

Complaints Procedure

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Introduction

Schools, Learning and Education recognise the vital role that parents play in supporting their children's learning, and are committed to fostering positive relationships with parents. This recognition and commitment are articulated within the Service policy document 'Parental Engagement Strategy', and demonstrated in the actions flowing from that paper. Despite this, there may be occasions when parents wish to express unhappiness or dissatisfaction with Council services, policies or staff conduct. Such expression is classified as a complaint and will normally be dealt with through the Schools, Learning and Education Complaints Process.

The Schools, Learning and Education Complaints Process dovetails with Stirling Council's Corporate Complaints Process, which was revised in line with national developments in public sector complaints handling systems.

This document contains appended guidance for Heads of Establishment. Other appendices contain:

- Templates which may be used to acknowledge Stage 1 complaints and convey the outcomes of Stage 1 complaints.
- A checklist for central support officers to use when parents contact the Service with a complaint.

Who may make a Complaint?

Schools, Learning and Education accept complaints from the parents or legal guardians of a child in whose interest the complaint is being made. Schools, Learning and Education also accept complaints by a representative of a parent or legal guardian where parents or legal guardians give written authorisation for the representative to complain on their behalf. Family members who do not exercise parental rights may not make complaints unless given permission to do so by someone exercising parental rights.

Where a complaint is made on behalf of a young person aged sixteen or over, the complainant should evidence that the young person has agreed that Schools, Learning and Education (including the school/educational establishment in the first instance) may share his or her data with the complainant.

We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate.

How may the Complaint be made?

Parents may complain in person, by phone, letter, complaints form on Stirling Council website or by email to educ-comments@stirling.gov.uk. They will be expected to state clearly their dissatisfaction with the Service, procedure, or conduct of staff, and what they wish the Service to do to correct this. If a complaint moves to a formal stage (Stage 2), the substance of the complaint must be made in writing. Normally the complainant should submit the complaint in writing. However, if this presents a difficulty, arrangements can be made for the details of the complaint to be recorded by the Service, and 'signed off' by the complainant as a bona-fide record once agreement has been reached with regard to its accuracy.

Confidentiality

A complaint will be dealt with in confidence and knowledge of its details will be limited to those involved in investigating or responding to the complaint. Where a complainant cites an adult witness but has not provided a witness statement, the Investigating Officer may need to interview the witness. The complainant's permission should be sought before contacting the witness. If the complainant refuses, the Investigating Officer will advise the complainant that this may restrict the scope of the investigation. Consistent with a transparent, evidence-based approach to complaints and fairness towards the complainant and those complained against, Schools, Learning and Education expect complainants to identify themselves. The Council has a duty of care towards employees who may be the targets of vexatious anonymous complaints. However, the Service will investigate anonymous complaints relating to child protection. There may also be cases where an anonymous complaint contains sufficient information to justify being looked into. Heads of Establishment should therefore pass any anonymous complaints to the Schools, Learning and Education Service Investigating Officer who will determine whether the matter should be looked into.

Outcome of a Complaint

The outcome of each point of a Stage 1 or Stage 2 complaint can be resolution, not upheld, partially upheld or upheld.

A complaint can be **resolved** when both Stirling Council and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld.

Where a complaint is upheld, the Service must respond appropriately, i.e. with a timely explanation and/or apology, or action to resolve the issue if this is appropriate. To ensure that lessons are learned from complaints, information from complaints handling will inform service and policy development. When a complaint is not upheld, the complainant will be told why.

Situations when the Schools, Learning and Education Complaints Process should not be used

There are some situations when the Process should not be used. For instance, there are statutory processes in place for specific topics - such as Appeals against Exclusion from School. Also, if it appears when a complaint is lodged or as an investigation proceeds, that it may lead to a disciplinary outcome, the matter should be referred to the Council's Human Resources section to be dealt with through disciplinary procedures. Parents also have the right to approach their Councillor or MSP with a complaint. In such circumstances the Chief Education Officer will identify the most suitable route for the complaint to be considered, and an appropriate timescale for resolution.

Withdrawal of a Complaint

A parent may seek to withdraw a complaint after having made it. In most cases this would terminate an investigation, but in some situations the nature of the complaint may require Schools, Learning and Education to investigate it.

Unacceptable Behaviour

Stirling Council has approved an Employee Guide on Dealing with Unacceptable Customer Behaviour (**Appendix 5**). Heads of Establishment are asked to disseminate the Code to their staff and to include it when carrying out induction for new staff.

The Guide identifies three broad categories of unacceptable behaviour:

- **Aggressive or Abusive Behaviour:** Threatening or abusive language, derogatory or rude comments, unsubstantiated allegations, physical aggression.
- **Unreasonable Demands:** Requests for excessive amounts of information, setting unreasonable timescales, insistence on seeing a particular member of staff, continual contact, and changing the substance of a complaint or introducing unrelated concerns.
- **Unreasonable Persistence:** Refusal to accept a decision made in relation to the complaint; refusal to accept explanations of what a service area can and cannot do; continuing to pursue a complaint without presenting any new information.

The Guide sets out responses to unacceptable behaviour, including sanctions and processes to be employed, for example staff may decide that a complainant is making unreasonable demands and that the issue has been exhausted or otherwise does not merit further attention. It should be noted that any such decision must be notified to the client, and an explanation given for the decision.

