

Bristol Old Vic Theatre School

A PART OF THE CONSERVATOIRE FOR DANCE & DRAMA

COMPLAINTS POLICY AND PROCEDURES

Introduction

1 Bristol Old Vic Theatre School is committed to considering and investigating genuine complaints from students. The Academy defines a complaint as being an expression of dissatisfaction by one or more students about an action or lack of action by Bristol Old Vic Theatre School, or about the standard of service provided by or on behalf of Bristol Old Vic Theatre School, which warrants a response. Bristol Old Vic Theatre School will seek to learn from the experience of complaints and improve services for all members of the Bristol Old Vic Theatre School. This complaints procedure encompasses the responsibilities for student complaints of the University of the West of England and of the Conservatoire for Dance and Drama as subscribers to the complaints scheme of the Office of the Independent Adjudicator. This policy and its procedures has been designed to operate in accordance with the Office of the Independent Adjudicator's Good Practice Framework for Handling Complaints and Academic Appeals.

2 The basis of this procedure is that it is fair, efficient and transparent, with one informal and two formal elements:

Stage One: informal resolution, dealt with at the most local relevant level.

Stage Two: formal resolution, investigation by the Artistic Director or a course leader.

Stage Three: appeal, incorporating within it an independent review.

3 For the avoidance of doubt, in the event of the procedure being updated or amended, the version of this policy that will apply will be determined by the date (usually the academic year) the complaint is logged with Bristol Old Vic Theatre School.

4 The majority of cases are satisfactorily resolved through informal discussions without the need for a formal complaint to be made and Bristol Old Vic Theatre School emphasises the importance of seeking informal and early resolution wherever possible. As Bristol Old Vic Theatre School is validated by the University of the West of England, a complainant may wish to consult the [UWE Students' Union Advice Centre](#) for support and guidance prior to submitting a formal complaint.

5 Where it is appropriate to make a complaint, the student should raise the matter her/himself: this procedure is not intended to be used by a third party making a complaint on behalf of a student. Where the issues raised in a complaint affects a number of students, those students can submit a complaint as a 'group complaint'. In such circumstances, in order to manage the progression of

the complaint, Bristol Old Vic Theatre School will usually ask the group to nominate one student to act as group representative. In such cases, Bristol Old Vic Theatre School will normally communicate through the nominated student representative only.

- 6 The Principal may depute to another senior administrative officer any or all of the responsibilities ascribed to her/him, providing that person will be in a position to act and be seen to act impartially, either generally or in respect of a particular case.
- 7 The Principal and Artistic Director may delegate powers under these regulations and procedures to a member of the senior management team or other senior academic officer within Bristol Old Vic Theatre School or, if this is not possible, the Conservatoire for Dance and Drama, providing that person will be in a position to act and be seen to act impartially, either generally or in respect of a particular case.

Advice and guidance for students

8 Students are encouraged to seek guidance both procedure from:

- their course leader
- the Higher Education Administration and Student Support Manager
- a trustee member of the Student Liaison Committee

As Bristol Old Vic Theatre School is a small institution, if there is any possibility of a conflict of interest between the person from whom students seek guidance and individuals involved in investigating the complaint, students will be informed accordingly. Where appropriate, Bristol Old Vic Theatre School may provide an external contact for advice and guidance for the student drawn from another Conservatoire school who will be fully independent from the review process.

Scope of this procedure

- 9 This procedure covers complaints in the following areas, the consequences of which should normally have had an alleged adverse impact on the student wishing to make the complaint (this is referred to as the 'complainant'):
 - i) the provision of academic programmes (how your training is provided);
 - ii) how your training is provided when on placement;
 - iii) inadequate services or facilities at Bristol Old Vic Theatre School
 - iv) decisions, actions or perceived lack of action taken by a member of Bristol Old Vic Theatre School (this might include in relation to other policies and procedures such as disciplinary);
 - v) staff misconduct;
 - vi) student misconduct (see Bristol Old Vic Theatre School's General Student Information Handbook);
 - vii) complaints relating to bullying, discrimination or harassment (please see further guidance about complaints within this area).

- 10 The student complaints procedure does not cover the following areas:
 - i) Complaints arising from action taken under BOVTS' Disciplinary or Fitness to Study policies, which should be directed towards the respective appeals procedure.
 - ii) Complaints arising from matters relating to academic progression or assessment, which are covered by academic appeals (see UWE's Academic Regulations).
- 11 The scope of the student complaints procedure extends to former students of Bristol Old Vic Theatre School, provided that any Stage Two complaint is normally made within three months of the date of the incident which gave rise to the complaint.
- 12 Bristol Old Vic Theatre School may suspend, hold in abeyance or terminate proceedings in complaint cases that are being investigated by the police or are subject to judicial proceedings.
- 13 Bristol Old Vic Theatre School may terminate consideration of a complaint if it considers it to be made without foundation (frivolous) or in bad faith (vexatious). Examples of frivolous or vexatious complaints include:
 - i) complaints which are obsessive, harassing, or repetitive;
 - ii) insistence on pursuing non-meritorious complaints and/or unrealistic outcomes;
 - iii) insistence on pursuing what may be meritorious complaints in an unreasonable manner;
 - iv) complaints which are designed to cause disruption or annoyance;
 - v) demands for redress which lack any serious purpose or value.
- 14 The Artistic Director or nominee may consider possible action under the relevant provision(s) of disciplinary regulations in the case of a student held, at any stage in the process, to have brought forward an alleged complaint under this procedure without foundation, knowing the alleged complaint to be in bad faith.
- 15 Neither the student nor Bristol Old Vic Theatre School shall normally be represented by a legal practitioner at meetings or hearings held under this policy.
- 16 Bristol Old Vic Theatre School will not consider anonymous complaints.
- 17 Subject to the above, Bristol Old Vic Theatre School undertakes that any student seeking to use this procedure will not be treated less favourably in her/his subsequent academic career, or School life, as a result of action taken to pursue an alleged complaint.

Resolution of complaints

- 18 Where a complaint is upheld in whole or in part, possible outcomes may include an apology, a clear explanation of the events or context that led to the incident in question, a change in procedures to ensure that the circumstances do not recur, referral of the complaint for

consideration under another procedure (for example disciplinary procedures) or a combination of these or other outcomes.

- 19 At each stage of the procedure, the complainant will receive the reasons for the outcome of the complaint.
- 20 If at any stage in the investigation of a complaint, the person charged with investigation determines that the complaint should more appropriately be considered under another Bristol Old Vic Theatre School regulation or procedure, the investigator shall refer the complaint for consideration under that procedure. The student making the complaint will be informed about the change in approach, and the reason (where this information can be provided without prejudice to the rights of other parties). At this point, any further action under the student complaints procedure shall normally be halted pending the outcome of the investigation under the other procedure.
- 21 The School may commence or proceed with any action or process under this procedure in the absence of the complainant if the complainant withdraws from the School and/or if the complainant does not engage with the Appeal Panel process or any other formal Stage of the procedure, once they have entered it. Where there is good cause to do so (eg if the outcome of an academic appeal or any other School process is material to the consideration of the complaint), the case may be placed in abeyance at any stage, subject to the agreement of the Head of Complaints and Appeals at the University of the West of England. Where consideration of a case is placed in abeyance, the complainant will be notified in writing at that time of the decision and the reasons for placing the case in abeyance, including the expected timeframe (if known) of when consideration of the complaint will be resumed, and any according conditions.

Confidentiality and record keeping

- 22 Bristol Old Vic Theatre School will seek to do all within its power to limit the disclosure of information as is consistent with conducting a fair investigation and the implementation of any recommendations following investigation into the complaint. However, if a student names another member of Bristol Old Vic Theatre School, then the person(s) named will normally have the right to know the complaint made against her/him in order to be able to reply to the complaint. This is consistent with the duties owed to Bristol Old Vic Theatre School's staff and students. If a student refuses to name a person who is relevant to their complaint, Bristol Old Vic Theatre School will not be able to consider or investigate the case.
- 23 Once a student has made a formal complaint, records will not be held on the student's file, but separately at the School, 3 Downside Road, Clifton Bristol BS8 2XF by the Higher Education and Student Support Manager. Records will be retained as required for a reasonable period as a way of monitoring and enhancing the Bristol Old Vic Theatre School's services, and in accordance with Bristol Old Vic Theatre School's duties under Data Protection legislation. As a school of the Conservatoire for Dance and Drama, Bristol Old Vic Theatre School will share, as necessary, information with the Conservatoire/UWE regarding your complaint which may include personal and sensitive data as part of the fair and proper investigation of the complaint, and to maintain and enhance standards and good practice. All such information will be treated confidentially. In

submitting a formal complaint/appeal under this procedure, you are consenting to your data being shared appropriately. If you have any questions or concerns regarding this procedure you should contact the Principal of Bristol Old Vic Theatre School.

Timescales

- 24 This procedure outlines timescales within which Bristol Old Vic Theatre School and the student aim to work. Only in exceptional circumstances and at the discretion of the Principal will Bristol Old Vic Theatre School accept complaints from students outside these timescales. Bristol Old Vic Theatre School endeavours to respond within the timescales that are outlined, but unfortunately this may not always be possible. In some cases an investigation might need to take longer than usual to ensure that all of the issues raised have been appropriately addressed. In addition, there may be circumstances beyond the control of Bristol Old Vic Theatre School, UWE, and The Conservatoire for Dance and Drama, such as staff absence, where it may not be possible to adhere to the timescales it has set for itself and still carry out a proper investigation. Where Bristol Old Vic Theatre School, UWE or the Conservatoire for Dance and Drama are unable to meet the prescribed timescales, the reasons for any delay and a revised timescale will be communicated to all parties.
- 25 All timescales referred to within these procedures are comprised of calendar days (e.g. 14 days = 14 calendar days), however these timescales do not include bank holidays and statutory closure days (eg School closure over the Christmas period).
- 26 The complainant should raise the complaint at the earliest opportunity and in any case in respect of Stage Two no later than three months from the complainant being aware of the incident or sequence of events giving rise to the complaint. Only exceptionally and at the discretion of the Principal will Bristol Old Vic Theatre School consider a complaint raised after this deadline. The Stage Two Outcome letter will normally be sent 21 days after receipt of the Stage Two complaint.
- 27 A Stage Three appeal should be submitted within 14 calendar days of the date of the Stage Two Outcome letter. The Stage Three Screening process will normally be completed within 7 days of receipt of the appeal by the Head of Complaints and Appeals at the University of the West of England (or nominee). The Stage Three Initial Review will normally be completed within 21 days following completion of the Stage Three Screening process.

