

COMPLAINTS PROCEDURE (CURRICULUM AND RELIGIOUS WORSHIP)

INTRODUCTION

1. This document sets out the arrangements for Cambridgeshire County Council in respect of complaints about curriculum and religious worship under the terms of section 409 of the Education Act 1996 (which contain the provisions originally set out in the Education Reform Act of 1988). Cambridgeshire County Council is the local education authority (the LEA).
2. This document was revised in April, 2008. References to the “LEA” have been amended to read “LA” in order to reflect changes in legislation subsequent to the previous revision in 2002.
3. The arrangements relate to the kinds of complaint mentioned in paragraph 9. The arrangements have been drawn up following consultation with the heads and governors of all Cambridgeshire schools. 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 set about having 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 LA or by the governing bodies of schools maintained by the LEA.
6. The arrangements cover complaints made on or after 1 September 1989.
7. This document is available for inspection at all schools maintained by the LA and education offices. A copy will be given, if desired, to any person wishing to make a complaint under these arrangements and the LA 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 Department of Education and Science (DES 1/89) will also be made available. A summary of these arrangements for dealing with complaints will be included in the school’s prospectus.

SCOPE OF ARRANGEMENTS

8. The schools covered by these arrangements are all schools maintained by the LA except:-

nursery schools, and nursery classes in primary schools.

9. The duties to be covered by complaints arrangements (which are, except where noted, common to LAs and governing bodies) are specified in the Education Act as:
- i. the provision of a curriculum, including religious education and worship, which meets the general requirements of Sections 1 and 2 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 4, 10 and 17);
 - 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 5);
 - iv. provision of religious education and worship as required by the Act and other enactments (Sections 6-10 and 12);
 - v. in the case of an LA, 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 11);
 - vi. the need to act reasonably in deciding whether or not to be associated with an application for exception from all or part of the National Curriculum in order to carry out developmental work (Section 16);
 - 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 19);
 - viii. operation of charging policies in relation to the curriculum (Section 109);
 - ix. compliance with regulations about the provision of information (Section 22); and
 - x. compliance with any other enactments relating to the curriculum.

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

10. Complaints under these arrangements are concerned only with 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 head teacher. If, in the course of their consideration of a complaint, the governing body or the LA conclude that disciplinary proceedings should be initiated they will take separate action as appropriate.

11. 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 LA under these arrangements.

GENERAL PRINCIPLES

12. 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 that is reasonable in all the circumstances.
13. Urgent complaints will be identified as such and given priority.
14. 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.
15. 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

16. 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 LA. A complaint could be considered at more than one of these stages.

PRELIMINARY DISCUSSION

17. 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 LA the informal stage would involve discussions with appropriate officers of the LA.

FORMAL COMPLAINT TO THE GOVERNING BODY

18. If attempts to settle the complaint informally have failed, the headteacher will supply the complainant with the name of the LA's Named Officer (Curriculum Complaints Procedure)(referred to hereafter as the Named Officer), and with copies of relevant documents explaining the arrangements for considering complaints (see Paragraph 44 for contact information).
19. 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 Named Officer in the LA. This written notification should make clear exactly what the complaint is and should also make clear that it is to be formally considered under these arrangements.
20. If the complaint is submitted to the Named Officer, the Named 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, will advise the Named 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 LA for this purpose. A copy of these arrangements is attached in Appendix 1. The clerk will identify any urgent cases that need to be considered as a priority.
21. 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.
22. At any interview in connection with the complaint the complainant may be accompanied, if desired, by a friend, representative or interpreter.

23. When the complaint has been fully investigated and considered the clerk will notify the complainant and the Named 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 LA

24. 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 LA; or
- b) The complaint relates to something that is solely the responsibility of the LA and a complaint to the governors would, therefore, not be appropriate.

(NB. See paragraph 11: 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 LA.)

25. It should be noted, however, in connection with 24(a) above, that the LA has no power to inspect the provision or influence the content of Denominational Religious Education or Worship in an Aided or Special Agreement school. In the event of such complaints concerning Denominational Religious Education and Religious Worship these will be referred:

- a) For Church of England Schools to the appropriate Diocesan Education Committee;
- b) For Roman Catholic Schools to the Ordinary of the Diocese.

