

THE STUDIO COMPLAINTS POLICY

We are aware that from time-to-time issues may arise during residencies in the Studio and we are committed to considering complaints from residents that fall into the criteria outlined herein. A complaint for the purposes of this policy and which may be considered hereunder, is a grievance relating to a Resident's use of or access to facilities and services provided by the Studio. We have set out the following process to help deal with any such issues.

This Studio Complaints Policy covers:

- Feedback on The Studio
- Disputes between Residents
- Complaints about another Resident
- Complaints about The Studio

Feedback on The Studio

We welcome feedback on what we do and how we work. We hope that you will feel comfortable approaching members of our team with any issue you might have, with a view to resolving the matter informally wherever possible. We suggest that this always be considered in first instance. The following Team Members may be approached directly in relation to any relevant issues that they might be able to help with:

- CCCI Co-Director – Kate Pullinger
k.pullinger@bathspa.ac.uk
- The Studio Manager – Caroline Anstey
c.anstey@bathspa.ac.uk
- Creative Producer – Nik Rawlings
n.rawlings@bathspa.ac.uk
- Creative Impact Officer - Stacey Pottinger
s.pottinger@bathspa.ac.uk
- CCCI Project Manager – Louise Chapman
l.chapman@bathspa.ac.uk
- Creative Technician – Naomi Smyth
n.smyth@bathspa.ac.uk

Anonymous Feedback/Concerns

If for any reason you feel unable to approach the team directly you can anonymously email thestudio@bathspa.ac.uk. This email address does not include the sender's information, so if you would like us to reply to you directly please also ensure that you specifically include your contact details in the body of the email. If you email us anonymously we may respond to the issue raised on The Studio #feedback Slack channel (for transparency), so please also let us know if you would prefer us not to do that.

Please bear in mind that all the people listed above may have access to the thestudio@bathspa.ac.uk email address. If you would prefer your email not to be seen by a particular member of staff initially, please email one of the members of staff above directly and make this clear and include the word '**CONFIDENTIAL**' in the subject line.

In the case of an anonymous report which names a Resident, unless other evidence is available, we may not be able to formally investigate the concerns (due to the need to receive first-hand evidence from the reporting party). We will carefully consider notifying the named Resident of the concerns raised anonymously about their behaviour and will do so where we consider this reasonable. While there are limitations on what we can do in response to an anonymous report, such reports will be carefully considered and monitored to identify any areas of concern.

Complaints made against another Resident

Precautionary Measures & Co-operation Required

On rare occasions (where there is a reasonable risk of harm being caused to other Residents), an individual's Studio Residency may be suspended while an investigation into their conduct is undertaken, and the complaints process is completed. If this is deemed necessary because of a complaint received, it will be implemented as a precautionary measure. It is important to appreciate that such precautionary measures are not a sanction and are not reflective of any assumption of wrongdoing. If there is a perceived potential risk of harm the Studio will first consider if there are any alternatives to precautionary measures, or to full suspension of Residency.

If a Resident makes a complaint or is the subject of a complaint, they must co-operate fully and promptly in any resulting investigation. This may include

informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation. Failure to co-operate in an investigation may also result in a temporary or permanent suspension of their residency.

Stage 1 Informal Complaints Process for Complaints Against/Between Residents

Most of the time, we find disputes can be resolved informally and amicably without the need to invoke a formal process. If you find yourself in dispute with a fellow Resident, or if their conduct is causing issues for you, we therefore ask that you approach a team member listed above, to talk it through with them in first instance. We are happy to be a sounding board about the seriousness of any given situation and we will endeavour to support you in deciding on any action that you may want to take. We cannot give you legal advice, but we can offer our professional insight into any concerns, and we may be able to assist with any mediation and/or help to broker a resolution.

If the dispute cannot be resolved informally, you may wish to make a more formal complaint.

Stage 2 Formal Complaints Process for Complaints Against / Between Residents

If you feel you want to make a formal complaint about the conduct of another Resident, you can do so by emailing the Studio Manager and/or the Studio's Creative Producer with a brief description of your complaint and the person/s involved.

Either the Studio Manager or the Studio's Creative Producer will respond to you. Unless they can resolve the issue or determine the matter without the need to obtain any further information from you, (which, in appropriate cases they may determine to be the case), they will normally offer a time to meet up with you to discuss your complaint in more detail. Thereafter they will outline the process/what will happen next. This process is flexible and may be varied in individual cases, as each case will turn on its own facts. However, we will generally try to implement the following steps:

1. We will normally seek to give all Residents involved in a complaint the opportunity to tell their side of the story by meeting up with the Studio Manager and/or the Studio's Creative Producer as appropriate. If they are invited to such a meeting, they will be permitted to bring an impartial listener or a support worker along with them, to help them reflect on the meeting or to provide any necessary support.
2. Any further investigations that the Studio deems necessary, will then be carried out. The Studio will determine what is necessary in this respect and the extent of any such further investigations, in its sole discretion. This will vary from case to case but may involve interviewing and taking statements from those involved and any witnesses, and/or reviewing any relevant documents.
3. The Studio Manager and/or the Studio's Creative Producer will then provide a Report to you detailing their findings and the outcome of the complaint. This will normally be done within 60 days of receipt of your complaint. This report will also be shared with any other Resident who is directly affected by it.
4. Residents will be asked to comply fully with any recommended actions contained in the Report that relate to, or impact on them, and their compliance will be reviewed and monitored as necessary.
5. If you or any Resident affected by the outcome are dissatisfied with the Report, there is a right to appeal, (and such Appeals will normally follow the process outlined below). Both those making a complaint, and those who are subject to a complaint, will have the right to appeal.

