

Subject: Complaint report
Date: Monday, 20 March 2023 at 16:54:45 Greenwich Mean Time
From: Aengus Ward (Modern Languages)
To: Christopher Hill (PhD Performance Practice FT)
CC: Helen Abbott (Languages, Cultures, Art History and Music)
Attachments: Christopher Hill complaint School final.pdf

Dear Chris,

Apologies once again for the delay in getting this School response to you. As there were quite a few complications in the investigation, and a number of questions that required legal clarification in the report, I fear this has taken longer than I would have liked.

The usual procedure is to include the report as part of a letter or email. In this case, however, as the report is rather long, I have attached it as a pdf.

I hope this response to your concern is satisfactory. If you are not satisfied with this outcome, you have one month from the date of this email in which to submit a Senate Review Panel Submission Form under the University's Code of Practice on Student Concerns and Complaints. Further details on the procedure and guidance can be found at:

<https://intranet.birmingham.ac.uk/as/registry/policy/complaint-appeal/complaints/index.aspx>.

Aengus

Professor Aengus Ward (he/him)

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College of Arts and Law
University of Birmingham
Birmingham B15 2TT

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Subject: Re: Report

Date: Tuesday, 14 March 2023 at 15:47:20 Greenwich Mean Time

From: Christopher Hill (PhD Performance Practice FT)

To: Aengus Ward (Modern Languages)

Dear Aengus

Thanks for the update, I look forward to receiving it.

Best wishes

Chris

Christopher Hill MA BA(Oxon) FNCM FLCM FVCM LTCL DipABRSM FGMS
cjh956@student.bham.ac.uk

University of Birmingham

School of Languages, Cultures, Art History, and Music — College of Arts and Law — Department of Music — PhD

Music Performance Practice

Student ID: 2093256

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Date: Tuesday, 14 March 2023 at 15:46

To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

Subject: Report

Dear Chris,

Just to say: I have drafted a report, and it is now with the legal office before it gets sent to you (standard procedure). I'm afraid with industrial action etc. it may be another couple of days before it gets to you, but it is on its way.

All the best,

Aengus

Aengus Ward (he/him)

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Subject: Update

Date: Thursday, 2 March 2023 at 12:37:13 Greenwich Mean Time

From: Aengus Ward (Modern Languages)

To: Christopher Hill (PhD Performance Practice FT)

Dear Chris,

Just to keep you updated. I only today managed to speak to Rachael Gibson, so apologies for the delay. I have now been in contact with pretty much everyone who is mentioned, so I hope to get on with the report as soon as I can.

Aengus

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Subject: Re: Notes

Date: Sunday, 26 February 2023 at 12:27:24 Greenwich Mean Time

From: Aengus Ward (Modern Languages)

To: Christopher Hill (PhD Performance Practice FT)

Dear Chris,

I'll be mailing the people you mentioned tomorrow (forgive the message on a Sunday, but I thought it best to let you know as soon as possible in case you need to advise the contacts you have given me).

Duly noted on the anonymity question and I will add in to the notes a form of words to take account of what you say in the message below.

All the best,
Aengus

From: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

Sent: 24 February 2023 17:47

To: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Subject: Re: Notes

Dear Aengus,

Thank you very much for sending this through. I agree that this accurately represents our conversation and the main thrust of the issues at hand.

If I may, I think it worth adding my reasoning for being uneasy about the unavailability of anonymity to those making supporting statements as we discussed in our email exchanges. Not because I think it will procedurally change anything in this case, but raise awareness that this policy is potentially problematic and perhaps worth considering for future cases such as these. It reads as just a little contrarian of me to disagree with the reasoning behind not accepting anonymous complaints without the context of my own reasoning.

On another note, might it be possible to get a timeline of when you might be reaching out to people for their statements? Some have been asking me when they might expect to hear from you. I'll continue to reach out to the individuals who haven't confirmed if they'd be happy to make a named statement.

Best wishes,
Chris

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cjh956@student.bham.ac.uk

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Student ID: 2093256

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Date: Friday, 24 February 2023 at 17:16

To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

Subject: Notes

Dear Chris,

This is a first draft of notes of our meeting. Please take a look and suggest amendments if you wish. They are not a record of the complaint, but more an account of the places you put emphasis in response to my questions.

