

Talk About Art: Staff and Tutor Code of Conduct

February 2020

Talk About Art – Staff and Tutor Code of Conduct

I.0 Introduction

- I.1 This policy sets out clear guidance on the standards of behaviour expected from all staff, Tutors, volunteers and others at Talk About Art (TAA). The principles underlying the guidance aim to encourage staff to achieve the highest possible standards of conduct and minimise the risk of inappropriate conduct occurring. Throughout this Policy, 'staff' is used to cover all those who work in and with TAA, including central staff, Tutors and volunteers.
- I.2 TAA staff are in a unique position of trust and influence as role models for learners of all ages, but especially those of school age. Therefore, staff must adhere to behaviour that sets a good example to all who have interactions with TAA.
- I.3 Because of the huge age range of learners, there are inherent complexities in our interactions with those who use TAA's services. Modes of behaviour and age-specific considerations are dealt with later in this Policy, but as a principle, all learners, parents/carers and others, are entitled to the same level of service and consideration from TAA. Hereafter, the term 'learners' is used to denote any and all individuals who participate in TAA activities.
- I.4 Staff also have an individual responsibility to maintain their reputation and the reputation of TAA. This obligation pertains both inside and outside working hours and the work setting.
- I.5 This Policy applies to all staff and volunteers in TAA regardless of their position, role or responsibility. References to 'staff' throughout the policy relate to all of the following groups:
 - I.5.1 All members of staff including Tutors, leadership and support staff
 - I.5.2 Volunteers, including Trustees
 - I.5.3 Casual workers and temporary staff
 - I.5.4 Student placements, including those undertaking work experience or other work-related or study-related training ?Needed?
- I.6 TAA requires that all staff have read this Policy, and you are required to sign and return a form at the end of this document to this effect.
- I.7 Breach or failure to observe this Policy will result in action being taken under TAA's disciplinary procedures including, but not limited to, dismissal.
- I.8 This Code of Conduct is not an exhaustive list of acceptable and unacceptable standards of behaviour. In situations where guidance does not exist in this Policy, staff are expected to exercise their professional judgement and act in the best interests of TAA's learners, and to seek advice as appropriate.
- I.9 TAA recognises that conflicts and incidents are an almost inevitable part of the work of organisations that deal with learners, their parents/carers, and members of the public. Staff should always maintain a professional and calm demeanour when faced with challenging or upsetting circumstances, and be aware that members of the TAA's Senior Management Team are there to provide assistance and support when necessary.
- I.10 The stipulations regarding whistleblowing in section 15 below are equally applicable when a member of staff is faced with a conflict or incident: all TAA staff have a duty to report any incident which raises concern. This is particularly important where the welfare of learners may be at risk, or where the situation might be susceptible to misinterpretation by the learner, an onlooker, or the learner's family. It is the responsibility of the member of staff to report any concerns as swiftly as possible to the Chief Executive (CEO).
- I.11 TAA takes very seriously its commitment to the welfare and safety of its staff, and recognises that conflict and incidents can be upsetting. TAA undertakes to act swiftly under the terms of this Policy, the Safeguarding Policy or the Complaints Policy as appropriate, when incidents are reported, and to keep members of staff apprised of the outcomes of any subsequent investigation.

2.0 Professional Behaviour and Conduct

- 2.1 Staff are expected to demonstrate the highest possible standards of personal and professional conduct and behaviour and consistently act with honesty and integrity. TAA expects staff to treat each other, learners, parents/carers (where appropriate) and the wider community with dignity and respect at all times.
- 2.2 Staff must act in accordance with their duty of care to learners appropriate to their age range, especially ensuring that the safety and welfare of pre-school and school age children are accorded the highest priority.
- 2.3 Equality for all is a key principle for treating all people the same, irrespective of their gender, ethnicity, disability, religious beliefs/faith tradition, sexual orientation, culture, age, or any other of the protected characteristics (see *Single Equality Act 2010*). Treating people equally does not necessarily involve treating everyone the same: we are all expected to take account of differences in life experience, outlook and background, and the kinds of barriers and disadvantages which people may face in relation to:

- Disability, so that reasonable adjustments are made
- Ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised
- Gender, so that the different needs and experiences of girls and boys, men and women, and those of other gender identities are recognised
- Sexual orientation

Staff should show fairness in their treatment of learners and avoid behaviours such as embarrassing or humiliating, making jokes at the expense of, discriminating against, or favouring, individual or groups of learners.

