

# Service Circular No 20 Complaints

Issued: September 2013



Falkirk Council  
Education Services

## 1. Introduction and Background

- 1.1 This Service Circular sets out for staff in schools, nurseries, teams at the centre and across Education, for example Community Learning and Development, Curriculum Support, the complaints procedure in line with revised national legislation.

The Scottish Public Services Ombudsman (SPSO) developed a model Complaints Handling Procedure which all local authorities are required to adopt. The emphasis in the revised procedures is on quicker and simpler complaints handling with local, early resolution by empowered and well trained staff. The Ombudsman's aim is to help public service bodies 'get it right first time' with a focus on resolving complaints at Stage 1.

## 2. The Revised Complaints Procedure

- 2.1 Staff should be familiar with the revised procedures and in particular what constitutes a complaint. Falkirk Council's definition of a complaint is "an expression of dissatisfaction by one or more members of the public about the local authority's actions or lack of action, or about the standard of service provided by or on behalf of the local authority". Further information on what does/does not constitute a complaint can be found on the Council's website at:

[http://www.falkirk.gov.uk/about\\_council/complaints\\_comments\\_suggestions/what\\_is\\_a\\_complaint.aspx](http://www.falkirk.gov.uk/about_council/complaints_comments_suggestions/what_is_a_complaint.aspx)

- 2.2 All staff must ensure that they provide good customer service. However, it is acknowledged that at times parents and members of the public may feel that the service provided is not what they hoped for and they wish to make a complaint. It should be noted that all staff are encouraged to be pro-active in their attempts to prevent situations escalating to a complaint. This may require partner agencies, other teams, for example, Community Learning and Development, or other services such as Social Work being involved at an early stage to assist with early intervention and preventative work. All schools, nurseries, teams at the centre and across Education must deal with complaints about the service they provide under the revised two stage process (see Appendix 1 for Complaints Flowchart).

### 2.3 Stage 1 Complaints

**Schools and Nurseries** - Parents and members of the public who wish to make a complaint should contact the relevant Headteacher or Manager in the first instance. Complaints must not be referred to Sealock House at this stage. Any complaints received by Sealock House that have not initially been referred to the Headteacher will be redirected back to the school by the relevant team who receives this.

**Teams at the Centre and across Education** – Complaints should be addressed to the designated Officer who has responsibility for handling complaints at Stage 1. For complaints on issues arising from policies, procedures or services delivered by Sealock House, Camelon Education Centre (i.e. Property, School Estates, Curriculum Support, Community Learning and Development, Finance or employee related matters including issues regarding employment and conduct of Headteachers) these should be referred to the appropriate officer in that team for investigation. Appendix 2 provides further information on handling complaints at the centre.

All complaints should be acknowledged upon receipt and logged using the electronic system when it becomes available. It is the responsibility of the Headteacher, Manager or Officer to ensure this happens. Service users (normally parents, carers or members of the public) should have a single point of contact for their complaint. Staff must ensure that they take every appropriate action to resolve matters as early as possible. This may involve one or all of the available options for handling a complaint:

- listen carefully to the concerns being raised
- provide a written or verbal response
- hold a meeting
- arrange mediation

Stage 1 complaints must be investigated and responded to within five working days, although in practice this would often be earlier. In exceptional circumstances an extension of no more than five additional working days can be agreed with the service user. Complex investigations within schools may require longer timescales but should not exceed 20 working days in all cases. Responses to complaints should be co-ordinated and discussed with the Headteacher (where appropriate) or other relevant staff (Additional Support for Learning Advisor, Quality Improvement Officer) before being issued.

## 2.4 **Mediation**

The Scottish Public Services Ombudsman acknowledges that with some complex complaints, a different approach to resolving the complaint may be required. Local Authorities may use mediation or conciliation services with suitably trained and qualified mediators (eg SACRO) to resolve the matter thereby reducing the risk of the complaint escalating further.

## 2.5 **Complaints by Service Users to MSPs, MPs, or Elected Members**

Service users from time to time contact an elected representative (MSP, MP or Councillor) to register their complaint. While they are entitled to do so, our policy is that schools should be given the opportunity to resolve this as they would with any complaint received directly from a service user. All enquiries received from elected representatives will be handled by the Policy Officer. Where an enquiry relates to a parental complaint, and the school have not had the opportunity to address the concerns raised in the correspondence, the complaint will be referred back to the school for investigation under Stage 1. Elected representatives will be informed accordingly. If all options have been exhausted by the school at Stage 1, this will be investigated by Sealock House staff under Stage 2 and a response issued to the elected representative. Responses to elected representatives' enquiries which are not complaints will be handled by the Policy Officer.