Details of the Schools, Learning and Education Complaints Process

The 2-stage process for complaints is as follows:

Stage 1

- Parents have six months to raise a complaint from the event that they wish to complain about – or from the point when they become aware of a matter about which they wish to complain. In exceptional circumstances, a complaint can be accepted after this timescale.
- In most cases the complaint should be made to the educational establishment. (Exceptions are: where the complaint is about alleged misconduct by the Head of Establishment. In that case, the parent should be referred to the Chief Education Officer. A Head of Establishment may also refer the complaint to Chief Education Officer for a Stage 2 investigation if its subject matter is overly complex to be dealt with at school level).
- The establishment will identify a person to receive complaints and acknowledge it in writing. It is intended that eventually all Stage 1 complaints are logged on Stirling Council's corporate data base.
- The establishment will seek to resolve the complaint as quickly as possible by the most appropriate method, and respond to the parent normally within 5 working days. If a complaint is received outwith term time the complaint will be dealt with when the school or nursery returns. If the matter is proving difficult to resolve, the manager dealing with the complaint may require further time. Preferably any extension to the timescale should be agreed with the complainant, who should always be told why the extension is needed. An extension should not exceed 10 days.
- The focus of Stage 1 is on empowering staff to resolve the complaint as quickly and as thoroughly as possible, and bringing the matter to a fair conclusion.
- At the end of Stage 1, complainants will be informed of the outcome of the complaint. They may be told at a 'face to face' meeting or by telephone. If a complaint is made in writing, whether email or letter, the results should be conveyed in writing. Where a complaint has been made verbally and dealt with quickly and easily, it may not be necessary for the Head of Establishment to confirm the outcome in writing. However, if parents are dissatisfied or the Head of Establishment is not confident that they are clear about the steps/approach the school or nursery has taken, he or she should confirm in writing and give the parents written information about how to take matters further if they choose to do so.
- If the complainant appears dissatisfied with the results it should also be confirmed to the complainant in writing. Written responses should comprise:
 - Details of the issues.
 - Outcome (e.g., whether the complaint is upheld or not, action taken, apology, reason why the Council is unable to assist, offer of redress).
 - Advice that the complainant, if dissatisfied, may escalate the complaint to Stage 2 within 6 months. Complainants should be advised to email details of this to educ-comments@stirling.gov.uk. Complainants can also ask the Head of the Establishment to escalate the complaint for them by passing the information to the Chief Education Officer.

Stage 2

If Complainants wish to elevate their complaint to Stage 2, they should email educ-comments@stirling.gov.uk. An Investigating Officer will be appointed and will arrange to speak to the complainant to establish the details of the complaint, what the complainant wants to achieve, and that the issues are realistic and achievable.

When a Stage 2 complaint is received, this will be acknowledged by an officer within Schools, Learning and Education within 24 hours. An investigating officer will be appointed who will be in contact with the complainant within 3 working days. If a complaint is received outwith term time the complaint will be dealt with when the school or nursery returns. This will be clearly communicated in the acknowledgement correspondence.

If the complaint can not be resolved the Investigating Officer will undertake a thorough, formal investigation into the complaint and produce a report covering the details of the complaint, methods of investigation, considerations, analysis, and outcomes including any corrective actions or redress, and apologise if required. A formal investigation may include interviewing witnesses or others connected with the complaint, within and outwith the Authority, and checking law and policy.

The report will normally be sent to the complainant within 20 working days. During the investigation the Investigating Officer will communicate with the complainant and ensure that the process, and the complainant's rights and responsibilities, are understood. The Investigating Officer will liaise with the educational establishment to obtain a response to the complaint allegations and evidence provided by the complainant in support of the complaint. Further information may be sought from the complainant and/or the establishment as the investigation proceeds. Complaints of a more complex nature may take longer than 20 working days to investigate. In such cases the complainant will be informed of the reason why the timescales cannot be met and a revised timescale negotiated.

Once approved by the Chief Education Officer, a letter including a report of the findings of the investigation will be issued to the complainant as the Council's final response. It will also be explained that complainants have the right to appeal to the Scottish Public Services Ombudsman's Office (SPSO).

They will be given contact details for the SPSO. Complaints must be submitted to the SPSO within one year of the Council providing a response.

Flowchart of Schools, Learning and Education Complaints Process

Complaint received via email/web form/telephone call/letter or in person.

Log on Codo or send to Corporate Complaints Team for processing.

Corporate Team assign to Service and provide support and guidance.

Letter Templates and Quality Assurance Tools available on intranet for lead officers and investigations.

Stage 1: Frontline response

For issues that are straightforward and simple, requiring little or no investigation.

'On-the-spot' apology, explanation, or other action to put the matter right.

Complaint resolved or a response provided in **five working days** or less (unless there are exceptional circumstances).

Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response.

Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing).

We will tell the customer how to escalate their complaint to stage 2.

Stage 2: Investigation

Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'

Complaint is agreed and acknowledged within **three working days**.

The Corporate Team will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement).

Complaint resolved or a definitive response provided within **20 working days** following a thorough investigation of the points raised.

Independent external review (SPSO or other)

Where the customer is not satisfied with the stage 2 response from the service provider.

The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider.

In relation to social work decisions the SPSO can also look at professional decisions.

Some complaints may also have an alternative route for independent external review.

The Corporate Complaints Team will close all stage 2 complaints, ensuring compliance with SPSO guidelines and quality assurance.

All identified actions and learnings will be recorded and reported on a quarterly basis to Senior Management and published on the public website.

Parents who make Direct Contact with Schools, Learning and Education centrally

If parents contact Stirling Council Schools, Learning and Education to make a complaint, the centrally-based staff receiving the complaint will check that the person has a right to make the complaint, check what stage the complaint has reached, and refer the complainant to the correct stage. At **Appendix 7**, please find the checklist of questions for the staff member, and appropriate responses or actions.

