



LATHALLAN SCHOOL COMPLAINTS AND CONCERNS PROCEDURE

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2. BACKGROUND

Legislation

European¹ and UK legislation² has reinforced the rights of adults and of children to express their views and to have a fair hearing. There is an increasing emphasis on organisations to be open, responsive, fair and impartial. There is an expectation, and in some cases a legal requirement³, on schools - nursery, primary, secondary and residential - to receive and respond to complaints in an open, fair and independent way. HM Inspectorate of Education is clear that good schools listen to, and take account of, the views of pupils and of parents⁴ and that complaints procedures are an essential element in creating an open culture, particularly with regard to the care and welfare of boarding/residential pupils. The Scottish Government and the Care Inspectorate⁵ have similar expectations. Procedures are expected to incorporate a right of appeal, as reflected for example, in the framework for pupils who require additional support for learning⁶. The Additional Support Needs Tribunal for Scotland (ASNT) came into being in November 2005 to consider appeals made by parents and young people regarding the provision of educational support. In March 2011 the ASNT can also consider disability discrimination claims under the terms of The Equality Act 2010. For further information on the role of ASNT visit www.asntscotland.gov.uk

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- 1 The European Convention of Human Rights (formally the Convention for the Protection of Human Rights and Fundamental Freedoms)
 - 2 The Human Rights Act 2000 (UK)
 - 3 The Education (Independent School Standards) Regulations 2010 (England only)
 - 4 How Good is Our School? (2007 edition - Scotland)
 - 5 Relevant legislation
 - The Age of Legal Capacity (Scotland) Act 1991
 - The Children (Scotland) Act 1995
 - The Disability Discrimination Act 1995
 - The Public Interest Disclosure Act 1998
 - The Race Relations Act 1976
 - The Race Relations (Amendment) Act 2000
 - The Regulation of Care (Scotland) Act 2001
 - National Care Standards: School Care Accommodation Services (2005)
 - The UN Convention on the Rights of the Child
 - The Equality Act 2010
 - 6 Education (Additional Support for Learning) (Scotland) Act 2009

3. KEY PRINCIPLES

Aims

The list below outlines our procedural aims:

- they are open to the concerns of parents and pupils
- complaints are received in a positive and welcoming manner
- complaints are taken seriously
- information about the school's complaints procedure is clear and readily available
- the staff respond to complaints within a reasonable time and in a courteous and efficient manner
- parents are advised how the complaint is being handled
- pupils are not adversely affected because they or their parents have made a complaint
- confidentiality is respected and knowledge of the issue is restricted to those directly involved
- where complaints are found to be justified, appropriate action is taken
- resolution of the matter is sought
- a complaints log is kept to note trends and patterns
- staff training and development covers the effective handling of complaints

We aim to deal with a concern or complaint seriously and sensitively at an early stage so that it is likely to have a satisfactory outcome. We hope that this reflects positively on the ethos and values of the school.

4. SOURCES OF COMPLAINT

In our school there are essentially four sources of complaint: parents or guardians, pupils, staff and the public. This document deals mainly with procedures for parents and pupils.

While parents will often wish to raise issues on behalf of their children, there are issues which pupils may choose to raise on their own behalf and which are best raised by them. Pupils at Lathallan are aware of how they can and who they should speak to through the school's own systems.

Complaints from members of the public should be treated in a similar way to complaints from parents: most complaints from the public are referred directly to the Headmaster or to a senior member of staff. Complaints from the public about the behaviour of a group of pupils can be dealt with on a general basis, with reminders to all about the school's expectations.

Anonymous complaints may come from members of the public, from parents or from pupils with no indication of either name or address, or from complainants who do not wish to be identified. Normally these will only be considered in exceptional circumstances. Parents and pupils should be encouraged to give their names and should be given reassurance on the issue of confidentiality. If they insist on anonymity, it is at the Headmaster's discretion as to what action, if any, should be taken, depending on the nature of the complaint. Anonymous complaints should be recorded in the log.

The school's complaints procedure covers a wide range of issues but will not apply to areas where there are separate or specific procedures in place, such as child protection, bullying or expulsion. The guidelines are not intended to cover complaints from members of staff which would normally be dealt with through grievance or other internal procedures.

5. STAGE 1 - RESOLUTION OF THE COMPLAINT

An Open Organisation: Culture and Ethos

As a staff Lathallan has an ethos that is open to concerns and complaints and receive them in a positive manner. In most instances, a direct complaint should be made to a member of staff. We want parents to feel valued and involved with the school and they will be encouraged to voice their concerns.

