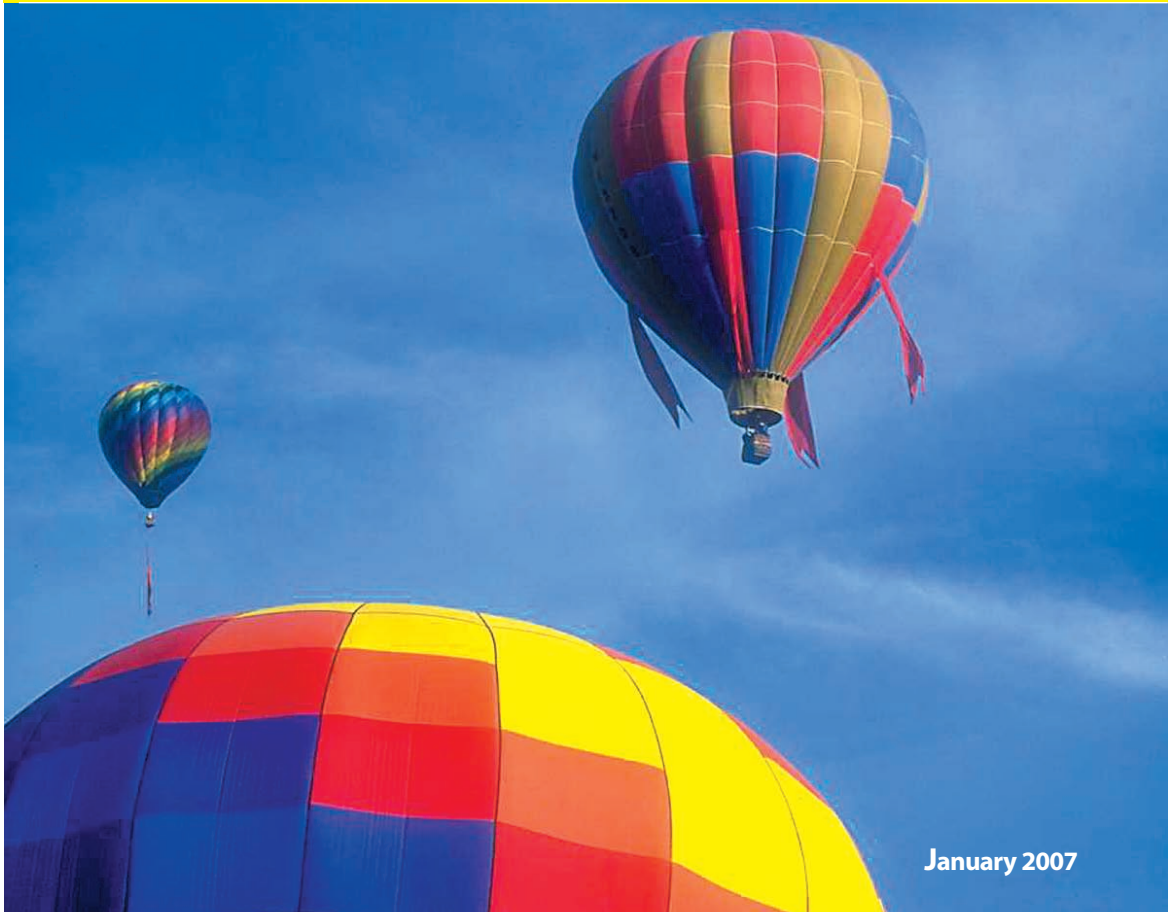


Comments and Complaints Policy and Procedures

for Education & Cultural Services



January 2007

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Customer Care

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1 Background Information

The main responsibilities of Education & Cultural Services 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; Scottish Schools (Parental Involvement) Act 2006 and in recent Charters. The responsibilities of Education & Cultural Services are defined by law in the Education (Scotland) Act 1980 and reflected in recent Charters.

1.1 The Citizens' Charter 1991

The Citizens' Charter's main purposes are:

- to raise standards of education for all
- to promote choice and influence
- to widen accountability
- to achieve better resources for learners
- to give full information about curriculum, achievements and management of schools.

1.2 The Parents' Charter

The Parents' Charter 1995 safeguards parents' rights and responsibilities. Parents' rights include:

- a free school place for their child in the state system
- a choice of school for their child, within the limits of places available
- information about education and schools in their area
- information about the child's progress
- right of appeal if things go wrong
- assessment of and help with any special educational needs which the child may have.

