



DEVON COUNTY COUNCIL

Education, Arts and Libraries Committee

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

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Complaints about the School Curriculum and Related Matters Arrangements for the Consideration of Complaints

INTRODUCTION

- 1 This document sets out the arrangements for the Devon County Council in respect of complaints about curriculum and collective worship under the terms of Section 409 of the Education Act 1996. Devon County Council is the Local Education Authority (the LEA).
- 2 The arrangements relate to the kinds of complaint mentioned in paragraph 8. The arrangements have been drawn up following consultation with the heads and governors of the schools mentioned in paragraph 7. The arrangements have also been approved by the Secretary of State. The Plymouth Diocesan Schools Commission, and Exeter Diocesan Education Committee have also been consulted.
- 3 The purpose of the document is to set out how complaints will be handled. It describes how anyone with a complaint can set about having the complaint dealt with and what then happens.
- 4 The arrangements cover complaints made by parents and others in respect of the performance of duties or exercise of powers by the LEA or by the governing bodies of schools maintained by the LEA.
- 5 This document is available for inspection at all schools maintained by the LEA, public libraries and education offices. A copy will be given, if desired, to any person wishing to make a complaint under these arrangements and the LEA will provide a copy of the information in languages other than English if requested to do so.
- 6 A copy of the circular of guidance issued by the Department for Education and Science following the Education Reform Act 1988 (DES1/89) will also be made available, although a charge equal to the cost of reproduction of this document will be made.

SCOPE OF THE ARRANGEMENTS

- 7 The schools covered by these arrangements are all schools maintained by the LEA except:
 - nursery schools
 - nursery classes in primary schools
 - special schools established in a hospital.
- 8 The duties to be covered by the complaints arrangements (which are, except where noted, common to LEAs and governing bodies) are specified in the Education Act 1996:
 - i the provision of a curriculum, including religious education and worship, which meets the general requirements of Sections 350-352 of the Act;
 - ii the implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision (Sections 353-361, 363-366 and 368);
 - iii provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus criteria have been approved (Sections 400 and 401);
 - iv provision of religious education and worship as required by the Act and other enactments (Sections 375(3) and 388-389);
 - v in the case of an LEA, establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus of the area if the SACRE so requires (Sections 390-392 and 394-396);

- vi the need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 362);
- vii in the case of a governing body, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum (Section 367);
- viii operation of charging policies in relation to the curriculum (Sections 455 and 456);
- ix compliance with regulations about the provision of information (Section 408);
- x sex education which is not part of the National Curriculum (Section 405);
- xi no requirement of attendance at Sunday school or a place of religious worship (Section 398); and
- xii compliance with any other enactments relating to the curriculum for, or religious worship in schools maintained by the LEA.

Any matters not covered by the definition set out above (eg discipline, admissions) do not come within the scope of these arrangements.

- 9 Complaints under these arrangements are concerned only with the actions of governing bodies and the LEA.
- 10 Where there is provision for a statutory appeals procedure in respect of any particular kind of complaint, that statutory procedure must be exhausted before a complaint may be considered under the arrangements in this document. If a statutory procedure allows for final appeal to the Secretary of State (as for appeals against the special education provision specified in a statement of special educational need) then such a complaint cannot fall within the scope of these arrangements. If a statutory procedure stops with an appeal to the governing body (as with appeals about the temporary withdrawal of pupils from part or all of the National Curriculum) then a further complaint may be made to the LEA under these arrangements.

GENERAL PRINCIPLES

- 11 All complaints 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 all complaints should be settled within a period which is reasonable in all the circumstances.
- 12 Urgent complaints will be identified as such and given priority.
- 13 All complaints will be investigated fully, fairly and carefully, and complainants will be kept informed of progress during, as well as at the end of, each stage.
- 14 The main aim at all stages will be to secure that either the complaint is settled or that a decision is taken about the complaint and it can then, if required, proceed to the next stage.

STAGES

- 15 The arrangements define three levels at which a complaint could be considered. These are the informal level, the formal complaint to the governing body of a school, and the formal complaint to the LEA. A complaint could be considered at more than one of these stages.

PRELIMINARY DISCUSSION

- 16 Where a parent or any other person has a complaint relating to the curricular responsibility of the LEA or the governing body of a community, voluntary or maintained special school, that complaint should be addressed initially to the headteacher of the school and attempts should be made to resolve the issue informally. Where the complaint or potential complaint is in respect of action of the LEA, the informal stage would involve discussion with appropriate officers of the LEA.

