



Feedback and Complaints Procedures – Code of Practice for Staff

1.0 LEGAL AND POLICY BACKGROUND

The responsibilities of the Education, Communities and Economy Directorate are defined by law the **Education (Scotland) Act 1980** and in recent Charters, viz, The Citizen's Charter 1991, The Parents Charter 1995 and the Lothian Children's Family Charter. In 2002 Midlothian Council launched a corporate Feedback Procedure, which while encouraging 'feedback' from service users also sets out the procedure to be followed for complaints.

2.0 COMPLAINTS PROCEDURES

While every effort is made to provide the best possible standard of education, an effective complaints procedure should allow people to make their concerns known at an early stage in order to prevent problems becoming major disputes. The Council's Feedback procedure has taken account of the following recommendations:

- **the system should be welcoming** - good procedures actively help people when they make their complaints and comments
- **complaints procedures should be simple and easy to use** – where possible, they should be consistent throughout the Council.
- **complaints procedures should be prompt** - complaints should be dealt with as quickly as possible; people should be kept informed of progress if deadlines cannot be met
- **complaints should be thoroughly and objectively investigated** – individuals should not be made to feel their concerns should not have been voiced
- **complaints procedures should respect people's right to confidentiality** - complaints and any action which follows will be handled in a confidential manner and limited to those directly involved.
- **complaints procedures will address all the points at issue and provide an effective response.**

3.0 WHAT IS A COMPLAINT?

A complaint is an expression of dissatisfaction about the standard of service, action or lack of action by Education, Communities and Economy staff, which affects an individual user or group of users of the service eg

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

3.1 Formal appeal systems

The complaints procedures established by the Council do not apply to matters for which there are already formal appeal systems, eg placing requests, record of needs; matters which are, or are expected to be, the subject of legal proceedings or an insurance claim; staff matters already covered by the Council's Discipline and Grievance procedures.

4.0 RESOLUTION OF COMPLAINTS

4.1 The local stage

In most cases, it is expected that complaints will be resolved locally with staff of the particular service eg

- the Head Teacher; or
- the Community Education Worker; or
- the Community Education Team Leader

Unless there are exceptional circumstances, the complaint should be fully discussed at local level in order to provide answers and resolve problems.

If complaints about education are not resolved at school level, then the next point of contact is the Schools' Group Manager. (Schools will be able to give contact details of the appropriate manager.)

Complaints should be dealt with as quickly as possible. The Feedback Procedure recommends 10 days. If, for some reason, more time is required to investigate the complaint thoroughly, this should be explained.

4.2 Complaints to the Education, Communities and Economy Directorate

If the initial complaint is not resolved locally, then a complaint can be made to the Education, Communities and Economy Directorate. Preferably this should be made on a feedback form (supplies have been made available to schools) but can also be made in person, by email, telephoning or writing.

In accordance with the procedures, an investigation will be undertaken by an appropriate 'Feedback Officer' nominated by the Director.

5.0 ACTION AFTER THE EDUCATION, COMMUNITIES AND ECONOMY DIRECTORATE PROCEDURES ARE COMPLETED

The Education, Communities and Economy Directorate expects that a complainant would feel satisfied with the outcome of the investigation of the complaint.

5.1 Appeal to Chief Executive

If, in exceptional circumstances this is not the case, then the complainant has a right to submit a complaint to the Chief Executive, Midlothian Council.

5.2 Appeal to Ombudsman

Ultimately, if it is felt that the case has not been properly administered by the Education, Communities and Economy Directorate, as part of Midlothian Council, complainants have the right to submit a complaint to the Local Government Ombudsman. He or she would normally expect the complainant to have given the Education, Communities and Economy Directorate the opportunity to address the issue in the first instance.

The Ombudsman can only investigate complaints where injustice has been caused by a fault in the way the Service has acted or failed to act. He does not have the power to question what has been done on the grounds that someone does not agree with a decision.

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

Further information is available from:

Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS
Tel: 0800 377 7330

6.0 RESPONSIBILITY OF HEAD TEACHERS AND OTHER HEADS OF ESTABLISHMENTS

Head Teachers/Heads of Establishment should treat parents'/users' expressed concerns with respect but explain the school/establishment position clearly and politely.

Head Teachers/Heads of Establishment should investigate any allegations and should not try to defend the indefensible. Sometimes a simple apology, where warranted, is sufficient to allay concerns.

Following the investigation of a complaint, a response should be given as soon as possible to the parent/user and normally within TEN working days. It should explain the outcome, the reasons for it, any action to be taken or proposed and any further action the complainant may take.

This notification may be in writing, by telephone or in person. In each case, a record of the communication should be kept. This information should not be recorded in the personal file of a member of staff or pupil. Head Teachers/Head of Establishment should ensure that other people affected by the outcome of the investigation are duly informed.

6.1 Contact with the Education, Communities and Economy Directorate

If a Head Teacher/Head of Establishment is notified (or suspects) that a parent/user continues to be dissatisfied, he/she should contact an appropriate officer in the Education, Communities and Economy Directorate. If requested by the complainant, the name of the relevant Feedback Officer and a contact point should be provided to the parent/user.

If a complaint is received in the Education, Communities and Economy Directorate, an officer will immediately contact the Head Teacher/Head of Establishment to advise her/him of the nature of the complaint, to learn of any action taken by the school and to discuss what further steps may be required. If possible at this stage, a course of action will be agreed and the officer will notify the parent/user in writing of the outcome.

If an agreed statement is prepared by the Head Teacher/Head of Establishment, this will be sent with a covering letter from the officer, indicating the authority's endorsement of the school's response.

Where the statement is prepared by the officer, the contents will be shared with the Head Teacher/Head of Establishment before being sent to the parent, with a copy of the letter provided thereafter.

7.0 FURTHER INFORMATION

Further details on the Council's Feedback Procedure are available from www.midlothian.gov.uk. Employee Guidelines on the Council's Feedback procedures have been circulated to staff.

Head Teachers/Heads of Establishment should ensure that all parents/users are aware of the Directorate's complaints procedures as set out in the information leaflet "*Parents and the School*" (Appendix 1).

If any further information or advice is required on any of the points outlined above, please contact the address below.

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0131-270-7500