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COMPLAINTS POLICY

The key principles of the policy

Summary

This policy sets out the procedures which the Halton and Warrington Music Support Service (HWMSS) will follow whenever it receives a complaint. A summary of the various stages is given below:

Primary Responsibility

Informal discussion and resolution - Informal Stage – **HWMSS Tutor**
Investigation by Strategic Director - Formal Stage – **Strategic Director HWMSS**
Complaints review – **Independent Panel/Accent Music Education Hub (AMEH)**

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure). It is stressed that the majority of complaints are resolved on an informal basis (stage 1).

Circumstances under which this procedure should not be used:

Issues related to child protection, criminal investigations and tutor grievances must be handled separately from this policy. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant will be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures. If another policy is more appropriate than this complaints policy for any given situation then it will be used in preference to it.

Circumstances under which stages of the procedure should be missed out:

This policy sets out the most suitable and effective process for dealing with the majority of complaints. In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages.

However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way. In all cases where the complaint concerns the Strategic Director directly, stage 2 will be missed out and the formal complaints procedure will begin at stage 3. In some cases, it will be inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the Strategic Director directly (i.e. begin at stage 2). Complainants may choose to contact the Strategic Director directly of their own accord. In these cases it will be at the discretion of the Strategic Director as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to stage 1).



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If and when complaints about the Service are brought to the attention of the AMEH, the majority of complainants will be advised to contact the Strategic Director of HWMSS (see introduction to stage 2) and to follow the procedures set out within this document from stage 1 onwards. In certain exceptional cases, however, it may be decided, by joint agreement between the Music Education Commissioner: AMEH and the Strategic Director: HWMSS, that it is appropriate to deal with the complaint at a different stage.

Who is allowed to complain?

This policy may be used by anyone who has a concern or complaint about any aspect of the Service. In the main this will mean schools and the parents and carers of the schools' pupils but may include other members of the music education community.

Aims and objectives of the policy:

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all stakeholders involved with the Service.

Monitoring complaints:

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The Service may choose to appoint a member of the team as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the complaints policy and will be responsible for monitoring complaints. Records should be retained for the periods specified in guidance on records retention (available separately).

Upholding or not upholding complaints

At each stage of the complaints procedure, the conclusion will be either:

That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken;

Or

That the complaint is not upheld and reasons for this are clearly given.

In the first instance, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;



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- an undertaking to review Service policies in light of the complaint.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

Publicity and communication

This policy will be included within the Service's handbook and will be available on the Service's website. At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between on a 'need to know' basis and in line with the Service's GDPR compliant 'Privacy Policy' (available separately)

Equal access, accompaniment and representation

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf. Should any meeting need to be held where any parties would have difficulties in terms of access, the Service will provide an appropriate venue. It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

Time between stages

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further. After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

Changes to time limits and deadlines

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible. Where a complaint leads to criminal proceedings this will always be the case. If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.



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Vexatious Complaints

The Strategic Director: HWMSS or the Music Education Commissioner: AMEH can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.

STAGE 1: Informal discussion

Introduction

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints. When a complaint is made directly against the Strategic Director, stage 2 is not required and the formal procedure begins at stage 3.

Who to speak to informally

Individuals may decide to raise their concerns with any member of the HWMSS team depending on their wishes and the type of issues they want to discuss.

Monitoring

It is not necessary to record or monitor complaints at this level.

Time scales

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

Response

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.

Options for complainant

If the complainant is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the complaints procedure and told how to move on to the next stage.

STAGE 2: Referral to the Strategic Director

Introduction

This is the first stage of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

Where a complaint at this stage is received jointly by the Strategic Director and the Music Education Commissioner the following will occur before the process outlined below commences:

- Before either party communicates with the complainant a discussion will take place between the Strategic Director and the Music Education Commissioner (or their Deputy) and the following will be agreed:
 - If the complaint falls within any other policy and procedure that supersedes this complaints policy.
 - The appropriate stage at which the complaint should be dealt with.



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- Who will respond to the complainant (it would be expected that this would normally be the Strategic Director of HWMSS unless the complaint was against them directly or was deemed to be a Stage 3 complaint. In which case it would be appropriate for Accent's Music Education Commissioner to respond.) Whoever responds at this stage will be responsible for seeing the complaint through to its resolution.
- The timescales for the process. Only in exceptional circumstances should the timescales within this policy be altered. These circumstances may include interviewees not being available or the receipt of requested information being delayed.
- This discussion should take place as soon as is operationally possible. Only after this discussion will the process continue as appropriate. Once agreement on the above has been reached the party designated as the point of contact for the complaint should:
 - Telephone the complainant to advise of the process from thereon (or email should the complainant not be available); then
 - Follow up the telephone call with an email summary of the conversation ensuring that the other party is copied in.

Informal discussion with the Strategic Director

Before proceeding with a formal investigation, the Strategic Director will telephone and arrange (where appropriate) to meet with the complainant and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Strategic Director will decide whether the complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

Submitting a formal complaint

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the Strategic Director. As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

Acknowledgement and time scales

The Strategic Director should formally acknowledge the complaint within 1 school day of receiving it and begin an investigation.

The investigation

The Strategic Director will need to investigate the complaint and review any relevant documentation and information. If necessary, the Strategic Director will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed. As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of tutors to be accompanied by a representative from their Trade Union. When pupils are interviewed, an additional member of staff should always attend.

Response and timescales

The Strategic Director will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been



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upheld, the reasons why, and what action (if any) will be taken. Where the complaint was made jointly to the Strategic Director and Accent's Music Education Commissioner, the response will be shared with the other party.

Options for complainant

If the complainant is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the complaints procedure and told how to move on to the next stage.

Stage 3: Review by Independent Panel/Accent Music Education Hub

Introduction

Complaints only rarely reach this formal level, but it is important that the Service is prepared to deal with them. Upon receiving a formally submitted complaint at this stage the Strategic Director and Music Education Commissioner will usually choose to deal with it by holding a complaints panel hearing. However, in some cases, it may be possible and appropriate for the Music Education Commissioner to resolve the issue with the complainant by other means without the need for a complaints panel review.

The complaints panel must be clerked. The clerk may be a member of the AMEH staff, or from one of the schools represented on the panel. When stage 2 has been missed out, this is the first stage under which a formal complaint about the Strategic Director will be dealt with.

The Panel

The panel will generally consist of three head teachers who have not previously been involved with dealing with the complaint. The panel should elect its own chair.

Submitting a formal complaint

The complainant must submit a written request to the chair of the complaints panel for their complaint to be considered by a complaints panel.

Acknowledgement and time scales

The chair of the panel should acknowledge receipt of this letter within 5 school days if possible but no more than 10 at most by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints panel within 15 school days of the date of this letter.

Preparation

The chair of the panel will then contact the Clerk and ask him or her to begin making preparatory arrangements. The Clerk will convene a meeting of the complaints panel. The membership of the complaints panel will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed head teachers.

The Clerk should then formally write to the complainant, the Strategic Director, the Music Education Commissioner and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the panel to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;



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- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the panel will reach their decision.

It is the responsibility of the Clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

The Hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the Strategic Director/Music Education Commissioner and the complaints panel will be allowed to ask the complainant questions.
- The Strategic Director will then be given an opportunity to explain the Service's official response, interpretation or view about the complaint. Following this the complainant and panel will be allowed to question the Strategic Director.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The Strategic Director and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the panel will consider its decision and write to both parties within 5 school days informing them of the outcome.

Ultimately, the chair of the meeting has control over its proceedings.

After the Hearing

The panel will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the Service's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the Strategic Director and the complainant.



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