FORMAL COMPLAINT TO THE GOVERNING BODY

- 17 If informal attempts to resolve the complaint are in the eyes of the complainant unsuccessful, the complainant shall receive from the headteacher a copy of this document and a form for registering a complaint with the Local Education Authority should local attempts to resolve the difficulty prove unsuccessful. This form names the LEA contact officer who would deal with the complaint. The next stage is for the complaint to be heard by the governing body (or a sub-committee of not fewer than two governors (other than the headteacher) acting on behalf of the governing body if it so determines) meeting in the presence of the headteacher (who may be accompanied by a friend or representative if he/she wishes). The clerk to the governors should be present. The complainant can be similarly accompanied and advice to the governors will be available through the attendance of the LEA contact officer or his/her substitute together, where possible, with the appropriate LEA adviser.
- 18 Prior to the consideration of any complaint by the governors/sub-committee of the governing body, the Local Education Authority contact officer will have been informed by the headteacher of the request made by the complainant to the headteacher for the complaint to be heard formally and of the nature of the complaint.
- 19 It will be the duty of the Local Education Authority, within seven days of the receipt of notification of the complaint, to inform the complainant, the chairman of governors, the clerk to the governors and the headteacher of the school as to whether the complaint is a relevant complaint within the scope of Section 409 of the Education Act 1996, and if so whether it is to be considered an urgent complaint. If the complaint is considered to be in relation to a matter which is solely the responsibility of the LEA, it will be dealt with as if it had been made as a complaint to the LEA. If a complaint is made on a matter which has been the subject of a previous investigation at the school in question during the same school year the LEA officer will inform the complainant of the outcome of the earlier investigation in its various stages but without divulging the name of the person(s) making the original complaint. Should the subsequent complainant remain unsatisfied he/she would be able to initiate the next stage of these arrangements, unless the original complaint had been referred to the Secretary of State and been disposed of. The relevance or otherwise of a complaint will be determined with regard to the specification in the Education Act 1996 as to the duties to be covered by the complaints arrangements and to the DES Circular of Guidance. Complaints should be considered urgent if the matter referred to in the complaint, is substantial, would be likely to result in the immediate and continued educational disadvantage of the individual pupil.
- 20 ***If the complaint is deemed not relevant, then:***
- i The complainant shall be informed immediately of this decision and given the opportunity to appeal to the designated officer either in person or in writing, within seven working days of being informed of the decision of that officer, providing such supplementary evidence regarding the nature of the complaint as the complainant sees fit. If such an appeal is made, its outcome shall be notified to the complainant within a period of three days.
 - ii The headteacher and chairman of governors will be asked to resolve the complaint outside the Local Authority's arrangements.
- 21 ***If the complaint is deemed relevant and urgent, then:***

The complainant, the headteacher, the chairman of governors and the clerk to the governors will be informed in writing of this decision and the clerk to the governors will be asked to convene a meeting of the governors or sub-committee established by the governing body to hear the complaint normally

within ten days of receipt of the decision, being days in which the school is normally in session. In exceptional circumstances, investigation of the complaint may take longer than the specified period.

22 ***If the complaint is deemed relevant but non-urgent, then:***

A meeting of the governing body or sub-committee of governors shall be held normally *within 25 days* of receipt of the decision, being days on which the school is normally in session. In exceptional circumstances, investigation of the complaint may take longer than the specified period.

23 Where a meeting of the governing body or sub-committee of governors is convened to hear a complaint under Section 409 of the Education Act 1996 the following procedure shall apply:

- i The complainant shall be given a minimum of three working days notice of the date and time of the meeting by the clerk to the governors and any alternative date should result in a mutually convenient alternative date being set at the earliest possible time.
- ii 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 meeting of the governors or their sub-committee by a friend or representative.
- iii The usual order of proceeding at a meeting convened to consider a complaint under Section 409 of the Education Act 1996 will be as follows:
 - (a) The chairman of the governing body or sub-committee will welcome the complainant and any representative and introduce those present and explain the role they will perform.
 - (b) The complainant will describe the nature of the complaint to the governors/sub-committee.
 - (c) The complainant may be asked questions by the governors, by the headteacher, LEA officer and adviser (if present).
 - (d) The headteacher, LEA officer and adviser (if present) may each be asked to make a statement to the governors regarding the matter complained of, and each may be asked questions by the governors and by the complainant.
 - (e) The complainant summarises his/her complaint.
 - (f) The headteacher and any representative and the complainant and any representative are then asked to leave. The LEA officer and adviser will remain only to give such advice as is sought by the governors in coming to their decision.
- iv The clerk to the governors (or the chairman of governors or of the sub-committee) shall inform the complainant, the headteacher and the Local Education Authority (immediately whenever possible, otherwise within five working days) of:
 - (a) the decision of the governors in relation to the complaint and the reasons for the decision;
 - (b) any action taken or proposed by the governors including details of any request made to those complained against to take particular actions to resolve the complaint;and shall inform the complainant of
 - (c) the availability of the next stage if the complainant remains unsatisfied, namely the lodging of a formal complaint with the Local Education Authority.

FORMAL COMPLAINT TO THE LOCAL EDUCATION AUTHORITY

- 24 This stage will be used if either:
- i the complainant has complained formally to the governing body, is not satisfied with the outcome and wishes to complain to the LEA,
- or
- ii the complaint relates to something which is solely the responsibility of the LEA and a complaint to the governors would therefore not be appropriate.
- 25 Such complaints should be lodged in writing, using the form provided in the documentation given to the complainant when the initial complaint was made, within 14 days of being informed of the decision of the governors/sub-committee of governors.
- 26 The LEA contact officer shall convene a meeting of a specifically constituted Appeals Committee comprising no fewer than two and no more than four elected members of the Local Education Authority, in the presence of the headteacher and chairman of governors of the school who may both be accompanied by a friend or representative. Also in attendance will be the LEA contact officer or his/her substitute and, where possible, the appropriate LEA adviser. If the complaint had originally been deemed urgent in nature, this meeting should take place within 10 days of the lodging with the Local Education Authority of the complaint and in the case of a non-urgent complaint within 25 days of the complaint being lodged. 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 Appeals Committee shall be a member of the LEA Standing Advisory Council for Religious Education (SACRE).
- 27 The procedure for the meeting of the Local Education Authority Complaints Committee should follow that of the governing body or sub-committee of governors, with the complainant and representative (if present) and the chairman of governors (and representative if present) and the LEA officer and adviser being asked in turn to make a statement and answer questions by the chairman (who would be elected on each occasion by members of the Appeals Committee). Each should be offered the opportunity of a final summing up. The headteacher would normally act as an observer at this meeting, but he/she may be asked questions by the Committee. He/she (and representative) would withdraw from the meeting together with the complainant (and representative) and the chairman of governors (and representative), before the Committee considers its decision.
- 28 The Local Education Authority officer dealing with the complaint shall notify the complainant, the headteacher, the chairman of governors and the clerk to the governors of:
- i the decision taken by the Committee 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, being a complaint by the complainant to the Secretary of State, should the complainant remain unsatisfied.
- This notification shall be given within three days of the date of the meeting of the Committee.
- 29 It shall be the duty of the headteacher, in respect of complaints made to the governing body, to maintain a register of the number and nature of such complaints, the time spent in dealing with them, the actions taken in respect of each complaint and how they have been resolved and to report these findings in his/her termly report to the full governing body. Schools will be asked to make a return each year to the LEA.
- 30 It shall be the duty of the LEA contact officer named in the complaints procedure to maintain a record of the number and nature of complaints dealt with at each formal stage and to provide an annual report to the LEA summarising this information, including the amount of time of teachers, governors and LEA officers spent dealing with them and the actions taken in respect of each complaint and their

outcome. This information for cases of complaint relating to the provision of religious education or worship shall be reported separately to the LEA SACRE. The LEA will make an annual return to the Secretary of State, giving the number of formal complaints dealt with and their outcomes.