Parent's responsibilities include:

- ensuring that the child attends school regularly and behaves well
- taking an active interest in the child's education
- attending parents' meetings called by the school
- participating in voluntary activities supporting the school.

1.3 Lothian Children's Family Charter

The Charter, based on the United Nations Convention on the rights of the Child, gives children entitlements under the following headings:

- choice and challenge
- health and security
- access and assistance in understanding
- responsibility, recognition and representation
- thoughtfulness, respect and consideration
- encouragement, praise and appreciation
- recreation.

2 Introduction

2.1 Complaints Procedures

This document sets out the complaints procedure of West Lothian Education & Cultural Services.

The complaints system has been formalised and is operated by Customer Care, Lindsay House. Customer Care provides a focus for the handling of complaints and people who contact Customer Care will have access to more openly responsible and accountable services.

Customer Care will investigate complaints made by the public, take an objective view and make recommendations for resolving them with regard to the delivery of Education & Cultural Services in West Lothian.

Within this complaints procedure the Director will ensure that:

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

2.2 Comments

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

2.3 Principles of an Effective Complaints System

While every effort is made to provide the best possible standard of education, an effective complaints procedure will facilitate people making their concerns known in order to prevent problems escalating into full-blown disputes.

An effective complaints procedure will promote conciliation rather than confrontation and therefore be of benefit to the whole of the services.

The following six principles facilitate an effective complaints procedure.

The system will be welcoming

Good complaints procedures actively help people to make complaints or comments. It will be made clear to the individual who they should complain to, eg the Head Teacher, the Co-ordinator of a community project or to Education & Cultural Services staff.

People are often reluctant to complain for a variety of reasons. A good complaints system will encourage them to bring along a relative, friend or an interpreter to any meetings which may be arranged in connection with their complaint. Arrangements will be made to provide interpreters for those requiring a sign language facility or whose first language is not English.

Complaints procedures will be simple to understand and use

Complaints will be dealt with using clearly set out procedures which are easy to understand. Procedures will, where possible, be consistent across different parts of the organisation and will cover the whole of Education & Cultural Services.

Complaints procedures will be prompt

Complaints will be dealt with within 3 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.

Complaints procedure will ensure a full and fair investigation

All complaints will be thoroughly and objectively investigated. The complaints system will aim to ensure that individuals who complain are not made to feel that their concerns are unjustified.

The complaints procedure will respect people's right to confidentiality

Complaints, and any action that follows, will be dealt with in a confidential manner limited to those directly involved. Complaints which are received by Customer Care will be kept on a database and access will again be limited to those directly involved.

The complaints procedure will address all the points at issue, and provide an objective response and appropriate redress

Redress, appropriate to the nature of the complaint, will be considered on an individual case basis.

NOTE: Before liability is admitted and compensation offered, there must be full consultation through the Risk and Insurance Officer and appropriate insurers.

Where it appears that the subject matter of the desired payment is outwith the ambit of the insurance policy, payment should be made on the understanding that the amount paid will represent 'full and final settlement' of any claim.

Any ex gratia payment made must be justified as being to the benefit of the public at large, as opposed to being motivated solely by sympathy felt for a particular individual.

3 Areas of Responsibility relating to Complaints

3.1 The Director is responsible for:

- assuring quality across Education & Cultural Services
- providing a pro-active and responsive service by the progressive development of a quality management culture
- providing advice, support and information to the Children's Services and Lifelong Learning Committee and individual Councillors on the development and implementation of policy, for which they are democratically accountable
- ensuring that a service is provided to pupils and parents on the management of pupil placements, support for pupils within the Youth Strategy policy, integration of pupils requiring additional support for learning and the provision of transport, free meals, clothing and bursaries
- providing adult education, youth and community work programmes to enable groups to develop their work with the help of revenue grants and urban aid funding
- providing a single point of responsibility for complaints and responses to all who make use of Education & Cultural Services
- providing a conciliation and mediation service and involvement in Ombudsman investigations.

3.2 The Head Teachers and Heads of Establishments are responsible for:

- being available to listen to complaints
- making suitable arrangements to meet with users of Education & Cultural Services
- ensuring complaints are acknowledged quickly and courteously, listening to what is being said and responding appropriately
- making every effort to resolve complaints
- keeping a record of complaints, subsequent enquiries made and conclusions drawn
- monitoring complaints in order to make adjustments in service delivery if considered necessary
- offering advice to members of staff on strategies for dealing with complaints positively
- providing leadership to staff in developing professional relationships with the public
- co-operating with the Support Services Manager in the event of a complaint to Customer Care.