All the best,

Aengus

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Subject: Ongoing investigation

Date: Wednesday, 22 February 2023 at 16:50:02 Greenwich Mean Time

From: Aengus Ward (Modern Languages)

To: Christopher Hill (PhD Performance Practice FT)

Dear Chris,

Just a short update: I have now managed to contact almost all of the parties involved and I would hope to be in a position to draft a report and response to you by next week. I have a few more details to check first, however. I appreciate that I have not yet sent you notes of our meeting for you to agree, but I decided that I would do all of these together, for the sake of efficiency – apologies for not letting you know previously.

All the best,
Aengus

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Subject: Re: Notes from formal meeting
Date: Thursday, 16 February 2023 at 11:35:20 Greenwich Mean Time
From: Christopher Hill (PhD Performance Practice FT)
To: Aengus Ward (Modern Languages)
Attachments: image001.jpg

Dear Aengus

Well, I'd be lying if I said I wasn't concerned about this as a policy and I think it's something that does need review. I'd welcome any suggestions to the department/UobMS to the effect you describe.

For transparency's sake, I would be interested to know the rationale behind this policy. If it's not a matter of establishing the authenticity of a complainant, since that could be proved by their identity being shared only with investigating parties and not with the person being investigated, what is the reasoning? An argument to natural justice only works if it wasn't the case that other complaints procedures conducted by the university and its societies do not give the same affordance to the person being complained about (I think quite rightly, for the reasons of not opening up victims and witnesses to further abuse as I've previously discussed).

That all being said, I've been getting in contact with some of the people who have given evidence in my case, and I can confirm 3 people who would be ok to let their identities be known. These are:

- Sam Pollacco -- Current music student. I'd like to declare now that Sam and I are partners. As such she is in the best position to account for the impact events had on me.
- Amira Campbell -- Current music student. As a member of the orchestra throughout the time period being discussed and a highly respected member of the music society, she will be able to give the best account of the incidents themselves.
- Mark Mingard -- Alumnus. Mark was present for many of the incidents in question and can give an account of them. Mark is also the best source for discussing the hostile atmosphere from certain areas of the woodwind section and the relationship between that and Dan's treatment of me. Mark is in the process of formulating his own complaint against Dan for his own reasons. He has given me an email he would be happy to be contacted on: markmingard@gmail.com

Again, thank you for your hard work on this matter. My frustrations with some of the intricacies of the process are not at all a reflection on your handling of it; quite the opposite!

Best wishes
Chris

Sent from [Outlook for iOS](#)

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>
Sent: Thursday, February 16, 2023 9:52:28 AM
To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>
Subject: Re: Notes from formal meeting

Dear Chris,

As promised, I have followed up with HR and the legal office, and they are also of the view that it would not be possible to use anonymous statements for the reasons we discussed.

I will take note of this, however, and perhaps include a recommendation in the report that the Music Department/UMS establish a system of allowing for complaints which recognise the power imbalances you mention and try to account for them. I appreciate this does not address the immediate question, but it may alleviate fears about this in future.

All the best,
Aengus

From: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>
Sent: 13 February 2023 16:09
To: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>
Subject: Re: Notes from formal meeting

Hi Aengus, thank you for getting back to me so quickly,

I guess your caveat there is what I'm getting at. If the disclosure of their identities to the individual in question might result in professional repercussions for them, or they sufficiently believe that to be a possibility, does that not represent a specific threat to the person giving evidence? At the very least, a specific threat to their mental health; I cannot overstate the anxiety with which some of these people submitted even an anonymous statement. My concern is that if people know that the subject of the complaint will be made aware of their identity should they come forward, it will stifle all necessary conversation; indeed, as I mentioned in the meeting the initial number of people willing to submit statements was easily more than double the number that I eventually received to addend to my complaint, for even just the fear of this very thing.

This climate of fear is, indeed, very much a part of the problem — if a frustratingly intangible and immeasurable one. As one of the statements says, I was certainly subject to him making comments about my professional career to other students, including implying that I would never succeed in his opinion, and I know from my conversations with others that I'm far from the only person he has — for want of better phraseology — slagged off behind their backs to others in the music world. I understand why people are nervous.

