

**NOTTINGHAMSHIRE COUNTY COUNCIL
EDUCATION DEPARTMENT**

**COMPLAINTS PROCEDURE: CURRICULUM, COLLECTIVE WORSHIP AND RELIGIOUS
EDUCATION**

Introduction

1. Section 409 of the Education Act 1996 requires the Local Education Authority (LEA) to establish procedures to deal with complaints about the **school curriculum, collective worship and religious education**. The Education Act 2002 (paragraph 47 Schedule 21) determines that these arrangements are no longer subject to approval by the Secretary of State.
2. The procedures described in this document have been drawn up in consultation with head teachers and governors of Nottinghamshire LEA schools. Representatives of the recognised teacher associations in Nottinghamshire have also been consulted as have the (Church of England) Southwell Diocesan Education Committee and Roman Catholic Diocesan Education Commission.

Scope of the procedures

3. All Nottinghamshire LEA community, voluntary, foundation and special schools are covered by these procedures, with the exception of nursery schools or nursery classes in schools.
4. These procedures apply only to complaints which fall within the following categories:
 - (a) complaints about the provision of a curriculum, including religious education, collective worship and sex education, but not complaints about the process of statutory assessment for, or the content of, a statement of special educational needs, for which other arrangements exist;
 - (b) complaints about the implementation of the National Curriculum and exemptions from it, including the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum;
 - (c) complaints about the provision to pupils of courses leading to an external qualification, but only if that qualification and the associated syllabus or syllabus criteria have been approved;

- (d) complaints about the establishment of a Standing Advisory Council on Religious Education (SACRE) and the review of an agreed syllabus for religious education if required by the SACRE;
- (e) complaints about the operation of charging policies but only in relation to the curriculum in the school;
- (f) complaints about the provision of information required by law on the curriculum, educational achievements and assessment;
- (g) complaints about compliance with any enactments which relate to the curriculum.

Any complaints not covered by the definitions set out above (such as complaints about discipline, admissions or provision for pupils with special educational needs) do not come within the scope of these arrangements but are covered by separate procedures. The only difference between these procedures relates to how a complaint is investigated and the LEA's powers of intervention, if the complaint cannot be resolved at school level.

5. In most cases it should be possible to resolve any complaints at an informal level. If this is not possible, there are various stages in the formal procedure set out in this document, leading eventually to the Secretary of State. However, the Education Act 1996 precludes the Secretary of State from looking at a complaint unless all the local formal stages have first been followed.
6. Most of the complaints eligible for the formal stages will go first to the school's governing body and only then to the LEA. There are however exceptions to this:
 - a) Recognising the distinctive nature of religious education and collective worship in voluntary aided schools, such complaints will go in the first instance to the school's governing body. If the complainant is not satisfied with the governing body's decision, the complaint will be heard by an appeals panel set up by the relevant diocesan authority (see paragraph 31).
 - b) A complaint about the establishment of a SACRE or the review of an agreed syllabus will go direct to the LEA, without first going to the governing body, because only the LEA has responsibility for such matters.

General principles

7. All complaints will be dealt with as quickly and efficiently as possible. The length of time it will take to deal with a complaint will vary depending on 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 timescale which is reasonable in all the circumstances.

8. Urgent complaints will be identified as such and given priority (see paragraphs 45-51).
9. All complaints will be investigated fully, fairly and carefully. Complainants will be kept informed of progress at each stage and notified of the outcome.

Preliminary discussion

10. Many complaints or potential complaints can best be resolved informally in discussion with the head teacher or other staff of the school. Unless there are exceptional circumstances, there should be full discussion at the informal stage as a first step. Complainants will, therefore, normally be advised to seek to resolve their complaint through informal discussion before pursuing the formal procedures set out in this document.
11. Similarly, complaints or potential complaints about the actions of the LEA should, if possible, be resolved by informal discussion with the appropriate LEA officers before the formal procedures are pursued.

Complaints relating to LEA decisions

12. If the complaint is about issues covered by these procedures and which relate to decisions by the LEA (rather than the policy or practice of an individual school), the complaint will be investigated as determined by the LEA designated officer for these procedures. After the investigation has been completed, the investigating officer will advise the complainant of the decision in writing.
13. If the complainant is not satisfied with the written response from the investigating officer he/she will have 20 working days in which to request a meeting of the LEA's complaints panel. In normal circumstances, the complaints panel will normally meet **within 20 working days** of the request.
14. The LEA complaints panel will comprise three county councillors drawn from a pool of elected members to hear such complaints, and will be advised by the LEA designated officer.
15. None of the members of the panel should have had previous involvement with the complaint. Written documentation will be circulated to members of the panel in advance of the meeting.
16. The meeting of the panel will be held in private and will be clerked.
17. The panel will consider representations from the complainant, who may be accompanied by a friend, representative or interpreter, and from the investigating officer.

18. The clerk to the panel will notify the complainant and the LEA designated officer in writing, **within 5 working days** of the panel meeting, of the panel's decision, the reasons for it, and any recommended action.
19. The decision letter will also inform the complainant of their right to refer the complaint to the Secretary of State.

Complaints relating to school decisions

20. If a complaint relates to a school the following stages apply:

The informal stage - head teacher/chair of governors

21. Many complaints or potential complaints can best be resolved in discussion with the head teacher or other staff at the school. This is where the process should start, and unless there are exceptional circumstances, there should be a full discussion at this stage as a first step.
22. If the complainant still then wishes to take the matter further, he/she should contact the chair of governors to try and resolve the concerns at an informal level.

Formal stage - governing body

23. If attempts to settle the complaint informally have failed, the complainant has the right to take the complaint to a panel of governors.
24. Each school's governing body should have a pool of governors with delegated powers to deal with complaints about curriculum issues. The governors' complaints panel should not include governors who have previously been involved with the complaint, or who may otherwise have a conflict of interest.
25. The complainant should set out the complaint in writing and submit it to the designated complaints governor.
26. On receipt of a complaint, the designated complaints governor will:
 - a) arrange for the complaint to be acknowledged promptly;
 - b) decide whether the complaint falls to be considered within the terms of Section 409 of the Education Act 1996 (see paragraph 4 of these procedures);
 - c) identify whether the complaint is urgent and should be given priority attention (see paragraphs 45-51);

- d) make arrangements for the governors' complaints panel to meet to consider the complaint;
 - e) arrange for the complainant to be informed of the time, date and place of the governors' complaints panel meeting at which the complaint will be considered;
 - f) inform the complainant that he/she has the right to attend the governors' complaints panel meeting, make an oral presentation to supplement the written complaint and to be accompanied by a friend, representative or interpreter.
27. The clerk to the governors will request any correspondence, reports or other papers relating to the complaint. All the papers for the meeting will be sent to members of the governors' complaints panel, the head teacher and the complainant, **at least 3 working days** before the date of the meeting.
 28. The meeting will be attended by the complainant, the head teacher, the designated complaints governor and the governors' complaints panel. The panel may request other people to attend, to provide information to the meeting, if appropriate.
 29. The governors' complaints panel will consider the complaint and keep a record of the meeting.
 30. The governors' complaints panel will notify the complainant and the designated complaints governor, in writing, **within 5 working days** of the meeting, of the panel's conclusions, the reasons for them and any action taken or proposed.
 31. **Voluntary aided schools only.** Consideration by the governors' complaints panel will conclude the local process if the complaint relates to religious education or worship. In such cases the panel will inform the complainant of the opportunity (and how to exercise it) of referring the matter for further consideration by an appeals panel established by the Southwell Diocesan Education Committee (in the case of Church of England Aided Schools) or the Diocesan Education Commission (in the case of Roman Catholic Aided Schools) and subsequently to the Secretary of State.
 32. **Schools other than voluntary aided schools.** The governors' complaints panel will inform the complainant of the opportunity (and how to exercise it) to have the complaint considered at LEA level.

Formal stage - LEA

33. The complainant will have **20 working days** from the date of being notified of the outcome of the governors' complaints panel meeting in which to register a formal complaint with the LEA's designated officer.

34. The clerk for the LEA complaints panel will be asked by the LEA designated officer to arrange a meeting of the panel normally within **20 working days** of receipt of the request from the complainant.
35. None of the members of the LEA complaints panel should have had any previous involvement with the complaint, or have any other potential conflict of interest.
36. The meeting will be held in private and will be clerked.
37. The LEA complaints panel will consider representations from the complainant (who may be accompanied by a friend, representative or interpreter) and the head teacher. A governor from the governors' complaints panel, which heard the complaint at the school stage, may also make an oral presentation if desired.
38. In the case of voluntary aided schools, the panel hearing a complaint concerning the curriculum will invite a representative of the appropriate denominational authority to be present and give evidence and/or comment.
39. The LEA complaints panel members will consider the written documentation and oral representations from the complainant, the head teacher and the governor or denominational representative (if appropriate).
40. The clerk to the panel will notify the complainant, the head teacher and the chair of governors in writing, **within 5 days** of the panel meeting, of the outcome of the meeting, the reasons for the panel's decisions and any recommended action. The letter will also inform the complainant of the right to refer the complaint to the Secretary of State if they remain dissatisfied with the outcome.
41. This will complete the LEA stage.

The role of the Secretary of State

42. The Secretary of State is not able to consider any complaint covered by Section 409 of the Education Act 1996 unless it has first been considered under the LEA's procedures for handling such complaints. This is to ensure that complaints are, if possible, dealt with and resolved locally between the complainant and the parties responsible - the governing body and/or the LEA.
43. A complainant who is still dissatisfied after this procedure has been exhausted will be able to complain to the Secretary of State.
44. If the Secretary of State upholds a complaint under these arrangements, he/she may give directions as to the performance of duties or exercise of powers by the LEA or the governing body as the case may be.

Complaints requiring particularly urgent action

45. The majority of complaints will be accommodated within the timescale set out in these procedures (summarised at Appendix A). There may, however, exceptionally, be occasions where complaints may need to be dealt with more urgently: for example, when a pupil is potentially being denied the opportunity to take part in an approved external examination which has a set deadline.
46. It is expected that such complaints will be identified from the outset by the head teacher.

Procedures will be the same for less urgent complaints except that:

47. In the case of an urgent complaint, the informal stage will be confined to a single meeting of the complainant and the head teacher.
48. If no agreement is reached, the head teacher should immediately inform the complainant of the right to a hearing by the governors' complaints panel. The complainant should also be given information on how to contact the designated complaints governor and should be advised to emphasise the urgent nature of the complaint. A request for a meeting of the governors' complaints panel should be made in writing to the clerk to the governors.
49. A meeting of the governors' complaints panel will be arranged as soon as possible and, at the latest, within **20 school days** of the receipt of the complaint by the designated complaints governor.
50. If the complaint relates to religious education or collective worship in a **voluntary aided school**, the meeting of the governors' complaints panel and its outcome will conclude the local process.
51. In all other cases, if the complainant is still not satisfied and wishes to take the matter to the LEA stage, a special panel comprising the LEA designated officer or his/her nominee, together with two elected members drawn from the pool of members nominated to investigate complaints under these procedures, will meet the complainant and head teacher and chair of governors as soon as possible and, at the latest, **within 15 school days** of receipt of the complaint by the LEA. The panel will have delegated power to take any decision required on behalf of the LEA. This meeting and its outcome will conclude the local process.

Availability of the procedures

52. Copies of these procedures will be available for inspection at all schools maintained by Nottinghamshire LEA, public libraries, County Contact and education offices. A copy will be made available, if requested, to any person wishing to make a complaint under these arrangements. The LEA will also provide copies of the information in languages other than English, if requested to do. Braille, large print or audio versions of the procedure will also be made available on request.

Monitoring arrangements

53. The LEA will monitor the number and nature of complaints it deals with under the formal stages of these procedures. Complaints dealt with solely under the school stages will not be monitored by the LEA.
54. The LEA will maintain a record of the complaints it deals with. As a minimum, the record will include summary data on the number and nature of the complaints, the time taken to deal with them and their outcome. Similarly, schools will be expected to maintain a record of complaints made to the governing body.
55. A summary of any Section 409 complaints dealt with formally by the LEA under these procedures will be reported annually to the County Council's Education and Lifelong Learning Standing Select Committee, but will not include reference to any named individual or school.

Contacts

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