

BROMLEY YOUTH MUSIC TRUST

COMPLAINTS PROCEDURE

1. Stages of the Procedure

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff should know the Complaints Procedure so they know what to do should they receive a complaint. Sue Brown, Head of Administration is the Complaints Co-ordinator. A complaint may be made in person, by telephone or in writing. A standard form is attached. The procedure should make clear the time limit within which a complaint may be made. Time also needs to be allowed for the Principal to implement any changes following a complaint being upheld. A flow chart of suggested stages can be found at Appendix 2.

1.1 *Stage One: Complaint Heard by Staff Member*

The Principal or Complaints Co-ordinator should receive complaints in the first instance. Normally the parent would be directed to take the complaint to the member of staff involved. The views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff should be respected and in these cases, the complainant can be referred to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complainant may be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. Where the complaint concerns the Principal, the complainant should be advised to write to the Chair of Trustees directly.

Where the first approach is made to a Trustee, he or she should refer the complainant to the Principal or Complaints Co-ordinator and advise the parent about BYMT's procedure. Individual Trustees should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a Panel at a later stage of the procedure. Most complaints will be resolved at this informal stage.

1.2 *Stage Two: Complaint Heard by Principal*

The Principal's influence will already have shaped the way complaints are handled in BYMT. At this point, however, as well as pursuing their initial complaint, the complainant may be dissatisfied with the way the complaint was handled at Stage 1. The Principal may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The Principal should investigate the complaint, review all the information and discuss the findings, together with any recommendations or apology, with the complainant. Reconciliation should be achieved at this stage. If the complaint relates to the alleged conduct or capability of a member of staff, which could result in disciplinary action, the complaints process should be replaced by appropriate line management and disciplinary procedures. **As almost all complaints concern the day to day management of BYMT, few matters should need to go further.**

1.3 *Stage Three: Complaint Heard by Chair and if necessary by Trustees' Complaints Appeal Panel*

If the complainant remains dissatisfied, he/she should write to the Chair of Trustees giving details of the complaint and why he/she is not satisfied. The Chair should try to diffuse the situation at this point, by speaking with or writing to the complainant and reassuring him or her that BYMT has taken the complaint seriously. This may be sufficient to satisfy the complainant.

Should, however, this prove not to be the case, the Chair, or a nominated Trustee, will convene a Trustees' Complaints Appeal Panel. The Panel can be drawn from the nominated members and may consist of three or five Trustees. If the Chair has heard the complaint informally as described above, the Chair must not, of course participate in the Panel Hearing. The Panel may choose its own chair. Individual complaints should never be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Trustees' appeal hearing is the last stage of the complaints process, and is not convened merely to rubber stamp previous decisions. The procedure adopted by the Panel for hearing appeals would be part of BYMT's complaints procedure and is set out at Appendix 1.

2. The Remit of the Complaints Appeal Panel

The Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to BYMT's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Trustee sitting on a Complaints Appeal Panel needs to remember:

(a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the Panel if he or she has had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, Trustees need to try and ensure that it comprises a cross-section of the categories of Trustee and is sensitive to issues of race, gender and religious affiliation.

(b) The aim of the hearing, which should be held in private, will always be to resolve the complaint and achieve reconciliation between BYMT and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome, if the hearing does not find in his/her favour. It may, however, be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.

(c) An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting appears appropriate and not adversarial.

(d) The Trustees sitting on the Panel need to be aware of the entire complaints procedure.

A checklist for a Panel Hearing is attached at Appendix 1.

3. Roles and Responsibilities

3.1 The Role of the Clerk

The Complaints Appeal Panel should be clerked. The clerk would be the contact point for the

complainant at the third stage and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to all of the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Panel's decision.

3.2 The Role of the Chair of the Trustees or the Nominated Trustee

- check that the complaints procedure has been correctly followed to this point;
- if a hearing is appropriate, notify the clerk to arrange the Panel.

3.3 The Role of the Chair of the Panel

Ensure that:

- no Member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the issues are addressed;
- key findings of fact are made;
- the hearing is conducted in an informal, although structured, manner, with each party treating the other with respect and courtesy;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it;
- the Panel is seen to be open minded and acting independently.

4. Notification of the Panel's Decision

The Chair of the Panel should ensure that the complainant and the Principal are notified of the Panel's decision, in writing, within a set deadline, which is publicised in the procedure. The letter needs to explain that any further appeal should be addressed to the Secretary of State.

BYMT COMPLAINT FORM

Please complete and return to Sue Brown (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Child's name:

Your relationship to the pupil:

Address:

Post Code:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your 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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Attach a continuation sheet to enable BYMT to record the actions taken and the final outcomes

Appendix 1

Complaints Procedure Checklist for a Panel Hearing

The Panel needs to take the following points into account:

- The hearing, while structured, is conducted as informally as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain BYMT's actions and be followed by BYMT's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- The complainant is then invited to sum up his/her complaint.
- The Principal is then invited to sum up BYMT's actions and response to the complaint.
- The Chair explains that both parties will hear from the Panel within a set timescale.
- Both parties leave together while the Panel decides on the issues.

Appendix 2

BYMT COMPLAINTS PROCEDURE FLOWCHART