Stage One: Informal Resolution

- 28 Bristol Old Vic Theatre School is committed to a swift resolution of complaints, and most complaints can be resolved informally. Wherever possible they are usually best resolved directly and should initially be raised as near as possible to the point in time at which the problem occurred.
- 29 Initially attempts should be made to talk to the relevant member of staff to try to resolve the problem before taking it further. This might include the following:

- i) A lead tutor or head of department for a complaint relating to your programme/course;
- ii) The Finance Director for complaints relating to a student service or financial matter;
- iii) The Higher Education Administration and Student Support Manager for complaints relating to discrimination, bullying or harassment.

30 If the complaint concerns any of the people listed above, then you are advised to speak either to:

- A trustee member of the student liaison committee
- your course leader or another course leader

31 The person nominated as the first point of contact, as defined above, will listen to and discuss informally the nature of the complaint. Although the nominated person(s) will not carry out a formal investigation they can advise on how the matter could be resolved swiftly and will normally keep informal notes for their own purposes. They may, if they deem it appropriate, provide a written 'outcome record' where agreement is reached or where it may be considered helpful to aid understanding for any party; in line with the informal nature of this stage, this may be articulated via e-mail. In this event, however, such a 'record' would still be deemed an informal complaint resolution by Bristol Old Vic Theatre School.

32 If the outcome of the discussion is that no resolution can be agreed to the satisfaction of the complainant, they will be made aware of the opportunity to submit a formal complaint. 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 Two of this procedure. The nominated member of staff may themselves wish to refer the complainant to Stage Two of this procedure 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 is the end of the matter as far as Bristol Old Vic Theatre School and this procedure is concerned.

Stage Two: Investigation by Artistic Director (or nominee)

33 Should a complaint not be dealt with informally to the satisfaction of the complainant she/he may initiate a formal complaint. Stage Two of the complaint procedure involves an investigation by the Artistic Director or nominee. If the complaint relates to the conduct of the Artistic Director, the complaint shall be referred to the Principal who will decide on an appropriate mechanism for investigation.

34 To initiate a Stage Two complaint, the complainant must submit a completed Student Complaint Form¹ to:

Higher Education Administration and Student Support Manager,
3 Downside Road,
Clifton,
Bristol
BS8 2XF.

¹ All formal (written) complaints should be submitted using a Student Complaint Form
BOVTS Student Complaints Policy and Procedure 2017-18

The Artistic Director or her/his nominee will normally have 21 days from the date of receipt of the completed Complaint Form to investigate and respond in writing to the complainant. The Higher Education Administration and Student Support Manager will notify the Head of Complaints and Appeals at the University of the West of England, and the Academic Registrar at the Conservatoire for Dance and Drama, that a formal complaint has been received.

- 35 If the investigator deems it necessary, the investigation may involve interviewing the complainant and other persons directly involved. The person charged with investigating the complaint may seek opinion and information from any person with an interest in or knowledge of the matter being complained about.
- 36 At the conclusion of the investigation the Artistic Director or her/his nominee will form a judgment on the merits of the complaint and the complainant will be informed in writing of her findings. The findings will include the judgment regarding the merits of the complaint and, if applicable, proposals for a resolution of the complaint and/or recommendations for further action arising from the complaint. The letter will also inform the complainant of the right to move to Stage Three of this procedure if she/he remains dissatisfied with the findings. A copy of the Stage Two Outcome Letter will be forwarded to the Head of Complaints and Appeals at the University of the West of England, and the Academic Registrar at the Conservatoire for Dance and Drama.

Stage Three: Submitting an Appeal for Formal review

- 37 Following the conclusion of Stage Two of this procedure, students may lodge an appeal against the Stage Two Decision and/or outcome(s), to request a formal review of this decision.
- 38 An appeal requesting a review of the Stage Two decision and Outcome must be made in writing, and submitted together with a copy of the original complaint and the investigation outcome letter. The appeal must normally be made in writing, using the [Stage Three complaints form](#) provided for this purpose through the UWE Bristol website or from the University, and addressed to the Head of Complaints and Appeals at the University of the West of England.

The form can be sent via email to: complaints@uwe.ac.uk or posted to the address below:

Complaints and Appeals Team

Academic Services
University of the West of England (UWE Bristol)
Frenchay Campus
Coldharbour Lane
Bristol
BS16 1QY

Where this is not possible, the complainant should [contact the Complaints and Appeals Team](#) to discuss alternative methods.

