Complaints in Education

Research Summary

December 2006
About the Scottish Consumer Council

The Scottish Consumer Council (SCC) was set up by government in 1975. Our purpose is to promote the interests of consumers in Scotland, with particular regard to those people who experience disadvantage in society. While producers of goods and services are usually well-organised and articulate when protecting their own interests, individual consumers very often are not. The people whose interests we represent are consumers of all kinds: they may be patients, tenants, parents, solicitors’ clients, public transport users, or simply shoppers in a supermarket.

Consumers benefit from efficient and effective services in the public and private sectors. Service-providers benefit from discriminating consumers. A balanced partnership between the two is essential and the SCC seeks to develop this partnership by:

• carrying out research into consumer issues and concerns;
• informing key policy and decision-makers about consumer concerns and issues;
• influencing key policy and decision-making processes;
• informing and raising awareness among consumers.

The SCC assesses the consumer perspective in any situation by analysing the position of consumers against a set of consumer principles.

These are:

ACCESS
Can consumers actually get the goods or services they need or want?

CHOICE
Can consumers affect the way the goods and services are provided through their own choice?

INFORMATION
Do consumers have the information they need, presented in the way they want, to make informed choices?

REDRESS
If something goes wrong, can it be put right?

SAFETY
Are standards as high as they can reasonably be?

FAIRNESS
Are consumers subject to arbitrary discrimination for reasons unconnected with their characteristics as consumers?

REPRESENTATION
If consumers cannot affect what is provided through their own choices, are there other effective means for their views to be represented?

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Key findings

This paper summarises research into the complaints system in education, carried out by SCC during 2006. The research included focus groups with parents and gathering information from schools and Councils. In total 218 schools and all 32 Councils provided us with information on their complaints policies and procedures and 30 parents took part in focus groups. A full report of this research can be downloaded from our website (www.scotconsumer.org.uk).

- We found a number of areas of good practice in complaints in education:
  - Most schools and Councils have complaints information for parents.
  - We judged all the examples of school-level and Council-level information to be easy to access and understand.
  - East Lothian Council provided the most comprehensive information for parents on making a complaint, including all aspects of good practice in information on complaints. East Ayrshire, Aberdeen City, Edinburgh, Scottish Borders and West Lothian also scored highly.
  - Most Councils held policies for staff on handling complaints.

- We also found a number of areas for improvement:
  - Information for parents on making a complaint should be updated regularly. Few schools included reference to the Scottish Public Services Ombudsman (although all Councils did). Only a very small number of schools and Councils had updated their information to include the new mechanisms under the Education (Additional Support for Learning) Act 2004.
  - Generally the information for parents provided by schools and Councils could be more comprehensive, in particular in relation to guaranteeing confidentiality and providing information on possible remedies and monitoring of complaints. We have included examples of good practice to show how these can be included within short leaflets or school handbooks.
  - We are concerned that few schools (16%) reported having any member of staff trained in complaints handling. Training at Council level varied considerably.
  - While the majority of Councils monitored complaints, just over half of schools did so.

- The complaints procedure for education is complex, involving a number of different internal stages and four separate, statutory sources of external review, developed to suit specific issues such as additional support for learning, placing requests and exclusions.

- Parents reported experiencing barriers to complaining about their child’s education: a lack of information about how to complain; scepticism about the likelihood of change; and concerns about the negative impact of making a complaint. These barriers could be overcome in part by providing comprehensive information to parents on the complaints process in education. We have included a checklist on the topics that should be included in information on making a complaint about education.

- On the basis of these findings, we have made a number of recommendations to head teachers, Councils, the Scottish Executive and HM Inspectorate of Education.
Background

In general, parents report being satisfied with their children’s education. This year, 91% of parents of primary school-age children and 79% of parents of secondary school-age children reported that they were either satisfied or very satisfied with their child’s schooling (SCC, 2006). But in any service things can go wrong sometimes and when this happens clear procedures must be in place for the benefit of staff, parents and, most importantly, children and young people.

We define complaints as ‘any expression of dissatisfaction that needs a response’. We use this definition because many people don’t know how to categorise their problem. There are three main reasons why complaints handling in education is particularly important:

1. **As part of parental involvement strategies.** An effective complaints procedure should ensure that when a parent has a concern it is handled appropriately and doesn’t threaten the important ongoing relationship between home and school. Unvoiced complaints can quickly turn into gossip which is damaging to home-school links, parent and teacher morale and, most importantly, to the child’s relationships with staff and fellow pupils.

2. **As part of risk management.** Effective complaints handling can play a part in identifying mistakes or poor practice which might affect the quality of education provided. There are also clear benefits to tackling problems as early as possible, stopping the situation from escalating and reducing the cost of dealing with a more serious complaint further down the line.

3. **As a way of making services more consumer-oriented.** They provide essential feedback from parents and pupils, and all schools and Councils should analyse their complaints data to help design service improvements.

It is timely to be considering how complaints are handled in education services. The Scottish Schools (Parental Involvement) Act 2006 includes a duty on Councils to have in place a procedure for investigating complaints about parental involvement. Guidance on the implementation timescale suggests that this should be in place by August 2007. While this legislation relates only to a Council’s duties under the Scottish Schools (Parental Involvement) Act 2006, the latest HM Inspectorate of Education publication on self-assessment states that:

> Children and parents should be able to raise concerns with the school and the school should respond to these quickly and effectively. On rare occasions, a complaint may not be resolved and parents and children need to be aware of the school and local authority complaints procedures. Information about the complaints procedures should be available in all establishments. (HMIE, 2006)

We hope that Councils take this broader view of the relationship between parental involvement and complaints procedures, and look in general at improving their education complaints procedures and information for parents.

The complaints process in education

Generally complaints procedures have three stages: informal resolution; internal review and external review.

1. **Informal resolution**

Often in education, parents and members of the education profession refer to ‘queries’ or ‘concerns’ rather than complaints. Many of these are likely to be minor complaints that are resolved quickly and informally by head teachers and class teachers or they might be misunderstandings that require an explanation or more information. In many cases a complaint can be defused at this stage, limiting the impact on home-school links and preventing it from becoming a formal complaint. Sometimes an apology at an early stage will have the same effect.

Complaints about education provision may be in the remit of the school or in the remit of the Council’s education service and therefore informal resolution may happen at either level.
2. Internal review
If a complaint cannot be dealt with informally it would progress to internal review, which is when it would be identified and monitored as a formal complaint. At this stage, it is clear that what is being dealt with is a complaint. This is either because:

- the complainer has asked that it should be treated as a complaint;
- the complainer uses an agreed format for complaining, such as using a written complaint form; or
- it is the second time the complainer has made the complaint, and so has been recognised by staff involved or by customer management systems as a complaint.

Given the different roles and responsibilities held by schools and Council education services, this internal review may be carried out by a head teacher or by a Director of Education (or equivalent). In addition, a Director of Education may carry out a second internal review of a head teacher’s decision or it may be passed to the Chief Executive of the Council to review the decision of the Director of Education.

3. External review
While other public services, such as health, have streamlined their complaints procedures, external review of complaints in education remains fragmented (see chart 1).

Chart 1: Support of external review for education complaints

| Complainants about placing requests or exclusions. |
| Complainants about additional support for learning where the child does not require a co-ordinated support plan. |
| Complainants about additional support for learning where the child does require a co-ordinated support plan. |
| Complainants which are not about additional support needs, placing requests or exclusions. |

- SPSO Scottish Ministers Court of Session
- Education Appeal Committee
- Dispute Resolution by Independent Adjudication
- Additional Support Needs Tribunal
- Court of Session
- Sheriff Court

Each of the four ‘routes’ described in chart 1 are statutory. While the system of Education Appeal Committees has been in place since the 1980s, the Scottish Public Services Ombudsman (SPSO), Dispute Resolution by Independent Adjudication and the Additional Support Needs Tribunal are all relatively recent additions to the educational complaints landscape. As these mechanisms have been created over time, to achieve different policy aims, the current system for external review for education complaints is neither coherent nor consistent. For example:

- A parent whose child has additional support needs but does not require a co-ordinated support (CSP) plan would take a complaint about placing requests to the local Education Appeal Committee, while the parent of a child with a CSP would be heard by the Additional Support Needs Tribunal.

- While two of the four methods have an appeal route through the SPSO, this is not available to those who could be heard by the Education Appeal Committee or the Additional Support Needs Tribunal.

