



# **ARRANGEMENTS FOR THE CONSIDERATION OF COMPLAINTS ABOUT THE SCHOOL CURRICULUM AND RELATED MATTERS**

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## **1. Introduction**

- 1.1 The purpose of this document is to set out how complaints will be handled. It describes how your complaint will be dealt with.
- 1.2 Section 409 of the Education Act 1996 requires all Local Authorities (LAs) to have arrangements for handling complaints about the actions of governing bodies and LAs in respect of the curriculum in schools and colleges.
- 1.3 You may use this complaint procedure if you believe that either the LA or the governing body is failing:
  - to provide the National Curriculum in the school or for a particular child
  - to follow the law on charging for school activities
  - to offer only approved qualifications or syllabuses
  - to provide religious education and daily collective worship
  - to provide the information that they have to provide
  - to carry out any other statutory duty relating to the curriculum or
  - are acting unreasonably in any of the above cases
- 1.4 At all stages in the hearing of your complaint, you may request that information be made available in a language other than English, and may request the presence of an interpreter during oral representations.

## **2. Scope of the Arrangements**

- 2.1 This procedure covers all schools maintained by the LA. (nursery schools and nursery classes in primary schools are excluded). Schools that have academy status are also excluded.
- 2.2 Complaints under these arrangements are concerned only with the actions of governing bodies and the LA.
- 2.3 This procedure does not cover complaints about the action of individual teachers or the headteacher which are subject to separate procedures approved by governing bodies.
- 2.4 Where there is provision for a statutory appeals procedure in respect of any particular kind of complaint, that statutory procedure must be exhausted before your complaint may be considered under this procedure. If a statutory procedure provides for an appeal to the governing body (as with appeals about the temporary withdrawal of pupils from part or the entire National Curriculum) further complaint may be made to the LA under these arrangements.
- 2.5 This procedure does not cover complaints where there is a statutory procedure which allows for final appeal to the HM Chief Inspector or the Special Education Needs Tribunal.
- 2.6 If your complaint relates to the provision of religious education and daily collective worship in an aided school, please refer to Appendix 2.

## **3. General Principles**

- 3.1 Your complaint will be dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that your complaint will be settled within a period which is reasonable in all the circumstances.

- 3.2 All complaints will be investigated fully, fairly and carefully, and you will be kept informed of progress during, as well as at the end of, each stage.
- 3.3 The main aim at all stages is to settle the complaint or where this is not achievable, take a decision which allows you to proceed to the next stage, if you wish.

#### **4. Stages**

- 4.1 The procedure provides for three levels at which a complaint can be considered. These are the informal level, a formal complaint to the governing body, and a formal complaint to the LA. A complaint can be considered at more than one of these stages.
- 4.2 The first formal stage for complaints against the governing body is for a committee of governors to consider the complaint. If you are not satisfied after this, you can put the complaint to the LA. Complaints which relate to something which is solely the responsibility of the LA will only be considered by the LA.
- 4.3 If you are uncertain as to where to direct your complaint, you can contact the Children's Services Complaints Manager for advice on 0808 1683750.

#### **5. Preliminary discussion**

- 5.1 Many complaints or potential complaints can best be resolved locally in discussion with the headteacher or other staff of the school or in other informal discussion. You are expected to seek to resolve your complaint through informal discussion before embarking on the formal stage. Only if there are exceptional circumstances, should your first step be to make a formal complaint.
- 5.2 If your complaint or potential complaint is about actions of the LA, the informal stage will involve discussion with appropriate officers of the LA. In the first instance, you should contact the Complaints Manager.