Complaints submitted by letter or e-mail (i.e. not on the Stage Three form) will be accepted provided they include:

- a) Complainant's name, address, student number (if appropriate), telephone number, email address and programme
 - b) The nature of the complaint and outcome of the earlier investigation
 - c) The reasons for requesting further consideration of the complaint, i.e. supply of new evidence, or explanation of alleged material irregularity in the investigation of the complaint
 - d) The outcome being sought
- 39 The appeal must be submitted to the Head of Complaints and Appeals at the University of the West of England, within 14 days from the date of written notification of the Stage Two decision which is to be the subject of the appeal (i.e. within 14 days of the date of the Stage Two Decision letter). The grounds upon which the request is being made must be clearly stated as part of the appeal and appropriate documentation supplied at the time the appeal is made. Any documentation submitted as part of an appeal after the deadline may not be considered.
- 40 Any request for an extension to the deadline for submitting an appeal must be submitted in writing, together with an explanation for the request and reason(s) why the original 14 day deadline cannot be met, to the Head of Complaints and Appeals at the University of the West of England, within the 14 day deadline. The Head of Complaints and Appeals will consider the request, determine whether an extension might reasonably be granted, and notify the student in writing of the decision. Extensions will only be granted where the Head of Complaints and Appeals (or nominee) determines there are valid reasons for doing so. Requests for an extension made outside the 14 day appeal deadline will not normally be granted. Where an extension is granted, the Principal of Bristol Old Vic Theatre School and the Academic Registrar at the Conservatoire for Dance and Drama will be notified immediately.

Outline of the Appeal Process

- 41 Stage Three of these procedures is a three-fold process as follows:
- a. **Stage Three Screening process;**
 - b. **Stage Three Initial Review of the Appeal;**
 - c. **Stage Three Appeal Panel or Completion of Procedures**

The Stage Three procedures are outlined below.

Stage Three Screening process

- 42 At Stage Three of these procedures, all complaints will undergo a Stage Three Screening Process, undertaken by the validating university, the University of the West of England (UWE), who will determine whether the initial review of the appeal should be undertaken by UWE or by Bristol Old Vic Theatre School. Following the screening process, the initial review will determine whether or not the complaint should be considered further by an Appeal Panel.

- 43 Upon receipt of a Stage Three appeal submission, the Head of Complaints & Appeals at the University of the West of England will notify the Higher Education Administration and Student Support Manager at Bristol Old Vic Theatre School, and the Academic Registrar at the Conservatoire for Dance and Drama, that a Stage Three complaint has been submitted.
- 44 The Head of Complaints and Appeals (or nominee) at the University of the West of England (UWE) will screen the appeal submission, normally within 7 days of receipt by UWE of the appeal, to determine ONE of the following:
- a) That the substance of the complaint constitutes an **academic complaint**, in which case the Head of Complaints and Appeals (or nominee) at the University of the West of England (UWE) will undertake an initial review of the Stage Three submission to determine whether a Joint Appeal Panel should be appointed to consider the complaint further.
 - b) That the substance of the complaint constitutes an **allegation of bullying, discrimination and/or harassment**, in which case the Head of Complaints and Appeals (or nominee) at the University of the West of England (UWE) will undertake an initial review of the Stage Three submission to determine whether a Joint Appeal Panel should be appointed to consider the complaint further.
 - c) That the substance of the complaint constitutes a **non-academic complaint**, in which case the Head of Complaints & Appeals at the University of the West of England (or nominee) will refer the case to the Principal of Bristol Old Vic Theatre School to undertake the initial review of the appeal to determine whether an appeal panel incorporating Conservatoire Review (a CDD Appeal Panel) should be appointed to consider the complaint further.
 - d) That the substance of the complaint comprises elements which constitute **both academic complaints and non-academic complaints**, in which case the Head of Complaints and Appeals at the University of the West of England (UWE) will undertake an initial review of the Stage Three submission to determine whether a joint Appeal Panel or a CDD Appeal Panel should be appointed to consider the complaint further, and where this should most reasonably be held. In this instance, the Head of Complaints and Appeals may delegate to the Principal of BOVTS for consideration any elements of such a complaint for initial review, but the final decision as to whether an Appeal Panel should be appointed (and the kind of Panel) rests with the Head of Complaints and Appeals.

Stage Three: Initial Review of the Appeal

- 45 Following the Screening Process there shall be a Stage Three Initial Review of all Appeals submitted. This shall be conducted by an Initial Reviewer, who shall be either the Head of Complaints and Appeals (or nominee) at the University of the West of England, or the Bristol Old Vic Theatre School Principal or nominee, as specified above in paragraph 44.
- 46 The Stage Three Initial Reviewer will be expected to conduct an impartial review of the complaint, though this will not necessarily mean carrying out a full new investigation of the matters raised. S/he will review the case, the way in which it was investigated, and the response given. They will also take into account any new evidence or issues raised by the complainant.

47 An appeal against the Stage Two Decision and/or outcome(s) may be allowed, subject to the discretion of the Stage Three Initial Reviewer, if the Initial Reviewer is satisfied that either or both of the following criteria apply:

- 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 by the Artistic Director or nominee, and that sufficient evidence remains that the complaint warrants further consideration;
- ii. that evidence can be produced of significant procedural error on the part of Bristol Old Vic Theatre School in investigating the complaint, including allegations of prejudice or bias.

48 In the course of determining whether an Appeal Panel should be allowed, as part of undertaking the review the Stage Three Initial Reviewer may arrange a meeting with the complainant and any other relevant persons. S/he may (or may not) seek further information from the complainant and/or those members of staff involved in the earlier investigation of the complaint. S/he may also consult a senior colleague responsible for the area under investigation. In the case of an Initial Review where the substance of the complaint comprises elements which constitute **both academic complaints and non-academic complaints**, the Head of Complaints and Appeals may delegate to the Principal of BOVTS any elements of the non-academic complaint for initial review, but the final decision as to whether an Appeal Panel should be appointed rests with the Head of Complaints and Appeals.

