

Section 70 of the Education (Scotland) Act 1980

**A guidance document for users of the
section 70 process**

August 2017



Scottish Government
Riaghaltas na h-Alba
gov.scot



RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Consultation on guidance on Section 70 complaints

Background

The guidance on Section 70 complaints to Scottish Ministers is intended to provide support to those who are considering or who have made a section 70 complaint.

The guidance is intended to set out in detail what can be considered within a section 70 complaint, what cannot be considered and in those circumstances how a complaint relating to certain matters may be made. The guidance is also intended to provide information on the way in which complaints are considered and provide advice and guidance on how to make a complaint.

The aim of the guidance is that it is clear, and provides consistent, concise and helpful advice and information about the complaints process. This consultation on the draft guidance seeks your views on whether this aim has been achieved. The consultation asks a series of questions about different aspects of the guidance. It is most helpful to us in considering responses to the consultation if comments and suggestions are specific, and where alternatives are suggested, this helps our understanding.

All comments provided in response to the consultation paper will be considered. To have your consultation formally recognised as part of the consultation response you must complete the Respondent Information Form above.

Responding to this Consultation

We are inviting responses to this consultation by 6 November 2017

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.scotland.gov.uk/supporting-learners/users-of-the-section-70-complaints-process/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 6 November 2017

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

EdSSection70@gov.scot

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for

your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them EdSSection70@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

CONSULTATION QUESTIONS

(If you are responding to this consultation electronically, to complete tick boxes, please double click on one of the boxes above and select the default value as 'checked').

1. Introduction information (pages 2-4 of the guidance document)

The introduction provides information on what the guidance is about, how the guidance should be used, the audience for the guidance and key definitions and a summary of the section 70 provision in law.

- Is the information provided in the introduction clearly set out? Please tick the box that applies.

Yes No Don't know

- If you selected no, please provide details of additional information which should be included or removed and a brief reason for it.

2. Before Making A Reference Under Section 70 (page 4)

This section of the guidance is designed to make clear the different steps to resolve concerns or disagreements before making a section 70 complaint. This includes information on other dispute resolution mechanisms and sources of advice and information on how to use them.

- Is this information sufficiently clear? Please tick the box that applies.

Yes No Don't know

- If you selected no, please provide details of additional information which should be included or removed and a brief reason for it.

3. Interaction with other complaints mechanisms (pages 5-7)

This section seeks to set out the relationship between section 70 and other complaints mechanisms and also to set out clearly the arrangements for making complaints which are about specific types of school or functions that local authorities may be fulfilling.

- Are there any areas missing, requiring strengthening, or which are not required and could be removed? Please tick the box that applies.

Yes No Don't know

- If you selected yes, please suggest ways in which this section might be improved.

4. The Section 70 complaints process (pages 8 and 9)

This section sets out the process which will be used to consider section 70 complaints. To explain clearly the breakdown of the timescales within which particular actions will be taken, and ultimately to provide a guideline on the timescale which a complaint may take.

- Is this information clear? Is the structure correct? Is there any information which should be added or removed. Please tick the box that applies.

Yes No Don't know

- If you selected yes, please suggest ways in which this section might be improved.

5. How to make a reference (page 10)

This section sets out the process of how to make a reference and highlights the things which should be included as part of a complaint. This section also indicates the action that can be taken as a result of making a section 70 complaint.

- Are there any areas missing, requiring strengthening, or which are not required and could be removed? Please tick the box that applies.

Yes No Don't know

- If you selected yes, please suggest ways in which this section might be improved.

6. How to respond to a reference (Page 11)

This provides a summary of information for those who may be responding to a reference (education authorities, independent schools and grant-aided schools).

- Are there any areas missing, requiring strengthening, or which are not required and could be removed? Please tick the box that applies.

Yes No Don't know

- If you selected yes, please suggest ways in which this section might be improved.

7. The role of HM Inspectors of Education and Application Form (page 12)

This section sets out the role that HM Inspectors may play in a section 70 complaint consideration.

- Are there any areas missing, requiring strengthening, or which are not required and could be removed? Please tick the box that applies.

Yes No Don't know

- If you selected yes, please suggest ways in which this section might be improved.

8. Guidance Structure

Does the structure help the reader to follow/use the guidance effectively? Please tick the box that applies.

Yes **No** **Don't know**

- If you selected no, please explain your answer.

- Is there anything in the body of the document that you would like moved to an annex or anything in an annex moved to the body of the document? Please tick the box that applies.

Yes **No** **Don't know**

- If you selected yes, please provide details of the changes you would wish to see.

9. General

Is the guidance helpful? Please tick the box that applies.

Yes No Don't know

- If you selected no, please explain your answer.

- Are there any other comments you would wish to make about the draft guidance?

Thank-you for responding to this consultation.

Please return a completed copy of respondent information form by email to EdSSection70@gov.scot or by post to Deborah Lynch, Support and Wellbeing Unit, Area 2C South, Victoria Quay, Edinburgh, EH6 6QQ.



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