

Harrow Young Musicians

Complaints Policy and Procedure

Abbreviations:

HYM - means Harrow Young Musicians

MC - means the Management Committee of Harrow Young Musicians

HM - means the Head of Music of Harrow Young Musicians or the most senior staff/contractors member

Introduction and statement of intent

HYM takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.

This policy aims to ensure that:

- as far as possible all concerns should be dealt with as informally as possible
- all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so
- where a formal process is required, the steps involved are clearly outlined
- people are aware of their responsibilities

The emphasis is to understand, investigate and resolve the complaint as early as possible.

The formal process has three stages:

- 1 Complaint heard by the Head of Music.
- 2 Complaint heard by the Chair of HYM.
- 3 Complaint heard at a Panel Hearing that includes at least one person who is independent of the management and running of HYM.

Scope and applicability

This policy applies to all complaints received by HYM.

This policy applies to all staff/contractors and volunteers of HYM and members of the MC.

The policy

Concerns and complaints

It is important to distinguish between a “concern” and a “complaint”. Most concerns can be made informally to the initial member of staff/contractors and be resolved without the need to go through the formal complaint procedures. Initial concerns should be made with HYM as soon as possible to allow for a proper investigation if the need should arise.

A concern may arise (for example)

- from uncertainty regarding the application of rules or disciplinary procedures
- from misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom
- where a parent believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill
- where a parent believes that their child is being bullied or has suffered some form of discrimination and brings the matter to HYM’s notice so that action can be taken to prevent a recurrence

Concerns should normally be raised with the member of staff/contractors most directly involved in the situation giving rise to the concern. Parents will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff/contractors member will respond as soon as practicable, and in any case within *three working days.

A complaint may arise (for example)

- when an individual has previously raised a concern and is not satisfied with the response offered
- where an individual has serious disquiet over an incident that has taken place or a decision made in HYM and believes HYM has fallen short of appropriate standards.

Complaints should be recorded, either by the individual (writing to the HM or completing the Complaint Form at the end of this document for instance), or the HM following a Stage 1 meeting with the individual.

If the complaint concerns the Head of Music any correspondence should be addressed to the Chair of HYM and the procedure will start at Stage 2.

If the complaint concerns the Chair of HYM any correspondence should be addressed to the Vice-Chair, Secretary or Treasurer of HYM who will then conduct the Stage 2 procedure.

All complaints, including all Complaint Forms, will be held by the HM.

All correspondence and material relating to a complaint is confidential.

Investigating complaints

The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and keep notes of the interview.

Resolving complaints

At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. In addition, 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; and an undertaking to review HYM's policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that HYM could have handled the situation better is not the same as an admission of negligence.

At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Stages of complaint

Stage 1: Complaint heard by the Head of Music

It is in the interests of everyone that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and HYM can be crucial in determining whether their complaint will escalate.

Staff/contractors need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular person being involved in hearing and investigating the complaint.

To ensure clarity of understanding, a Complaint Form needs to be completed. This ensures that there is no conflict in determining what the complaint consists of and the action taken by members of staff/contractors.

The HM hearing the complaint needs to ensure that they have investigated it appropriately.

The HM hearing the complaint will respond to the complainant in writing.

It is normally expected that complaints will be acknowledged within *three working days, and the Stage 1 process completed within *ten working days. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.

If the complaint is resolved, the HM should complete the Complaints Form and file this for retention alongside their written response to the complainant.

If the complaint is not resolved, the Complaint Form should be completed and passed to the Chair of HYM.

Stage 2: Complaint heard by the Chair of HYM

The Chair of HYM will consider both the original complaint and the process followed during Stage 1.

The Chair of HYM may formally reject a complaint if, in their judgment, the complaint –

- was received too long after the alleged incident for realistic investigation to take place;
- does not identify specific actions or incidents that are capable of being investigated;
- refers only to issues that have already been determined;
- raises only too minor matters that should have been resolved in discussion with the staff/contractors member involved.

The Chair of HYM will put their judgement and rationale, including details of the process followed, in writing to the complainant.

It is normally expected that the Stage 2 process would be completed within *ten working days of the initiation of Stage 2. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.

If the complaint is resolved, the Complaints Form should be completed and filed for retention.

If the complaint is not resolved, the complainant has the option of seeking a Panel Hearing in Stage 3.

Stage 3: Panel Hearing

The Chair of HYM or a nominated MC member will convene a Panel Hearing. This Panel will comprise at least three individuals, none of whom will have been directly

involved in previous consideration of the complaint. At least one member of the Panel will be independent of the management and running of HYM.

The panel will have the powers to determine the complaint.