- 2.4 As a learning organisation, we also recognise our duty under our principle of equality, to meet the needs of those who have educational or learning needs. We welcome learners with special educational needs because we value all learners equally. Staff should be aware of the specific needs of individuals with whom they have contact, and TAA is committed to providing advice, support and training to ensure that staff are able to support learners irrespective of need. All those who work with learners have an obligation to respond to these needs, and TAA has an obligation to ensure both Tutors and learners are supported as well as possible.
- 2.5 Staff must have regard for the ethos and values of TAA as a charitable and educational foundation and must not do or say anything which may bring TAA or Trustees into disrepute. Care should be taken by staff to avoid any conflict of interest between activities undertaken outside their work for TAA and responsibilities within it. Staff should act in accordance with TAA's policies and procedures at all times.

3.0 Dress and Appearance

- 3.1 TAA recognises that dress and appearance are matters of personal choice and self-expression. However, all staff must be mindful of the implicit signals sent out by modes of dress, and therefore should dress in a manner that is appropriate to the promotion of a professional image.
- 3.2 Staff should dress in a manner that is not offensive, revealing or sexually provocative and in a manner that is absent from political or contentious slogans.
- 3.3 Staff should dress safely and appropriately for the tasks they undertake, especially when leading practical activities which require risk assessment or are involved in work which requires specific safe working procedures.

4.0 Smoking, alcohol and other substances

- 4.1 Staff must not smoke whilst working with or supervising learners in activities.
- 4.2 Staff must not consume or be under the influence of alcohol, illicit drugs or other illegal substances.

5.0 Relationships with Learners

- 5.1 Staff must maintain professional boundaries with all learners appropriate to the learner's age and the member of staff's position. Staff must always consider whether their actions are warranted, proportionate, safe and applied equitably. Staff should act in an open and transparent way that would not lead any reasonable person to question their actions or intent. This means thinking carefully about conduct so that misinterpretations are minimised.
- 5.2 Staff must not establish or seek to establish social contact with learners of school age for the purpose of securing a friendship or to pursue or strengthen a relationship. If a young person seeks to establish social contact you should exercise your professional judgement in making an appropriate response and be aware that such social contact can often be misconstrued.
- 5.3 When considering younger learners (pre-school and those of school age), *Working Together to Safeguard Children*¹ defines sexual abuse as ... 'forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).'
- 5.4 Staff should be mindful of section 16 of *The Sexual Offences Act 2003*².
- 5.5 Staff must not make sexual remarks to any learner, discuss their own sexual relationships with, or in the presence of, customers or discuss a learner's sexual relationships in an inappropriate setting or context.
- 5.6 Contact with pupils/students should be through the TAA's authorised mechanisms. Personal phone numbers, email addresses or communication routes via all social media platforms should not be used with learners, unless specific, written permission is obtained from the parent/guardian and is on record at TAA. Staff should not share their home address with any learner. If contacted via an inappropriate route the member of staff must inform the Chair of Trustees /CEO immediately.
- 5.7 TAA staff must not accept friend invitations or become friends with any learner of school age on any social media platform. Staff should also refrain from following the Twitter or other similar social media accounts of school age learners.
- 5.8 It is accepted that a different approach is required (and often beneficial) with adult-to-adult interactions between Tutor and customer. Nevertheless, staff are strongly advised to adopt the approach with all learners as outlined above for younger learners. This avoids potential conflicts of interest, and helps to maintain the vital differentiation between work and social contact. This greatly aids work/life balance and removes potential complications around the misinterpretation of social and personal contact.
- 5.9 Notwithstanding 5.8 above, all staff must adhere to the principles outlined in sections 1 and 2 above, which apply irrespective of the age, circumstances or personal relationship that might exist between the learner and member of staff.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf

² Section 16 of *The Sexual Offences Act 2003* provides that it is an offence for a person aged 18 or over (e.g. teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. A situation where a person is in a position of trust could arise where the child is in full-time education and the person looks after children under 18 in the same establishment as the child, even if s/he does not teach the child.

