



Education Services Making a Complaint A Guide for Parents and Carers

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Introduction

Education Services recognise the vital role that parents and carers play in supporting and strengthening their children's learning. We are committed, therefore, to fostering positive relationships with parents and carers and providing a high quality education for children and young people.

We value complaints and use information from them to help us improve our service. If something goes wrong or you are dissatisfied with the service we provide, please tell us.

This leaflet describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us. The Education complaints process is part of Clackmannanshire Council's corporate complaints processes.

What is a complaint?

A complaint is any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

What can I complain about?

Here are examples of education-related issues you might complain about:

- Delays in responding to your enquiries and requests – e.g. for information about your child's progress
- Failure or refusal to provide a service - e.g. where a child has a right to school transport
- Conduct, treatment or attitude of a member of staff or someone contracted by us (unless the contractor handles complaints themselves).
- Council policy - e.g. you believe that a policy unfairly impacts on an individual
- Failure to follow proper procedures - e.g. child protection procedures
- Disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process).
- Our standard of service - e.g. your child's right to be taught by qualified and competent staff. If you are considering making a referral (complaint) to the GTCS (General Teaching Council of Scotland) about a teacher, please note that this has to go through Clackmannanshire Council's complaints process first.

Your complaint can involve more than one service or be about someone working on our behalf.

What can't I complain about?

Here are some things we can't deal with through our complaints procedure. These include:

- A first time request for a service or action – e.g. raising an issue with the school e.g bullying and asking them to investigate.
- Requests for compensation from the Council
- Things that are covered by a right of appeal, e.g. Exclusion from school which has its own statutory process. In these cases we will give you information and advice to help you.
- Disagreement with decisions determined by a court or other statutory body, e.g. decisions made by a children's panel
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- A concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf).

If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

Who can complain?

Anyone who receives, requests or is directly affected by our services can make a complaint to us. The *parent or legal guardian of a child or another person who is authorised, can complain on behalf of the child. For example, a child's grandparent who is not the legal guardian needs authority from the child's parent or guardian. This would normally mean a note or another reasonable form of evidence to show that the person responsible for the child had agreed.

* 'Parent' also includes carers and anyone who holds parental responsibilities and rights and has a duty to maintain, or has care and control of a child. Education (Scotland) Act 1980.

How do I complain?

You can complain in person at any of our offices, by phone, in writing, by email or online. Contact details are included at the end of this leaflet. It is easier for us to address complaints if you make them quickly and directly to the service concerned. So please first talk to a member of staff at the service, school or nursery establishment that you are complaining about. Then they can try to resolve the issue.

When complaining, please tell us:

- Your full name and contact details
- As much as you can about the complaint
- What has gone wrong
- What outcome you are seeking

How long do I have to make a complaint?

Normally, you must make your complaint within six months of:

- The event you want to complain about; or
- Finding out that you have a reason to complain.

In exceptional circumstances, such as illness, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

What happens when I've complained?

You can expect Education Services to:

- Ensure their complaints process is accessible and takes account of customer needs
- Tell you who is dealing with your complaint
- Discuss and agree all points of the complaint with you
- Work with you to find a solution that is in the best interest of your child
- Take your child's views into consideration if they are capable of forming his or her own views
- Give you full information about the outcome of your complaint and any action that the Service takes.

Our complaints procedure has two stages.

Stage One - Frontline Resolution

Stage One - Frontline resolution

In the first instance please complain to your child's school or nursery, telling them as much as you can about the complaint, what has gone wrong and what you want them to do to resolve the matter. A senior member of staff, either the Head of Establishment or Depute, is responsible for looking into complaints. We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

Heads of Establishment are senior managers with a high level of responsibility for your child's learning and welfare and able to look into most matters. However, the Head may refer the Stage One complaint to Education Services centrally, e.g. if it is about the conduct of the Head or too complex to be dealt with at front-line service level.

The school or nursery will give you our response at Stage One within 5 working days or less unless there are exceptional circumstances. If the Stage One complaint has been referred to Education centrally your response will come from there.

If you are not satisfied with the response at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to Stage Two.

You must normally ask us to consider your complaint at Stage Two either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your Stage One response (if this is later).

In exceptional circumstances, we may be able to accept a Stage Two complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

Stage Two - Investigation

Stage Two deals with 2 types of complaints: those not resolved at Stage One and those not appropriate for Stage One, for example the conduct of a Head or too complex for a Head to deal with at front line service level.

To move to Stage Two, you should contact the Chief Education Officer and ask for a formal investigation under Stage Two. You can do this by email (education@clacks.gov.uk), by letter to Education Services, Kilncraigs, Alloa FK10 1EB, via the online complaints portal or you can ask the investigating officer to move the complaint to Stage Two on your behalf.

