

Lambeth Music Service and
In Harmony Lambeth
Complaints Policy & Procedure

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Lambeth Music Service/In Harmony Lambeth Complaints Procedure

Contents

1.	Introduction	2
2.	The Education Act 2002	Error! Bookmark not defined.
3.	Publicising the Procedure	2
4.	Aim	2
5.	Scope	2
6.	General Principles	3
7.	Definition of a complaint	3
	Anonymous complaints	3
	Vexatious Complaints	3
8.	Managing and Recording Complaints	4
	Selecting the most appropriate procedure	4
9.	Procedure	5
	Stage 1 – Informal Stage	5
	Stage 2 – Formal Stage	5
	Stage 3 – Review	6
	Further Stages	8
	Appendix 1	9
	Appendix 2	12



1. Introduction

2. Publicising the Procedure

3.1 The Lambeth Music Service/In Harmony Lambeth Complaints policy and procedure is available on:

- The parent/carer and school sections of the LMS/IHL websites, including an online form
- Included in the Service Level Agreement to schools
- Included in the information given to new parents when their children join Lambeth Music Centre
- Newsletters;
- Documents supplied to community users including course information or letting agreements;
- poster displayed in the reception or the main LMS/IHL office/music centre
- Distributed to Lambeth Sounds Music Education Hub partners

3. Aim

3.1 Lambeth Music Service/In Harmony Lambeth is committed to providing high quality musical tuition and support to all Lambeth children, young people and their families. Lambeth Music Service/In Harmony Lambeth recognises the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil, parent, school partner or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document for dealing with complaints relating to schools and community services as required by section 29(1) (a) of the Education Act 2002. The policy allows for a concern or complaint relating to the services that it provides to be raised.

4. Scope

5.1 The Complaints Policy applies to all matters relating to actions of staff and application of LMS procedures which affect the individual *pupils* concerned, except matters relating to;

- exclusions
- special education provision
- Service re-organisation
- child protection
- records on individual pupils
- Safeguarding referrals

LMS/IHL has a duty to safeguard and promote the welfare of their pupils. This includes making referrals to the appropriate organisation, usually the Local Authorities children's' Social Care services if there is a concern about the welfare of a child.

- Allegations of Abuse

Allegations of abuse against a member of staff will be dealt with under the Lambeth Music Service/In Harmony Lambeth Safeguarding and Disciplinary procedures.



5. General Principles

- 6.1 The procedure is designed to ensure that wherever possible, an informal resolution is attempted. All stages of the complaints procedure should be investigatory rather than adversarial
- 6.2 To allow for a proper, full and fair investigation, complaints should be brought to the attention of the service as soon as possible. Any complaint which is raised more than 3 months after the event will not be considered except in exceptional circumstances.
- 6.3 All complaints will be treated as confidential. Only those individuals concerned with investigating the complaint will have access to the file. No information regarding the investigation will be made available publicly unless required by law.

6. Definition of a complaint

- 6.1 A complaint is a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the service (not employed by the service) about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or non teaching staff employed by LMS/IHL and anybody else working under the direction of the Head of Service, which affects an individual or group.
- 7.2 Complaints about persons outside of Lambeth Music Service/In Harmony Lambeth will initially be dealt with by the Head of Service and be referred to the appropriate authority.

Anonymous complaints

- 7.3 There is no duty for the Head of Service to pursue anonymous complaints because there is no named complainant to respond to. However, if such complaints allege or imply a serious matter that may be to the detriment of the service, then it will be at the Head of Service discretion to consider whether a case needs further investigation or not. Further investigation may be carried out in exceptional circumstances such as child protection issues or bullying allegations, where the school would involve appropriate external agencies.

Vexatious Complaints

- 7.4 There will be occasions when, on proper investigation a complaint is deemed to be unfounded, malicious or vexatious or when despite all stages of the procedure having been followed the complainant remains dissatisfied and wishes to reopen the same issue. In these circumstances the ELS adviser for the Music Service will inform the complainant in writing that the procedure has been exhausted and that the matter is closed.



7. Managing and Recording Complaints

- 8.1 Lambeth Music Service/In Harmony Lambeth should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing (including email). At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the service have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.
- 8.2 The ELS Adviser and LMS Head of Service should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.
- 8.3 As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to service improvement. When individual complaints are heard, LMS may identify underlying issues that need to be addressed.

Selecting the most appropriate procedure

- 8.4 It is important to follow the appropriate procedure from the outset, in order to seek to identify a resolution for the complainant as quickly as possible and so that the interests of the individuals concerned are safeguarded.
- 8.5 The service will therefore review the nature of any enquiry or complaint and inform the complainant of the process being used to seek a resolution. The table below describes the nature of the enquiry, the body who manages the enquiry and the relevant procedure being used. The list provides the main examples and is not exhaustive.