#### **6. Formal complaint to the Governing Body**

- 6.1 If you consider that informal attempts to resolve the complaint have been unsuccessful, the headteacher will supply you with the name and address of the clerk to the governing body together with a copy of this document.
- 6.2 You should set out the complaint in writing and forward it to the clerk to the governing body. In your written notification you should make clear exactly what the complaint is and that you wish it to be considered under this procedure.
- 6.3 If you need assistance in preparing your complaint, please contact the Children's Services Complaints Manager.
- 6.4 Upon receipt of your complaint the clerk will, within five working days (working days being days in which the school is normally in session), acknowledge receipt of it and indicate that the appropriate committee of the governing body will consider the matter.
- 6.5 The committee will, within 10 working days, meet to give preliminary consideration to your complaint. At this meeting, you may choose if you wish to make an oral presentation to supplement your written complaint. The purpose of this presentation is to enable you to bring out more fully the nature and the detail of the complaint. This will enable the committee to decide whether the complaint falls within the scope of this procedure and decide the appropriate action to be taken. At this stage, the committee will not make a response but will inform you of the action to be taken. However, if the committee decides that your complaint

does not come within the scope of this procedure the Chair will inform you of the committee's decision, the reasons for the decision and the appropriate procedure for considering your complaint. The clerk, within five working days, will confirm this information in writing.

- 6.6 At any hearing connected with the complaint, you may, if you wish be accompanied by a friend or representative.
- 6.7 When the complaint has been fully investigated, the committee will consider the matter. A meeting of the committee will normally be held within 25 working days. In exceptional circumstances, the investigation of the complaint may take longer than the specified period. The procedure for the meeting of the committee is outlined in Appendix 1.

## **7. Formal complaint to the Local Authority**

- 7.1 This formal stage will be used if either:
- i you have complained formally to the governing body and are not satisfied with the outcome and wish to complain to the LA or
  - ii the complaint relates to something which is solely the responsibility of the LA and a complaint to the governing body would therefore be inappropriate
- 7.2 You should, within 14 days of being informed of the decision of the appropriate committee of governors, set out the complaint in writing and send it to the Complaints Manager. This written notification should make clear the nature of the complaint, the outcome you are seeking and that you wish it to be considered under this stage of the procedure.
- 7.3 Having confirmed that it comes within the scope of this procedure, the Children's Services Complaints Manager will acknowledge receipt of the complaint and where necessary arrange for the complaint to be investigated. The investigating officer will seek such information or advice, as he/she considers appropriate.
- 7.4 If your complaint relates to religious education given in accordance with the agreed syllabus or to religious worship in community and foundation schools, your complaint will be referred to the Standing Advisory Committee for Religious Education (SACRE) who will consider the complaint and make appropriate recommendations to the LA.
- 7.5 The Children's Services Complaints Manager will convene a meeting of a specifically constituted Panel which will be chaired by the Lead Member for Education and Learning. The other two members of the Panel will either be:
- a Manager from the School Improvement team or his/her nominee and/or
  - a Cabinet Member
  - an independent headteacher

In the case of a complaint relating to the provision of religious education or worship in a school other than an aided school, one member of the Panel will be a member of SACRE. You, and in cases where the complaint has been considered by a governing body, the headteacher and chairman of the committee who considered the complaint will be invited to attend the meeting. A friend or representative may, if you wish, accompany you. If applicable, the investigating officer will also be present.

- 7.6 This meeting will normally take place within 25 days of the complaint being lodged.
- 7.7 Consideration of your complaint will be directed towards establishing whether the governing body or the LA, as the case may be, acted reasonably in the view of the Panel and within the

law in fulfilling their duties or, where this is not the case, the remedial action required. It will be necessary for the Panel to decide whether:

- i the LA's/governing body's policy is consistent with legal requirements
- ii their actions are consistent with their policy
- iii the actions of staff are consistent with their policy

7.8 The procedure for the meeting of the Panel will be similar to that outlined in Appendix 1. You or your representative, the chair of committee (if the matter had previously been considered by the governing body) and, if applicable, the investigating officer will be asked in turn to make a statement and answer questions by the members of the panel. Each party will be offered the opportunity of a final summing up. The headteacher's attendance at the meeting is as an observer, though the Panel may allow him/her to ask questions. You and the others present who are not members of the Panel will withdraw while the Panel considers its decision.