6.0 Infatuations

- 6.1 It is not unusual for young people or, sometimes, their parents to develop infatuations towards members of staff. All such situations must be responded to sensitively to maintain the dignity of those concerned.
- 6.2 Staff should also be aware that such circumstances carry a high risk of words or actions being misinterpreted and for allegations to be made against staff. Any indications of an infatuation towards yourself or another member of staff must be reported to the Chair of Trustees /CEO as soon as possible.

7.0 Gifts/Hospitality

- 7.1 Staff need to take care that they do not accept any gift/offer of hospitality that might be construed as a bribe by others, or lead the giver to expect preferential treatment. However, there may be occasions where learners or parents wish to give a small token of appreciation to staff, for example at religious festivities or at the end of a course or the year.
- 7.2 It is unacceptable to receive gifts on a regular basis or to suggest to learners that gifts are appropriate or desired. Money must not be accepted as a gift. If you are unsure whether to accept a gift you should consult the TAA senior management team.
- 7.3 Staff must not accept significant gifts or hospitality from learners, parents, carers, actual or potential contractors or outside suppliers. All such gifts/offers of hospitality should be reported to your line manager and recorded.
- 7.4 Personal gifts must not be given by staff to learners.

8.0 Physical Contact with Learners

- 8.1 There may be occasions when it is appropriate and proper for staff to have physical contact with learners, but it is crucial that they only do so in ways appropriate to their professional role. A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with any learner it should be in response to their needs at that time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background.
- 8.2 In relation to younger learners of school age, where feasible, staff should seek a child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or feelings and, so far as is possible, use a level of contact which is acceptable to the child for the minimum time necessary.
- 8.3 It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one learner in one set of circumstances may be inappropriate in another, or with a different learner. Staff should therefore, use their professional judgement at all times.
- 8.4 Staff should be aware that even well intentioned physical contact runs a real danger of being misconstrued by the learner, an observer or by anyone to whom this action is described. Staff should never touch a learner in a way which may be considered indecent. Always be prepared to explain actions and accept that all physical contact is open to scrutiny.
- 8.5 Extra caution should be exercised where a learner is known to have suffered previous abuse or neglect. Such experiences may sometimes make a learner, especially a child, exceptionally needy and demanding of physical contact and staff should respond sensitively by deterring the person involved through helping them to understand the importance of personal boundaries.
- 8.6 Physical contact must never be secretive, for the gratification of the member of staff or represent a misuse of authority.
- 8.7 If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be reported as soon as possible to TAA senior management team. The SMT will then record and, if appropriate, take related action appropriate to the circumstances.

9.0 Learners in distress

- 9.1 There may be occasions when a learner is in distress and in need of comfort as a reassurance. This may include age appropriate physical contact. Staff should remain self-aware at all times in order that their contact is not threatening, intrusive or subject to misinterpretation.
- 9.2 Such incidents should always be recorded and shared with the CEO. If you have a particular concern about the need to provide this type of care and reassurance you should seek further advice from TAA.

10.0 One to one situations

- 10.1 Staff working individually with learners should be aware of the potential vulnerability of both learners and themselves in such situations. Staff should manage these situations with regard to the safety of the learner and to themselves.
- 10.2 Individual work with learners should not be undertaken in isolated areas or rooms where there is no external viewing panel.
- 10.3 Tutors should only teach students at TAA venues and never informally in their home environment, the student's home environment, or elsewhere.

11.0 Transporting learners

- 11.1 In certain circumstances it may be appropriate for staff to transport learners, for example on visits or to venues. A designated member of staff should be appointed to plan and provide oversight of all transport arrangements and to respond to any difficulties that may arise.
- 11.2 Staff should ensure that the transport arrangements and the vehicle meet all legal requirements. Staff should ensure that the driver has the appropriate licence for the vehicle, that the vehicle is roadworthy, has a valid MOT certificate and is appropriately insured (business use insurance for personal vehicles) and that the maximum capacity is not exceeded.
- 11.3 Staff should ensure that the driver is not distracted while the vehicle is in motion for any reason other than an emergency and should also ensure all passengers are wearing correctly fastened seatbelts. Staff should never transport learners while under the influence of alcohol or drugs. If using a car, younger learners should invariably be in the rear seats not in the front passenger seat if travelling alone.
- 11.4 Prior to transporting learners of school age, consent must be obtained from the child's parent/guardian and staff should be aware that the safety and welfare of the child is their responsibility until this is safely passed back to their parent/carer.