## 2.6 **Stage 2 Complaints**

Service users should be provided with the name and contact details of the person dealing with their complaint at Stage 2. Complaints handlers should aim to establish all the facts relevant to the points made in the complaint and give the service user a full, objective and proportionate response.

**Schools and Nurseries** - Complaints which are unresolved at Stage 1 can be passed to the Parents Officer for consideration providing the correct procedures have been followed and Headteachers/Managers have **completely exhausted all options** to resolve the matter themselves.

As a minimum, schools and nurseries are expected to have taken the following steps to resolve the complaint:

- listened carefully to the concerns being raised
- provided a written or verbal response
- offered a meeting
- offered mediation

Where not all steps in Stage 1 have been followed, complaints will be referred back to the Headteacher or Manager for further action.

**Teams at the Centre and across Education** - Under the previous procedures many complaints were dealt with centrally by the Parents Officer. Under the revised procedures this will not be the case and each team must decide on the most appropriate Officer to examine and respond to complaints (Stage 1 and 2). The Parents Officer will, where required, work with and assist teams during the early stages of transition to the revised complaints procedures.

Stage 2 complaints must be acknowledged within three working days and logged on the electronic system when this becomes available. A full response should be provided as soon as possible and no later than 20 working days from the time it was received for investigation. In exceptional circumstances and in consultation with the complainant, this timescale can be extended.

Under the revised complaints procedure, Stage 2 will be the Council's final opportunity to address a complaint before it is considered by the Ombudsman. If a complaint is unable to be resolved, the complainant should be advised on how to progress this to the next level.

## 2.7 Ombudsman

Should parents or members of the public still be dissatisfied with the response to their complaint after Stage 2 of the process, they should be referred to the Ombudsman. Information about the right to take a complaint to the Ombudsman should be provided at Stage 2. The Scottish Public Services Ombudsman recommends that we use the wording below to inform service users of their right to ask them to consider the complaint. The Ombudsman also provides a pamphlet entitled 'The Ombudsman and your organisation' which you may find helpful in deciding how and when to refer someone to the SPSO. This can be found at: <http://www.spsso.org.uk/files/SPSO%20and%20your%20organisation.pdf>

### Information about the Scottish Public Services Ombudsman

The Ombudsman is the final stage for complaints about public services in Scotland. This includes complaints about Scottish councils. If the service user remains dissatisfied with a Council after its complaints process, they can ask the SPSO to look at the complaint. The Ombudsman cannot normally look at complaints:

- where service users have not gone all the way through the Council's complaints handling procedure
- more than 12 months after the service user became aware of the matter they want to complain about, or
- that have been or are being considered in court.

The SPSO's contact details are:

SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

SPSO  
Freepost EH641  
Edinburgh  
EH3 0BR

Freephone: **0800 377 7330**

Online contact: **[www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)**

Website: **[www.spsso.org.uk](http://www.spsso.org.uk)**

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

### **3. Recording and Publishing Complaints**

- 3.1 The revised procedures places an emphasis on valuing complaints – recording all complaints, reporting key information, collecting performance data and using the lessons learned to improve service delivery.

Complaints must be recorded and data collated on all Stage 1 and 2 complaints. The information gathered should be used to identify any trends and to proactively improve the efficiency of the services provided. Information on complaints outcomes, trends and actions taken should be published by service providers on a quarterly basis.

- 3.2 From 2013-14 Local Authorities will also be required to assess complaints handling performance around a range of high-level indicators related to the Complaints Handling Procedure using existing self-assessment frameworks such as the Public Service Improvement Framework.

### **4. Data Protection**

Information on Stage 1 and 2 complaints from schools, nurseries, teams at the centre and across Education should be recorded and handled in a way that satisfies Data Protection requirements. Staff who handle complaints should be trained in Data Protection and Freedom of Information law and practice. They should also be aware of the expectations of members of the public that their personal details will remain confidential.

### **5. Training**

All identified members of staff who have responsibility for handling Stage 1 and 2 complaints, including those who will record the data on the electronic system, are required to undertake the necessary training. Training on the revised complaints procedure can be found on the Council's Intranet. Training on the electronic complaints system will be announced in due course.