Where parents have been through Stage 1 and wish to escalate complaint to Stage 2, staff at the establishment will advise them to email educ-comments@stirling.gov.uk. If complainants have not submitted their complaint in writing, the officer will make an appointment for the parents to meet the Investigating Officer who will record the details, check what the complainant wants to achieve, and clarify what matters are suitable for investigation.

If parents contact Schools, Learning and Education centrally to persist with a complaint after Stage 2 has been completed, the officer receiving the contact will advise that the Council has provided a final response and that any further appeal should be to SPSO.



Local Establishment Guidelines for Complaints

Parents will receive a leaflet explaining the Service's Complaints Process, and they may also access this information from the Council's website. Additionally, each establishment should give parents written information about whom to contact when making a Stage 1 complaint, and how to contact the person.

Establishments should also pay heed to the following principles and conditions governing the Complaints Process.

Principles

- Establishments should promote a climate which supports parents with concerns.
- Parents have the right to access information which will allay any concerns.
- Parents and staff have a responsibility to work in partnership to find a resolution in the best interests of the child.
- The views of the child should be taken into consideration.
- Honesty, openness, mutual trust and respect should be encouraged with due regard to feelings and sensitivities.

Conditions

- Stressful situations should be avoided where possible.
- Parents should be given an opportunity to share their complaint in an atmosphere which is non-confrontational and where staff listen to them.
- Parents should normally be given the opportunity to have discussions with relevant personnel who are the subject of the complaint
- Meetings should be held in a room which is free from interruption
- There should be sufficient time to allow parents to fully express their concerns.



Guidelines for Heads of Educational Establishments

Purpose

The purpose of these Guidelines is to assist Heads of Establishment to:

- Adopt a robust, flexible, fair and proportionate approach to Complaints handling.
- Respond to complaints promptly.
- Use feedback from complaints for service development, and to continually improve the effectiveness and efficiency of Schools, Learning and Education.

As employees of Stirling Council all staff have a general legal duty to show loyalty to, and engender trust in, their employer. As such, although establishments are physically separate from Council headquarters they are part of the Authority and represent the Authority. It is important that senior managers such as Heads and Deputies take a lead in helping to engender trust among staff in the Council as their employer, and in implementing Council policies. These Guidelines are intended to assist senior managers in fulfilling this role.

The Guidelines should be used in conjunction with the Complaints Policy to which they are appended, and which sets out Council and Education Policies procedures and timescales for complaints handling.

Topics

- Support and Challenge from peer Heads of Establishment and the Investigating Officer.
- Sharing Information on Complaints Handling Within Establishments.
- Attitude/General Approach towards Complaints.
- Communication and Relationships with Parents and Children (preventing complaints from arising and or achieving quick resolution).
- Complaints against Staff.
- When Establishments Receive Complaints.
- Meetings with Parents.
- Recording.
- Written Response to Complaints
- Action Following Complaint Investigations.
- Building Capacity in Staff to Address Complaints.
- Inappropriate Parental Behaviour.
- Freedom of Information and Data Protection Requirements.

Support and Challenge from Peer Heads of Establishment and the Investigating Officer

- Heads are encouraged to receive support and challenge from the Investigating Officer, whether via a call for information or guidance. Link Officers can also help to provide support and challenge.
- New Heads of Establishment are encouraged to access advice and support regarding complaints through the Service's mentoring process.
- Heads of Establishment may also find it helpful to consult their peers on a casual basis, by phone to seek advice and 'think over' a problem.

Sharing Information on Complaints Handling with Establishments

- Heads of Establishment have a responsibility to ensure that their staff understand the complaints process. As well as promoting a general understanding of how the process relates to the Council's Corporate Complaints Process, Heads of Establishment should provide a detailed briefing about the Schools, Learning and Education Service Complaints Process, drawing out the key points from the Complaints Policy.
- To ensure that all staff are up to date, Heads of Establishment are encouraged to brief them at the start of each academic year. Any senior manager may deliver the briefing if necessary. It may be done on a whole school basis or on a collegiate basis. The Schools, Learning and Education Parental Complaints Process leaflet should be distributed to staff at these briefings.
- Critically, Heads of Establishment should make it clear to staff how the complaints process operates within their establishment, i.e. who receives complaints, how complaints will be dealt with during that person's absence, and how the complaint will be communicated to staff who need to know about it or respond to it.
- Within an educational establishment, staff should be clear that complaints would be received by a nominated senior member of staff. Although these Guidelines often use the word 'Head' when referring to the person who deals with complaints handling, a Depute Head might be given delegated responsibility for receiving and looking into complaints. The Head, however, retains overall responsibility for the quality and scope of complaints handling within the establishment.
- The establishment should not receive complaints in respect of Council services that it does not provide. These should be directed to Schools, Learning and Education.
- The establishment should endeavour to meet timescales set by the Council for addressing complaints. The watchword is reasonableness. If it becomes clear that it will not be possible to address a complaint within 5 working days, this should be explained to the parent along with the reason. An extension should be sought based on a reasonable timescale, for example a teacher involved in the matter may be off sick. A Head of Establishment is unlikely to be held to be at fault if her/his proposed timescale was reasonable. However, if urgent action were required, the Head should put measures in place, for example to ensure a child's wellbeing, even if the complainant could not receive a written response to his/her complaint within 3 working days. Even with an extension, the timescale for a Stage 1 response should not exceed 10 working days.
- When a complaint is received, if it is marked private and confidential and addressed to a member of staff who is away from the establishment, the timescale for responding to the complaint will start upon her/his return. Clearly, if the individual were expected to be away for more than a few days, it would be reasonable for another senior member of staff to open the letter. The rationale for the complaint being directed to the named person is likely to have been that this individual had specific responsibilities within the school. Another individual undertaking these responsibilities might appropriately open the letter.