Some parents may be anxious about making a complaint but can be reassurance that the staff will deal with their complaint in a professional and sensitive manner. Complaints made by parents will never rebound adversely on their children. Similarly pupils know that they will not be adversely affected or treated unfairly if their parents make a complaint.

What is a complaint?

A complaint is an expression of dissatisfaction. For example, a complaint may be made if you as a parent think that the school has:

- done something wrong
- failed to do something it should have done
- acted unfairly
- been impolite
- not given due consideration to a matter

Complaints can be made in many ways and may focus on the school as a whole, a department in the school, a specific issue or an individual member of staff.

Complaints about members of staff may need to be considered separately under the school's disciplinary procedures. Such matters will be dealt with but will have to remain confidential.

Responding to Complaints

All complaints are taken seriously. To ensure relationships between the school and parents are maintained, with the interests of the child to the fore, we hope to address issues as quickly as possible.

In making a complaint, parents may approach a member of staff directly, write a letter, send an e-mail or telephone. In some cases parents may prefer to raise the matter initially with the Headmaster or with a senior member of staff.

When complaints are first received, they should be referred to the member of staff most directly involved with the subject of the complaint. If staff are approached about a matter which lies outside their remit, they will refer it to the appropriate person and advise the parents.

All staff are aware of their responsibility to respond appropriately to parental concerns and are encouraged to try to resolve issues at the earliest stage.

If a parent remains dissatisfied, the complaint should be referred to the appropriate senior person and advised of the action being taken.

Senior staff will recognise when issues need to be referred to the Headmaster, who has overall responsibility for most complaints.

Some parents will wish to go directly to the Headmaster with their complaint and this should be respected. However, it should be explained that the Headmaster may not be able to respond until he has consulted the staff who can help. Responses should always be made by the person to whom the parent made the complaint, or by a more senior person in the school.

Where appropriate, complaints may be shared with the Chairman of the Board on a confidential basis. There may be circumstances, such as complaints about the Headmaster, when parents will wish to write directly to the Chairman, for whom an email address will be supplied on request.

Effective Action

The school aims to make sure that:

- the complaints procedure is clear and easily understood.
- complaints are acknowledged within five working days.
- parents feel that their views are being taken into account and are being fully considered.

Staff should be sure that they clearly understand the nature of the complaint and what is concerning the complainant. If clarification is needed, an opportunity will be given to parents to provide further information. It is sometimes helpful for parents to put their complaint in writing and to meet to discuss the matter. The school will also consider realistic expectations and discuss possible outcomes with the parents.

Staff will advise parents as to what is happening about their complaint and, if a more detailed response is needed, by what date it will be received. Normally a response is made within ten working days. It is hoped that this will help to reduce uncertainty whilst the complaint is being investigated.

Following investigation of the complaint, the school will write (and in some cases meet) with parents as soon as possible, advising them of the outcome, explaining the reasons for the action or the proposed action to be taken. If appropriate, the school should offer an apology. If the complaint is justified, the school should take action to correct the problem and to try to prevent a similar problem arising in the future. If the complaint is found to be unjustified, or if no action is to be taken, the position will be explained in the letter.

Positive Outcomes

A positive outcome is the aim for all. This could be achieved if some of the following are met:

- the school is aware of concerns
- a complaint has been considered seriously
- changes have been made and appropriate action has been taken
- a satisfactory outcome, which may be different from the one parents have sought but which they believe to be well-considered, has been reached
- the position has been fully explained in a courteous and considered letter
- an apology has been given

Confidentiality

Confidentiality is an important issue for pupils, parents and staff, and it is essential that all complaints are treated in a professional and sensitive manner.

Parents

Parents will often seek an assurance of confidentiality before making a complaint. The question of confidentiality should be discussed fully with the parents.

Parents should be assured that knowledge of their complaint will be limited to the Headmaster and to those directly involved. In some instances the Chairman of the Board may need to be informed.

When parents make a complaint, they may be anxious about the consequences for their children. They should be assured that it is the school's policy that complaints raised by parents will not rebound adversely on their children.

It should be explained to parents that it may be necessary to make third parties outside the school aware of the complaint. This would happen where, for example, a child's safety was at risk or it became necessary to refer matters to the police. In such cases it is important that the guidance in the School's Child Protection and Wellbeing Policy on confidentiality and on how to conduct interviews with the child are followed.