49 Where it is not possible to conclude the initial review within the normal 21 day timeframe, the Stage Three Initial Reviewer will contact the complainant every 2 weeks to update on progress.

50 Having determined whether grounds are disclosed to allow an Appeal Panel, the Initial Reviewer shall proceed as follows:

- a) **For Stage Three Academic complaints, and complaints concerning allegations of bullying, discrimination and/or harassment** (Initial Review undertaken by the Head of Complaints and Appeals or nominee at the University of the West of England)

Where grounds are disclosed to allow an Appeal Panel

- i. Where it is determined that a Panel should be appointed, s/he will appoint a Joint Appeal Panel, in accordance with paragraphs 51-53 below.
- ii. The University of the West of England will subsequently arrange a Panel, liaising with Bristol Old Vic Theatre School and the Conservatoire for Dance and Drama as necessary.
- iii. The Head of Complaints and Appeals (or nominee) will inform the student of the outcome of the initial review in writing, normally within 21 days of receiving the appeal.
- iv. The Head of Complaints and Appeals (or nominee) will notify the Principal of Bristol Old Vic Theatre School and the Academic Registrar at the Conservatoire for Dance and Drama accordingly of the outcome of the initial review.

Where grounds are not disclosed to allow an Appeal Panel

- i. Where the appeal is rejected and an Appeal Panel not appointed, the reasons will be given in the Initial Review Outcome letter, and subsequently, a Completion of Procedures letter will be issued by the Head of Complaints and Appeals.
- ii. A copy of both the initial review outcome letter and the Completion of Procedures letter will be forwarded to the Principal of Bristol Old Vic Theatre School and the Academic Registrar at the Conservatoire for Dance and Drama.

b) For Stage Three Non-academic complaints (Initial Review undertaken by the Principal of Bristol Old Vic Theatre School or nominee)

Where grounds are disclosed to allow an Appeal Panel

- i. Where it is determined that a Panel should be appointed, s/he will appoint a CDD Appeal Panel, in accordance with paragraphs 51-53 below.
- ii. The Principal (or nominee) will inform the student of the outcome of the initial review in writing, normally within 21 days of receiving the appeal from the University of the West of England.
- iii. The Principal will notify the Academic Registrar at the Conservatoire for Dance and Drama and the Head of Complaints and Appeals at the University of the West of England accordingly of the outcome of the initial review.

Where grounds are not disclosed to allow an Appeal Panel

- i. Where the appeal is rejected and an Appeal Panel not appointed, the reasons will be given in the Initial Review Outcome letter.
- ii. A copy of the Initial Review Outcome Letter will be forwarded to the Academic Registrar and Conservatoire for Dance and Drama and the Head of Complaints and Appeals at the University of the West of England.
- iii. The Academic Registrar at the Conservatoire for Dance and Drama will then issue a Completion of Procedures letter, a copy of which will be forwarded to the Principal of Bristol Old Vic Theatre School and the Head of Complaints and Appeals at the University of the West of England.

c) Stage Three Complaints comprising both academic and non-academic elements

(Initial Review undertaken by the Head of Complaints and Appeals or nominee at the University of the West of England)

Where grounds are disclosed to allow an Appeal Panel

- i. Where it is determined that a Panel should be appointed, s/he will determine whether that panel should be a Joint Appeal Panel or a CDD Appeal Panel.
- ii. If the substance of the complaint continues to comprise elements which constitute **both academic complaint and non-academic complaint**, s/he will appoint a Joint Appeal Panel proceeding in accordance with paragraph 50(a) above.
- iii. If the substance of the complaint only comprises elements which constitute a **non-academic complaint**, s/he will instruct the Principal of Bristol Old Vic Theatre School to appoint a CDD Appeal Panel, proceeding in accordance with paragraph 50(b) above.

Where grounds are not disclosed to allow an Appeal Panel

- i. Where the appeal is rejected and an Appeal Panel not appointed, the reasons will be given in the Initial Review Outcome letter, and subsequently, a Completion of Procedures letter will be issued by the Head of Complaints and Appeals.
- ii. A copy of both the initial review outcome letter and the Completion of Procedures letter will be forwarded to the Principal of Bristol Old Vic Theatre School and the Academic Registrar at the Conservatoire for Dance and Drama.

Stage Three: Appeal Panels

- 51 The membership of the Conservatoire for Dance and Drama Appeal Panel and the Joint Appeal Panels are set out in an appendix to this policy. There shall be a Secretary to each Appeal Panel, appointed jointly by the parties. Where the Initial Reviewer determines that an Appeal Panel should be appointed, the Secretary shall be nominated by the Initial Reviewer in consultation with the CDD Academic Registrar (or nominee), Bristol Old Vic Theatre School and UWE. Once agreement is reached, the Secretary will be appointed by the Principal of UWE or nominee.”
- 52 The terms of reference of a Conservatoire for Dance and Drama Appeal Panel or Joint Appeal Panel shall be:
 - i) to consider appeal cases referred to it and to determine whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at during Stage Two;
 - ii) if the conditions of (i) are met, to make a judgment on the complaint and, if appropriate, proposals or recommendations for further actions.
- 53 An appeal panel shall not include the director in whose discipline the student is training or any staff member directly involved in the case.
- 54 All documentary evidence relating to the complaint and the hearing of the Panel shall be circulated to the Panel members by the Secretary to the Panel, to the complainant and to all person(s) and/or departments complained about, not less than seven days prior to the hearing.
- 55 Such documentation shall normally include the following:
 - i) the composition of the Appeal Panel;
 - ii) the date, time and place of the hearing;
 - iii) a brief summary of the purpose of the hearing;
 - iv) all documentation submitted by the complainant at Stages One and Two;
 - v) the report of the Artistic Director (or other investigator) at Stage Two;
 - vi) the Stage Three Initial Review Outcome letter, confirming the reasons for the granting of the hearing; all written responses; and any other documentation, correspondence or written submissions relevant to the hearing, including witness statements submitted at any stage prior to Stage Three.