Attitude/General Approach towards Complaints

- It can be difficult to regard complaints in a positive light, particularly if one's own performance or that of a member of one's staff is criticised. The important point is to focus on the facts surrounding the complaint, consider it objectively and try to de-personalise it. It can be helpful to remember that we are all potential complainants in terms of services, and all that can be reasonably asked of us is that we respond to parent complainants as fairly as we would wish other service providers to respond to our complaints.
- Often, a child will be at the centre of a complaint although parents sometimes complain about how they themselves have been treated. Where the child is at the centre of the complaint, the focus should be on the best interests of the child, without prejudice to other children's rights. It may be the case that the parent's wishes coincide with this, but not always. There have been situations where parents have complained about actions that establishments have taken, which were objectively in the best interests of their child but with which they have disagreed. There are legal limitations on the extent to which parental preferences should be followed.
- It is important to be aware of the power of emotion – parents' emotions and staff emotions – in relation to complaints. A parent may be vehement when making a complaint, however staff should not accept disrespectful, abusive or threatening behaviour.

Heads of Establishment will have their own methods of approaching a complaint. There are some techniques, however, which may be worth considering. For example, in relation to complex complaints it can be helpful to 'chunk' the complaint into objective components, i.e. are there several themes? If so, how do they relate to each other or are they separate? What should have happened in terms of our statutory duties, and Service and establishment policies and procedures? What actually did happen? Was communication, including communication with the parent, all that would be expected of us?

- It may be helpful to discuss the complaint, without sharing the identity of those involved in the complaint, with a colleague in Schools, Learning and Education, or to seek advice from a peer or another Service.
- Investigations into formal complaints have shown that a significant number of complaints have not been upheld or have only been partly upheld. However, some complaints have been fully upheld. Also, investigations, even where complaints have not been fully upheld, have often provided opportunities for learning.
- In some instances evidence suggested that the parent experienced unnecessary distress as a result of how the complaint had been handled at an earlier stage. It is important to take time to consider the best way to approach the complaint.
- Consistency is critical when approaching complaints. Ensure a consistent approach to responding to complaints, e.g. be clear when and why any policy is being deviated from, and be aware of the dangers of setting an undesirable precedent.
- It can be helpful to be aware of patterns of complaints, and to review and analyse any trends with a view to reviewing policies.

Communication and Relationships with Parents and Children (preventing complaints from arising and or achieving a quick resolution)

- Heads of Establishment are advised to ensure that their staff are familiar with the Service's policy guidance 'Communicating with Parents – Our Code', which sets out expectations in terms of parental and staff rights and responsibilities. The Code articulates how staff will foster high quality communication with parents, and the importance of mutual respect. It sets out what parents can expect of staff and what staff can expect of parents. It provides advice to staff about what they should do if a parent is behaving in an unacceptable manner. (More detailed protocols are found in the Stirling Council Employees Guide to Dealing with Unacceptable Customer Behaviour). The Code also suggests a number of actions which a school or nursery might take – how they might involve parents in shaping services by working with parent councils, having parental focus groups, undertaking parental surveys, and ensuring that services are improved by taking action where complaints are upheld.
- The Code also advises that parents should have a personal contact in the establishment if they wish to discuss an issue. Having a discussion is different from making a complaint. The Code advises that schools make certain that parents have enough time to discuss their child's progress, e.g. if more time is required than is normally provided at a pupil progress evening, that further time is offered.
- Some complaints arise through parents being unaware of Council policies or the reasons underlying Council policies. Establishments can signpost parents to policies on the Council's internet. Among other policies, parents can find details the complaints Process, including information that complaints should be referred to the school or nursery in the first instance.
- Establishments should ensure that their handbooks are up to date and information is provided through regular newsletters and other reports.
- Specific suggestions have been made by made by Heads of Establishment which they felt prevented complaints from arising or have de-esclated them. Some successful strategies have been:
 - Explaining clearly to children 'why' things have happened as they can explain reasons to parents, which then makes complaints less likely.
 - Paying particular attention to times of transition, especially for children on Staged Intervention and sharing strategies which have been effective at an earlier stage; monitoring actions which have been delegated to other members of staff.
 - Ensuring that general communication with parents is to an acceptable level – being precise yet non inflammatory when writing to parents.

Complaints against Staff

If a parent makes a complaint against a member of staff, which has the potential to lead to disciplinary procedures, the complaints process should not be invoked in the first instance. The matter should be referred to Human Resources, and their advice sought in respect of procedures to be followed. If such a complaint is made against a Head of Establishment, he or she should ask the complainant to refer the complaint to the Chief Education Officer.