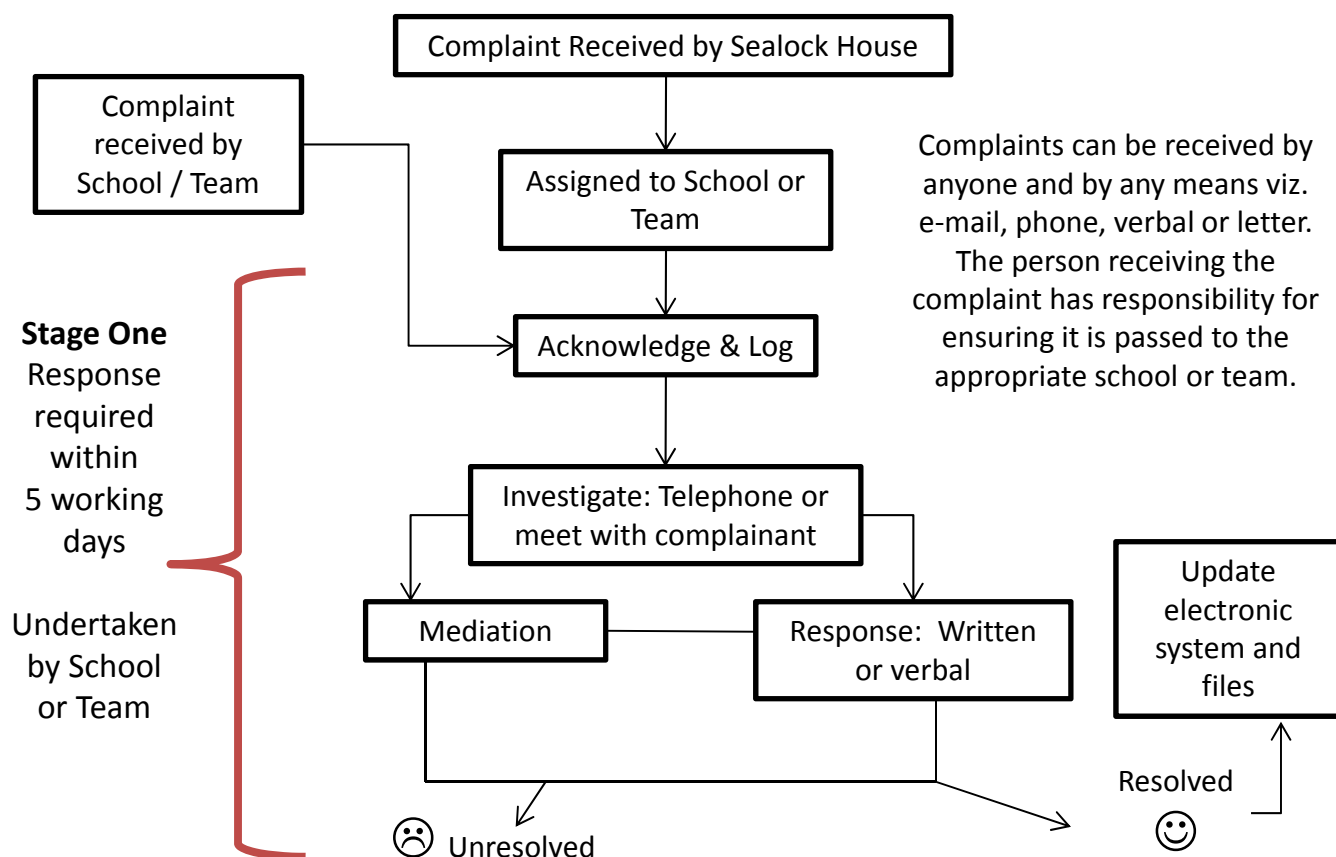
### **6. Further Information**

Further information about the Council's Complaints Procedure can be found on the Intranet at:

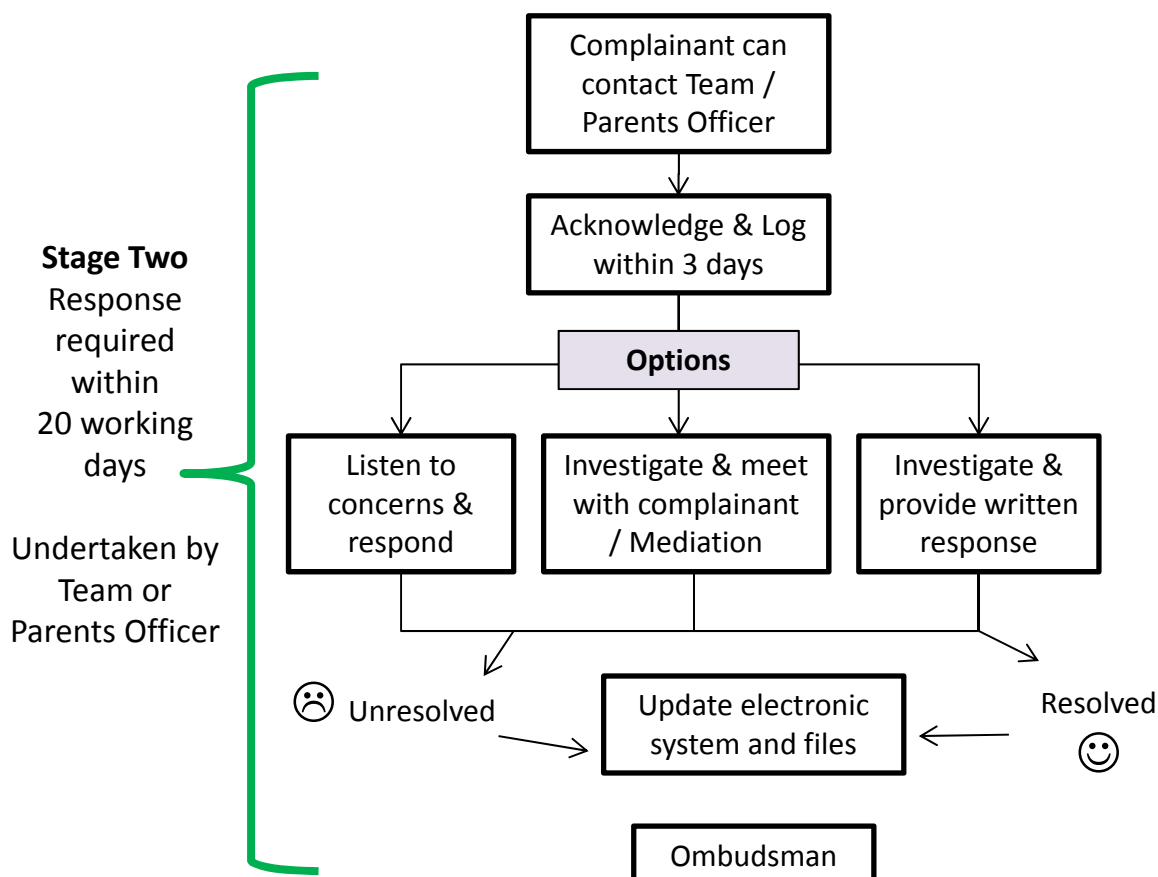
[http://www.falkirk.gov.uk/about\\_council/complaints\\_comments\\_suggestions/complaints\\_comments\\_suggestions.aspx](http://www.falkirk.gov.uk/about_council/complaints_comments_suggestions/complaints_comments_suggestions.aspx)

Advice and assistance on handling complaints can be obtained from the Parents Officer, Sealock House.

## EDUCATION COMPLAINTS



**Complaints cannot be considered at Stage 2 without all options being exhausted at Stage 1**



## REVISED COMPLAINTS PROCEDURES FOR TEAMS AT THE CENTRE AND ACROSS EDUCATION SERVICES

### Administrative/Clerical Team Responsibilities

- Telephone enquiries - should be put through to the relevant team.
- Reception - When a member of the public or a parent arrives unexpectedly at reception, a member from the relevant team should be contacted and must deal with the enquiry. Where the complaint relates to matters not managed by Sealock House staff, the Parents Officer should be contacted to handle the enquiry.
- Mail and E-mail - The person who receives the complaint is responsible for passing it to the member of staff in the relevant team who has responsibility for handling complaints. This should be done as a matter of urgency.

### Stage 1 Complaints

Service users should have a single point of contact for their complaint.

Complaints:

- should be forwarded to the designated officer within each team.
- arising from policies, procedures or services delivered by Sealock House or Camelon Education Centre should be referred to the appropriate Officer in that Team for investigation.
- should be acknowledged upon receipt and logged using the electronic complaints system when it becomes available.
- should be responded to within 5 working days unless there are exceptional circumstances.

### Stage 2 Complaints

Service users should have a single point of contact for their complaint. The procedures are:

- complaints must be acknowledged within three working days
- complaint handlers should aim to establish all the facts relevant to the points made in the complaint and to give the service user a full, objective, proportionate and co-ordinated response.
- a full response must be provided as soon as possible and no later than 20 working days from the time it was received unless there are exceptional circumstances.

Teams at the centre are responsible for carrying out their own Stage 2 investigations.

### Holiday periods

Where a complaint relating to a school is received this should be passed to the Parents Officer or, during holiday periods, the Service Planning, Policy and Communications Manager. This does not include complaints relating to individual teams in Sealock House or Camelon Education Centre. Complaints relating to services provided by these teams should be passed directly to them.

### Training

Complaints handlers (Stage 1 and 2) must undertake the necessary training. Training on the complaints procedures can be found on the Council's Intranet. Training on the electronic complaints system will be announced in due course.

September 2013