7.9 At the end of the meeting the chairman of the Panel shall inform you, the chair of the committee of governors, the headteacher and investigating officer of:

- i the decision taken by the panel and the reason for it
- ii any action taken or proposed, including details of any requests made to those complained against to take particular actions to resolve the complaint
- iii the further recourse available to the complainant should they continue to be dissatisfied

The designated officer will confirm in writing the decision of the panel within five working days of the meeting.

## **8 Role of the Secretary of State for Education**

If you believe your school's governing body or the LA has acted 'unreasonably' you may approach the Secretary of State under section 496 or 497 of the Education Act 1996 and ask him/her to consider your complaint. For the Secretary of State to intervene the governing body has to be acting unreasonably or unlawfully and it must be expedient to intervene. In practice there are few occasions where the Secretary of State may issue a direction where the head teacher or school has failed in its statutory duty.

The contact details for the Department for Education are as follows:

Online at <http://www.education.gov.uk/help/contactus>  
Telephone: 0370 000 2288 Fax: 01928 738248  
Textphone/Minicom: 18001 0370 000 2288  
Phone lines are open 9:00am to 5:00pm, Monday to Friday.  
In writing to the Department for Education, Castle View House,  
East Lane, Runcorn, Cheshire WA7 2GJ

## **9 Role of Ofsted**

Ofsted has powers to investigate certain types of complaint from parents about schools attended by their children, to help them to decide whether to inspect the school.

The types of complaint to which Ofsted can respond include:

- the school is not providing a good enough education
- the pupils are not achieving as much as they should, or their different needs are not being met
- the school is not well led and managed, or is not using its resources efficiently

- the pupils' personal development and well-being are being neglected

Ofsted will not:

- investigate incidents that are alleged to have taken place
- judge how well a school investigated or responded to a complaint
- mediate between you and the school to resolve a dispute

Assistance is available from Ofsted's helpdesk which is open from 8am to 6.45pm Monday to Friday. The helpdesk can be contacted by telephone on **0300 123 1231**, or by email ([enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk))

A complaint may be made by writing to:

Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

or completing an online complaint form: <http://live.ofsted.gov.uk/onlinecomplaints/>

## **10. Monitoring**

- 10.1 The LA will monitor and maintain a record of complaints made under this procedure. Schools will be asked to notify the LA of any complaints and governing bodies will be expected to receive a report at least once a year. The report of complaints will include their number and nature of the complaints, the time taken to deal with them and the actions taken in respect of each complaint and how they have been resolved.
- 10.2 Monitoring will only be undertaken in respect of the formal stages of this procedure.

## **11. Contacts**

Children's Customer Service Team  
 Tel no: 0808 1683750  
 Email: [cypsfeedback-mailbox@devon.gov.uk](mailto:cypsfeedback-mailbox@devon.gov.uk)

## Appendix A

### Suggested procedure for the consideration of a formal complaint to the Governing Body

Where a meeting of the committee of governors is convened to either give preliminary consideration to or hear a complaint, it is recommended that the following procedure apply:

1. The meeting to give:
  - a Preliminary consideration to the complaint will be held within 10 working days of the receipt of the complaint by the clerk to the governors.
  - b Consideration of the complaint will be held when the complaint has been fully investigated which will normally be within 25 working days of the receipt of the complaint.

The clerk shall give the complainant a minimum of five working days notice of the date and time of the meeting to the governors. Any reasonable requests made by the complainant for an alternative date should result in a mutually convenient alternative date being set at the earliest possible time.

2. The complainant will be given the opportunity to place his/her complaint in writing, submitting it to the clerk to the governors before the meeting and will be informed of his/her right to attend and be accompanied at the committee meeting by a friend or representative.
3. While every effort should be made to ensure that meetings are conducted in a friendly professional manner, the procedure is intended to ensure that all parties have the opportunity to state their case and ask questions which are relevant to the complaint and will assist the committee's deliberation.

Members of a committee may ask questions at any point.