26. The complainant should set out the complaint in writing and send it to the Named 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 Named Officer will promptly acknowledge receipt of the complaint.

27. The Named Officer will identify urgent complaints and arrange for them to be dealt with as a priority.

28. The Named 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. Where a complaint relates to Religious Education given in accordance with an agreed syllabus in County and

Voluntary Controlled Schools, or to Religious Worship in County and Non-Denominational Voluntary Controlled Schools, it will be referred as part of the investigative process by the Named Officer to the Standing Advisory Council on Religious Education, if the complaint has not been first resolved by the Governing Body in accordance with the procedure set out in Appendix 1. If reference is made to the SACRE, then the arrangements set out in Appendix 3 will apply. Complaints relating to Denominational Religious Worship in Voluntary Controlled Schools will be dealt with under the arrangements described in Paragraph 25 above.

29. Following investigation the complaint will be considered by the Service Appeals Committee, advised by the Named Officer, under the arrangements attached in Appendix 2.
30. 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.
31. When the complaint has been fully investigated and considered the Named Officer 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 LA to a conclusion.

THE HANDLING OF FORMAL COMPLAINTS

32. The Named Officer is responsible for ensuring that the complaint has been directed correctly to the LA 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 LA is a complaint about the duty to set up a standing advisory council on religious education within the terms of the 1988 Act.

The principal kind of complaint made to the LA which would need to be redirected to the governing body would be one that is not a complaint that would properly come first to the LA and where the complainant has not yet followed the stage of a formal complaint to the governing body – for example, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum.

33. The Named 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 that 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 that he or she could take.

34. 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.
35. Consideration of a complaint will need to be directed towards establishing whether the LA, 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 LA'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

36. 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 LA'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 LA and/or the governing body.
37. A complainant who is still dissatisfied after these arrangements have been exhausted will be able to complain to the Secretary of State.

MONITORING

38. The LA will monitor the number and nature of complaints made under these arrangements.
39. 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.

40. Formal complaints will, however, be monitored. The LA 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 LA, and governing bodies will be expected to receive a report at least once a year.
41. The record of complaints will include the number and nature of complaints, the time taken to deal with them and the outcome.
42. 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 appropriate committee of the LA will receive a report at least once a year; and the LA will make an annual return to the Secretary of State, giving the number of formal complaints dealt with and their outcomes.

CONCLUSION

43. This document is intended to promote good practice in the handling of complaints within its scope and to assist their resolution.
44. If complainants are in any doubt where to direct their complaint they should write to the Named Officer, who will then make the necessary arrangements or advise the complainant about what steps to take.

NAMED OFFICER (CURRICULUM COMPLAINTS PROCEDURE):

CONTACT INFORMATION

45. The contact address for the LEA's Named Officer (Curriculum Complaints Procedure) is:

Box ELH 1506
Castle Court
Shire Hall
Castle Hill
Cambridge
CB3 0AP

COMPLAINTS PROCEDURE (CURRICULUM AND RELIGIOUS WORSHIP)

**Arrangements for Consideration of Curriculum Complaints
by the Governing Body**

It is recommended that the Governing Body create a Sub-Committee consisting of five members of the Governing Body to deal with all complaints relating to curriculum matters. The procedure by which the Governing Body will deal with curriculum complaints will then be as follows:

- i. The complainant to supply the Sub-Committee with the complaint in writing, and a written response will be provided on behalf of the Governors (e.g. by the Head), both documents to be available in the meeting of the Sub-Committee set up to deal with the complaint;
- ii. In the meeting of the Sub-Committee hearing the complaint, the complainant to speak first, commenting on the written complaint previously supplied to the Sub-Committee detailing the nature of the complaint;
- iii. The complainant will have the right to be accompanied by a friend/interpreter during the hearing;
- iv. The complainant to be questioned by the Head or whoever prepared the written response on behalf of the Governors;
- v. The complainant to be questioned by the Sub-Committee of Governors;
- vi. The Governors then to put their case, through a statement by a Governor or the Headteacher as appropriate;
- vii. The Governor or Head teacher then to be questioned by the complainant;
- viii. The Sub-Committee of Governors will then deliberate and notify the complainants and the LEA's Named Officer (Curriculum Complaints Procedure) of the outcome in writing giving an explanation of the conclusion, the reason for it, and any action taken or proposed to be taken, including details of any requests 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.