Pupils

Pupils also need assurance on confidentiality. They need to understand that the staff will respect their confidentiality and that their complaint or concern will only be shared with those directly involved. Pupils need to know that they will not be adversely affected or unfairly treated if they or their parents raise a concern or make a complaint.

Staff

Staff members may be concerned if complaints are made against them. Such complaints will be known only to them and to those who have to be consulted. Schools should be aware of the need to provide support for staff against whom a complaint is made.

If the matter needs to be dealt with under staff disciplinary or other internal procedures, it should be explained to the parents that details cannot be given, as the matter has to remain confidential.

Monitoring Complaints

An effective complaints procedure can help to defuse problems and to effect improvements in the school. Complaints treated as constructive suggestions can be used to make changes and may prevent cause for further complaint. Even an unjustified complaint may indicate an area which can be improved. The school should keep a log of all complaints received and of the action taken in each case. Such a record is helpful because:

- trends in the complaints log can help to identify issues which require action
- the Headmaster can monitor the log and report on it regularly to Governors
- HMIe and other officials may wish to view the log in relation to the school's management of complaints

The log should contain the following information:

- the date when the complaint was made or when the issue was first raised
- the name of the parent or complainant
- the name of the pupil
- a brief statement of the issue
- the location of the detailed file
- the staff member handling the issue
- a brief statement of the outcome and of the action taken

Confidential files on all complaints should be maintained and kept together, cross-referenced with other files as necessary. The complaint should be properly documented, with copies of all letters / emails, notes of meetings and discussions about any source of dissatisfaction recorded in the file. This applies to informal exchanges and to telephone conversations, in case misunderstandings arise at a later stage. There should be a clear statement of what is concerning the complainants. The notes can be agreed with the parents. It should be noted that public bodies will be required to make their complaints files available on request under the Freedom of Information (Scotland) Act⁸. Independent schools should be aware that although this Act does not apply to them directly, any correspondence they have with a public body is, in fact, subject to FOI and could therefore be made public.

Staff are reminded to bear the above in mind and email the information concerning the above to complaints@lathallan.org.uk The Headmaster has access to this account and it will act as the log.

8 Freedom of Information (Scotland) Act 2002 and Freedom of Information (Amendment) Scotland Act 2013

6. STAGE 2 - REFERRAL TO THE CHAIRMAN

Complaints which have not been resolved at school level

Most complaints can be resolved when approached positively. There may, however, be a small minority of complainants who will remain dissatisfied. In some cases, parents may have unrealistic expectations about what the school can provide for their child. Some parents may feel that the school has 'closed ranks' against them. Nevertheless, it is important to treat all complaints seriously and to follow the procedures.

There are different stages of action to be taken when a complainant remains dissatisfied.

Referral to the Chairman of Governors

Where a complaint has not been resolved, the Headmaster will refer the matter on a confidential basis to the Chairman of Governors and advise the parents that this stage has been reached. However, a situation may arise where the complaint seems to the parent to have been mishandled by the Headmaster. In those circumstances the parent would write directly to the Chairman. The steps to be followed are listed, below:

The Chairman calls for a full report from the Headmaster and for all relevant documents. The Chairman may decide to ask for a briefing from individual members of staff.

As the Chairman investigates the matter, he/she writes to the parents, advises them of the action being taken, asks them if they wish to add to what they have said already, and gives a date by which they may expect a full response.

The Chairman's response should be clear and detailed. He/she may be able to offer a new approach or solution which will satisfy the parents. The Chairman should offer a meeting if the parents remain dissatisfied.

Meeting with the Chairman of Governors

If a meeting is requested, the Chairman offers to meet the parents at a time convenient to them. Those involved are:

- the Chairman of Governors
- the Headmaster and possibly one other member of staff
- the parents

The parents are invited to bring with them a friend as a supporter. Legal representation is not considered appropriate at this stage.

The Chairman, after listening to the parents and the Headmaster, may be able to find a solution. If this is not possible, and the parents wish to take the matter further, it should be referred to the school's Conciliation Committee, or equivalent.