12.0 E-Safety

- 12.1 Staff must not engage in inappropriate use of social network sites which may bring themselves, TAA or the TAA's community of staff and learners into disrepute. Staff should adopt the highest security settings on any personal profiles they have.
- 12.2 Confidentiality must be a prime consideration at all times. Social networking sites have the potential to lead to the discussion of inappropriate information and employees need to ensure that they do not put any confidential information on their site about themselves, TAA, their colleagues, learners, parents/carers or members of the public. Employees need to ensure that when they are communicating about others, even outside of work, that they give due regard to the potential for defamation of character. Making allegations on social networking sites (even in their own time and in their own homes) about other employees, learners or individuals connected with TAA, could result in formal action being taken against them.
- 12.3 Staff should therefore remain mindful of their digital footprint and exercise caution in all their use of social media or any other web-based presence they have. This includes written content, videos or photographs and views expressed either directly or by 'liking' certain pages or posts or following certain individuals or groups. Staff should exercise care when using dating websites where they could encounter learners.

- 12.4 With regard to school-age learners, staff must not make contact with, must not accept or initiate friend requests from, nor follow accounts on any social media platform, from learners in this age group. With regard to adult learners, the advice in section 5.9 above also pertains here. Staff must not communicate with school-age students via social media, websites, instant messenger accounts or text message. Staff should also consider very carefully the implications to them as individuals and to TAA more widely, of undertaking any such contact with adult customers before doing so.
- 12.5 However, TAA acknowledges that staff may teach or have other professional interactions with people who are also friends. In these cases, we acknowledge that staff might wish to make contact with these learners, over social media. Staff must exercise caution and professional judgement in these circumstances and should not have any contact with learners or a learner's family members via social media if that contact is likely to constitute a conflict of interest or call into question their objectivity.
- 12.6 There must be an awareness on the part of those who work with school-age learners that some social networking contacts, especially where these are not common knowledge, can be misconstrued as being part of a grooming process. This can also apply to social networking contacts made through outside interests, or through the member of staff's own family, or via text communication between adults and learners. Any such contact which takes place outside agreed protocols may lead to disciplinary and/or criminal investigation.
- 12.7 Mobile phones and personally owned devices may not be used during tuition or lessons. They should be switched off or on silent at all times. The Bluetooth functionality of a mobile phone should be switched off at all times and may not be used to send images or files to other mobile phones. Under no circumstances should members of staff take photos, audio or video images of learners on their personal devices (see also section 13 below).
- 12.8 Mobile phones and personally owned mobile devices brought in to TAA activities are the responsibility of the device owner. TAA accepts no responsibility for the loss or theft of, or damage to, personally owned mobile phones or mobile devices.
- 12.9 Email is an extremely beneficial method of communicating with learners. However, all staff must note and follow the basic etiquette outlined below:
- Think! Is email the best medium for this conversation? Would a telephone call or meeting be better?
 - Think! Who needs to receive this email? Resist the urge to copy in people who may not have any direct interest in, or impact on, the matter under discussion
 - Emails must be professional in tone and content. Remember that emails are subject to freedom of information requests
 - Keep emails short and concise
 - Do not use abbreviations or 'text speak'. This is not appropriate for business communications
 - Do not use email to discuss confidential information. Sending an email is like sending a postcard: if you don't want your email displayed on a bulletin board, don't send it
 - Don't use block capitals to emphasise a point: this is the email equivalent of shouting at someone
 - Should you receive an email that annoys you, please do not respond: this only exacerbates a difficult situation
 - Avoid using Reply to All: make sure that everyone in the original email is someone who you wish to see you response