As we provisionally discussed in the meeting, could there not be a compromise where the identity of these individuals is disclosed to yourself and the head of school but not to members of the music department or the subject of the complaint itself? That way there's no question of the validity of any statements they may make whilst still protecting these individuals from any, or perceived, threat.

Best wishes,
Chris

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Student ID: 2093256

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>
Date: Monday, 13 February 2023 at 15:48
To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>
Subject: RE: Notes from formal meeting

Dear Chris,

My understanding at present is that evidence cannot be given anonymously. That is, if someone submits a supporting statement, it has to be made available to the subject of the complaint. I guess the only reason this wouldn't apply is if there is some specific threat to the person speaking, but I can't quite imagine this is the case. Otherwise, data held by the university is subject to general data regulations/freedom of information etc.

If there is something very specific though, perhaps I can check that?

All the best,
Aengus

From: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

Sent: 13 February 2023 15:33

To: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Subject: Re: Notes from formal meeting

Hi Aengus

No worries at all!

Did you get a chance to inquire into what are the limitations of anonymity so I can ask the relevant people if they're ok for me to pass on their contact details?

Best wishes
Chris

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cjh956@student.bham.ac.uk

University of Birmingham

School of Languages, Cultures, Art History, and Music — College of Arts and Law — Department of Music — PhD

Music Performance Practice

Student ID: 2093256

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Date: Wednesday, 8 February 2023 at 09:55

To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

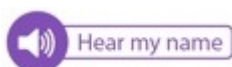
Subject: Notes from formal meeting

Dear Chris,

Apologies for the delay in getting these to you. I would hope to have this done by tomorrow.

All the best,
Aengus

Professor Aengus Ward (he/him)

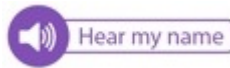


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Subject: (none)
Date: Monday, 6 February 2023 at 12:05:57 Greenwich Mean Time
From: Aengus Ward (Modern Languages)
To: Christopher Hill (PhD Performance Practice FT)
Attachments: complaints-procedure.pdf, image001.jpg

Professor Aengus Ward (he/him)



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Subject: RE: Complaint - formal stage

Date: Monday, 6 February 2023 at 08:58:39 Greenwich Mean Time

From: Aengus Ward (Modern Languages)

To: Christopher Hill (PhD Performance Practice FT)

Thanks Chris, see you later.

Aengus

From: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

Sent: 04 February 2023 18:49

To: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Subject: Re: Complaint - formal stage

Dear Aengus,

Monday at 12 it is. See you then!

Best wishes

Chris

Christopher Hill MA BA(Oxon) FNCM FLCM FVCM LTCL DipABRSM FGMS

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School of Languages, Cultures, Art History, and Music — College of Arts and Law — Department of Music — PhD

Music Performance Practice

Student ID: 2093256

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Date: Friday, 3 February 2023 at 16:27

To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

Subject: RE: Complaint - formal stage

Dear Chris,

Monday at 12 would be fine, if that is all right with you.

In my office?

All the best,

Aengus

From: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>
Sent: 03 February 2023 09:36
To: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>
Subject: Re: Complaint - formal stage

Dear Aengus

Thankyou or sending all this through, it's very useful for reference.
If you'd like to do this next week, Monday c. 12pm or Tuesday c. 11am would both be particularly good for me, can do a little later on both days, especially the Monday, but if neither of those work, I'm fairly flexible on Friday as well.

Speak soon
Best wishes
Chris

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Student ID: 2093256

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>
Date: Thursday, 2 February 2023 at 12:18
To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>
Subject: Complaint - formal stage

Dear Chris,

Thank you for meeting with me informally on Monday last. We discussed various elements of procedure, and you expressed the view that you would like this complaint to be taken forward formally, and did not wish to pursue any informal or mediation arrangement.

To this end, then, I would like to meet with you formally, so that I can go through the substance of your complaint. As promised, I will send you the documentation that governs the investigation of complaints in due course (though I see you already have access to the legislation on [e.g.] bullying and harassment). In the mean time, I should tell you that the section which specifically deals with our discussion reads as follows:

5.4 Invite the student for a meeting

Ideally hold a face-to-face discussion where the student can talk freely, in order to get at the key issues and to remove misunderstandings. A meeting also ensures that the student feels that their concerns are being taken seriously. Even if the issues appear to be minor and can be resolved quickly, a meeting can help to ensure that all relevant information is taken into account. Only if a face to face meeting is not possible or practical, should the discussions take place by video-conferencing or telephone. This meeting is not essential and in straightforward cases it may not be necessary. If in doubt, seek advice from SCCA.