When Establishments Receive Complaints

- A complaint may be made in person, in writing including email, or by telephone. As mentioned previously, the person receiving the complaint should be the Head of Establishment or a member of senior staff to whom this responsibility has been delegated.
- On receipt of a Stage 1 complaint, a standard email reply or letter acknowledgement should be sent advising that a response will be provided within five working days unless the complexity of the matter requires further time, in which case the complainant will be advised and an extension agreed. Standard email acknowledgements may be sent by support staff on behalf of the Head of Establishment. However, complaint outcome letters should always come from the Head of Establishment (or the manager delegated to manage complaints). At the end of Stage 1, complainants will be informed of the outcome of the complaint. They may be told at a 'face to face' meeting, by email or by telephone however, if a complaint is made in writing, whether email or letter, the results should be conveyed in writing. All Stage 1 complaints should be notified to the dedicated administrative support in Schools, Learning and Education when received and then, within the normal 5 day timescale, notification should be given of the outcome of the complaint.
- Before accepting the complaint as a complaint, the Head of Establishment or other manager should establish that it is actually a complaint. A complaint is dissatisfaction with a service, which the establishment provides, or with a policy or conduct of staff. The complainant should also clarify what he or she wants done to conclude the situation. For example, if a parent notifies a school that his child is being bullied, this is not a complaint. It is notification of a matter to be addressed by the school. If a parent complains that an establishment has not dealt with an issue once informed about it, this is classed as a complaint. Where the member of staff initially picking up the communication (e.g. a support officer opening an email) is not the manager with responsibility for complaints and is unsure about the status of the communication, she or he should consult the Head of Establishment, or in that person's absence another senior member of staff, and check the status. If parents ask for a meeting to explain their complaint, the timescale for the complaint will start on the day of the meeting.
- It is expected that every effort will be made to conclude the complaint at establishment level to prevent the complaint escalating to Authority level. If a complaint is straightforward, the Head of Establishment should resolve it as quickly as possible and get the response to the parent within five days. However, even if the issue can be dealt with quickly, it is still important to be reflective. A key issue is to establish what the complainant seeks to achieve through the complaint, if this can be achieved, and if not why not.

Meetings with Parents

- Meetings with parents should involve two members of staff, one to chair the meeting and the other to take a record. Having a second person present can be useful in the event of a difference of opinion arising at a later stage regarding what was discussed during the meeting.
- Because of the benefit in having a record taker, Heads of Establishment may decide that meetings about complaints should be by appointment other than in exceptional circumstances, e.g. relating to an urgent need to protect a child. In that case it should be made clear to parents in school literature that meetings to discuss complaints are normally by appointment.
- It may be helpful for staff attending the meeting to meet beforehand to prepare.

- During the meeting it is important to listen and not to be defensive. As professionals we need to recognize that, as a result of their concern about their child, parents may be emotional or vehement. However, as previously explained, staff should not endure abusive, disrespectful or threatening behaviour.
- A record should be taken of every meeting with parents other than general progress meetings. Meetings about complaints should be recorded formally, with the record given to parents. The record should note points made by parents and staff, and agreed actions. If the record is not issued to parents, allowing them an opportunity to suggest amendments, it would not be considered a verified record if the complaint were to escalate to another level. In exceptional circumstances a complaint may lead to an investigation by the Ombudsman, or court action or Judicial Review. Meeting records may be critical. Where there is disagreement between a parent and establishment staff about what had been said at a meeting, the Head of Establishment should note the disagreement as a post-script to the record and re-issue the record to attendees. However, the purpose of a complaints meeting is usually for the school to receive the details of a complaint. In this situation Heads might consider it reasonable to include additional details as an addendum to the complaint whilst maintaining their stance about what had been said at the meeting.

Recording

When investigating a complaint, records are usually very important. Parent contact records, notes of incidents or key issues regarding the child and additional support for learning records can be vital. In terms of formal complaint investigations, the Pupil Progress Record (PPR) has been exceptionally helpful as an overall, co-ordinating document tracking the pupil's experience, containing copies of formal parental contacts, phone calls, meetings, emails or letters, and the outcomes to complaints. Anything significant in terms of the child's wellbeing, academic progress, or parental concerns should be recorded, and the PPR kept up to date.

Written Response to Complaints

This Complaints Policy contains a template, which Heads of Establishment may use to communicate the outcome of Stage 1 complaints. Where a complaint is made verbally and has resolved quickly and easily to the parent's satisfaction, there may be no need to acknowledge or confirm in writing the results or approach that the school has taken. If the parent appears to be dissatisfied with the results, a follow-up letter should be sent from the school or nursery confirming the outcome of the Stage 1 complaint and information about escalation. Additionally, Heads of Establishment should also consider a follow up letter if the parent does not appear to be clear about the results or steps that the school has taken to resolve the complaint, or if there is a history of communication difficulties between establishment and parent. Written confirmation may be valuable, both to the parent, and to the school if further difficulties arise at a later stage.

Action Following Complaints Investigations

- Following the determination of a complaint at whatever stage, relevant staff should be de-briefed on the outcome, and of any steps to be taken as a result of it.
- Heads of Establishment may wish to consider whether the relationship with the parent has been damaged, and whether restorative action would be appropriate. A follow-up meeting with the parent might be helpful where the Head of Establishment, or the Chief Education Officer in the case of a Stage 2 complaint, has made recommendations for improvement.

Building Capacity in Staff to Address Complaints

- Staff may benefit from training in de-escalation techniques and assertiveness, to help them to be robust when dealing with challenging parents, including managing situations where and when complaints are made.
- A strong establishment and Service ethos is critical. It is important for staff to feel part of a supportive team and that if a complaint against them is upheld it is not an overall reflection of their professionalism or abilities. It is an opportunity to reflect and develop.
- De-briefing on complaint outcomes can also help to build capacity by sharing experiences.
- Staff involved in complaints may need their Head of Establishment or other senior manager to 'check in' with them afterwards, to reduce the likelihood of the problem being taken home, and to protect their wellbeing. Similarly, Heads of Establishment may benefit from support after Stage 2 investigations, this could be provided by the Link Officer.