- 56 The complainant and all person(s) and representatives of departments complained about shall normally be expected to attend the hearing to give evidence and respond to any questions of the Panel. Any other persons may be asked to attend to give evidence, or for any other reason, if the Panel so wishes. In the event of anyone being unable to attend, that person may submit a written statement for the consideration of the Panel in lieu of attendance.
- 57 None of the Appeal Panel proceedings outlined in these regulations will be invalidated or postponed by reason of the absence of the complainant or any other party, provided that written notice of the hearing has been given within the timescale laid down in these regulations, and also provided that those conducting the hearing believe that sufficient and reasonable evidence and representations are before it. In the event that a complainant has indicated they will attend but then cannot do so for good reason an adjournment would generally be considered. In the event another party has indicated they will attend but then cannot do so for good reason, the Panel will consider whether the hearing can reasonably proceed without this individual.

Representation, witnesses and accompaniment to Panel Hearings

- 58 The complainant and person(s) complained about shall have the right to invite a reasonable number of relevant witnesses to give evidence to the Panel. The names of any witnesses must be received in writing by the Secretary to the Appeal Panel at least two working days prior to the hearing who will notify the relevant members of the panel, departments and staff. It is the complainant's responsibility to invite any witnesses they wish to attend, and it is also the complainant's responsibility to ensure witnesses can attend, and provide them with any documentation. The appeal will not normally be postponed due to the unavailability of a witness, and any decision to postpone is at the sole discretion of the Chair. The Chair will also have the discretion to determine whether the number of witnesses requested is reasonable. Where feasible, written witness statements should be procured in advance of the hearing and circulated to the Panel. Where the Chair is not satisfied that by attending the hearing a witness will add any information to a written statement which will progress the hearing, the Chair may reasonably refuse to admit that witness to the hearing. The Chair's decision on the admission of all evidence, including witness evidence, at the hearing shall be final.
- 59 The complainant may also be accompanied by a family member or a friend (either from inside or outside Bristol Old Vic Theatre School) but that person will not normally be allowed to speak on the student's behalf. However, the Appeal Panel will have the discretion to consider representations from the student for the friend or family member to make a statement at the culmination of the hearing.
- 60 If the complainant is to be accompanied, the name(s) of the person/persons who is/are to attend must be received in writing by the Secretary to the Appeal Panel at least two working days prior to the hearing. The Panel has the discretion to refuse to permit a representative or friend or family member to attend where prior written notice has not been given.
- 61 Except where the Stage Three Initial Reviewer and/or the Appeal Panel Chair deems there to be good cause², each party's evidence or statement(s) will be given in the presence of the other

² Good cause would normally constitute cases where a complaint of harassment, discrimination or bullying might mean that it would be unreasonable to place the complainant in a confrontational situation with the person against whom such allegations

BOVTS Student Complaints Policy and Procedure 2017-18

party/parties involved in the dispute and, through the Chair, questions may be asked about each presentation by all parties. The Panel may also ask questions of all parties. The Panel and all parties may also ask questions of all witness called to give evidence.

- 62 The Appeal Panel's findings shall be arrived at by a majority vote of the members of the Panel with the Chair holding a casting vote. All votes cast shall be confidential to the Panel and the decision shall be announced as the decision of the Panel. The Panel may have reason to adjourn for a specified period to allow for the collation of additional information that may have subsequently come to light. This will be at the discretion of the Chair.
- 63 The findings shall include the Appeal 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.
- 64 Confidential written confirmation of the decision of the Appeal Panel will be sent to the complainant and to all named individuals or parties directly involved in the dispute, normally within 14 days of the meeting at which the decision was made. The written confirmation will state the findings of the Panel and reasons for the decision(s) made. It will also confirm that the internal complaint procedures have been completed.
- 65 The Appeal Panel may make recommendations to any member of Bristol Old Vic Theatre School's Senior Management Team concerning the implementation of a decision or findings to resolve a complaint. The Appeal Panel may make other relevant recommendations as appropriate. All outcomes will be recorded and monitored by a designated staff member drawn from Student & Academic Services or other administration team.
- 66 The decision of the Appeal Panel shall be final.