Stage 3 Appeals Process for Formal Complaints Against / Between Residents

If you (or the person against whom your complaint has been made, if they are significantly impacted by the outcome) feel that your case has not been dealt with appropriately, and your proposed appeal meets the grounds outlined in this paragraph, you may submit an appeal against the decision(s)/recommendations made at Stage 2 above.

Grounds for Appeal

To bring any such appeal, you must identify the evidence on which you base your case and that evidence must link to at least one of the three following overarching grounds:

- a. That there was procedural error in the conduct of the relevant process which may have caused doubt as to the determination reached.
- b. That new evidence has been made available which you/they could not reasonably have provided during the relevant investigation process.
- c. That there was bias during the relevant process which that may have caused doubt as to the determination reached.

All appeals must be made in writing within 10 working days of the outcome having been received and must be emailed to the Studio's Executive Group, who will determine the Appeal.

Scope of Appeal

The purpose of the appeal will not be to reinvestigate the complaint, but should be to consider the following:

- Whether the process of the investigation was fair and/or whether the conclusions and recommendations are reasonable in all the circumstances.
- Whether the process of the investigation was procedurally flawed and therefore unfair, and/or:
- The conclusion and/or recommendations are held to be unreasonable either because they are not supported by the findings of the report or because the investigation was procedurally flawed.
- Whether any termination of the person's Residency was fair, and if not, whether that decision should be overturned.

Studio's Executive Group shall determine the form that the Appeal will take. It may decide to meet with you and/or any other affected parties and/or commission any additional investigation into the issues raised or it may determine the matter on the basis of paperwork at its disposal.

The Studio's Executive Group will endeavour to determine the result of the Appeal within 90 days of receipt of the appeal request.

Complaints About the Studio

General

Any issues that you encounter or matters that you find of concern should be raised with us at the earliest opportunity and in any event no later than three (3) months from the date upon which you became aware of the incident / sequence of events giving rise to your complaint. Only exceptionally and at the Studio's sole discretion will a complaint raised after this deadline be considered. Although, if you have a valid reason for not raising a complaint within this timeframe, (for example, if you were hospitalised/seriously unwell or if you have a disability which is such that you require a reasonable adjustment be made to our process times), you should provide this information in the complaint form, and this will be considered on its merits.

Stage 1 Informal Complaints Process for Complaints Against the Studio

Most issues are satisfactorily resolved through informal discussions, without the need to invoke a formal complaint process. To facilitate this, the Studio emphasises the importance of seeking a resolution through informal discussions at the earliest opportunity. This can avoid any delays and prevent unnecessary protracted investigations. Therefore, whenever possible, complaints should be raised initially with the person or service responsible as outlined above. They will be happy to discuss your concern or complaint and will try to resolve it through discussion.

If the dispute cannot be resolved informally, you may wish to make a more formal complaint.

Stage 2 Formal Complaints Process for Complaints Against the Studio

If you as a Resident choose to make a formal complaint about the Studio using this Policy, we shall aim to determine any your complaint, hold any necessary meetings to discuss/clarify matters (if deemed necessary), carry out any further investigations (if deemed necessary), inform you in writing of the outcome, and give you a right of appeal in the event that you remain dissatisfied, as outlined below.

(i) Submit Your Formal Complaint

You can do this by sending an email to either:

- Kate Pullinger, k.pullinger@bathspa.ac.uk, Co-Director of CCCI; or
- Caroline Anstey, c.anstey@bathspa.ac.uk, The Studio Manager

Please be advised that the Studio's Executive Team will normally be informed of all complaints.

Please ensure that you include the following details in your complaint:

- Please include your contact details or your preferred method of communication. If you have specific access requirements, let also us know.
- Tell us what went wrong, when it happened, and who you dealt with.
- Please also provide any further details pertaining to your complaint, that may be necessary for us to determine the issues involved.

We aim to acknowledge receipt of your complaint within 10 (ten) working days of us receiving it and we will normally clarify anything we may need to investigate further.

(ii) Notification of the Process to be Applied

Within twenty (20) working days of our initial acknowledgement of your complaint, we will aim to contact you again to confirm who has been appointed to deal with your complaint, (this will normally be the Studio Manager or the Co-Director of CCCI), and to outline any further steps that we think might be necessary to determine or resolve the issue. This will often involve meeting up with you and carrying out any further investigations etc.

(iii) Implement any further steps/ carry out any further investigation

We will then take any further steps identified by us as necessary, this will often involve speaking with you as necessary to obtain any clarification needed and carry out any further investigation that may be deemed appropriate.