Where a complaint has a number of elements it is suggested that the committee consider each element separately.

It is recommended that after each party has spoken, the other party is given the opportunity to ask questions and raise points of information and opinion which are relevant to the complaint and will assist the committee's deliberation.

4. The usual order of a meeting will be as follows:

The chair of the committee will:

- welcome and introduce all those present
- clarify the status of all present (eg complainant, adviser, friend etc.)
- explain the procedure for the conduct of the meeting and the possible outcomes.

The chair will invite the complainant (who may be assisted by a friend, relative, representative or advocate who may speak on her/his behalf if appropriate) to describe the nature of the complaint.

The chair will invite the headteacher (and/or her/his representative) to ask questions and raise points of information and opinion which are relevant to the complaint and will assist the committee's deliberation.

The chair will invite the headteacher (and/or her/his representative) to explain the school's action. Any school witnesses will follow the headteacher.



The chair will invite the complainant (and/or their representative) to ask questions and raise points of information and opinion which are relevant to the complaint and will assist the committee's deliberation.

Where any investigation has been undertaken, the person who conducted it may make a statement.

The chair will invite each party to ask questions about the findings of the investigation.

*Following this questioning the person who has conducted the investigation will leave the meeting.*

The chair will invite the complainant to sum up her/his complaint.

The chair will invite the headteacher to sum up her/his response to the complaint.

*At the conclusion of this stage, everyone except members of the committee and the person clerking the meeting will withdraw.*

In closed session the members of the committee will deliberate on their findings and conclusions and make a decision. The standard of proof, which should be applied, is the civil standard of "balance of probabilities" and not the criminal standard of "beyond reasonable doubt."

As this may take some time, it is suggested that the complainant and the headteacher leave the premises rather than waiting for the committee's decision.

The committee can:

- decide the complaint/appeal in whole or in part is valid
- decide the complaint/appeal in whole or in part is not valid
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The clerk should record the committee's decision together with reasons.

Sufficient time should be allowed for the committee to agree the wording of the statement of the decision. This will include:

- the committee's decision
- reasons for the committee's decision
- any future actions or changes that the committee proposes should be taken

The chair may wish to inform the complainant and the headteacher by telephone as soon as a decision has been reached. Care must be taken to ensure that both parties are given the same information over the telephone, and it is recommended the Chair read the agreed statement.

The chair is responsible for ensuring that within 5 working days of the committee's meeting, the clerk sends copies of the decision to all parties. The covering letter should also include information about any further action the complainant may take if s/he remains dissatisfied.

Where the meeting was a preliminary hearing and the committee decided that the complaint fell outside the scope of the procedure, the clerk will, within five working days, confirm in writing the committee's decision, the reasons for the decision and the appropriate procedure for considering the complaint.

## Appendix B

### Provision of Religious Education and Collective Worship in Aided Schools

- 1 In the case of aided schools the LA has no power to inspect the provision or influence the content of denominational religious education or collective worship. It is therefore necessary to have a separate procedure for considering complaints about religious education and collective worship in aided schools.
2. If you have a complaint about the religious education provided in an aided school and, after informal attempts to resolve the matter, you continue to be dissatisfied you should set out the complaint in writing and forward it to the clerk to the governing body. In your written notification you should make clear exactly what the complaint is and that you wish it to be considered under this procedure.
3. The clerk to the governors will arrange for the appropriate committee of the governing body to consider the complaint. If following the committee's consideration, you remain dissatisfied you may refer the matter to the appropriate Diocesan Board of Education which will consider the complaint under the arrangements the Board has established.

Roman Catholic Diocese of Plymouth Department for Formation Cardinal Newman House, Wonford Road, Exeter, EX2 4PF. Telephone: 01392 671320 Fax: 01392 671319	Diocese of Exeter Diocesan Board of Education The Old Deanery, The Cloisters, EXETER EX1 1HS  Telephone: 01392 294950 Email <a href="mailto:ccyp@exeter.anglican.org">ccyp@exeter.anglican.org</a>
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