13.0 Photography, video and images of learners

- 13.1 Some TAA activities may involve recording images as part of performance, publicity or to celebrate an achievement. In accordance with The Data Protection Act 1998 the image of any learner is personal data. Therefore, it is a requirement under the Act for consent to be obtained from the parent/guardian of a learner of school age, or of the learners themselves, for any images made. It is also important to take into account the wishes of the learner, remembering that some do not wish to have their photograph taken or be filmed.
- 13.2 Using images for publicity purposes will require the age-appropriate consent of the individual concerned and (in the case of school-age learners), their parent/guardian. Images should not be displayed on websites, in publications or in a public place without their consent. Staff should also be clear about the purpose of the activity and what will happen to the photographs/images/video footage when the activity is concluded.

- 13.3 Photographs/stills or video footage of learners should only be taken using TAA equipment for purposes authorised by TAA and should be stored securely and only on TAA's private computer network.
- 13.4 Staff should ensure that the CEO is aware of the proposed use of photographic/video equipment. All photographs/stills and video footage should be available for scrutiny and staff should be able to justify all images/video footage made.
- 13.5 Staff should remain aware of the potential for images of learners to be misused to create indecent images of children and/or for grooming purposes. Therefore, careful consideration should be given to how activities which are being filmed or photographed are organised and undertaken. Particular care should be given when filming or photographing young or vulnerable learners who may be unable to question how or why the activities are taking place. Staff should also be mindful that learners who have been abused through the use of video or photography may feel threatened by its use in a learning or performance environment

14.0 Confidentiality

- 14.1 Members of staff may have access to confidential information about learners, learners' parents/carers and their siblings. Staff must never reveal such information except to those colleagues who have a professional role in relation to the learner, on a need to know basis.
- 14.2 Staff should never use confidential or personal information about a learner or her/his family for their own, or others' advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the learner.
- 14.3 All staff are likely at some point to witness actions which need to be confidential. For example, where a learner (especially a child) is bullied by another young person, this needs to be reported and dealt with in accordance with the appropriate TAA reporting procedure. Such events must never be discussed outside TAA, including with the learner's parent or carer, nor with colleagues in TAA except by the CEO who has authority to deal with the matter.
- 14.4 Staff have a statutory obligation to share with TAA's Designated Safeguarding Lead or Deputy Designated Safeguarding Lead any information which gives rise to concern about the welfare or safety of a learner or that might suggest a learner is in need or at risk of significant harm. Staff should pass on information without delay in accordance with TAA's safeguarding policy and procedures and this should be recorded as set out in the safeguarding policy. Staff must never promise a learner that they will not act on or pass on any information that they are told by the learner.
- 14.5 Staff should refer to the Department of Education's document *Information sharing: advice for practitioners providing safeguarding services*³ for further guidance on information sharing. If you are in any doubt about whether to share you should seek guidance from the CEO
- 14.6 Any media or legal enquiries should be passed to the CEO and only approved staff and Trustees should communicate to the media about TAA.

15.0 Whistleblowing

- 15.1 Whistleblowing is the mechanism by which staff can voice their concerns, without fear of repercussion.
- 15.2 All TAA staff have a duty to report any behaviour by a colleague which raises concern. This is particularly important where the welfare of learners may be at risk. It is the responsibility of the member of staff to report any concerns as swiftly as possible to the CEO.

³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf

Talk About Art

Complaints Policy and Procedure

February 2020

Introduction

This policy is designed to inform customers, parents and staff of Talk About Art (TAA) of the procedures for dealing with complaints. This policy and procedure will be relied upon in respect of all complaints by customers, students and parents except in respect of child protection allegations. These are covered by a separate Safeguarding Policy, and all staff should be aware of, and bound by, the processes and stipulations of this procedure.

For staff, this policy should be read in conjunction with the staff Code of Conduct, which sets out in detail TAA's expectations and regulations relating to the standard of conduct and behaviour we expect of all teaching and support staff.

In summary, TAA expects that the majority of concerns will be resolved informally and we will use all reasonable endeavours to resolve any complaints or concerns that are raised informally. If informal channels fail to resolve the issue, a formal complaints procedure about any matter other than a child protection allegation, must be given in writing to the CEO and will be dealt with under the relevant parts of the Complaints Policy and Procedure (the "**Policy**").