(iv) Report Outcome Communicated

Once our investigations are complete, the person appointed to deal with your complaint will provide you with a copy of their Report which will outline their findings and any recommendations made as a result. We aim to determine any complaint and provide this report to you within 90 days of its receipt.

If on receipt of the report referred to above you remain dissatisfied and your proposed appeal meets the grounds outlined in this paragraph, you may appeal against the outcome by contacting the Studio's Executive Group, who will determine the Appeal.

Grounds for Appeal

To bring any such appeal, you must identify the evidence on which you base your case, and which must link to at least one of the three following overarching grounds:

- a. That there was procedural error in the conduct of the relevant process which may have caused doubt as to the determination reached.
- b. That new evidence has been made available which you could not reasonably have provided during the relevant investigation process.
- c. That there was bias during the relevant process which that may have caused doubt as to the determination reached.

All appeals must be made in writing within 10 working days of you receiving the Report Outcome.

Scope of Appeal

The purpose of the appeal will not be to reinvestigate the complaint, but should be to consider the following:

- Whether the process of the investigation was fair and/or whether the conclusions and recommendations are reasonable in all the circumstances.
- Whether the process of the investigation was procedurally flawed and therefore unfair, and/or:
- The conclusion and/or recommendations are held to be unreasonable either because they are not supported by the findings of the report or because the investigation was procedurally flawed.
- Whether any termination of an individual's Residency was fair, and if not, whether that decision should be overturned.

The Studio's Executive Group shall determine the form that the Appeal will take. It may decide to meet with you and/or any other affected parties and/or commission any additional investigation into the issues raised or it may determine the matter on the basis of paperwork at its disposal.

The Studio's Executive Group will endeavour to determine the Appeal within 90 days of receipt of the appeal request. The person appointed to deal with your complaint at Stage 2 will not normally be involved in its determination at the Appeal Stage.

Frivolous and vexatious complaints

A small minority of people make complaints that are vexatious, in that they persist unreasonably with complaints, make complaints other than genuinely to resolve a concern or act in a manner which, even after making allowances for the cause of their behaviour, is inappropriate and unacceptable. Vexatious complaints are not only distressing for the Studio employees who must deal with them but are time-consuming and unnecessarily divert valuable Studio and BSU resources from their true purpose. Therefore, it is important that such complaints are properly identified and managed. The Studio expects that Residents will not engage in making frivolous or vexatious complaints.

Examples of frivolous or vexatious complaints include but are not limited to:

- complaints which are obsessive, harassing or repetitive
- insistence on pursuing non-meritorious complaints and/or unrealistic outcomes
- insistence on pursuing what may be a meritorious complaint in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress which lack any serious purpose or value

The Studio may decline to consider a complaint if it considers it to be frivolous or vexatious and in these circumstances the Resident will receive a written explanation of the reasons. Where a Resident has made a complaint of this nature, or used false information, the Studio may consider taking action under the Disciplinary Procedure.

Victimisation: declaration of intent

Subject to the above, any Resident who submits a complaint or seeks to use this procedure in good faith will not be treated less favourably in the Studio as a result of action taken to pursue a complaint.

Confidentiality, Record Keeping, and Data Protection

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. To advance any conversations to resolve issues, information may need to be shared between members of staff at The Studio and members of Bath Spa University.

Please therefore mark all correspondence pertaining to any complaint as 'Confidential'.

The Studio will process complaints and records associated with the investigation of complaints in line with the Bath Spa University's relevant privacy notices and data protection policy aligned with its obligations under Data Protection legislation.

If you use our formal complaints procedure please be aware that you are agreeing that we can use the personal information you provide for purposes connected with your complaint as follows:

- Using your details so that we can contact you with regards to your complaint.
- Passing on details of your complaint to relevant members of staff so that the complaint can be investigated.
- Any reports of fraud or criminal activity will be treated very seriously and where appropriate, we will involve the police. In such an instance, we would consult with you first before sharing your personal information.

We may also seek advice from other colleagues within the University and external experts as necessary, so your personal data may be shared with them on a confidential basis as necessary to implement this process and allow us to obtain any necessary support and advice.

General

We reserve the right to keep the origins of any complaint or details pertaining to any complaint confidential in appropriate cases.

The Studio Executive Group may, in some circumstances, vary the complaints procedure for good reason, such as to avoid a conflict of interest.

If a complaint directly involves the person to whom it would otherwise be raised or the person who would otherwise be appointed to deal with it, a replacement representative will be selected by the Studio's Executive Group.

These procedures are overseen by The Studio Executive Group. The group is currently made up of the following representatives (may be subject to change):

- CCCI Co-Director – Kate Pullinger
- CCCI Co-Director – Jane Prophet (Parental Leave for Ruth Farrar)
- The Studio Manager – Caroline Anstey
- BSU Deputy Pro Vice Chancellor – John Strachan
- BSU Head of Research and Support – Sarah Priston
- BSU Lecturer of Law – Amanda Crutchely

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