Nature of Contact	Appropriate person to manage enquiry/complaint	Relevant policy / procedure
Request for published information	Lambeth FOI office	Freedom of Information request
Request for Pupil information	LMS Head of Service	Data Protection Act
Complaint about provision of services provided to schools	LMS Head of Service	Complaints Procedure
Allegation about the conduct of a member of staff	LMS Head of Service	Lambeth Disciplinary Procedure <i>(Confidential to the service and employee concerned)</i>
Allegation about verbal or physical assault by an employee on a pupil	LMS Head of Service	Lambeth Child Protection procedures followed by Disciplinary Procedure <i>(Confidential to the service and employee concerned)</i>
Allegation about the capability of a member of staff	LMS Head of Service	Capability Procedure <i>(Confidential to the service and employee concerned)</i>
Conduct of another pupil (eg. bullying)	LMS Head of Service or Senior Leader	Behaviour Policy <i>(Confidential to the service and parents of alleged perpetrator)</i>
Discipline of a pupil	LMS Head of Service or Senior Leader	Behaviour Policy <i>(Confidential to the school and</i>

		<i>parents of pupil)</i>
Decision to remove licence for a person to enter an LMS premises. <i>(Banning)</i>	LMS Head of Service	ELS Advisor

8. Procedure

Stage 1 – Informal Stage

- 9.1 Complaints are best resolved by approaching the individual directly. A local resolution is generally much quicker and less formal.
- 9.2 The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved during an informal meeting by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.
- 9.3 If the complainant is reluctant to do this, then a conciliation meeting with the Head of Service or their nominee will be arranged within 15 working days.

Note: *Where the complaint concerns the Head of Service and cannot be satisfactorily resolved by the Head of Service, then a written complaint must be passed to the ELS Advisers to be dealt with as in stage 2 below.*

Where an incident has resulted in personal injury the Head of Service must inform the Local Authority through the normal procedures with particular reference to the child protection procedures if applicable. Where a complaint involves injury to a child, either by a member of staff or another child, the Head of Service, when investigating, must be careful about taking statements which could undermine any investigation by the police or social services. It is advisable in these circumstances to be guided by the Local Authority Designated Officer /Safeguarding Team and/or School's Human Resources.

Stage 2 – Formal Stage

- 9.4 If the complaint is not resolved at the informal stage the complainant may choose to put the complaint in writing and pass it to the Head of Service who is responsible for the complaint being investigated appropriately. The Head of Service may delegate the investigation of the complaint to another member of the leadership team or request a Governor investigates.

The LMS Formal Complaints Form is provided to assist the complainant and the completed form should be passed to the school office, marked private and confidential and addressed for the attention of the Head of Service.

- 9.5 The complaint should include details that might assist the investigation, such as names of potential witnesses, where they might be contacted, the subject of the complaint, his/her name and position (if known), what happened, i.e. the incidents with an account confined to the facts, dates, time and location of the incident, copies of relevant documents and any other relevant information.

It is very important that you include a clear statement of the actions that you would like the service to take to resolve your concern. Without this, it is much more difficult to proceed

- 9.6 The Head of Service will ensure that a written acknowledgement is sent to the complainant within 3 working days of receiving the complaint and will give a target date for providing a response, which would normally be within 20 working days. If this target is not met a letter should be sent within the 20 working days explaining the reason for the delay and providing a revised target response date.

A copy of the LMS complaints procedure should be enclosed with the letter.

- 9.7 The person who is complained against will be informed and provided with the relevant details of the complaint so that he/she can answer the allegations and be made aware that an investigation is taking place. He/she should be invited to submit a written response; this should normally be within 5 working days.

- 9.8 The Head of Service may invite the complainant to a meeting to clarify the concerns and to explore the possibility of a resolution.

- 9.9 If the complaint is not resolved at this meeting, the complaint will be fully investigated, using the appropriate procedure. In any case the complainant will be written to within 7 days of the service receiving the formal complaint, of how the service intends to proceed. The notification will include an indication of the anticipated timescale.

- 9.10 Any investigation will begin as soon as possible and when it has been concluded, the complainant will be informed in writing of its conclusion.

- 9.11 The Head of Service will collect such other evidence, as he/she deems necessary, such as witness statements. This may involve the Head of Service meeting with and interviewing the complainant, the subject of the complaint and any other witnesses to clarify the complaint. Where this involves an interview with a member of staff, who is the subject of the complaint, a work colleague or trade union representative may accompany that member of staff if they wish and that member of staff is entitled to 5 days notice of the interview.