- 31 The existence of a Local Authority procedure for the hearing of complaints under Section 409 of the Education Act 1996 shall be referred to in information provided to parents regarding the availability of school places and in such other general literature as may be suitable. Governing bodies will be asked to include in the agenda for the annual meeting with parents an item covering the complaints procedure and the manner in which complaints are to be made and schools' prospectuses shall include a reference to the procedure and to places where a copy of it may be obtained. It shall be the duty of the headteacher of each school within the Authority to make available on request to any parent a copy of the Local Authority arrangements for dealing with complaints under Section 409 of the Education Act 1996 and copies will also be available at County Hall and in public libraries.
- 32 At all stages in the hearing of any complaint, the complainant may request that information be made available in a language other than English, and may request the presence of an interpreter during oral representations. Such requests should be referred to the Local Education Authority if the complaint is at a stage prior to its consideration by the Local Authority where the request cannot be met by the school.
- 33 The Education Act 1996 lays down that the Secretary of State may not consider any complaint within the scope of these arrangements unless it has first been considered under the LEA's arrangements for handling complaints. The intention of this provision is that complaints should, if possible, be dealt with and resolved between the complainant and the parties responsible - the LEA and/or the governing body.
- 34 A complainant who is still dissatisfied after these arrangements have been exhausted will be able to complain to the Secretary of State.

PROVISION OF RELIGIOUS EDUCATION AND COLLECTIVE WORSHIP IN AIDED SCHOOLS

- 1 The Authority has established arrangements under which complaints made about the curriculum in schools are to be dealt with. In the case of aided schools the LEA has no power to inspect the provision or influence the content of denominational religious education or collective worship. Within the overall arrangements for the consideration of complaints a distinct procedure is needed for considering complaints about religious education and collective worship in aided schools. This procedure has been agreed with the governing bodies concerned.
- 2 Where such a complaint is made to the headteacher of an aided school in respect of the religious education provided in that school and where the complainant is not satisfied with informal attempts to resolve the complaint and so informs the headteacher, then the headteacher shall:
 - i inform the contact officer of the Local Education Authority that such a complaint has been made,and
 - ii inform the clerk to the governors that such a complaint has been made.
- 3 The clerk to the governors shall, on receipt of notification from the headteacher, act according to the Authority's' general arrangements as if a complaint which had been deemed by the Authority as urgent had been made. The Secretary of the appropriate Diocesan Authority will be invited to attend the meeting of the governors or sub-committee in an advisory capacity, or to be so represented at the meeting in place of the LEA adviser, or to provide written advice to the meeting.
- 4 The procedure given in paragraph 23 of the LEA's general arrangements shall be followed at the meeting of the governors or sub-committee except that the role of the LEA adviser shall be replaced by the Secretary of the relevant Diocesan Authority /representative.
- 5 If the complainant remains unsatisfied following the meeting of the governors or sub-committee and lodges a formal complaint with the Local Education Authority, the contact officer shall convene a meeting of a specifically constituted Complaints Committee, to be known respectively as the Roman Catholic Aided Schools Complaints Committee or the Church of England Aided Schools Complaints Committee, comprising no fewer than two, and no more than four, nominated representatives of the Plymouth Diocesan Schools Commission or the Exeter Diocesan Board of Education, who shall meet in the presence of the Secretary of the relevant Diocesan Authority (or representative), the headteacher and chairman of governors of the school, who may both be accompanied by a friend or representative. Also in attendance will be the LEA contact officer or his/her substitute. In the case of ecumenical schools, a Complaints Committee whose composition reflects the arrangements set out in the trust deed of the school would be convened.
- 6 The procedure given in paragraph 27 of the LEA's general arrangements shall be followed at the meeting of the Aided Schools complaints Committee except that the Secretary of the relevant Diocesan Authority (or representative) will fulfil the role of the LEA officer and adviser.

The Director of Schools or the Director of Education of the relevant Diocesan Authority will have been informed of the nature of the complaint by the LEA contact officer prior to the meeting of the Complaints Committee and will bring to the Committee the view of the competent ecclesiastical authority regarding the matter which is the subject of the complaint.



DEVON COUNTY COUNCIL

EDUCATION, ARTS AND LIBRARIES DIRECTORATE

COMPLAINTS ABOUT THE CURRICULUM (AND RELATED MATTERS)

Name:

Address:

Name of School:

Please state below your complaint, **which must be to do with the curriculum (or related matter) at the school named above.** (A copy of the procedure for dealing with complaints of this nature is attached).

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What, in your opinion, should be done to meet your complaint?

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Signed: Date:

This form should be returned to your School Improvement Officer (see overleaf for address and contact telephone number) except for complaints in respect of Voluntary Aided schools - in such cases the forms should be given to the Headteacher.

Please return your form to:

School Improvement Officer's Team
Great Moor House
Bittern Road
Sowton
Exeter EX2 7NL

Tel: 01392 384880