7. STAGE 3 - THE CONCILIATION COMMITTEE AND MEDIATION

Referral to the Conciliation Committee

Each school should have in place a Conciliation Committee, or equivalent, appointed by the Governors, even though it may never or only occasionally be required to meet. A possible model would be a Committee of three members from which:

- a Convener is chosen
- two members are Governors not hitherto involved in the complaint
- one member is a person independent of the management and running of the school, such as a respected member of the local community

The members are committed to keeping the proceedings of the Committee confidential and to operating in a fair and objective manner - their aim is to conciliate.

The Chairman of Governors, in consultation with the Headmaster, decides when to refer a complaint to the Conciliation Committee, and invites the Convener to call a meeting. The Headmaster would not be consulted at this stage, if he / she were the subject of the complaint.

Those involved in the meeting are:

- the three Committee members
- the Headmaster, if appropriate
- the parents, who are invited to bring a friend as a supporter, as for the meeting with the Chairman of Governors.

A sufficient amount of time should be set aside for the meeting. The Convener emphasises that the Committee is concerned to reach a positive outcome.

The parents and the Headmaster are asked in advance whether there is any further information they would like to be considered at the meeting, bearing in mind the need to keep the proceedings confidential. Papers are copied and distributed before the meeting.

The Convener may find it helpful at some point to invite the Headmaster, the parents and their friend to withdraw for a time, to give the Committee an opportunity to consider the position.

If a positive solution is reached, the Convener should summarise the outcome and confirm the nature of the agreement before the meeting ends. The agreement should be recorded, copied and circulated as soon as possible.

If more time is required, it may be necessary to convene a second meeting. If so, Committee members must commit themselves to attend, as continuity is essential.

At the end of the Committee's deliberations, the Convener makes a full report to the Chairman of Governors and advises the parents that this is being done. Unless there were exceptional circumstances, the Chairman would be expected to endorse the Committee's decision.

Mediation

If a parent feels that a school's efforts to resolve a complaint internally have not been effective, one option is for both parties to agree to mediation, facilitated by an impartial third party. There are several mediation services available. 'Resolve', run by *Children in Scotland*, for instance, specialises in issues surrounding Additional Support for Learning provision in schools, although staff are trained in mediation more broadly. It is always advisable to try to resolve an issue amicably, not least to avoid legal costs and potential damage to the school's reputation. Another benefit of mediation is that it is likely to reduce the amount of time that a dispute consumes which can be emotionally draining for everyone involved.

Further Action

If agreement is not reached and a serious complaint cannot be resolved, parents may choose to make a complaint to the Registrar of Independent Schools at the Scottish Government or to consult a lawyer.

Serious complaints about a school referred to the Registrar of Independent Schools may be investigated. The Education (Scotland) Act 1980, as amended by the Standards in Scotland's Schools etc Act 2000, sets out the grounds on which a Notice of Complaint can be served⁹. A Notice of Complaint can lead to the removal of the school from the Register.

9 Please see Section 12 – Notice of Complaint

8. TRAINING

Given the diverse nature of complaints, schools should ensure through training that all staff who have contact with parents, including support staff, are confident in carrying out their responsibilities in effective complaint handling. Front-line staff, support staff and managers should be trained in the principles and basic details of the complaints procedure. In-depth training is advised for staff who are more involved, to cover:

- the complaints procedure
- communication skills, such as effective listening, questioning to clarify issues and techniques to de-escalate tensions
- handling complaints, negotiation and mediation skills
- skills in observing, recording and reporting
- the benefits of handling complaints effectively

Training and development opportunities should be available to new staff and on an ongoing basis to all staff who have contact with parents.

9. PARENT LEAFLET

Lathallan School welcomes suggestions and comments from parents. The school takes seriously complaints and concerns parents may raise. This leaflet will show you how to use our complaints system.

A complaint will be treated as a serious expression of dissatisfaction which needs a response.

We wish to ensure that:

- parents wishing to make a complaint know how to do so
- we respond to complaints within a reasonable time and in a courteous and efficient way
- parents know that we listen and that we take complaints seriously
- we take action where appropriate

“How should I complain?”

You can talk directly to a member of staff, write a letter, send an e-mail, or telephone. Be as clear as possible about your concerns and focus on the key issue.

Any member of staff will be happy to help. It may be best to start with the person most closely involved - for example, to raise house matters with the Houseparent and sports issues with the Head of PE. They may be able to resolve matters quickly, with the minimum of fuss. However, you may prefer to take the matter to a more senior member of staff, for example, to the Head of Senior School or the Headmaster.

“I don’t want to complain as such, but there is something bothering me.”