When using Stage Two:

- We will acknowledge your complaint within 3 working days
- You will be contacted by the Investigating Officer for your complaint, who will usually meet you to confirm: the detail of your complaint, what you want to achieve, and if your expectations are achievable. In some cases, e.g. your complaint has been made in writing and is clear, there may be no need to meet. It is helpful if you present any evidence that you can offer in support of your complaint, e.g. contact details for witnesses, reports from other professionals etc. if appropriate.
- We will write to you confirming the details of your complaint, what you want to achieve, and what the investigation can cover.
- We will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation);
- We will give you a full, written response to the complaint as soon as possible and within 20 working days unless there are exceptional circumstances (such as - the complaint requires information from school staff and the school is closed e.g. during the summer holidays).

We will tell you our revised time limits and keep you updated on progress.

Some frequently asked questions

Q Will my complaint be treated confidentially?

A To address a complaint, we may have to share it with colleagues within the Council or with people you mention in your complaint. If you don't wish a person mentioned in your complaint to be contacted, you should tell the person who is investigating it. However, if you do so it might mean that the complaint can't be fully investigated.

If the person investigating your complaint wishes to consult anyone out with the Council who is not mentioned in your complaint, he or she will ask your permission. The exception to this is where it is necessary to share information in terms of Child Protection.

Q What if I want to withdraw my complaint?

A Usually this will terminate an investigation but not always. It may be necessary to look into the complaint to ensure the quality of the service or for Child Protection reasons.

What if I am still dissatisfied?

After we have fully investigated your Stage Two complaint and given our final decision, if you are still dissatisfied with our decision or the way we dealt with your complaint you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

The SPSO cannot normally look at:

- A complaint that has not completed our complaints procedure (so please make sure it has done so before contacting SPSO)
- Events that happened or you became aware of, more than a year ago; and
- Matters that have been (or are being) considered in court.

You can contact the SPSO:

In person:

SPSO, Bridgeside House,
99 McDonald Rd, Edinburgh, EH7 4NS

Freephone: 0800 377 7330

Online contact:

www.spsso.org.uk/contact-us

By Post:

Freepost SPSO

Website: www.spsso.org.uk

Mobile site: <http://m.spsso.org.uk>

There are some complaints that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

GTCS Referrals (complaints)

Before considering a referral to the General Teaching Council of Scotland (GTCS) about a teacher's fitness to teach, parents and carers should ask themselves the following questions:

- Have I raised the matter with the teacher concerned and the Headteacher of the School?
- Have I raised the matter with Clackmannanshire Council Education Service?
- Has the school or employer carried out an investigation? If so, what was the outcome of that investigation?
- Have I read GTC Scotland's Threshold Policy - www.gtcs.org.uk - to see if the matter is "of a level of seriousness that it raises a concern that the teacher presents a risk to children and young people"?

The GTCS will not consider a referral until the matter has first gone through Clackmannanshire Council's complaints process.

Resolution

Resolution can now be agreed at any stage of the complaints process, even at the first point of contact.

A complaint is resolved when both the organisation and the parent / carer agree what action (if any) will be taken to provide a full and final resolution.

Expected behaviours

We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers making a complaint to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:

- Telling us their key issues of concern and providing any supporting information they want to give us (we understand that some people will need support to do this)
- Working with us to agree the key points of complaint when an investigation is needed; and responding to reasonable request for information.

We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or disability can affect how a person expresses themselves.

Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff.

We will apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour.

Where we decide to restrict access to a customer under the terms of our policy, we will communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us.

Getting help to make your complaint

We understand that you may be unable or reluctant to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

Scottish Independent Advocacy Alliance

Tel: 0131 510 9410

Website: www.siaa.org.uk

You can find out about advisers in your area through Citizens Advice Scotland: Citizens Advice Scotland Website: www.cas.org.uk or check your phone book for your local citizens advice bureau.

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us.

Our contact details -

Clackmannanshire Council

Phone: 01259 450000

Email: customerservice@clacks.gov.uk

In person: at any local office

Online: www.clacks.gov.uk/council/commentsandcomplaints

In writing: Education Service, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB



Quick guide to our complaints procedure

Complaints procedure

You can make your complaint in person, by phone, by email or in writing. We have a two-stage complaints procedure. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress.



Stage One: Frontline response

We will always try to respond to your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at Stage Two.



Stage Two: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at Stage One. We also look at some complaints immediately at this stage, if it is clear that they need investigation.

We will acknowledge your complaint within **three working days**.

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** unless there is clearly a good reason for needing more time.



Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

There are some complaints that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

We will tell you how to do this when we send you our final decision.