Completion of Procedures

- 67 Where the outcome of a Stage Three Initial Review is that there are no grounds to appoint an Appeal Panel to review the complaint further, this constitutes the completion of internal procedures. Where an Appeal Panel is appointed to review the complaint, the Appeal Panel outcome letter constitutes the completion of internal procedures. Once the internal procedures have been completed, a Completion of Procedures letter outlining the right of the complainant to pursue the complaint further through the Office of the Independent Adjudicator (in the case of complaints from current and former students) if s/he is not satisfied with the response. will be issued, as follows:

are levied. Where such decisions are made to hear all parties' representations separately, this does not presume any guilt nor should it prejudice any outcome or decision of the Panel.

a) **The Completion of Procedures letter will be issued by the University of the West of England in the following circumstances:**

- i. Where the Head of Complaints and Appeals (or nominee) concludes the Stage Three Initial Review without appointing either a Joint Appeal Panel or a CDD Appeal Panel;
- ii. Following a Joint Appeal Panel outcome letter.

b) **The Completion of Procedures letter will be issued by the Conservatoire for Dance and Drama in the following circumstances:**

- i. Where the Principal (or nominee) of Bristol Old Vic Theatre School concludes the Stage Three Initial Review without appointing a Conservatoire for Dance and Drama Appeal Panel;
- ii. Following a Conservatoire for Dance and Drama Appeal Panel Outcome Letter.

68 Following a Joint Appeal Panel, the Completion of Procedures letter will be jointly issued by the University of the West of England and the Conservatoire for Dance and Drama. The Head of Complaints and Appeals (or nominee) at the University of the West of England will liaise with the Academic Registrar (or nominee) at the Conservatoire for Dance and Drama accordingly.

69 In the case of other requests for a Completion of Procedures letter in connection with this complaints policy, the Head of Complaints and Appeals (or nominee) at the University of the West of England will liaise with the Academic Registrar (or nominee) at the Conservatoire for Dance and Drama to determine the action to be taken.

The Office of the Independent Adjudicator for Higher Education (OIA)

70 Once the internal procedures of either the School and Conservatoire, or (in the case of academic complaints) the validating university have been exhausted, a Completion of Procedures letter will be issued, and student members of Bristol Old Vic Theatre School are entitled to ask the OIA to consider any unresolved complaint against Bristol Old Vic Theatre School: <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>.

71 For the benefit of clarity, the table in Appendix 1 articulates the circumstances of responsibility for issuing a Completion of Procedures letter.

Approved by:	CDD Academic Board
Date Approved:	June 2017
Policy effective from:	September 2017
Next review due by:	June 2018

Appendix 1: Issuing of Completion of Procedures

Type of Stage Three complaint (as determined by UWE in Stage Three Screening Process)	Phase of Stage Three which signals completion of procedures:	Stage Three Outcome Letter Issued by:	Completion of Procedures Letter issued by:
Academic Complaint; Complaints relating to allegations of Bullying, Discrimination and/or Harassment	<ul style="list-style-type: none"> Stage Three Initial Review stage concluded by University of the West of England, with no Joint Appeal Panel appointed: 	Initial Review Stage Outcome Letter issued by UWE; Copy to BOVTS and CDD	Head of Complaints and Appeals (or nominee) at University of the West of England (Validating University) (copy of Completion of Procedures letter sent to Conservatoire for Dance & Drama and Bristol Old Vic Theatre School)
	<ul style="list-style-type: none"> Stage Three Initial Review stage concluded by University of the West of England; Joint Appeal Panel Appointed; Joint Appeal Panel Outcome Letter is issued 	Joint Appeal Panel Outcome Letter issued by UWE; Copy to BOVTS and CDD	
Non-academic Complaint	<ul style="list-style-type: none"> Stage Three Initial Review stage concluded by Principal of Bristol Old Vic Theatre School, with no CDD Appeal Panel appointed 	Initial Review Stage Outcome Letter issued by Principal of BOVTS; Copy to CDD and UWE	Responsible Officer (or nominee) at Conservatoire for Dance and Drama (Copy sent to BOVTS and UWE) Responsible Officer (or nominee) at Conservatoire for Dance and Drama (Copy sent to Bristol Old Vic Theatre School and UWE)
	<ul style="list-style-type: none"> Stage Three Initial Review stage concluded by Principal of Bristol Old Vic Theatre School; CDD Appeal Panel Appointed; CDD Appeal Panel Outcome Letter is issued 	CDD Appeal Panel Outcome Letter issued by Principal of BOVTS; Copy to CDD and UWE	
Complaints comprising both academic and non-academic elements	<ul style="list-style-type: none"> Stage Three Initial Review stage concluded by University of the West of England with no CDD or Joint Appeal Panel appointed 	Initial Review Stage Outcome Letter issued by UWE; Copy to BOVTS and CDD	University of West of England (copy sent to Conservatoire for Dance & Drama and Bristol Old Vic Theatre School)
	<ul style="list-style-type: none"> Stage Three Initial Review stage concluded by University of the West of England; CDD or Joint Appeal Panel appointed; CDD or Joint Appeal Panel Outcome Letter is issued 	CDD or Joint Appeal Panel Outcome Letter issued by Principal of BOVTS or UWE TBC; Copy to BOVTS and CDD	

Appendix 2: Membership of Appeal Panels

Conservatoire for Dance and Drama (CDD) Appeal Panel

The membership of the CDD Appeal Panel shall be:

- i) A Chair, usually the Principal but if he cannot serve for reasons of impartiality, then the Finance Director or other senior member of staff, appointed by the Principal of Bristol Old Vic Theatre School. The Principal may serve as Panel Chair if she/he has not been involved in either the subject of the appeal, or in appointing the Panel.
- ii) One member appointed by the trustees of Bristol Old Vic Theatre School drawn from the Council of Management.
- iii) A senior member of academic staff from a Conservatoire School appointed by the Chair of the Conservatoire's Academic Board, to be drawn from either principals or deputy principals (or equivalent).
- iv) A student representative, either drawn from a different programme, or if this is not possible, a different Conservatoire school.