Aims of this Policy

- Every complaint shall receive fair and proper consideration and a timely response.
- We will do all we can to resolve the concern and to ensure the complainant is happy with their or their child's experience at TAA.
- All complaints and expressions of concern will be treated seriously and confidentially. Once a complaint is in process, confidentiality is deemed binding on all parties to that complaint. This is to protect all those involved while the issues are resolved.
- Correspondence, statements and records will remain confidential, except in so far as any legal obligation prevails
- Our complaints procedure will:
 - Encourage resolution of problems by informal means wherever possible
 - Be easily accessible and publicised
 - Be simple to understand and use
 - Be impartial and non-adversarial
 - Allow swift handling with established time-limits for action and keeping people informed of progress
 - Ensure a full and fair investigation by an independent person where necessary
 - Respect confidentiality
 - Address the points at issue and provide an effective response and appropriate redress, where necessary
 - Provide information to TAA's CEO and Trustees so that services can be improved

Step one – informal resolution

1. TAA aims to resolve complaints and concerns efficiently and informally.
2. If customers, students or parents have a complaint, they should contact their key contact person at TAA, usually the tutor. In many cases, the matter will be resolved straightaway to the complainant's satisfaction.
3. The key contact person should fill out a complaint form Annex A.
4. If speaking with their key contact person at TAA does not resolve the matter or if it is not appropriate for the complainant to raise the issue with their usual contact person, the complainant can escalate the issue to the CEO.
5. The CEO will then ascertain who within the organisation is best placed to deal with the complaint. The CEO will in most cases refer the complaint to a member of the board of trustees unless he/she deems it appropriate for him/her to deal with the matter personally.
6. TAA will use its reasonable endeavours to resolve any informal complaints within ten working days of them being raised.
7. Should the matter not be resolved as referred to above, or in the event that the appointed person and the complainant or complainant's representative (parent/guardian) fail to reach a satisfactory resolution, the complainant or their representative will be advised to proceed with their complaint in accordance with Stage Two of this Policy.
8. All parties involved in the complaint (including any member of staff who is a subject of a complaint) will be kept informed of the progress and outcomes of the complaint to the extent this is appropriate, and supported as appropriate during and subsequent to, the process.

Stage Two – Formal Resolution

If the complaint cannot be resolved on an informal basis (as set out in paragraphs five and six of stage one above), then the complainant or their representative should put their complaint in writing to TAA's CEO setting out clear details of the incident and identifying the remedy they are seeking.

1. The CEO will delegate responsibility for undertaking the investigation to a member of the board of trustees (known as the Investigating Officer) unless he/she deems it appropriate for him/her to deal with the matter personally.
2. The CEO will decide, after considering the complaint, the appropriate course of action to take.
3. In most cases, the Investigating Officer will meet or speak with the complainant to discuss the matter. If possible, a resolution will be reached at this stage.
4. The Investigating Officer will use reasonable endeavours to speak to or meet the complainant within ten working days of the formal complaint being received.
5. The CEO will investigate the written complaint and will keep a written record of all meetings and interviews held in relation to the complaint, whether undertaken by him/her, or by an appointed Investigating Officer from the board of trustees as well as a list of any relevant documentation reviewed. The CEO or Investigating Officer may nominate a member of staff to take minutes of any meetings or interviews conducted.
6. Once the CEO is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Complainants will be informed of this decision in writing, giving reasons for the decision. At his/her discretion, the CEO may also arrange to meet the complainant and other parties (particularly any members of TAA staff who were subjects of complaints), to explain the decision and respond in writing.
7. The Complainant (and other third parties) will not be entitled to the documents produced during the course of the investigation including minutes of interviews and other internal documents.
8. Where complainants consider that process described above in Stage 2 has not been followed, they have the opportunity to invoke Stage Three below.