The Panel may reject the request for a Panel Hearing if, in their judgment, the request:

- is Vexatious; and / or
- refers only to issues that have already been reasonably determined and with no reasonable basis (such as new information) upon which a Panel Hearing could reach a different decision.

Any Panel members who were part of the Panel Hearing would not be part of any panel that was subsequently required for a disciplinary hearing regarding a member of staff/contractors following a serious complaint.

The Panel Hearing should be heard within *10 working days of receiving notice of the complaint.

The Panel Hearing will be heard in private, will give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome.

The complainant may be accompanied by a friend / colleague (and if the complainant is a child, they must be accompanied by their parent(s) and another person).

The Panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on appropriate action to resolve the complaint; or recommend changes to HYM's systems or procedures.

The decision of the panel is binding. The decision must be communicated within *three working days of the hearing.

Responsibilities under the policy

Management Committee

The MC is responsible for:

- approving HYM policy, procedures, and guidelines;
- establishing the Panel Hearing for Stage 3; and
- monitoring the level and nature of complaints and reviewing the outcomes and associated lessons to learn annually or earlier if so determined by the Chair.

The Chair of HYM is responsible for:

- receiving complaints at Stage 3 of the complaints procedure;
- nominating the individuals for the Panel Hearing in Stage 3 and ensuring that it includes one person who is independent from the management and running of HYM; and checking that the correct procedure is followed.

The Chair of the Panel at Stage 3 is responsible for ensuring that:

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard;
- any written material is seen by all parties; and

- related Child Protection and Data Protection rules are observed and maintained.

Head of Music

The HM is responsible for:

- the overall internal management of the procedures;
- hearing complaints at Stage 2 of the procedure;
- ensuring that the procedures are monitored and reviewed and reports made to the MC as appropriate.

All staff/contractors

All staff/contractors are responsible for:

- listening to any concerns brought to them by parents and students;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff/contractors;
- for informing the relevant staff/contractors of the concerns being raised; and
- passing any complaints received from other people who are not parents or students to the HM.

Vexatious and abusive complaints

HYM takes its responsibilities to investigate concerns and complaints seriously and will do so professionally.

The HYM does not expect staff/contractors to tolerate unacceptable behaviour by complainants, which would include behaviour which is abusive, offensive or threatening. HYM defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the HYM, hinder the ability to investigate their original complaint. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint, or refuse to specify the grounds for their complaint, and appear to be making the complaint only to annoy or for undeclared reasons;
- refuse to co-operate with the complaints investigation process;
- refuse to accept that issues are not within the power of the HYM to investigate, change or influence;
- make what appear to be groundless complaints about the staff/contractors dealing with the complaint(s);
- make an unreasonable number of contacts with the HYM, by any means, about the complaint;
- make persistent and unreasonable demands or expectations of staff/contractors and/or the complaints process;
- harass, abuse, or otherwise seek to intimidate staff/contractors dealing with their complaint;
- raise subsidiary or new issues during the investigation;
- introduce trivial or irrelevant new information and expect this to be taken into account;
- change the substance or basis of the complaint without reasonable justification;
- deny statements he or she made at an earlier stage;

- electronically record meetings and conversations without the prior knowledge and consent of the other person involved;
- refuse to accept the outcome of the complaint process after its conclusion and/or denying that an adequate response has been given;
- make the same complaint repeatedly, perhaps with minor differences, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure;
- persistently approach HYM through different routes about the same issue; and combine some or all of these features

If there is either unacceptable behaviour and / or unreasonably persistent and / or vexatious complaints, the Head of Music.

- will ensure that any legitimate complaint is being investigated and progressed in accordance with this policy;
- impose such restrictions on the complainant's contact with HYM as may be appropriate and proportionate and inform the complainant of the restriction and the time that it will continue for as well as the reason for the restriction; and
- will advise the committee of all complaints.

N.B. Outside of term times delays are unavoidable but complaints will be dealt with as soon as possible.

Review cycle: Annually

Date First Adopted: 3 November 2016

Review Date: March 2018

Next Review Date: November 2018

Appendices - Appendix One: Complaint Form

Harrow Young Musicians: Complaint form

Your Name:	
Student's Name:	
Your relationship to the student:	
Address:	
Daytime phone number:	
Evening phone number:	
Mobile phone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve the complaint? Who did you speak to and what was the response?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details:	
Signature	
Date	
<i>HYM use only</i>	
Date acknowledgement sent:	

Who sent acknowledgement:	
Signature	
Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary	
Stage 1 (complaint heard by HM)	Date: Signature:
Stage 2 (complaint heard by Chair of HYM)	Date: Signature:
Stage 3 (Panel Hearing)	Date: Signature: