

education points of view

a comments and complaints procedure for Education



West Lothian Council delivers

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**West Lothian
Council**

1	Introduction	
1.1	Background	2
1.2	Customer Care	2
1.3	Comments	3
1.4	Principles of the complaints system	3
2	Definition of a complaint	
2.1	A complaint can arise ...	4
2.2	A complaint can be made by ...	4
2.3	Examples of complaints investigated	4
2.4	Complaints not covered	5
3	How to raise a complaint	
3.1	The local answer	6
3.2	A complaint to Customer Care	7
3.3	Action on receiving a complaint	7
3.4	Action taken if a complaint is justified	8
3.5	Unacceptable Actions and False Allegations	8
4	At the end of the complaints process	
4.1	Chief Executive	9
4.2	Mediation	9
4.3	The Ombudsman	10
4.4	Third Party Review	10
5	Other issues	
5.1	Confidentiality	11
5.2	Anonymous complaints	11
5.3	Monitoring of the complaints procedure	11
6	Staff guidance and disciplinary procedures	12
Appendix 1	The Clients of Education	13
Appendix 2	Summary of Formal Appeal or Resolution Routes	14
Appendix 3	Complaints Form	15
Appendix 4	Response Evaluation Form	16

1 Introduction

1.1 Background

The main responsibilities of Education are defined by law in the Education Scotland Act 1980; Standards in Scotland's Schools etc. (Scotland) Act 2000; Additional Support for Learning (Scotland) Act 2004; and the Scottish Schools (Parental Involvement) Act 2006.

This document sets out the complaints procedure for use, when necessary by clients of Education.

1.2 Customer Care

The Education complaints system is operated by Customer Care (for contact details please see para 3.2). Customer Care provides a focus for the handling of complaints and people who contact Customer Care will have access to responsive and accountable services.

Customer Care will ensure that:

- individuals wishing to make a complaint know the procedure
- complaints receive a response within a reasonable time, courteously and efficiently
- users are satisfied that their complaint has been taken seriously and properly dealt with
- where complaints are found to be justified, Education takes appropriate measures to adjust its services.

1.3 Comments

Comments indicating how well Education is performing are helpful and welcome.

1.4 Principles of the complaints system

- **Complaints procedures will be simple to understand and use.**
It will be made clear who you should complain to, eg the Head Teacher or to other Education staff. Procedures will cover the whole of Education and will be consistent across all parts of the organisation.
- **The system will be welcoming**
You may bring along a relative, friend or an interpreter to any meetings arranged in connection with your complaint. Interpreters will be arranged for those requiring a sign language facility or whose first language is not English.
- **The procedure will be prompt**
Complaints will be dealt with within three working days by giving a direct response or a clear indication of when to expect one. You will be informed of progress and given an explanation if deadlines are not met.
- **The procedure will ensure a full and fair investigation**
Complaints, and any action that follows, will be dealt with in a confidential manner limited to those directly involved. Customer Care will keep a database and access will again be limited to those directly involved.
- The procedure will address all the points at issue, and provide an objective response and appropriate redress.

2 Definition of a complaint

A complaint is an expression of dissatisfaction about the standard of service, action or lack of action by Education staff affecting an individual user or group of users.

2.1 A complaint can arise if someone thinks that Education has:

- done something wrong
- failed to do something it should have done
- acted unfairly or discourteously.

2.2 A complaint can be made by:

- anyone who receives, or wishes to receive, a service from Education. (Pupils under 16 will raise their complaints under the West Lothian Children's Charter complaints procedure)
- someone acting on behalf of an individual who receives or wishes to receive a service.

2.3 Examples of complaints investigated will include:

- delay in answering a query or responding to a request for a service
- failure to provide advice and information to parents about their own child
- failure to follow Education agreed policies or procedures
- failure to promote or support Parent Councils
- discourtesy by a member of staff.

2.4 Examples of complaints not covered under this procedure are:

- matters for which there is already a formal right of appeal (an appeal within Education or to an independent tribunal) such as placing requests from parents for a particular school or exclusion from school
- matters which are, or are expected to be, the subject of legal proceedings or an insurance claim
- complaints from pupils under 16, as they have their separate complaints procedures under West Lothian Children's Charter
- staff matters which are covered by West Lothian Council Policy and Procedures for Discipline and Grievance (including Harassment at Work and Violence to Employees).

3 How to raise a complaint

3.1 The local answer

It is expected that most complaints will be resolved locally with staff of the particular service, eg:

- Head Teacher
- staff dealing with free meals, transport or placing requests in Education at West Lothian Civic Centre, Howden Road South, Livingston EH54 6FF.

Unless there are exceptional circumstances there should be full discussion locally.

You can telephone, write or visit to raise a complaint to the appropriate local senior staff. Every attempt at this local stage will be made to deal appropriately with concerns raised, to provide answers and resolve problems.

Complaints will be dealt with within three working days by giving either a direct response or a clear indication of when to expect one. Complainants will be informed of progress and given an explanation if deadlines are not met.

3.2 A complaint to Customer Care

If the complaint has not been resolved locally then a complaint can be made to Customer Care.

- use the form at Appendix 4 in this booklet
- a Freephone Helpline 0800 328 5143 can be used during office hours for information on how to raise a complaint
- you may telephone, write or visit to raise your concern
- you may be asked to put your complaint in writing
- in the written complaint your home address and telephone number should be included with a clear indication of what the complaint is and what you would like to be done
- the complaint should be addressed to:
**Customer Care, Education & Cultural Services,
West Lothian Civic Centre, Howden Road South, Livingston EH54 6FF.**
- email: customer.service@westlothian.gov.uk

3.3 Action on receiving a complaint

- a written acknowledgement will be sent in accordance with Council policy if the complaint has been received in writing
- the complaint can be discussed with Customer Care staff to bring out more fully its nature and detail. The purpose of the discussion is to give a clear description of the complaint, which will help in its consideration. At any meeting in connection with the complaint, a friend or an interpreter will be welcome to support the complainant
- following the investigation of the complaint a full response will be sent as quickly as possible. It will explain the outcome, the reasons for it, any action to be taken or proposed, and any further action the complainant may take.

3.4 Action taken if a complaint is justified

If a complaint is justified Education will:

- put right what went wrong in this instance, if at all possible
- adjust service delivery to prevent a similar problem arising in the future
- offer an apology where appropriate.

3.5 Unacceptable Actions and False Allegations

In common with other public and private sector service providers, council employees are occasionally required to deal with members of the public whose actions or behaviour could be considered unacceptable.

The council has a duty of care towards employees and must also ensure that an excessive amount of time is not taken up in dealing with complainants, whose behaviour is unacceptable, to the disadvantage of other complainants or functions. The action that will be taken in such circumstance is set out in the Unacceptable Actions Policy. This Policy is designed to ensure consistency across services in dealing with unacceptable actions, and mirrors the approach advocated by the Scottish Public Services Ombudsman (SPSO) on such matters.

The Safe Environment at School Policy sets out action that may be taken in relation to certain false accusations.

4 At the end of the Education complaints process

Education expects that you will feel satisfied that the complaint has been fully and fairly considered but if you are not satisfied, there are various ways in which you can take the complaint further. Advice will be given on statutory appeal routes (see Appendix 2), where appropriate, and on the following options:

4.1 Chief Executive

If you are dissatisfied with the outcome of your complaint to Education Customer Care, you can write to the Council's Chief Executive, who will look at the outcome and decide if more action is needed. You can contact the Chief Executive at:

**West Lothian Civic Centre
Howden Road South
Livingston EH54 6FF
Freephone: 0800 328 5143**

4.2 Mediation

If your child has additional support needs under the Education (Additional Support for Learning) (Scotland) Act 2004, you have the right to request independent mediation by writing to Customer Care at the address shown at 3.2 or by contacting:

**Common Ground Mediation
PO Box 28094
Edinburgh EH16 6WH
Tel: 0131 664 9324 or 07760 486 465**

email: info@commongroundmediation.co.uk

Web: www.commongroundmediation.co.uk

4.3 The Ombudsman

If in exceptional circumstances, it is still felt that the case has not been properly dealt with, you have a right to submit a complaint to the Scottish Public Services Ombudsman. The Ombudsman would normally expect you to have given the Chief Executive the opportunity to address the issue first.