- Parents can lodge complaints with the Education Appeals Committee, SPSO or Additional Support for Learning Tribunal themselves. However, those that go through Independent Adjudication have to be forwarded on by the Council which is under no duty to do so. This is an additional barrier to external review for these parents.

The aim of having a number of stages and specialist routes is usually to ensure fairness and careful review of earlier decisions, but the result is generally to increase timescales and complexity. We would prefer to see a single, coherent system for external review of complaints in education.

It is in the best interests of the school, parents and ultimately the child, for issues to be resolved as quickly as possible. To achieve this, complaints should be handled effectively at the lowest possible level within the system. It is for this reason that we focus the rest of this report on the complaints information and procedures held by schools and Councils.
Checklist for Information for Parents on Complaints about Education

1. **Is the information positive about receiving complaints from parents?**
   Information should outline the schools positive approach to handling complaints.

2. **Does the information include a definition of what a complaint is?**
   Often parents are unsure whether their grievance is a complaint or if it is appropriate to use the complaints procedure.

3. **Does the information include information on ‘putting things right’?**
   Reference should be made to how problems may be rectified, to overcome parents’ scepticism about being able to affect change.

4. **Is the information easy to access?**
   The information should be available in a variety of places, and referred to in school handbooks and newsletters to ensure parents are aware of the policy.

5. **Is the information easy to understand?**
   The information should be free of jargon.

6. **Does the information guarantee confidentiality?**
   Parents should be assured that their complaint will be handled in confidence and that neither they, nor their child, will suffer discrimination as a result.

7. **Does the information include timescales for receiving a response?**
   The information should include timescales for acknowledging and responding to complaints.

8. **Is information included on the ‘next steps’?**
   Parents should be informed of where to take their complaint if they remain unsatisfied. All school and education authority information should include reference to the Scottish Public Services Ombudsman (SPSO) and the provisions under the Education (Additional Support for Learning) Act 2004.

9. **Is information included on how complaints are monitored?**
   Information should include reference to how complaints are monitored to reassure parents that staff are listening to their views.
Research findings

1. Barriers to complaining

Our discussions with parents identified a number of barriers to complaining about their child’s education. Of course, a small number of focus groups can never provide a representative picture and our findings are best viewed as an indication of the types of problems experienced by parents:

- Lack of information about how to complain: while parents appeared to find the process of raising informal complaints with their child’s school relatively simple, they were less clear about how a complaint could be progressed if the head teacher was unable or unwilling to rectify the problem.

- Scepticism about likelihood of change: people won’t complain if they have low expectations of the outcome and our research found that parents were sceptical about the chance of changes being made following a complaint. They also felt that there was a lack of feedback from schools once a complaint had been raised.

- Negative impacts of making a complaint: parents raised concerns about the negative impact of making a complaint, such as embarrassing their children or being labelled or victimised. They did not feel that their complaint would be treated confidentially.

Better information for parents is one way of overcoming these barriers. SCC has developed a checklist for information on complaints in education. This checklist was developed from the key themes of the focus groups we carried out with parents and from best practice in complaints handling. It forms the basis of how we analysed the complaints information received from schools and Council education services.

2. School-level complaints information

Almost three-quarters of the 218 schools that responded to our request reported that they had information for parents on how to make a complaint (73%). In total, 67 schools sent us copies of the written information for parents, which we analysed according to the checklist on page 4 (see table 1).

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<th>Table 1: How ‘consumer-friendly’ is school-level information?</th>
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<td>Timescales</td>
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<td>Next steps (SPSO)</td>
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<td>Definition of complaint</td>
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<td>Remedies</td>
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<td>Rights under Additional Support for Learning</td>
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In relation to the information that was available, we judged that all 67 schools that had sent us information produced it in a way that was easy to access. All schools that had information for parents placed this within the school handbook. Other additional sources of information identified were leaflets (14%); websites (12%); in the school office (14%); newsletters (9%) and posters displayed in schools (2%). Our review of this information also found that in every case it was easy to understand.

In assessing the remaining elements of the checklist (from Next Steps - Council to Rights under Additional Support for Learning) we were looking for specific pieces of information. Schools were scored on whether they did or did not include this information, not on the quality of the information itself.

Despite the positive findings in relation to availability and accessibility of information, our review of school-level information on making complaints suggested a number of areas for improvement.

