- 8.1. The Suspension of an individual's membership may be applied by the Chief Executive where a Member has been found to have breached the **Code of Conduct (CoC)** and/or **Code of Professional Practice (CoPP)**, as the outcome of a complaint which has been upheld, the outcome of a Conduct Hearing, or the outcome of a Conduct Hearing appeal.
- 8.2. Where the Member is also the dance school owner or principal of the school, the suspension will also apply to the school i.e. they will be prohibited from entering examinations. However, the RAD will also take into consideration the welfare of staff and students to make sure that they are not negatively impacted.
- 8.3. The period of the suspension shall be decided by the Chief Executive.
 - 8.3.1. In severe circumstances where the breach relates to a criminal conviction or to the safeguarding of children or vulnerable adults the Chief Executive may impose a permanent suspension with no right to appeal.

9. Can a Member appeal?

- 9.1. Suspension Appeals

In the event a Member is suspended, they have a right to appeal whole or part of their suspension to the Chief Executive. The appeal should be addressed to the Chief Executive and should set out fully the reasons why their suspension should be lifted, with any supporting evidence. The Chief Executive may at his/her sole discretion uphold the Member's appeal and, as a condition of the whole or part of the suspension being lifted, impose terms and conditions as they consider appropriate in the particular circumstances.

 - 9.1.1. The Chief Executive's decision on an appeal against suspension is final.
- 9.2. Written and Verbal Warning Appeals

A Member has the right to appeal should they be dissatisfied with the way in which their complaint has been handled by the RAD Complaints Officer, as per section 9 in the RAD's **Complaints Policy and Procedure – Making a Complaint Against a Member.**

9.3. Conduct Hearing Appeal

A Member has the right to appeal whole or part of the decision of a Conduct Hearing within 15 days of receipt of the written decision. Any appeal should be sent to the Complaints Officer and should set out the grounds upon which the Member is appealing against the decision and against any sanction imposed.

10. How is an Appeal Hearing organised?

- 10.1. The Complaints Officer shall be responsible for setting up an Appeal Hearing. The Chief Executive will listen to the Member's appeal against the decision made at the Conduct Hearing, or recommend that another person or a panel listen to the appeal.
- 10.2. If the Chief Executive recommends that another person or panel should listen to the appeal he/she will nominate an independent person or panel including the Chair.
- 10.3. The Appeal Hearing will not be a re-hearing and any verbal evidence given at the Conduct Hearing will not be re-heard unless:
 - 10.3.1. due process was not followed
 - 10.3.2. new information has come to light that was not available at the Conduct Hearing
- 10.4. The Chief Executive, person or panel nominated to hear any appeal, may decide on the procedure to be taken at the Appeal Hearing, including any further review that may be required prior to making any decision, and the person(s) who should conduct that review.
- 10.5. The person or panel listening to the appeal, will consider the grounds of appeal put forward by the Member or the Member's Representative, and will consider whether the complaint has been properly heard, whether the rules as set out in the Bye-laws 10.1 and 10.2 in respect of disciplinary action have been satisfactorily observed, and whether the person or panel, reached a reasonable decision having regard to the evidence presented to them at the Conduct Hearing and the circumstances giving rise to the complaint.
- 10.6. If the person or panel listening to the appeal conclude 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.

- 10.7. If new evidence is put before the Appeal Hearing, and the person or panel listening to the appeal 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.
- 10.8. The rights of appeal of the Member under this section shall apply equally to the outcome of a reconvened Conduct Hearing.

11. Can a hearing be postponed?

- 11.1. The Member is entitled to make one application for the postponement of a Conduct or Appeal Hearing. The Member should inform the Complaints Officer no later than 10 working days before the hearing and they should explain the reason why they are unable to attend and give alternative dates when they can attend within a 60-day period.
- 11.2. If the Member does not provide alternative dates, the Complaints Officer will set a date for the Conduct Hearing and notify the Member of this new date.
- 11.3. There can 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.

12. What happens if a Member cannot not attend a hearing?

- 12.1. If the Member is unable to attend a hearing, the Member or the Member's Representative must submit written representations to the person or panel at least 1 working day prior to the hearing commencing.
- 12.2. When a Member or a Member's Representative fail to attend a hearing, the hearing will proceed in the Member's absence and a decision will be made on the evidence available to the person or panel.

13. What happens if a person(s) appointed to listen to a hearing cannot attend?

- 13.1. Where, due to unforeseen circumstances, a person nominated to listen at a hearing is no longer available, the Chief Executive shall appoint a substitute person or persons to listen to or conclude any hearings against the Member.
- 13.2. No person, including a substitute person as detailed in 13.1, 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.

14. Who will be told about the disciplinary?

- 14.1 All disciplinarys will be treated confidentially. The list of people the details of the disciplinary may be released to include:
 - 14.1.1 the Complaints Officer and the Complaint Assistant,
 - 14.1.2 the Complaint Officer's line manager,
 - 14.1.3 the Member who is involved in, or who is the subject(s) of the complaint,
 - 14.1.4 Members of any Conduct or Appeal Hearing panel convened under the RAD Disciplinary Rules and Procedure, and any staff Member who provides administrative support in the conduct of any such hearings,
 - 14.1.5 the RAD Directors, National and Regional Managers, and RAD Representatives
 - 14.1.6 the Chief Executive,
 - 14.1.7 the RAD Board of Trustees,
 - 14.1.8 the legal firm retained by the RAD,
 - 14.1.9 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.
- 14.2 The Chief Executive reserves the right to nominate someone in place of the stated post holders in 13.1 when in his/her opinion it is absolutely necessary.

- 14.3 The outcome of any disciplinary, including any sanction imposed on the Member may, depending on the conduct and circumstances, be reported on the RAD website and in RAD's print publications, or any other publication deemed by the RAD to be appropriate.
- 14.4 In order for RAD to be able to process a disciplinary effectively, it is essential that the Member does not publish information which has been provided as part of the complaint and disciplinary procedure, including correspondence, without consent of the RAD. Material provided by all parties during the complaint and disciplinary procedure must only be used for the purpose of the disciplinary. This does not prevent the Member from disclosing information about the complaint and disciplinary 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 the Member, or a failure to abide by RAD's policy on confidentiality may result in additional disciplinary action.
- 14.5 Processing and storage of 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.

15. Who will cover the costs of a hearing?

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

16. Review

- 16.1 The Disciplinary Rules & Procedures for Members is reviewed on a biennial basis for approval and ratification by the Board of Trustees.

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