The school is here for you and your child, and we want to hear your views and your ideas. Contact a member of staff, as described above.

“I am not sure whether to complain or not.”

If as parents you have concerns, you are entitled to raise issues. If in doubt, you should contact the school as we are here to help.

“What will happen next?”

If you raise something face-to-face or by telephone, it may be possible to resolve the matter immediately and to your satisfaction.

If you have made a complaint or suggestion in writing, we will contact you within term time within five working days, to respond to your concerns and explain how we propose to proceed.

In some circumstances, the person you contact will need to discuss the matter with a colleague and consider it further before responding. You will be given a date by which time you will receive a response. If the issue needs to be investigated, a letter or report will be sent to you as quickly as possible. This will tell you of the outcome of your complaint. It will explain the conclusion, the reasons for it, and any action taken or proposed.

“What happens about confidentiality?”

Your complaint or concern will be treated in a confidential and respectful manner. Knowledge of it will be limited to the Headmaster and to those directly involved. The Chairman of the Board may also need to be informed. It is the school’s policy that complaints made by parents should not rebound adversely on their children. Similarly, your child should know that he/she will not be adversely affected or unfairly treated if you make a complaint. We cannot entirely rule out the need to make third parties outside the school aware of the complaint and possibly also of the identity of those involved. This would happen where, for example, a child’s safety was at risk or it became necessary to refer matters to the police. You would be fully informed.

While information relating to specific complaints will be kept confidentially on file, we would point out that anonymous complaints may not be pursued.

Action which needs to be taken under staff disciplinary procedures as a result of complaints will be handled confidentially within the school.

“What if I am not satisfied with the outcome?”

We hope that you will feel satisfied with the outcome, or at least feel that your concerns have been fully and fairly considered.

If you are not satisfied, the Headmaster will offer to refer the matter to the Chairman of the Board. Alternatively, you may wish to write directly to the Chairman who will ask for a report from the Headmaster and will examine matters thoroughly before responding. This may result in a positive solution, but if it does not, the Chairman will invite you to a meeting. You may wish to be supported by a friend, although legal representation would not be appropriate at this stage. If the meeting does not bring about a resolution, the matter would be referred to the school’s Conciliation Committee. It is their task to look at the issues in an impartial and confidential manner. The Committee Convener will invite you to a meeting. You will be asked if there is any further information you would like the Committee to consider beforehand. As with the Chairman’s meeting, you will be invited to bring a friend with you. We hope that we shall be able to satisfy your concerns. If we are unable to do so, mediation, using an external, impartial facilitator, may be a possibility. Serious complaints can also be addressed to the Registrar of Independent Schools at the Scottish Government.

The school recognises and acknowledges your entitlement to complain, and we hope to work with you in the best interests of the children and young people in our care.

10. PUPIL LEAFLET INFORMATION

Any Problems, Complaints, or Suggestions?

If so, the school would like to hear.

How do I make a complaint?

- By talking about it - or by writing it down if you find that easier.
- You can do it by yourself, or as part of a group, or through your parents.

To whom?

- To anyone on the staff.

Does it matter what the issue is?

- No, it can be a big problem or a small one. By discussing it, you may come up with some positive ideas.

What will happen next?

- If possible, the staff member will deal with it in person. If not, he or she will go on your behalf to someone who can help.

Do others have to know?

- If you are worried about confidentiality, tell the staff - they will understand. It will only be discussed by staff who can help you. You will not be adversely affected or unfairly treated if you or your parents make a complaint or raise a concern with a member of staff.

11. APPENDIX

NOTICE OF COMPLAINT

**The Education (Scotland) Act 1980,
as amended by the Standards in Scotland's Schools etc Act 2000**

If there are sufficient grounds to take action against a school, a Notice of Complaint can be served on the school by Scottish Ministers, which may lead to the school being removed from the Register of Independent Schools. The key section (s99) of the relevant legislation is reproduced below.

“99.-(1) If at any time Scottish Ministers are satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds -

(a) that efficient and suitable instruction is not being provided at the school, having regard to the ages and sex of the pupils attending thereat

(aa) that the welfare of a pupil attending the school is not adequately safeguarded and promoted there

(b) that the school premises or any parts thereof are unsuitable for a school

(c) that the accommodation provided at the school premises is inadequate or unsuitable, having regard to the number, ages and sex of the pupils attending the school

(d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be, Scottish Ministers shall serve upon the proprietor of the school a notice of complaint.”