The Ombudsman will only investigate complaints where injustice has been caused by a fault in the way the Council has acted. He/she does not have power to question what has been done because you disagree with a decision.

Further information is available from:

Scottish Public Services Ombudsman
4 Melville street
Edinburgh EH3 7NS
Tel: 0870 011 5378

4.4 Third Party Review

Almost all concerns in relation to additional support needs under the Education (Additional Support for Learning) (Scotland) Act 2004 are resolved at school or education authority level, following mediation, where appropriate. If this does not happen, independent third party review may become involved. The three different processes of third party review which may take place depending on the nature of the disagreement are:

- Dispute resolution by an Independent Adjudicator
- Additional Support Needs Tribunal
- Court of Session, to consider an appeal on a point of law arising from an Additional Support Needs Tribunal.

5 Other Issues

5.1 Confidentiality

A complaint will be dealt with in a confidential manner and knowledge of it will be limited to those directly involved.

Complaints received by each educational establishment will be recorded locally but not in the personal file of a member of staff, pupil or student.

Details of each complaint made to Customer Care will be logged in a confidential database. (The database has been registered under the Data Protection Act). In limited circumstances, it may be necessary for third parties to be made aware of the complaint and possibly also the identity of the complainant, eg where the investigation of a complaint brings to light the need to refer criminal offences to the Police.

5.2 Anonymous complaints

Anonymous complaints will only be considered in exceptional circumstances, but advice will be given on how to raise a concern in the appropriate manner.

5.3 Monitoring of the complaints procedure

The complaints system will provide information to improve services, identify training needs and increase levels of public satisfaction with Education.

A summary of the numbers of complaints received will be published in the Service's annual Standards and Quality Report. The report will not identify individual complainants or members of staff.

Any trends which suggest that adjustments may be necessary to service provision will be drawn to the attention of the Director of Education & Cultural Services.

6 Staff Guidance and Disciplinary Procedures

The complaints procedure described in this document is distinct from the Council's disciplinary and grievance procedure for members of staff.

Material gathered in the course of a complaint investigation is retained on the Customer Care database but not on the personal files of staff.

If, in the course of a complaint, it becomes apparent that there is a matter for a disciplinary investigation, then Customer Care will refer the matter to the appropriate Head of Service for investigation. Any relevant background information gathered in the course of a complaint investigation would then be made available to the disciplinary investigating officer, to further that disciplinary investigation.

Where the investigation and subsequent resolution of a complaint shows that there may have been a disciplinary breach, then a disciplinary investigation may be required.

Final resolution as far as the complainant is concerned is that a disciplinary investigation into the complaint will take place and appropriate action will follow.

Appendix 1

The Clients of Education

- The West Lothian Council Education Policy Development and Scrutiny Panel
- Individual West Lothian Councillors
- Pupils and Parents.

Appendix 2

Summary of Formal Appeal or Resolution Routes

In the case of a complaint in respect of an individual child’s education, which remains unresolved at school level, and continues to be unresolved at education authority level and under the procedures described at Section 4 of this booklet, parents may choose to go to:

- Scottish Ministers, in the event of failure of the education authority to carry out its duties under education law (Section 70 of the Education (Scotland) Act 1980)
- Civil Courts in the case of Judicial Review
- Education Authority Appeal Committees, to hear placing request appeals (where no co-ordinated support plan exists) and exclusion appeals
- Sheriff Court, to consider appeal against education authority appeal committee decisions.
- Additional Support Needs Tribunal – in the event of the education authority failing to carry out a duty under the Additional Support for Learning Act 2004
- Court of Session – to consider an appeal on a point of law arising from an Additional Support Needs Tribunal.