The provision of information on next steps was mixed. Most schools provided information on who to contact within the Council (85%) if parents remained dissatisfied after raising a complaint with the school. However, only 11 schools (16%) included information on the Scottish Public Services Ombudsman, with half of those including out-of-date information.
Complaints in Education

Few schools included a positive statement welcoming complaints, a definition of complaints, information on confidentiality, remedies and complaints monitoring. From the information sent to us by schools, we have identified examples of good practice in these areas.

**Good Practice Example – Scottish Public Services Ombudsman**

If you are still dissatisfied with our services you can contact the Scottish Public Services Ombudsman. The Ombudsman is fully independent and has powers to investigate complaints about public bodies. He will not normally consider your complaint before the school and authority complaints procedures have been used or complaints made more than 12 months after the matter giving rise to the complaint arose.

(Auchinleck Academy, East Ayrshire Council)

Only one school made reference to the provisions of the Education (Additional Support for Learning) (Scotland) Act 2004 within their complaints information for parents.

**Good Practice Example – Additional Support for Learning**

**What is mediation?**

If you cannot solve the matter with your child’s school, a representative from the Department of Education & Community Services will get involved to try to find a solution.

The council representative will encourage you and the school to:

- listen to each other;
- explain your feelings without blaming or name-calling; and
- find a solution which everyone is comfortable with.

(Ross High School, East Lothian Council)

**Good Practice Example – Positive about complaints**

St Kentigern’s Academy aims to provide high-quality services for all pupils, parents/carers and the wider community. We realise, however, that things can sometimes go wrong, so we need to know when you are not happy with our service. We see any valid complaint as an opportunity to improve our service.

(St Kentigern’s Academy, West Lothian)

**Good Practice Example – Definition of a complaint**

Any expression of dissatisfaction about the standard of service, action or lack of action by Children and Families staff affecting an individual child or group.

A concern may arise if an individual thinks the education service has:

- Done something wrong:
- Failed to do something they should have done;
- Acted unfairly or impolitely.

(Broughton High School, Edinburgh City Council)
Out of the 32 Councils that responded, 31 had information for parents on making a complaint to the Council\(^1\).

### Table 2: How ‘consumer-friendly’ is Council level complaints information?

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<th></th>
<th>Number</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Easy to access</td>
<td>31</td>
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<td>Easy to understand</td>
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<tr>
<td>Remedies</td>
<td>9</td>
<td>29</td>
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<tr>
<td>Confidentiality</td>
<td>8</td>
<td>26</td>
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<tr>
<td>Monitoring</td>
<td>8</td>
<td>26</td>
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<tr>
<td>Rights under ASL</td>
<td>3</td>
<td>10</td>
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As table 2 shows, we judged all the information to be easy to access and easy to understand. In relation to access, Council websites were checked to ensure that the documents sent were also publicly available. In all cases, information on making a complaint was found quickly and easily.

We analysed each piece of information, usually complaints leaflets but occasionally print-outs from Council web pages, to ensure that they were easy to understand. We did not find any instances of ‘jargon’ within the documents.

In assessing the remaining elements of the checklist (from Next Steps to Rights under Additional Support for Learning) we were looking for specific pieces of information. Councils were scored according to whether or not they provided this information, not on the quality of the information itself.

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1 Shetland Islands Council reported that they did not have any Council-level information for parents on how to make a complaint; however each school did include standardised information within their school handbook. Given the different approach to providing information to parents, they have not been included in this analysis.
Unlike the school level information, all Councils included reference to the Scottish Public Services Ombudsman within their complaints information, though six Councils included out-of-date information. We found that most Councils (28 out of 31) had yet to include information on the complaints mechanisms available under the Education (Additional Support for Learning) (Scotland) Act 2004.  

The majority of Councils (29 out of 31) included information on timescales in their information for parents. Highland Council made no reference to timescales, while West Lothian Council’s information stated that ‘the setting of time limits is a matter which can only be decided in relation to each complaint’. While we appreciate that in some cases timescales may not be met due to the serious or complex nature of the complaint, it is good practice to publish a timescale to give parents an indication of when to expect a response and to reassure them that problems will be dealt with as quickly as possible. In most cases, Councils included a caveat beside the timescales explaining that if it was not possible to meet them, the complainant would be informed of this, the reasons why and the length of time it would take to provide a full response.