Inappropriate Parental Behaviour

The Employee Guide to Dealing with Unacceptable Customer Behaviour should be shared with Staff. It contains a variety of actions in response to unacceptable behaviour, some of which would be taken directly by member of staff. Others require direct involvement by the Head of Establishment. A member of staff also has a right to take action in his/her own right, examples being taking legal action in terms of defamation of character, including libel, or complaining to the police if the parent commits an assault or breach of the peace.

Freedom of Information and Data Protection Requirements

Heads of Establishment should be aware that all recorded information may be accessed by parents about matters pertaining to them and/or their children, subject to Data Protection and Freedom of Information (FOISA) legislation exemptions. This means, for example, that if a parent asked to receive copies of correspondence between schools and the Schools, Learning and Education Service regarding their complaint, they would be likely to receive it.

Example of letter acknowledging that a Stage 1 complaint has been received

This letter may be used in email form

Educational establishment
Address
Date

Parents' Names
Address

Dear ...

I write to acknowledge that you have made a complaint against this school/nursery. This is classed as a Stage One complaint within the Schools, Learning and Education Service Complaints Process.

Your complaint will be considered and a response provided within five working days unless further time is required for the inquiry. This may be the case, if for example, the complaint is complex or if there is a need to discuss it with staff or other individuals who are not immediately available.

If this situation arises, or if I need further information from you in respect of your complaint, I will contact you as soon as possible. Otherwise, you will receive your next communication regarding this matter, when my inquiries have been concluded.

Yours sincerely

Head of Establishment

Example of letter for Stage 1 complaint resolved

It may also be adapted by an Investigating Officer undertaking a Stage 1 Complaint about the conduct of a Head of Establishment.

This letter may be used in email form.

Educational establishment
Address
Date

Parents' Names
Address

Dear ...

I am writing in response to your recent complaint and to inform you of the outcome. You complained that ...

I have looked into your complaint and established that...

As a result, I uphold your complaint and offer you an apology on behalf of (school/nursery). Thank you for bringing your concerns to my attention. (Detail any redress/actions taken; or reasons why the school or nursery cannot offer redress/take action)....

If you are dissatisfied with the outcome of your complaint, you may appeal to the Chief Education Officer at educ-comments@stirling.gov.uk, asking for a formal investigation into your complaint. This would be classed as a Stage 2 complaint. If your complaint is not made in writing, please contact the Schools, Learning and Education Service at 01786 404040 and arrangements will be made to record the details of your appeal on your behalf.

Yours sincerely

Head of Establishment

Example of letter for Stage 1 complaint upheld

It may also be adapted by an Investigating Officer undertaking a Stage 1 Complaint about the conduct of a Head of Establishment.

This letter may be used in email form

Educational establishment
Address
Date

Parents' Names
Address

Dear ...

I am writing in response to your recent complaint and to inform you of the outcome.

You complained that ...

I have looked into your complaint and established that...

As a result, I uphold your complaint and offer you an apology on behalf of (school/nursery). Thank you for bringing your concerns to my attention. (Detail any redress/actions taken; or reasons why the school or nursery cannot offer redress/take action)....

If you are dissatisfied with the outcome of your complaint, you may appeal to the Chief Education Officer at educ-comments@stirling.gov.uk, asking for a formal investigation into your complaint. This would be classes as a Stage 2 complaint. If your complaint is not made in writing, please contact the Schools, Learning and Education Service at 01786 404040 and arrangements will be made to record the details of your appeal on your behalf.

Yours sincerely

Head of Establishment

Example of letter for Stage 1 complaint not upheld

It may also be adapted by an Investigating Officer undertaking a Stage 1 Complaint about the conduct of a Head of Establishment.

This letter may be used in email form

Educational establishment
Address
Date

Parents' Names
Address

Dear ...

I am writing in response to your recent complaint and to inform you of the outcome.

You complained that ...

I have looked into your complaint and established that...

As a result, I am unable to uphold your complaint. I hope, however, that you will agree that the complaint has been given due attention and considered fairly.

If you are dissatisfied with the outcome of your complaint, you may appeal to the Chief Education Officer at educ-comments@stirling.gov.uk, asking for a formal investigation into your complaint. This would be classes as a Stage 2 complaint. If your complaint is not made in writing, please contact the Schools, Learning and Education Service at 01786 404040 and arrangements will be made to record the details of your appeal on your behalf.

Yours sincerely

Head of Establishment

Unacceptable Customer Behaviour

Please see below Stirling Council's Policy Statement and Guidance on Unacceptable Customer Behaviour.

Policy Statement on Unacceptable Customer Behaviour

Introduction

Stirling Council has agreed a Customer Service strategy as a commitment to our customers to deliver services in line with our promises and to maintain high standards of customer care at all times.

We expect every customer to receive excellent customer service. A key promise in our Customer Service strategy is that we will be helpful to customers, serving them at all times with dignity, courtesy and respect, and responding to their individual needs.

At the same time we expect our employees to be treated with respect and courtesy. We recognise that people sometimes act out of character in times of anxiety or distress and can become angry and/or frustrated. We will make allowances for such circumstances.

We will not, however, tolerate behaviour from customers which is judged to be threatening, abusive or unreasonably persistent. This type of behaviour can affect the wellbeing of our employees and the delivery of services to other customers. This policy statement is about ensuring that employees are equipped to deal with such situations. When such behaviour is encountered, Managers will support our employees and take effective measures.

This policy statement aims to benefit both employees and customers by providing examples of the types of behaviour which is unacceptable and clarifies the process for how we handle such behaviour throughout Stirling Council.

