**MAKING AN EFFECTIVE COMPLAINT**

General advice

* Complaints are stressful, time consuming, disappointing and can damage relationships which you rely on for your child’s wellbeing. Better option: work with people in a positive fashion
  + Know your rights so that you can be confident when talking to people about what needs to change
    - Equality Act 2010
    - Education (Additional Support For Learning) (Scotland) Act 2004
  + This lets you be firm about what you and your child are entitled to and what you can expect
  + Emphasise the need for training

Making a complaint

* Be clear (with yourself and others) about when you have decided to complain
* Keep an accurate record of events with dates and times
  + Start this as soon as provision isn’t right
  + That way, later during the complaint process, you can refer to previous events with confidence and say exactly which failures occurred when
* Keep all correspondence including all emails
* Complaints have a set procedure that you have to follow
* Ensure that your complaint is logged (even Stage 1 complaints must be)
* Stage 1 complaints: frontline resolution. The authority will try to resolve the complaint quickly, within five working days.
* Stage 2: investigation. You can make a stage 2 complaint if you are not happy with the authority’s response to the stage 1 complaint, or if the problem is too complex and requires detailed investigation.
  + Make sure the authority acknowledges that they have received the stage 2 complaint (they must do so within three working days)
  + You will get a full written response within 20 working days
* You can take the matter to the Scottish Public Services Ombudsman if you’re not satisfied with the council’s response. The SPSO **can’t** look at a complaint that
  + Has not been through the council’s complaints procedure
  + That relates to an event which occurred more than **12 months** ago
  + That only relates to curriculum content or child/teacher discipline matters
* SPSO can’t change a decision that has been made properly
* If the SPSO upholds your complaint, they can make various recommendations to the council. They might recommend that the council:
  + Write a proper apology
  + Review a decision
  + Change a process
  + Put in place new procedure
  + Make sure their current procedure is complied with

A good complaint

* Be clear what you are complaining about
* Be clear about what you are looking for
* Be concise
  + Add extra information in an appendix or write an executive summary
* Be measured and precise – don’t over claim
* Don’t ask for more than they can deliver
* Provide your evidence
  + If you have time provide an index
  + Reference the evidence in your complaint
* Don’t delay
  + You must normally make a complaint within **6 months** of the event
  + Or within 6 months of finding out you have a reason to complain, but no more than 12 months after the event
* Don’t let them delay
  + 20 day limit for stage 2 complaints

Information is power

* The Pupils' Educational Records (Scotland) Regulations 2003
* The Data Protection Act 1998
  + What has been said about you and your child/young person in reports, emails, records etc.
  + Ask for medical files too – these may contain emails from local authority
* Information Commissioner's Office

General Teaching Council for Scotland

* Complaints regarding conduct (not competence) of teachers
* Useful if local authority is not taking appropriate action
* Independently look at adherence to Code of Professionalism and Conduct (COPAC) – available on their web page
* Outcomes are limited and serious – reprimand, striking off, conditional registration. Can’t require an apology or change of practice

Disability discrimination claim

* Additional Support Needs Tribunals for Scotland (if in relation to education)
* Breaches of the Equality Act 2010
  + Failure to make reasonable adjustments for disability (resources, behaviour policies, support plans)
  + **Direct discrimination**: when someone is treated less favourably than another person because of a protected characteristic they have
  + **Indirect discrimination**: when there's a practice, policy or rule which applies to everyone in the same way, but puts people with a protected characteristic at a particular disadvantage
  + **Victimisation**: when someone treats you badly or subjects you to a detriment because you complain about discrimination
  + **Harassment**: when someone behaves in a way which makes you feel distressed, humiliated or threatened
* Strict time limit: reference must be made within **six months** from the first failure