Twenty-seven Councils (87%) included statements designed to project a positive approach to receiving complaints. This is important as it reassures parents that their complaint will be taken seriously and may help to overcome scepticism about being able to affect change.

Over half of Councils included a definition of complaints within their parent information. Parents are often unsure as to whether or not their grievance is a formal complaint. The most common explanation was that a complaint arises if the Council has:

• done something wrong;
• failed to do something it should have done; or
• acted unfairly or discourteously.

Many of those Councils that included a definition of what a complaint is also helpfully included information on what is not a complaint; for example, requests for service are not (in the first instance) complaints. Other issues not commonly covered in complaints procedures were requests for information on explanation of a Council policy or matters where there is a right of appeal, such as a tribunal.

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2 Please note that at the time of the request, Councils were not yet under a duty to provide this information.
Our analysis identified a significant amount of good practice in complaints information, and a number of Councils had produced comprehensive information. East Lothian Council’s information included every aspect of good practice identified within our checklist. East Ayrshire, Aberdeen City, Edinburgh, Scottish Borders and West Lothian also scored highly.

We also identified a number of areas for improvement where Councils were not, generally, including information that could help overcome barriers to complaining. These areas include providing information on possible remedies, confidentiality and monitoring of complaints. We have included examples of good practice from the information sent to us by Councils.

**Good Practice Example – Remedies**

If a complaint is found to be justified, the steps which the Education Service will take are:

- put right what went wrong in the first place, if that is possible;
- adjust service delivery to try to prevent a similar problem arising in the future;
- offer an apology where appropriate.

Edinburgh City Council

**Good Practice Example – Monitoring**

All complaints will be investigated and dealt with in strict confidence. However, to enable the Council’s procedure to be adequately monitored and revised, as a result of your complaint, if necessary, some statistical information about complaints received by the Council may be published, on an annual basis. No details of individual complaints will be revealed as part of this monitoring process.

Comhairle nan Eilean Siar

**4. Staff policies, training and complaints monitoring**

In addition to reviewing complaints information gathered from schools and Councils, we also asked a number of questions regarding internal staff policies and procedures.

While few schools had developed their own staff policy on complaints handling (23%), the majority of Councils did have policies, which would also cover school staff (87%). Council policies for staff were more likely to include information on the need for confidentiality than the Council-produced information for parents (46% compared with 17%). Most Council staff policies also included timescales for responses (25 out of 27). Most of the policies for staff were Council-wide policies (60%) and, perhaps as a consequence, only one included information on the provisions of the Education (Additional Support for Learning) Act 2004.

In relation to training, few schools reported that staff had been trained in complaints handling (16%). Of those, five schools reported that over a third of staff were trained in complaints handling (4%). Analysis of Council training levels is limited by a lack of information on the total number of people employed centrally by Council education services; however three Councils reported that none of their central staff were trained in complaints handling.

**Good Practice Example - Confidentiality**

Your complaint will be dealt with in a confidential manner and knowledge of it will be limited to those directly involved in dealing with it and dealing with any necessary action which follows.

Complaints received by each educational establishment will be recorded locally but NOT in the personal file of a pupil, student or member of staff.

Details of each complaint made to Customer Care will be logged in a confidential database.

West Lothian Council
Fifty-two per cent of schools reported that they monitored complaints, with an average of seven complaints received per school for the year 2004/05. A third of the schools that monitored complaints reported that no complaints had been made during 2004/05. The level of complaints is heavily correlated to the school roll, with schools with over 500 pupils reporting an average of 14 complaints per year. Once school roll is taken into account, there is no difference in the number of complaints received by primary and secondary schools.

Out of 32 Council education services, 30 reported that they monitored complaints, though only 23 were able to provide information for the 2004/05 session. The number of complaints logged ranged from under five to over 300. Taking into account pupil numbers, there are still large variations in the number of complaints made at Council level, from less than one per 1000 pupils to over 13 per 1000 pupils. The average number of complaints made to Council education services is 4.5 per 1000 pupils.
Recommendations

Based on our findings, there are a number of changes that could be made to the system of complaints in education, both nationally and locally, that would benefit parents.