- 9.12 When the investigation of a complaint (under this procedure only) has been concluded all parties will be informed in writing of the outcome. This will include an outline of the complaint, the main findings of the investigation and the decision reached and where appropriate, what action the service is proposing to take to resolve the complaint.

Stage 3 – Review

- 9.13 Where the complainant is dissatisfied with the outcome of the responses and wishes to pursue the complaint further, the complainant may request that the ELS Adviser reviews the process followed by the service in handling the complaint. Any such request must include a statement specifying any perceived failings in either procedure or decisions made. A request for a



review that is based solely on dissatisfaction of the response/outcome decision will not normally be accepted.

The LMS Complaint Review Form (example at Appendix 2) is provided to assist the complainant and the completed form should be passed to the LMS office, marked private and confidential and addressed for the attention of ELS Adviser

Review Process

9.14 An acknowledgement should be sent by the service within 3 working days of receiving the request and should inform the complainant that a panel of three senior LA officers would normally be set up to review the complaint within 20 working days from the receipt of the request.

9.15 The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

If oral representations proceed, the ELS Adviser will write and inform all appropriate parties of the date, time and place of the review meeting at least 5 working days in advance of it. Any relevant documentation relating to the complaint should also be issued to all parties at this time.

Oral representation

9.16 The panel will hear the complaint at a meeting attended *separately* by the complainant and the representatives from the school. Written evidence is also reviewed by the panel and submitted in advance to all parties and verbal evidence will be given at the review meeting.

9.17 The meeting will be conducted in an informal manner with each party treating the other with respect and courtesy.

Part 1

1. The complainant and any representative will enter the room.
2. The Chair of the panel will welcome the complainant, introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant and the Head of Service, as well as the names of any witnesses the complainant has indicated s/he wishes to call.
4. The panel will hear the complaint
5. The panel will then have the opportunity of asking the complainant questions regarding the complaint
6. The complainant will call any witnesses
7. After the witness(es) have given their statements the panel may then ask any questions of the witness(es) regarding their statements



8. The complainant or their representative will then have to opportunity of summing up their complaint.
9. The Chair of the panel will explain that the panel will consider the issues and a written decision will be sent in writing within 5 working days.
10. The complainant and any representative will then withdraw.

Part 2

1. The Head of Service and any representative will enter the room
2. The Chair of the panel will introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant(s) and the Headteacher, and the names of any witnesses that the Head of Service has indicated s/he wishes to call.
4. The Head of Service will respond to the complaint
5. The panel will then have the opportunity of asking the Head of Service any questions regarding her/his response.
6. The Head of Service will call any witnesses
7. After the witnesses have given their statements the panel may then ask any questions of the witness(es) regarding their statements
8. The Head of Service or his/her representative will then have the opportunity of summing up their response
9. The Chair of the panel will explain that the panel's conclusion will be sent, in writing, within 5 working days.
10. The Head of Service and her/his representative will then withdraw.

The Complaints Panel will then consider the complaint and all the evidence presented and:

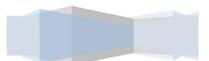
- a) reach a decision on the complaint and the reasons for it
- b) decide upon the appropriate action to be taken to resolve the complaint. (There may be instances where this involves recommending the use of the disciplinary or capability procedures)
- c) where appropriate, suggest recommended changes to LMS systems or procedures to try to ensure that complaints of a similar nature are not made in the future and
- d) provide a written response within 5 working days.

Further Stages



9.18 Following the review, it is open to the complainant to pursue their complaint with the Director of ELS.

Appendix 1



LMS FORMAL COMPLAINT FORM

Name:

Relationship with LMS

(eg parent of a pupil or school)

Address

Daytime Telephone number

Evening Telephone Number

Summary of Complaint

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required but please be as concise as possible.

Individuals involved:

Please provide the names, job title and contact details of any people involved in your complaint, including witnesses.



Have you tried to resolve the complaint informally?

If yes please provide a brief summary of the outcome and why you feel that your complaint has not been resolved satisfactorily.

If no, please provide a brief summary why you have not tried to resolve the complaint informally.

Yes

No

Resolution:
Please provide a brief summary of what actions you think may resolve the issue at this stage

Signature

Date:



Appendix 2

LMS COMPLAINT REVIEW FORM

Name:

Relationship with Service
(eg parent of a pupil)

Address

Daytime Telephone number

Evening Telephone Number

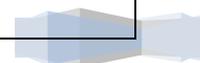
Date initial complaint was submitted	<input type="text"/>
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Date response received from School	<input type="text"/>
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Response received from	<input type="text"/>
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Summary of Reason for Review

Please set out the details of why you are requesting a review (providing as much detail as possible) and attach a copy of your complaint and the response from the school.



Resolution:

Please provide a brief summary of what actions you think may resolve the issue at this stage

Signature

Date:

