



North Yorkshire County Council
Education and Library Services Directorate

COMPLAINTS PROCEDURE
(Curriculum and Religious Worship)

COMPLAINTS PROCEDURE

CONTENTS

	<u>Page</u>
THE COMPLAINTS PROCEDURE	
Introduction	3
Scope of the Arrangements	3 – 4
General Principles	4 – 5
Stages	5
Preliminary Discussion (Informal Stage)	5
Formal Complaint to the Governing Body	5 – 6
Formal Complaint to the LEA	6 – 7
Handling formal complaints	7
Role of the Secretary of State	7
Monitoring	8
Conclusion	8
 ANNEX A (ALL SCHOOLS)	
PROCEDURES OF THE GOVERNING BODY for all complaints coming within the scope of the arrangements except RE and Collective Worship at an Aided School.	9 – 12
 ANNEX B (AIDED SCHOOLS ONLY)	
PROCEDURES OF THE GOVERNING BODY for complaints in connection with RE and/or Collective Worship.	13 – 14

NORTH YORKSHIRE COUNTY COUNCIL
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Introduction

1. This document sets out the arrangements for the North Yorkshire County Council in respect of complaints about curriculum and collective worship under the terms of Section 409 of the Education Act 1996.
2. North Yorkshire County Council is the local education authority (the LEA).
3. 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.
4. The purpose of the document is to set out how complaints will be handled. It describes how anyone with a complaint can have the complaint dealt-with and what then happens.
5. 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.
6. 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. A copy of the circular of guidance issued by the (then) Department of Education and Science (DES 1/89) will also be made available. A summary of the arrangements is included in the school prospectus.

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, or special schools established in hospitals.
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 351 and 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 (Section 357);

^{*} A leaflet is also available which outlines the scope of the procedure and the arrangements for carrying it out.

- iii. provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved (Section 400);
- iv. provision of religious education and worship as required by the Act and other enactments (Sections 376 to 380 and 385 to 389);
- v. in the case of an LEA, establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires (Section 390);
- 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 (Section 457);
- ix. compliance with regulations about the provision of information (Section 408); and
- x. compliance with any other enactments relating to the curriculum.

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. Complaints about the education provided for pupils are to be considered as complaints about the exercise of the governing body's responsibilities in respect of the school curriculum.

The arrangements do not cover complaints about the actions of individual teachers or the headteacher. If, in the course of their consideration of a complaint, the governing body or the LEA conclude that disciplinary proceedings should be initiated they will take separate action as appropriate.

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) 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. Many complaints or potential complaints can best be resolved locally in discussion with the head or other staff of the school or in other informal discussion. This is where the process should start and unless there are exceptional circumstances there should be full discussion at the informal stage as a first step. Those with complaints will normally be advised to seek to resolve them through informal discussion before embarking on the formal stage.

Similarly, in respect of complaints or potential complaints about actions of the LEA, the informal stage would involve discussion with appropriate officers of the LEA.

Formal Complaint to the Governing Body

17. If attempts to settle the complaint informally have failed, the Head Teacher will supply the complainant with the name of the designated officer in the LEA, and with copies of relevant documents explaining the arrangements for considering complaints.
18. The complainant should set out the complaint in writing and may submit it either to the Clerk of the Governing Body, whose address is available at the school, or to the designated officer in the LEA. This written notification should make clear exactly what the complaint is and should also make it clear that it is to be formally considered under these arrangements.
19. If the complaint is submitted to the designated officer the designated officer will acknowledge receipt of it and, if the appropriate level for dealing with the complaint is that of the Governing Body, refer it to the clerk of the Governing Body. If the complaint is submitted to the Clerk of the Governing Body, the Clerk will promptly acknowledge receipt of the complaint, and will advise the designated officer that a formal complaint has been received, and will then arrange for the complaint to be investigated and to be considered by the governing body under the arrangements specified by the LEA for this purpose. A copy of these arrangements is attached. The Clerk will identify any urgent cases which need to be considered as a priority.
20. The complainant may wish to make an oral presentation to supplement the written complaint. This will be allowed. The purpose of this presentation will be to enable the complainant to bring out more fully the nature and detail of the complaint so as to enable the investigation to proceed. The purpose is not to enable a response to the complaint to be made at that stage.

21. At any interview in connection with the complaint the complainant may be accompanied, if desired, by a friend, representative or interpreter.
22. When the complaint has been fully investigated and considered the Clerk will notify the complainant and the LEA designated officer of the outcome in writing giving an explanation of the conclusion, the reasons for it, and any action taken or proposed to be taken, including details of any request made to those complained against to take particular actions to resolve the complaint and the further recourse available if appropriate. This notification brings the complaint to the Governing Body to a conclusion.

Formal Complaint to the LEA

23. This formal stage will be used if either:
 - a) the complainant has complained formally to the Governing Body, is not satisfied with the outcome and wishes to complain to the LEA; or
 - b) the complaint relates to something which is solely the responsibility of the LEA and a complaint to the governors would, therefore, not be appropriate.

(NB: see paragraph 10: If a statutory appeals procedure has been followed but the appellant is dissatisfied with the decision of the Governing Body, a formal complaint may be made to the LEA.)

It should be noted, however, in connection with (a) that the LEA has no power to inspect the provision or influence the content of denominational religious education or collective worship in an aided or special agreement school. Within the overall arrangements for the consideration of complaints there is therefore distinct procedure for considering complaints about religious education and collective worship in aided and special agreement schools. This procedure has been agreed with the governing body concerned, and an explanatory note is attached.

24. The complainant should set out the complaint in writing and send it to the designated officer. This written notification should make clear exactly what the complaint is and should also make it clear that it is to be formally considered under these arrangements. The designated officer will promptly acknowledge receipt of the complaint.
25. The designated officer will identify urgent complaints and arrange for them to be dealt with as a priority.
26. The designated officer will arrange for the complaint to be investigated and the investigating officer will seek such information or advice as he or she considers appropriate in so doing. For example, the SACRE may be given a role where complaints relate to religious education given in accordance with an agreed syllabus or to religious worship in county schools.
27. Following investigation the complaint will be considered by a Committee of not less than three LEA Members.
28. The complainant may, if desired, make an oral presentation to the panel. At any such meeting the complainant may be accompanied, if desired, by a friend, representative or interpreter. A representative of the governing body (if Stage 2 has been followed) may make an oral presentation if the governing body so wish.

29. When the complaint has been fully investigated and considered the Clerk of the Committee will notify the complainant of the outcome in writing, giving an explanation of the conclusion, the reasons for it, and any action taken or proposed to be taken, including details of any request made to those complained against to take particular actions to resolve the complaint and the further recourse available, if appropriate. This notification brings the complaint to the LEA to a conclusion.

The Handling of Formal Complaints

30. The designated officer is responsible for ensuring that the complaint has been directed correctly to the LEA or the governing body as the case may be. Where necessary it will be redirected and the complainant informed that this has been done.

An example of a complaint made to the governing body which would need to be redirected to the LEA is a complaint about the duty to set up a Standing Advisory Council on Religious Education. The principal example of a complaint made to the LEA which would need to be redirected to the governing body would be one which is not a complaint which would properly come first to the LEA and where the complainant has not yet followed the stage of a formal complaint to the governing body.

31. The designated officer or clerk to the governing body will consider whether a complaint does not come within the scope of the procedure or relates to something which has already been recently investigated and dealt with. If the latter applies, it may be that the complainant will be satisfied by a written explanation, and will decide not to take the matter further.

If the complaint is outside the scope of these arrangements the complainant will be advised about any appropriate steps which he or she could take.

32. Depending on the nature of the complaint it may be clear that the investigation will take some time and, if so, the complainant will be informed that this is so.
33. Consideration of a complaint will need to be directed towards establishing whether the LEA or the governors, as the case may be, are acting reasonably and within the law and meeting their obligations so far as practicable, or whether this is not the case and some remedial action is required. In considering that question it may be necessary to consider whether:
- a) the LEA's/governors' policy is consistent with legal requirements;
 - b) their actions are consistent with their policy;
 - c) the actions of staff are consistent with their policy.

The Role of the Secretary of State

34. 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.
35. A complainant who is still dissatisfied after these arrangements have been exhausted will be able to complain to the Secretary of State.

Monitoring

36. The LEA will monitor the number and nature of complaints made under these arrangements.
37. Monitoring will be undertaken in respect of the formal stages. Complaints dealt with solely under the informal stage will not be monitored. This is because there is in the normal course of events considerable discussion between parents and the school about various aspects of school life, including matters within the scope of these arrangements. This may embrace enquiries seeking explanation, critical and informed discussion of policy or practice and so on. This is wholly welcome and it would be unnecessarily restrictive to seek to regulate those contacts by seeking to define what amounts, or does not amount, to a complaint, or by singling out those aspects which concern the subject matter of these arrangements.
38. Formal complaints will, however, be monitored. The LEA will maintain a record of complaints and schools similarly are expected to maintain a record of complaints made to the Governing Body. Schools will be asked to make a return each year to the LEA, and governing bodies will be expected to receive a report at least once a year.
39. The record of complaints will include the number and nature of complaints, the time taken to deal with them and the outcome.
40. Information may be published from time to time about the number and nature of complaints under these arrangements. Publication will not include reference to any named individual.

The Education and Library Services Scrutiny Committee of the LEA will receive a report at least once a year; and the LEA will make an annual return to the Secretary of State, giving the number of formal complaints dealt with and their outcomes.

Conclusion

41. This document is intended to promote good practice in the handling of complaints within its scope and to assist complainants.
42. **If complainants are in any doubt about where to direct their complaints they should write to the designated officer,** who will then make the necessary arrangements or give advice about what steps to take.

Thirsk Community Primary School

PROCEDURES OF THE GOVERNING BODY FOR DEALING WITH COMPLAINTS IN CONNECTION WITH THE CURRICULUM AND RELATED MATTERS

1. Preamble

- 1.1 This document should be read with the Complaints Procedure of the Local Education Authority.
- 1.2 The Governors of the School are confident that most difficulties which arise between parents and the school can be resolved by amicable discussion between the parents and the Headteacher and other staff of the school. The procedures set out in this Annex offer a means of dealing locally with the kinds of complaints listed in Paragraph 8 of the LEA procedures when such complaints cannot be resolved by informal discussion.
- 1.3 The Governors of the School will do their best to resolve complaints to the satisfaction of everyone concerned by following the arrangements set out in this Annex. However, if the Governors are unable to satisfy the complainant, he or she will be told how the matter can be taken to the next stage of the procedures.

2. Complaints to the Governors

- 2.1 The matters which are covered by these arrangements are listed in Paragraph 8 of the LEA's 'Complaints Procedures'. It should be noted that they do not cover complaints against members of staff for which different arrangements exist. The Headteacher of the school, or an officer of the LEA (see Para. 4 below) can explain what these are. (There are also separate procedures for dealing with complaints about religious worship and religious education at voluntary aided schools. These are set out in Annex B of the Complaints Procedure as it relates to those schools.)

2.2 What a Parent with a Complaint should do

- i. contact the clerk to the Governors whose name and address is available from the school (see also Para. 3 below);
- ii. set out the complaint, in as much detail as possible, in writing, and send it to the Clerk; and
- iii. if possible, attend the meeting of Governors so as to be able to explain the complaint more fully (attendance is not essential, but would be helpful to the Governors in making sure that they understand the complaint). A parent may be accompanied by a friend, or representative.

2.3 The Clerk to the Governors will

provided the complaint is one which falls within the scope of these arrangements,

- i. acknowledge receipt of the complaint, telling the parent that he/she will be informed when a meeting of the Governors has been arranged, and that he/she will be invited to attend;¹
- ii. consult the Chairman and the Head about the nature of the complaint:
 - a) is it a complaint about the education provided at the school? If so, give the Headteacher a copy of the complaint and ask him/her to prepare a response to be made at the meeting of the Governors. If the Head prepares a written report a copy should be sent to the complainant in good time before the meeting.
 - b) is the complaint about a decision of the Governors (eg a decision that sex education would, or would not, be provided at the school)? If so, ask the Chairman to arrange for a report to be prepared;
 - c) is the complaint about something which is the responsibility, entirely, of the LEA? If so, it should be referred immediately to the authority's designated officer, at the same time informing the complainant that this has been done;
 - d) does the complaint involve any allegation concerning the conduct or capability of a member of the staff of the school? If it does, refer the matter to the Head or Chairman, as required, and inform the complainant that this has been done;
- iii. notify the designated LEA officer of the complaint;
- iv. seek the instructions of the Chairman for a meeting of the Governors, **having particular regard to the urgency of the complaint; and**
- v. inform the parent of the date of the meeting, inviting attendance and indicating that the parent may bring a friend, sending the parent a copy of the complaints procedure.

2.4 The Governors' Meeting

- i. If the parent attends, the Chairman will explain that the purpose of meeting the parent is to enable the Governors to be sure that they understand the complaint. It is not to give the parent an answer, as the Governors will want to take account of what the parent says when they consider the matter, and they may wish to investigate further after hearing the parent.
- ii. Having satisfied themselves that they understand the complaint, the Governors will consider any report and any oral evidence they receive on the matter (from the Head in the case of a complaint concerning an activity in school; from the Chairman of Governors if the complaint is against a decision of the Governors), and ask themselves if they are satisfied that the matter has been thoroughly investigated. The Governors may invite any witness who they think may be able to throw light on the matter to answer questions.

NB 1: Complainants are more likely to be satisfied if they feel that their complaint is thoroughly investigated, and that usually implies that they should hear the "other side of the story" being put and be given an opportunity to ask questions.

¹ re Voluntary schools which have Trust Deed setting out requirements as to religious education/worship, please see Para 4 below concerning any complaint about religious education/worship.

NB 2: Great care must be taken to ensure that the meeting does not concern itself with any matter which could be the subject of disciplinary proceedings (see 2.3ii (d) above).

- iii. Having considered the facts placed before them, the Governors will conclude whether or not, in their opinion, there is substance in the complaint, and will identify the reasons which led them to that conclusion. If there is substance, the Governors must consider whose duties and responsibilities are involved, and what they can do to bring about a resolution.

If the Governors decide the complaint is substantiated they must consider:

If the complaint relates to the duties of the Headteacher the Governors will ask the Headteacher to review the matter and may discuss with him/her how the complaint might be resolved.

If the complaint relates to the duties of the Governors they will consider what action is appropriate on their part.

If the Governors decide there is no substance in the complaint they must set out for the Clerk their reasons for this decision.

2.5 After the Meeting

- i. The Clerk will write to the complainant to inform him/her of the Governors' decision and of their reasons for arriving at it. The parent must also be told how they may take the matter further (the name and address of the Authority's designated officer) if they are not satisfied with the governors' decision.
- ii. The Clerk will send a copy of the letter to the Authority's designated officer.
- iii. If the complaint concerned an activity in the school, a copy of the letter will also be sent to the Headteacher.

2.6 Monitoring Complaints

- i. The Clerk to the Governors will, at the first meeting in each school year, report to the Governors the number of formal complaints considered by the Governors in the previous school year, indicating briefly the nature of the complaints and the decisions reached; and which, if any, were taken on to the LEA Complaints Committee and what their decisions were.
- ii. The Governors will report, briefly in their Annual Report to parents on the formal complaints dealt with under these procedures.

3. Advice to Parents about Complaints

The quickest and most satisfactory way to have most complaints dealt with is for the complainant to talk to the Headteacher of the school. If it does not prove possible to resolve the matter this way, and parents want the advice of an officer of the LEA, they should be advised to contact their local Education Office (address/tel. nos. provided in Parents' Guides). Otherwise, the formal stages should be explained, giving parents the leaflet supplied by the LEA or a copy of the Procedure.

4. Schools where Religious Education/Worship must be given/arranged in accordance with a Trust Deed

- i. When a complaint relating to religious education/worship at such a school is received, the complainant should be given a written statement of the relevant requirements of the Trust Deed (as, in respect of the secular curriculum, the complainant would have access to the relevant Circulars and Regulations). This will help the complainant decide whether to persist with the complaint.
- ii. When informing the complainant of the governors' decision on the complaint, the Clerk will state what provision the Trust Deed makes for settling disputes (viz. who has this responsibility) and this information should be given to the complainant. Also, where this is appropriate, the Clerk should give the name and address of the appropriate diocesan officer to whom the complainant may write, setting out the grounds on which he/she disputes the observance of the Trust Deed, if he/she wishes to take the matter further