We welcome the fact that just under three-quarters of schools and all but one Council provides information to parents on how to make a complaint and that all of this information can be judged as easy to understand. We are particularly concerned that information on complaints does not appear to be updated regularly in line with new legislative requirements. All information about complaints in the public services must, by law, include information on the role of the Scottish Public Services Ombudsman; however very few schools included this information.

Similarly, we are concerned at the lack of information on the procedures put in place by the Education (Additional Support for Learning) (Scotland) Act 2004. It should be stressed that this research was carried out before Councils were under a legal duty to provide this information and we aware that it is likely that the information on mediation and alternative dispute resolution is held within information to parents on the additional support for learning system. However, we would urge Councils to include it within general complaints information. Navigating a complaints system, particularly in education, can be complicated and many parents who have a grievance may not be aware that it falls under the heading of additional support for learning.

Recommendations to schools

1. Head teachers should ensure that they have written information for parents on making a complaint about the school.

2. Head teachers should ensure that their complaints information is reviewed regularly to take account of changes in legislation and procedures.

3. Head teachers should ensure that all staff (including non-teaching staff) receive training on complaints handling and on the Council policy on complaints.

4. Head teachers should ensure that complaints are monitored.

Recommendations to Council education services

1. Council education services should have a written policy for staff on complaints handling that brings together all the available avenues for complaints and provides good practice on complaint handling.

2. Council education services should ensure that they have written information for parents on making a complaint about education services.

3. Council education services should review their guidance on complaints and information for parents regularly to ensure that they take account of changes in legislation and procedures.

4. Council education services should ensure that all staff receive training on complaints handling and on the Council’s policy on complaints.

5. Council education services should monitor complaints as an essential component of parental involvement and to ensure that recurring problems are rectified.

6. Council education services should publish annual reports on the number and type of complaints made at Council level.
We also believe that there is more the Scottish Executive can do to support schools and Councils in developing best practice in complaints handling. The system for complaints in education is complicated and becoming increasingly so with the implementation of the Education (Additional Support for Learning) (Scotland) Act 2004. We would prefer to see a single, coherent system for external review of complaints about education.

As noted in the introduction, Councils are likely to be reviewing their complaints procedures during 2006/07 to incorporate new duties for accepting complaints on parental involvement. While the Guidance on the Scottish Schools (Parental Involvement) Act 2006 and the accompanying toolkit (Scottish Executive, 2006) introduce some elements of good practice in complaints handling and information on complaints, we suggest that additional, detailed guidance would be helpful.

The Scottish Executive could also assist Councils and schools in developing templates for information for parents. Our research found that there are nine key aspects that should be included in complaints information for parents. Producing a template of this information would provide a level of standardisation and consistency and contribute to efficiencies by reducing the amount of duplicated effort undertaken by Councils and schools across Scotland. Councils and schools would be free to edit the template to include information relevant to their own local procedures and contact information.

**Recommendations to the Scottish Executive**

1. The Scottish Executive should review its approach to legislating on complaints in education and introduce a holistic approach to complaints rather than developing ‘single issue’ mechanisms.

2. The Scottish Executive should publish detailed guidance on complaints handling for Council education services.

3. The Scottish Executive should produce templates for schools and Councils to use when developing information for parents.

HM Inspectorate of Education (HMIE) also has a role to play in the development of school and Council complaints procedures. We welcome the inclusion of complaints procedures within How Good is our School: Partnership with Parents (2006). We would hope that HMIE will build on this by providing information on good practice in complaints procedures and information for parents in future editions of the self-evaluation series.

**Recommendations to HM Inspectorate of Education**

1. HMIE should further develop quality indicators on complaints in education for schools and Council education services to include good practice on complaints procedures and information for parents.
What research underpins this report?

1. Focus groups with parents: four groups were carried out with 30 parents across Scotland. A small number of focus groups can never provide a representative picture and our findings are best viewed as an indication of the types of problems experienced by parents.

2. A random sample of 400 schools across Scotland were asked for any school-level policies that exist, a copy of complaints information given to parents, levels of staff training on complaints, and the number of complaints made. Just over half of the schools responded to this request.

3. All Councils were asked for a copy of their procedures, a copy of complaints information given to parents, levels of staff training on complaints and the number of complaints made. All 32 Councils responded to this request.

References

HMIE (2006) How Good is our School: Partnership with Parents Livingston: HMIE