Appendix 3

Complaints Form

To: Customer Care, Education & Cultural Services
West Lothian Civic Centre
Howden Road South
Livingston EH54 6FF

YOUR NAME:

YOUR ADDRESS:

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.....

YOUR DAYTIME PHONE:

YOUR EVENING PHONE:

DATE:

YOUR COMPLAINT:

.....

.....

.....

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.....

.....

SIGNATURE

Appendix 4

Response Evaluation Form

To: Customer Care, Education & Cultural Services
West Lothian Civic Centre
Howden Road South
Livingston EH54 6FF

We regularly review and try to improve our practice, taking account of clients' views, and we would be grateful if you would give us your opinion on the procedure. If you have found it necessary to make a complaint, please take a minute to answer the questions below, which will help us improve what we do.

Please circle

- Is the process clearly explained in this booklet? YES NO
- Was the complaints procedure easy? YES NO
- Were you treated fairly and respectfully in the process? YES NO
- Do you feel our procedure welcomes concerns / complaints? YES NO

If you would like to add a comment or how we could improve the way we deal with complaints, please do so:

.....

.....

.....

(PLEASE USE BLOCK CAPITALS)

YOUR NAME:

YOUR ADDRESS:

.....

West Lothian Council Education is committed to providing quality education for all.

Services are delivered by professional staff dedicated to the educational wellbeing and development of the community of West Lothian.

Every effort is made to ensure that Education develop a positive partnership with the community it serves.

Textphone for people who cannot hear and who cannot speak: 18001 01506 464427

**هذه المعلومات متوفرة بلغة بريل وعلى شريط وبخط كبير وبلغات الجالية.
الرجاء الإتصال بخدمة الترجمة على الهاتف 01506 775000**

এই তথ্য আপনি ব্রেইল, টেপ, বড় অক্ষরে এবং কমিউনিটির বিভিন্ন ভাষাগুলিতেও পাবেন। অনুগ্রহ করে ইন্টারপ্রেটেশন অ্যান্ড ট্রান্সলেশন সার্ভিসের সঙ্গে যোগাযোগ করুন। টেলিঃ 01506 775000

這份資料是可以凸字、錄音帶、大字印刷及社區語言的式本提供。請聯絡傳譯及翻譯服務部，電話：01506 775000

ਇਹ ਜਾਣਕਾਰੀ (ਬ੍ਰੇਲ) ਨੈਤੂਰੀਨ ਤੇ ਪੜ੍ਹਣ ਵਾਲੀ ਲਿਖੀ, ਟੈਪ, ਵੱਡੇ ਫ਼ਿੰਟ ਅਤੇ ਸਮਾਜ ਦੀਆਂ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿੱਚ ਉਪਲਬਧ ਹੈ। ਸ਼ਿਖਾ ਵਰਤੇ ਇੰਟਰਪ੍ਰੈਟੇਸ਼ਨ ਅਤੇ ਟਰਾਂਸਲੇਸ਼ਨ ਸਰਵਿਸ ਨੂੰ ਇਸ ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ : 01506 775000

یہ معلومات بریل (اندھوں کے رسم الخط)، ٹیپ، بڑے حروف کی طباعت اور کیوٹیٹی میں بولی جانے والی زبانوں میں دستیاب ہے۔
برلو مہربانی انٹوپریٹنگ اینڈ ٹرانسلیٹنگ سروس سے ٹیلیفون نمبر 01506 775000 پر رابطہ قائم کریں۔

Informacje te mogą być przełożone na język Braille'a, dostępne na taśmie magnetofonowej lub wydane dużym drukiem oraz przetłumaczone na języki mniejszości narodowych.
Prosimy o kontakt z Usługami Tłumaczeniowymi pod numerem 01506 775000.