COMPLAINTS PROCEDURE (CURRICULUM AND RELIGIOUS WORSHIP)

**Arrangements for Consideration of
Curriculum Complaints by the LA**

1. The complaint will be considered by the Service Appeals Committee. The Panel will be advised by the 'Named Officer' (Curriculum Complaints Procedure). The procedure by which the LA will deal with curriculum complaints will then be as follows:
 - i. The complainant to supply the Panel with the complaint in writing, and a written response will be provided on behalf of the LA, both documents to be available in the meeting of the Panel set up to deal with the complaint;
 - ii. In the meeting of the Panel hearing the complaint, the complainant to speak first, commenting on the written complaint previously supplied to the Panel detailing the nature of the complaint;
 - iii. The complainant will have the right to be accompanied by a friend/interpreter during the hearing;
 - iv. The complainant to be questioned by whoever prepared the written response on behalf of the LA;
 - v. The complainant to be questioned by the LA Panel;
 - vi. The LA to put their case, through a statement by a Governor, the Headteacher or an officer of the LA as appropriate;
 - vii. The LA representative then to be questioned by the complainant;
 - viii. The LA Panel will then deliberate and notify the complainant and the LA's Named Officer (Curriculum Complaints Procedure) 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 action to resolve the complaint and the

further recourse available if appropriate. The notification brings the complaint to the LA to a conclusion.

2. In cases where the complaint relates to Religious Education and /or Religious Worship, a representative of the SACRE will be allowed to attend and explain the contents of the SACRE report and to be questioned by the complainant and whoever prepared the written response on behalf of the LA and the Panel.

COMPLAINTS PROCEDURE:

- i. **RELIGIOUS EDUCATION AND RELIGIOUS WORSHIP IN COUNTY AND NON-DENOMINATIONAL VOLUNTARY CONTROLLED SCHOOLS**
- ii. **RELIGIOUS EDUCATION IN VOLUNTARY CONTROLLED SCHOOLS**

Reference to the Standing Advisory Council on Religious Education

The purpose of the procedure set out below is to provide a distinct procedure for the Standing Advisory Council on Religious Education to consider complaints about Religious Worship in County and Non-Denominational Voluntary Controlled Schools and Religious Education in Voluntary Schools, and advise the LA Panel upon the merits of the complaint as part of the investigative process. The formal steps of the procedure are as follows:

- 1. The complaint will first be considered by the Sub-Committee of the Governing Body in accordance with the procedure set out in Appendix 1.
- 2. The complainant to provide the SACRE with a full written explanation of the complaint, and the body complained against to provide the SACRE with a written reply, both documents to be available in the meeting set up to deal with the complaint;
- 3. At the meeting of the SACRE:
 - i. the complainant to speak first, commenting on the written explanation of the complaint previously supplied;
 - ii. The complainant to have the right to be accompanied by a friend/interpreter if necessary;
 - iii. a representative of the Governing Body or LA to have the opportunity to question the complainant;
 - iv. a representative of the Governing Body if appropriate to have the opportunity to provide an oral response to the complainant;
 - v. members of the SACRE to be able to question the complainant;

- vi. if the complaint is against the LA, a representative of the LA to have an opportunity to make an oral presentation if appropriate;
- vii. the complainant to question the representative of the Governing Body or the LA, and then members of the SACRE to do the same;
- viii. when the hearing of the complaint has been fully concluded, the Named Officer (Curriculum Complaints Procedure) will notify the complainant in writing of the conclusions reached by the SACRE and any recommendations which it is making to the LA Panel.