Stage Three – Panel Consideration

Where complainants consider that the process pursuant to Stage 2 has not been followed, they have the opportunity to invoke Stage Three below. The complainant may, in writing addressed to the Chair of Trustees, request that their complaint is further considered by a Trustees Panel, made up of three trustees chosen by the Chair of Trustees

1. This request for further assessment of the complaint will, for the purposes of this procedure, be known as a 're-consideration'.
2. Complainants must lodge their request for re-consideration in writing within ten days of the date of the original decision made in accordance with the Stage Two procedure. The complainant must provide details of their complaint and reasons why they believe TAA failed to follow the procedure set out in Stage Two along with the remedies sought in respect of each. The complaint must relate to a procedural failure of Stage Two of this Policy to consider the matter consistently with the processes set out in the Policy. It is therefore an appeal on the procedure not on the substance of the case and the panel is not to consider evidence de novo.
3. The Panel is only obliged to consider the complaint(s) lodged in this submission
4. The Chair of Trustees or his/her nominee will acknowledge the request for re-consideration within five working days, and inform the complainant of the steps involved in the Complaints Procedure.
5. The Chair of Trustees or his/her nominee will convene a Panel meeting as soon as possible to consider the matter, normally no later than twenty working days after receipt of the request for re-consideration.
6. The Panel will consider the complaint and evidence to ascertain whether the complaint was dealt with appropriately in line with the stipulations and procedures set out in this document. Where the Panel considers it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the Panel meeting. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their complaint, including:
 - Documents to support the complaint(s)
 - Chronology and key dates relating to complaint(s), and/or
 - Written submission setting out the complaint(s) in more detail

This evidence will be considered by the Panel along with the initial submission that was lodged by the complainant. It should be noted that the function of the Panel is to determine whether the Conservatoire's policies and procedures were adhered to in the course of the investigation.

Although in some circumstances, the Panel may decide to speak in person to the complainant or others, this process is a re-consideration of extant information or clarification of the evidence, and not an opportunity to re-examine the complaint in its entirety. There is therefore no automatic right to speak or appear before the Panel. Such a decision is at the discretion of the Panel.

Procedure relating to the Re-consideration Panel

1. Evidence will be sent to the Chair of the Panel, who will then circulate documentation to all parties including the Panel members, along with an order of proceedings. All written evidence must be received no later than ten working days in advance of the Panel hearing.
2. It is for the Panel to decide how to conduct the proceedings of the re-consideration. Wherever possible, the Panel will come to a decision on the complaint immediately without the need for further investigation. Where further investigation is deemed necessary, the Panel will decide how this is to be carried out.
3. After due consideration of the facts, the Panel will reach a decision, and may make recommendations, which it shall complete within ten working days of the Panel meeting. The decision reached by this Panel is final.
4. The Panel's findings will be sent by the Chair of Trustees in writing to the complainant, TAA, and, where appropriate, the person complained of.

Record-keeping of complaints

1. An overall record of complaints will be maintained by the CEO for monitoring, reporting and quality assurance purposes. All complaints that fall under the informal or formal resolution procedures will be recorded in this record.
2. With respect to a Stage 1 complaint, the appointed person will make a written record of all concerns and complaints and the date on which they were received (see annex A). These records will be kept for three years after the customer, student or child ceases to be an active member of TAA.
3. With respect to Stage 2, TAA will keep a written record of all formal complaints including records of meetings and interviews held in relation to the complaint, and TAA's decision, a record of which will be kept for one year after the customer, student or child ceases to be an active member TAA. This record will state if complaints were resolved at the preliminary hearing or if they were taken to the full complaints procedure.
4. With respect to the Re-consideration panel, TAA will keep a record of all appeals, decisions and recommendations, which record will be kept for three years after the customer, student or child ceases to be an active member of TAA.

Concluding notes

Monitoring and evaluation

The Board of Trustees will review this policy every two years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout TAA.

Other documents and Appendices

Appendix A: Complaint Form

Appendix B: Flowchart

Appendix A: Complaint Form

Complainant's name:

Student/customer name (if different):

Complainant's relationship to student/customer (if different):

Address:

Postcode:

Daytime tel:

Evening tel:

Please give details of your complaint: *(include dates, people involved, any witnesses, etc.)*

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:

Office use:

Safeguarding concern raised?:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Please complete this form and return it to the Managing Director, who will acknowledge receipt and send a copy of the Complaints Policy and Procedure. This document outlines the next steps that will be taken.

Appendix B: Complaints flow-chart