The policy allows the Council to fulfil its responsibilities under:

- The Health and Safety at Work Act.
- The Scottish Public Sector Ombudsman's requirements to have a system in place for dealing with alleged instances of inappropriate behaviour on the part of customers.

What is Unacceptable Behaviour?

Stirling Council defines unacceptable behaviour under three broad headings:

Aggressive or abuse behaviour	This could include: Threatening or abusive language. Derogatory, offensive or rude comments which humiliate, intimidate, frighten or demean employees or other customers. Unsubstantiated allegations. Violence or threats of violence.
Unreasonable demands	This could include: Requests for excessive amounts of information. Setting unreasonable timescales. Continual insistence on seeing a particular employee Continual contact. Changing the substance of a complaint or introducing unrelated concerns.
Unreasonable persistence	This could include: Refusal to accept a decision. Refusal to accept explanations of what a service area can and cannot do. Continuing to pursue a complaint without presenting any new information.

Guidance for Employees faced with Unacceptable Customer Behaviour

Overview

A key promise in our Customer Service strategy is that we will be helpful to customers, serving them at all times with dignity, courtesy and respect, and responding to their individual needs. At the same time, we expect our employees to be treated with respect and courtesy.

We will not tolerate behaviour from customers which is judged to be threatening, abusive or unreasonably persistent. This type of behaviour can affect the wellbeing of our employees and the delivery of services to other customers. When we encounter such behaviour we will always support employees by taking effective measures to deal with this.

Why have an Unacceptable Customer Behaviour Policy?

The policy on Unacceptable Customer Behaviour is intended to help employees and their managers deal with customers in a fair and consistent way. It offers definitions of unacceptable behaviour, the procedures to follow, the sanctions available and who can authorise sanctions.

The policy allows the Council to fulfil its responsibilities under:

- The Health and Safety at Work Act.
- The Scottish Public Sector Ombudsman's requirement to have a system in place for dealing with alleged instances of inappropriate behaviour on the part of customers.

This document provides guidelines for employees to follow when they are faced with difficult situations involving customers. It enables employees to refer to specific examples of comments or behaviours made by a customer that fall within the Council's definitions of unacceptable behaviour.

Scope of Policy

This applies to unacceptable behaviour by members of the public, including service users, but not by or between employees as this is covered by employees' conditions of service and other HR policies.

Managing Unacceptable Behaviour – A Proportionate Response

As the behaviours defined are open to interpretation, we operate a proportionate approach for dealing with allegations of unacceptable customer behaviour. All employees are expected to manage incidents in a fair and consistent way, taking account of the nature and impact and the specific situations of customers.

Employees should endeavour to minimise the potential for confrontation by maintaining a professional manner so far as possible. If employees believe they need additional training in customer care skills or interpersonal techniques which may help defuse situations, they should request this from their Line Manager through the Professional Review and Development process.

Our initial response:

- If you consider that a customer is behaving in a manner which you feel is unacceptable, and which makes you feel uncomfortable, you should politely explain that the Council expects its employees to be treated with respect and ask the customer to moderate the behaviour.
- If the behaviour continues, you should give a warning of further action appropriate to the incident, e.g. warning that the telephone call will be terminated or the customer asked to leave the premises or in exceptional cases to explain that the Police may be called.
- If the customer does not moderate the behaviour after this warning, you have the authority to take the threatened action personally, or to seek assistance from a more senior officer.
- You must note the circumstances of the incident, time and date, and inform your line manager of the action which has been taken.
- Your Manager should consider, depending on the incident, contacting the customer to explain why that the behaviour is unacceptable and that special arrangements may need to be put in place if the unacceptable behaviour does not change.
- If you receive any correspondence (letter, email) that is abusive to staff or contains allegations that lack substantive evidence, you should bring this to the attention of your line manager who should consider whether to contact the customer and ask them to moderate what they have said.

Response to persistently unacceptable behaviour:

- If customers persist in unacceptable behaviour, you must bring this to the attention of your line manager.
- It may be necessary for the Manager to consider additional measures which may include:
 - Restricting contact to a particular form, e.g. telephone or in writing.
 - Limiting contact to set times and set days.
 - Specifying a named officer to be the sole point of contact with the customer.
 - Requiring the customer to make an appointment to see a named employee or have two employees present.
 - Requiring future contact to be through a third party.
 - Putting in place special arrangements for persistent communications e.g. return the documents to the customer or advise the customer that further irrelevant documents will be destroyed, or only acknowledged if they provide new, relevant information.
 - Undertaking pre meeting risk assessments.
 - Asking the customer to enter into an agreement about their future conduct.

Response to violence or threats of violence:

- If a customer has behaved in a manner which is judged to be violent or has threatened violence, you have the authority immediately to:
 - Terminate the interaction with customer.
 - Contact the Police if the behaviour is considered to be so threatening that the safety of the employee and others is at risk.
 - Complete a 'Serious Incident Form'
 - Report the incident to your Line Manager.

The Manager must:

- Undertake an immediate risk assessment and, if required, put in place harm prevention measures using the Council's Guidelines on Risk Assessment.
- Ensure that the employee is supported to recover from the incident.
- If the incident has resulted in injury to the employee or the customer, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 apply and the Manager must report the incident to the Council's Health and Safety Adviser.
- If any incidence includes racial abuse or harassment the Manager must also follow the Multi-Agency Hate Response Strategy reporting system.
- Ensure that system and manual case records are updated accordingly.
- Following discussion with the Chief Education Officer, the Manager may also deem it appropriate to:
 - Explore whether legal action should be taken.
 - Require the customer to provide a written declaration that they will not act in such a manner again before the service is resumed.
 - Place a violent warning marker on the customer's files and follow the procedure set out in the Information Sharing Policy on Violent Warning Markers.
 - The Manager must write to the customer informing them of the actions that the Council has decided to take. The customer will have a right to appear if they disagree with the sanction. Any appeal will be acknowledged within 3 working days and responded to in writing by a senior manager within 20 working days.