3.3 The Support Services Manager is responsible for:

- adopting an objective position, mediating between complainants and members of staff, making every effort to encourage the resolution of complaints at local level and making recommendations to help resolve complaints
- resolving complaints raised by members of the public in regard to the delivery of Education & Cultural Services
- providing an open, responsible and responsive avenue of redress for complaints in relation to Education and Cultural Services by members of the public
- ensuring complaints are acknowledged quickly
- meeting complainants and members of staff to investigate complaints when appropriate
- liaising with other agencies as appropriate, eg The Children's Charter Adjudicator, the Ombudsman, Social Work and the Police
- offering advice and support to members of the public in the raising of a complaint
- offering advice and support to members of staff in the course of an investigation
- establishing a database of all issues referred to Customer Care
- keeping records of complaints, of subsequent enquiries made, conclusions drawn and action taken
- publicising the complaints procedure

- giving feedback to the Director to facilitate monitoring and evaluating of standard procedures and practice throughout Education & Cultural Services
- interpreting and analysing issues affecting Education & Cultural Services to prevent similar complaints arising
- reporting annually to the Children's Services and Lifelong Learning Committee.

4 Guidelines and Procedures

4.1 Definition of a Complaint

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

A complaint can arise if an individual perceives the Education & Cultural Services has:

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

4.2 Who can make a complaint?

A complaint can be made by:

- anyone who receives, or wishes to receive, a service from Education & Cultural Services (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.

4.3 Examples of Complaints received

Where a person who uses Education & Cultural Services considers that there has been:

- failure to provide a service at the right time or to meet service expectations
- delay in answering a query or responding to a request for a service.
- failure to take proper account of relevant matters in coming to a decision
- perceived discourtesy by a member of staff.

4.4 Examples of Complaints not covered under this Procedure

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

5 How to raise a complaint

5.1 The Local Answer

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

- the Head Teacher
- the Community Learning & Development Worker at the local Community Education Centre
- the Community Learning & Development Team Leader
- staff dealing with free meals, transport or bursaries in Education & Cultural Services at Lindsay House, South Bridge Street, Bathgate.

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

An individual 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 3 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.

5.2 A Complaint to Education & Cultural Services

If the complaint has not been resolved locally then a complaint can be made to Education & Cultural Services.

How to proceed

- a telephone Helpline available during office hours can be used for information on how to raise a complaint

Helpline number: 01506 776005

- you may telephone, write or visit to raise your concern
- you may be asked to put your complaint in writing
- in the written complaint the home address and telephone number should be included with a clear indication of what the complaint is and what the complainant would like to be done
- the complaint should be addressed to:

**The Support Services Manager
Education & Cultural Services
Customer Care
Lindsay House
South Bridge Street
Bathgate EH49 1TS**

Action on receiving a complaint

- a written acknowledgement will be sent promptly 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.

Action taken if a complaint is justified

If a complaint is justified Education & Cultural Services 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.

Action to be taken if a complaint is unjustified

- Education & Cultural Services will acknowledge the outcome to the appropriate member/s of staff in writing and/or counselling by line management.

5.3 Action after Education & Cultural Service procedures are completed

The Ombudsman Service

Education & Cultural Services expects that the complainant will feel satisfied and appreciate that the complaint has been fully and fairly considered.

If, in exceptional circumstances, it is felt that the case had not been properly administered complainants have the right to submit a complaint to the Local Government Ombudsman. He/she would normally expect the complainant to have given Education & Cultural Services the opportunity to address the issue first.

The Ombudsman will only investigate complaints where injustice has been caused by a fault in the way Education & Cultural Services has acted or failed to act. He/she does not have the power to question what has been done on the ground that an individual disagrees with a decision.

Matters subject to investigation have relatively strict limits. They do not include any action concerning the giving of religious or secular instruction, matters concerning conduct, curriculum, internal organisation, management or discipline in any education establishment under the management of an education authority.

