

The key principles of the policy

Summary

This policy sets out the procedures which Slough Music Service will follow whenever it receives a complaint. A summary of the various stages is given below:

Primary Responsibility

Informal discussion and resolution Informal Stage – **Music Service Teacher**

Investigation by Head of Service - Formal Stage – **Head of Service**

Complaints committee review – **Headteacher/Governing Body of Beechwood School**

LEA investigation (SBC) – **LEA**

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 employee grievances must also all be handled separately from this policy. This complaints policy is distinct from formal staff disciplinary proceedings. 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. This policy does not cover complaints made against Slough Borough Council. Any complaint of this sort should be dealt with in accordance with the Council's 'Corporate Complaints Procedure'.

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 Head of Service 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 Head of Service directly (i.e. begin at stage 2). Complainants may choose to contact the Head of Service directly of their own accord. In these cases it will be at the discretion of the Head of Service as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to stage 1).

If and when complaints about the service are brought to the attention of Slough Borough Council, the majority of complainants will be advised to contact the Head of the Music Service or the Beechwood School headteacher as line manager to the music service, and to follow the procedures set out within this document from stage 1 onwards. In certain exceptional cases, however, it may be decided, at the discretion of the Director of Education, 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 music service. In the main this will mean schools and the parents and carers of the schools' pupils, but may include other members of the 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 people 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 music service may choose to appoint a member of staff 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;
- an undertaking to review school 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 music service handbook and may also be included, as appropriate, within the following:

- the information given to new parents when their children engage with the music service;
- the information given to pupils of the music service;
- the home-music service agreement;
- home music-service bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- posters displayed in areas used by the music service that will be used by the public, such as reception or the main entrance.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved.

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 staff on a 'need to know' basis.

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, Slough Borough Council can assist with providing 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.

Support offered by Slough Borough Council (SBC)

SBC Education Department offer advice and guidance to managers and governing bodies who feel they need extra support when dealing with a complaint.

If a complaint concerns the Head of Service, the governing body will be required to work with SBC from the outset.

In exceptional circumstances, SBC is able to investigate on behalf of either the Head of Service, Headteacher or school governors. Where possible, the intention will always be for SBC to support the service in its own investigations rather than take complete responsibility for them itself.

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.

Vexatious Complaints

The chairman of governors 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. In both cases, the complainant has the right to take their complaint to Slough Borough Council (stage 4) who will, if appropriate, investigate the school's adherence to the complaints policy.

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 Head of Service, 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 staff 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 individual 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 accompanying public guidance leaflet and told how to move on to the next stage.

STAGE 2: Referral to the Head of Service

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.

Informal discussion with the Head of Service

Before proceeding with a formal investigation, the Head of Service will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Head of Service will decide whether the individual's 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 Head of Service. 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 Head of Service should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

The investigation

The Head of Service will need to investigate the complaint and review any relevant documentation and information. If necessary, the Head of Service 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 teachers to be accompanied by a representative from their Trade Union.

When pupils are interviewed, an additional member of staff should always attend.

Response

The Head of Service 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 upheld, the reasons why, and what action (if any) will be taken.

Options for complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

Stage 3: Review by Headteacher/Governing Body of Beechwood School complaints committee

Introduction

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them. Upon receiving a formally submitted complaint at this stage the headteacher or chairman of governors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the headteacher/chairman of governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a member of the Beechwood school staff, the clerk to the governing body or another governor. If required, SBC will offer support and guidance to the clerk, the headteacher, chairman of governors and/or the members of the complaints committee on procedural issues but will not normally play any part in reviewing the details of the complaint itself. When stage 2 has been missed out (see section 1.4), this is the first stage under which a formal complaint about the Head of Service will be dealt with.

The Committee

It is recommended that school governing bodies annually agree five governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The three governors appointed to the complaints committee in any case will usually be chosen from this group of five. The committee will generally consist of three governors who have not previously been involved with dealing with the complaint. The committee should elect its own chair.

Submitting a formal complaint

The complainant must submit a written request to the headteacher/chairman of governors for their complaint to be considered by a complaints committee.

Acknowledgement and time scales

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

Preparation

The headteacher/Chairman of Governors will then contact the Clerk and ask him or her to begin making preparatory arrangements. The Clerk will convene a meeting of the complaints committee. The membership of the complaints committee 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 governors.

The Clerk should then formally write to the complainant, the Head of Service 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 committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the Clerk to ensure that all parties receive all relevant documents at least three 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 Head of Service and the complaints committee will be allowed to ask the complainant questions.
- The Head of Service will then be given an opportunity to explain the service's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the Head of Service.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The Head of Service 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 committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format will need to be altered under certain circumstances, including instances where Slough Borough Council, rather than the Head of Service, has played an investigating role.

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

After the Hearing

The committee 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 school'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 Head of Service and the complainant.

Options for Complainant

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the service's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

STAGE 4: Complaint to Slough Borough Council (SBC)

Introduction

Complainants are entitled to complain to Slough Borough Council (SBC) Local Educational Authority (LEA) if they believe that their complaint was not handled fairly and in accordance to the service's complaints policy. Complaints can only be considered once the school's procedures have been completed in full.

Complaints very rarely reach this level. However, it is important that the LEA, the school are ready to deal with them if necessary and that the complainant is fully informed of how and when they can complain at this level.

Submitting a formal complaint

Complaints must be submitted, in writing, to the following address:

The Director of Education
Education Department
Slough Borough Council
Town Hall
Bath Road
Slough
Berkshire

This written complaint must include the following information:

- Details of the original complaint;
- The judgement and action taken by the governing body;
- Reasons for believing that the original complaint was not dealt with fairly and in accordance with the school's complaint's procedure;
- The expected or desired outcome.

Acknowledgement and Time Scales

SBC will write to the complainant and formally acknowledge their complaint within 5 working days of receipt.

SBC will also write to the Head of Service and Headteacher/chairman of governors of Beechwood School to inform them that a complaint has been made against the actions they have taken with regards to the original complaint.

The Investigation

SBC will examine all relevant documentation considered by the service in their original investigation as well as the records and correspondence produced at each stage.

The Response

SBC will write to the complainant and inform them of their findings within 20 working days of acknowledging their original complaint. Copies of this letter will be sent to the Head of Service and Headteacher/chairman of governors.

Possible Outcomes

If SBC decides that the service has failed to handle the original complaint fairly and according to its complaints policy the matter will be referred back to the governing body. The governing body will then be requested to reinvestigate the complaint at stage 3 (review by governing body complaints committee). The governing body will need to re-appoint a new complaints committee. Again, SBC Information and Governor Services will be able to offer support to the governing body in their investigations.