Ongoing Concerns

In extreme cases, where the customer behaves in a persistently unacceptable manner despite sanctions being applied, the Chief Education Officer will review the case and make recommendations to the Council's Chief Executive regarding next steps.

The Council may decide to:

- Explore whether legal action should be taken.
- Require the customer to provide a written declaration that they will not act in such a manner again before the service is resumed.
- Place a violent warning marker on the customer's files and follow the procedure set out in the Information Sharing Policy on Violent Warning Markers.
- The manager will write to the customer informing them of the actions that the Council has decided to take. The customer will have a right to appeal if they disagree with the sanction. Any appeal will be dealt with within 3 working days and responded to in writing by a senior manager within 20 working days.

Restricting or Suspending Contact

The general principle is that some form of restricted customer contact would normally be maintained to allow services to be provided to the customer with special arrangements in place.

The Chief Education Officer must write to the customer explaining:

- Why the Council has taken the decision.
- What action the Council is taking.
- The duration of that action.
- The appeal process and the senior service officer to whom they can appeal.

Employee Support and Aftercare

Depending on the nature and severity of any incident involving unacceptable customer behaviour it may be necessary to take action to restore the wellbeing and confidence of an employee. Managers must, in discussion with the Service HR Adviser, ensure appropriate support and aftercare is put in place for any employee who is subject to unacceptable behaviour. Such support options may include:

- Counselling.
- A period of absence (see Policy Guidelines on Supporting Attendance and in particular those relating to Industrial Injury Allowance).
- Referral of the employee to the Occupational Health Service.
- Temporary review of duties.
- Ensuring system and manual case records are updated appropriately.
- The Manager must write to the customer informing them of the actions that the Council has decided to take. The customer will have a right of appeal if they disagree with the sanction. Any appeal will be acknowledged within 3 working days and responded to in writing by a senior manager within 20 working days.

Checklist for Schools, Learning and Education Central Team Staff

The purpose of the checklist overleaf is to assist support staff when parents contact the Service with a complaint. Parents must follow the Complaint Process.

The Complaints Process is detailed in the check-list on the next page. In brief, there are two stages:

- Stage One provides an opportunity for schools or nurseries to resolve complaints at front-line.
- If parents are still dissatisfied they can ask for a formal investigation under Stage Two.

All parents are given leaflets explaining the process. They may also get information on the Council's website.

In all complaints situations, support staff should:

- Seek to ensure that complainants follow the process.
- Explain the stage that their complaint is 'at'.
- Advise parents of any actions they should take to progress the complaint.

There are specific situations when a parent may wish to contact Schools, Learning and Education directly. These are:

- If making a specific complaint about the conduct of a Head of Establishment.
- If the parent is still unhappy after a Stage One review, he or she may request that the complaint is escalated to Stage Two.

General Points

It is important for the officer to check that the person making the complaint is either the parent or guardian or has written permission from the parent or guardian to do so on his or her behalf.

It is important that support staff do not discuss the detail of complaints with parents even if parents try to engage them in discussion. It is not the staff member's role to discuss the complaint.

Schools, Learning and Education Complaints Process Checklist for Central Team Staff

Complaints Process Stage	Questions to be asked of parent	Next Steps	Notes
<p>Stage 1: Local establishment level. Stage 1 requires parents to make their complaint to the school or nursery in the first instance.</p>	<p>Have you phoned to make a complaint?</p>	<p>Move to next question to check that the person has a right to do so.</p>	
	<p>May I ask if you are the parent or guardian of the child in whose interests the complaint is being made?</p>	<p>(If yes, move to next question. If no, explain that the person will need written permission (a signed note will do) from the parent or guardian.</p>	<p>It would be a breach of data protection for the Council to provide information relating to a child with someone who doesn't exercise legal rights over the child.</p>
	<p>Have you taken your complaint to the Head of Establishment?</p>	<p>If no, advise that the complaint should be first raised with the Head of Establishment. Heads of Establishment should to be given an opportunity to resolve concerns at a local level.</p>	<p>The exception would be where the complaint was specifically against the Head of Establishment's conduct. If so, advise the Chief Education Officer who will appoint an Investigation Officer to assess the complaint at Stage 1.</p>
		<p>If parent replies Yes, turn to Stage 2.</p>	
<p>Stage 2: Complaint Investigation</p>	<p>Does the parent wish to proceed to Stage 2 investigation?</p>	<p>If yes, advise to email educ-comments@stirling.gov.uk.</p>	<p>If a parent has difficulty in putting the complaint in writing, advise Link Officer who will arrange to take information regarding complaint.</p>
<p>When parents receive their Stage 2 adjudication they are told that this is the Council's final answer and that they may appeal to the Scottish Public Services Ombudsman (SPSO). They are given SPSO's contact details.</p>			

Review of Complaints Procedure

	Date	Lead Officers(s)
Produced	February 2017	Joe Shaw, Education Officer
Review	January 2021	Judy Edwards, Service Manager
Update	January 2024	

If you need help or this information supplied in an alternative format please call 01786 404040.