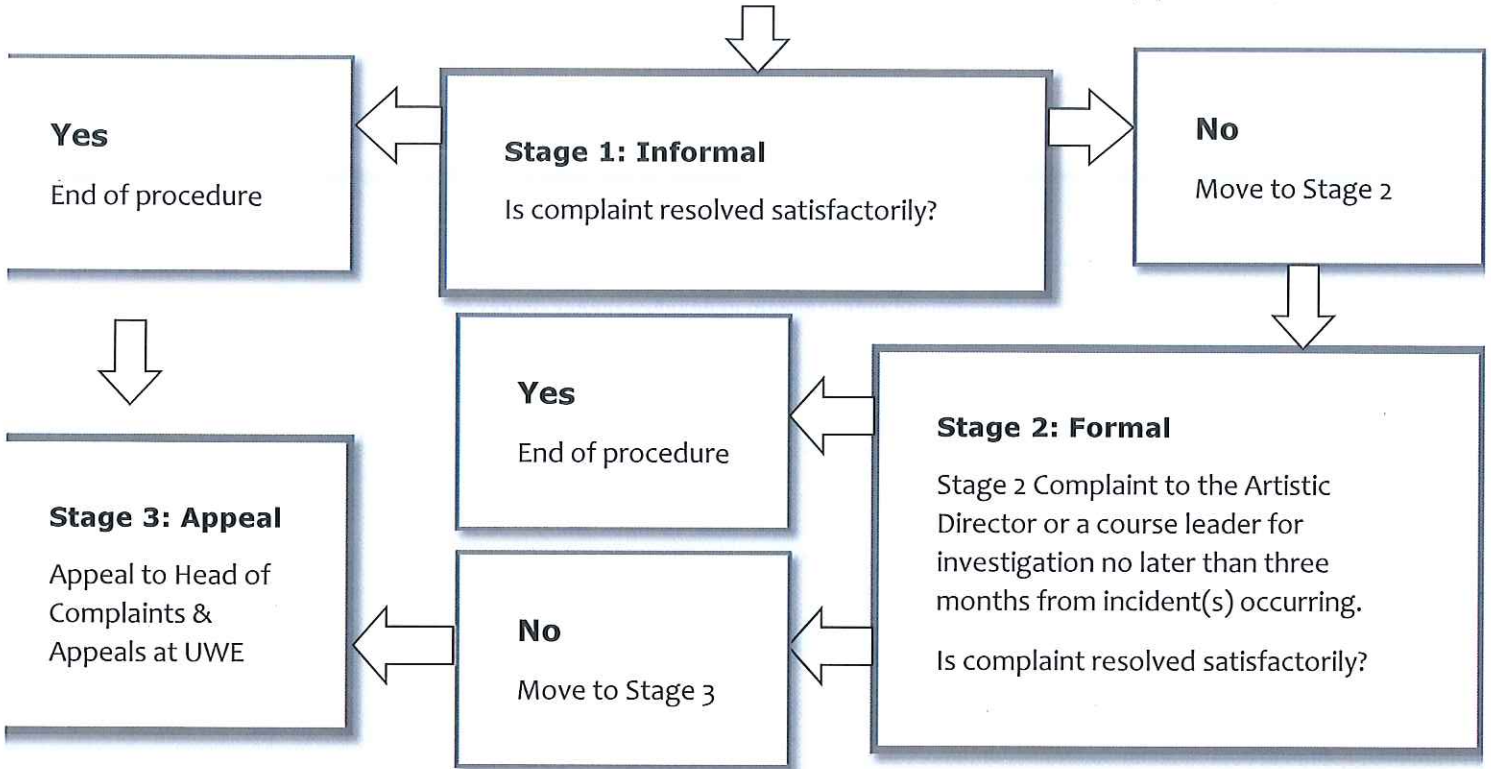
Joint Appeal Panel

The membership of a Joint Appeal Panel shall be:

- i) A Chair, usually an Assistant Vice-Chancellor of the University of the West of England, or the Principal of Bristol Old Vic Theatre School or the Finance Director of BOVTS. The Chair shall be appointed by the Principal of the University of the West of England.
- ii) One senior member of University of the West of England staff drawn from either the associate Faculty academic staff, or the associate Faculty and Student Partnership Services.
- iii) One member appointed by the trustees of Bristol Old Vic Theatre School who shall be either a senior member of staff of the School or a member of the Council of Management.
- iv) A senior member of academic staff from a Conservatoire School appointed by the Chair of the Conservatoire's Academic Board, to be drawn from either principals or deputy principals (or equivalent).
- v) A student representative, either drawn from a different programme at Bristol Old Vic Theatre School, or if this is not possible, a different Conservatoire school.

Student Complaints Procedure Flowchart: START

Appendix 3



Stage 3 Screening Process (UWE)