5.4.1 In advance of the meeting:

- Explain in writing or in an email, the investigation process and purpose of the meeting to the student;
- Ask for any further information (oral or documentary) required from the student to assist your investigation; and
- Inform the student that they may have a 'Friend' present in order to provide support. However, the 'Friend' may not act as an advocate, answer questions or give evidence. 'Friend' is defined in Section 1 of the University Regulations as: a member of the academic staff of the University or a Registered Student of the University or a Sabbatical Officer of the Guild of Students
- If you intend to have a note-taker at the meeting, you should inform the student of this in advance. It would be good practice to confirm the identity of the note-taker and confirm their role at the meeting. This may influence the student in whether or not they choose to bring a 'Friend'.

5.4.2 At the meeting:

- Check your understanding of the key issues that the student is concerned about.
- Check your understanding of the remedy the student is seeking.
- Ask questions in order to obtain information that was missing upon analysis of the Concern Review Form and documentary evidence.
- If necessary, manage the student's expectations about potential outcomes of your investigation.
- Be objective and avoid personal criticisms.
- Take notes of the meeting, write them up afterwards and agree them with the student.
- In cases where the student is complaining about one or more individuals, make the student aware that disclosure of the complaint and evidence will normally be made available to relevant parties.

These are therefore the issues that I would like to check with you. I am more than happy to fit in with your schedule over the next couple of weeks to do this.

All the best, and of course I am more than happy to answer any questions you might have in advance.

All the best,

Aengus Ward

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Subject: Re: Student complaint

Date: Thursday, 26 January 2023 at 14:57:25 Greenwich Mean Time

From: Aengus Ward (Modern Languages)

To: Christopher Hill (PhD Performance Practice FT)

Perfect Chris. My office is 115 in the Ashley Building. If you knock on my door, the coffee is on me.

Aengus

From: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

Sent: 26 January 2023 13:50

To: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Subject: Re: Student complaint

Dear Aengus,

Monday at perhaps 2:30 sounds good then. Happy to do this in person, whether at your office or over a coffee sounds good.

Speak soon,
Chris

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>

Date: Thursday, 26 January 2023 at 13:00

To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>

Subject: Re: Student complaint

Dear Chris,

I'll be on campus and available on Monday after 2, if this still suits you. Happy to do this face to face or by Zoom, as you prefer.

All the best, and thanks for the prompt reply.

Aengus

From: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>
Sent: 26 January 2023 10:39
To: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>
Subject: Re: Student complaint

Dear Aengus,

Thank you so much for getting back to me, no worries for the delay. I'd be more than happy to have a chat about this. I'll be on campus and available for a call between 2 and 5pm on Friday. Similarly, Monday from 2pm and the following Friday all day. Alternatively, if you wanted to do it as a video call, I'm fairly flexible so if none of these work for you please send some times that would be good for a call and I'm sure we could figure something out.

Best wishes
Chris

Sent from [Outlook for iOS](#)

From: Aengus Ward (Modern Languages) <a.m.m.ward@bham.ac.uk>
Sent: Thursday, January 26, 2023 9:48:05 AM
To: Christopher Hill (PhD Performance Practice FT) <CJH956@student.bham.ac.uk>
Subject: Student complaint

Dear Christopher, (if I may)

I am Professor Aengus Ward, of the Department of Modern Languages, and Deputy Head of the School of Languages, Cultures, Art History and Music. I have been asked by the Head of School, Professor Helen Abbott, to be the Investigating Officer in the complaint you submitted recently. Apologies for the delay in contacting you, there were some bureaucratic issues to resolve first.

I have carried out several of these investigations before, so I would like to assure you that due process will be carried out at all times. Before I begin the formal part of the investigation, I usually ask the complainant if they would be willing to have a brief discussion about processes and expectations. Would you be willing to do this? If so, please let me know when suitable times for you would be.

All the best,

Aengus

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