Further information is available from:

Local Authority Ombudsman
4 Melville Street
Edinburgh EH3 7NS
Tel: 0800 377 7330
Text: 0790 049 4372
Fax: 0800 377 7331
email: ask@spsa.org.uk

For matters relating to pre-school provision you may also wish to contact the Care Commission:

Care Commission
Stuart House, Eskmills
Musselburgh EH21 7PB
Tel: 0131 653 4100

If your child has additional support needs under the Education (Additional Support for Learning) (Scotland) Act 2004, and you are still dissatisfied, you have the right to request independent mediation and, if necessary, dispute resolution. You can request independent mediation by writing to the Support Services Manager at the address in 5.2 on page 14 of this booklet or by contacting directly the mediation service provider below.

The free independent mediation service is provided for West Lothian by:

'Parent to Parent Tayside'
Wallacetown Health Centre
Lyon Street
DUNDEE
DD4 6RB

6 Other Issues

6.1 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.

6.2 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.

6.3 Monitoring of the Complaints Procedure

A confidential record of complaints received will be kept by Customer Care.

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

An annual report will be presented to the Children's Services and Lifelong Learning Committee. The report will not identify individual complainants or members of staff.

The Children's Services and Lifelong Learning Committee's attention will be drawn to any trends which suggest that adjustments may be necessary to the provision of West Lothian Education & Cultural Services.

7 Staff Guidance & Disciplinary Procedures

The complaints procedure described in this document is distinct from Education & Cultural Services 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 the Support Services Manager 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.

8 Conclusions

An effective accessible complaints system, where complaints are monitored and the results integrated into the service, is significant in the implementation of the quality assurance principles of the service.

Education & Cultural Services has developed an easily accessible and well publicised complaints procedure, simple to understand and use, which ensures a full and fair investigation within established time limits for action.

People need to be informed of progress, addressing all the points at issue, the provision of an effective response and appropriate redress within a framework of confidentiality to provide such a service to members of the public, elected members, MPs and MSPs.

This effective complaints procedure draws the attention of Education & Cultural Services to the need for adjustments in service provision from the monitoring of these complaints.

Education and Cultural Services will communicate publicly the changes made to the delivery of their service, as a result of complaints information, in an annual report to the Children's Services and Lifelong Learning Committee.

9 Supporting documents

Appendix 1

The Clients of Education and Cultural Services are the following

- The West Lothian Council Children's Services and Lifelong Learning Committee
- Individual West Lothian Councillors
- Pupils and Parents
- Adults and Young People in the Community
- Communities
- Voluntary Organisations
- External agencies such as LEEL.

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 under the procedures described in this booklet, parents will be offered advice and options, including referral to statutory appeal routes where appropriate (see below).

Exceptionally, where resolution has not been possible at education authority level, 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)
- Scottish Public Services Ombudsman, for issues of service failure or maladministration
- 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.

In the case of a complaint in respect of the education of an individual child who has additional support needs, which remains unresolved at school level, and continues to be unresolved at education authority level under the procedures described in this booklet, parents may choose to go to:

- mediation
- dispute resolution and, in the case of co-ordinated support plans and associated placing requests
- Additional Support Needs Tribunal
- Court of Session, to consider an appeal on a point of law arising from an Additional Support Needs Tribunal case.

Appendix 3

Complaints Form

To: **Support Services Manager
Education & Cultural Services
Lindsay House
South Bridge Street
BATHGATE EH48 1TS**

(PLEASE USE BLOCK CAPITALS)

YOUR NAME:

YOUR ADDRESS:

.....

.....

YOUR DAYTIME PHONE:

YOUR EVENING PHONE:

DATE:

YOUR COMPLAINT:

.....

.....

.....

.....

.....

.....

SIGNATURE

Appendix 4

Response Evaluation Form

To: **Support Services Manager
Education & Cultural Services
Lindsay House
South Bridge Street
BATHGATE EH48 1TS**

We regularly review and try to improve our practice, taking account of parent's views, and we would be grateful if you would give us your views 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 the Customer Care 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 suggest how we could improve the way we deal with complaints, please do so:

.....

.....

.....

(PLEASE USE BLOCK CAPITALS)

YOUR NAME:

YOUR ADDRESS

.....

Translation Service

Information is available in Braille, on tape, in large print and community languages.
Please contact the Interpretation and Translation Service on 0131 242 8181.

هذه المعلومات متوفرة بلغة بريل وعلى شريط وبخط كبير وبلغات الجالية.
الرجاء الإتصال بخدمة الترجمة على الهاتف 0131 242 8181

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Prosimy o kontakt z Usługami Tłumaczeniowymi pod numerem 0131 242 8181.

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West Lothian Council Education & Cultural Services 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 & Cultural Services develop a positive partnership with the community it serves.



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