

COMPLAINTS PROCEDURE (CURRICULUM AND RELIGIOUS WORSHIP)

INTRODUCTION

1. This document sets out the arrangements for the Isle of Wight Council in respect of complaints about the school curriculum and collective worship under the terms of Section 23 of the Education Reform Act 1988. The Isle of Wight Council is the Local Authority (the LA).
2. The arrangements relate to the kinds of complaint mentioned in paragraph 7, and have been drawn up following consultation with the heads and governors of the schools mentioned in paragraph 6. The arrangements have also been approved by the Secretary of State.
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 on or after 1 September 1989.
5. This document is available for inspection at all schools maintained by the LA, public libraries and education offices. Reference to these arrangements is included in school prospectuses. A copy will be given, if desired, to any person wishing to make a complaint under these arrangements and the LA will as far as possible provide a copy of the information in languages other than English if requested to do so. A charge will be made to cover the cost of providing copies.

SCOPE OF THE ARRANGEMENTS

6. The schools covered by these arrangements are all schools maintained by the LA except nursery classes in primary schools.
7. The duties to be covered by the complaints arrangements (which are, except where noted, common to LAs and governing bodies) are specified in the Education Reform 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 a 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 a school to be exempt 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, complaints about their 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. pupil discipline, admissions) do not come within the scope of these arrangements.

8. Complaints under these arrangements are concerned only with the actions of governing bodies and the LA. 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, and therefore fall to be considered by the governing body in the first instance. 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.

9. Where there is separate 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 for example 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 if the complainant remains dissatisfied.

10. Where however 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 a complaint cannot fall within the scope of 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.

STAGES

14. The arrangements define three stages 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 proceed through more than one of these stages.

PRELIMINARY DISCUSSION

15. 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 discussion with the appropriate officers of the LA.

FORMAL COMPLAINT TO THE GOVERNING BODY

16. 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 LA (the Director of Corporate Services) and a copy of this document.

17. 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 Director of Children's Services.

18. If the complaint is submitted to the Director of Children's Services he 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 Director of Children's Services that a formal complaint has been received. The Director of Children's Services will be responsible for directing any complaint to the appropriate body.

19. Where a complaint is to be dealt with by the governing body the Clerk will arrange for an investigating office to investigate the subject matter of the complaint. The investigating officer may be either the Clerk personally, or a member of the governing body, or an officer in the Education Directorate nominated by and with the agreement of the Director of Children's Services. The Clerk will identify any urgent cases which need to be considered as a priority.

20. The investigation and subsequent proceedings shall follow a procedure similar in general terms to that set out in paragraphs 25 to 30 below save that the report of the investigating officer shall be presented to a panel of three or five governors.

21. When the complaint has been fully investigated and considered the Clerk will notify the complainant and the Director of Children's Services 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

22. This formal 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 LA (but see para 23); or
- (ii) the complaint relates to something which is solely the responsibility of the LA; or

(iii) if a statutory appeals procedure has been followed but the appellant is dissatisfied with the decision of the
the Governing Body (see para. 9)

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23. It should be noted, however, in connection with 22(i) above that the LA has no power to inspect the provision or influence the content of denominational religious education other than that given in accordance with an agreed syllabus or collective worship in a voluntary school. If the complainant is not satisfied with the response of the governors of such school to a complaint of this sort, further complaint may be made to the Bishop of the Church of England or Roman Catholic Diocese of Portsmouth as appropriate, or to such body as he may authorise for the purpose. The address for correspondence will be available at the school.

24. The complainant should set out the complaint in writing and send it to the Director of Children's Services. The Director of Children's Services will promptly acknowledge receipt of the complaint.

25. The Director of Children's Services will identify urgent complaints and arrange for them to be dealt with as a priority.

26. The Director of Children's Services 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 will 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. The complainant may meet the investigating officer to supplement the written complaint. This will be allowed. The purpose of this 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.

28. At any interview in connection with the complaint the complainant may be accompanied, if desired, by a friend, representative or interpreter.

29. Following investigation the complaint will be considered by a panel of three LA members, clerked by the Director of Children's Services. If the complaint concerns the secular curriculum of a voluntary aided school the panel will consist of two LA members and one person nominated by the relevant Diocesan authority.

30. The complainant may, if desired, make an oral presentation to the panel, and may be accompanied, if desired, by a friend, representative or interpreter. A representative of the governing body (if they have previously considered the complaint) may make an oral presentation if the governing body so wish.

31. The panel may if appropriate adjourn and request further information or investigation. On concluding its consideration the panel may make recommendations to the LA or any other person or body in relation to the complaint.

32. When the complaint has been fully investigated and considered the Director of Children's Services 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

33. The Director of Children's Services in consultation (where appropriate) with the 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.

34. 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.

35. 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.

36. 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:

- (i) the LA's/governors' policy is consistent with legal requirements;
- (ii) their actions are consistent with their policy;
- (iii) the actions of staff are consistent with their policy.

THE ROLE OF THE SECRETARY OF STATE

37. The Education Reform Act 1988 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.

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

MONITORING

39. (i) The LA will monitor the number and nature of complaints made under these arrangements other than complaints resolved at the informal stage.

(ii) The LA will maintain a record of all such complaints and schools will also be expected to do so in respect of complaints made to the Governing Body. In both cases the record will include the number and nature of complaints, the time taken to deal with them and their outcome.

(iii) Schools will be asked to make a return once a year on complaints made to the Governing Body both to the LA and the Governing Body.

(iv) The Director of Children's Services will receive a report of complaints, at least once a year, he will share this information with the relevant LA committees.

(v) The LA will make an annual return to the Secretary of State giving the number of formal complaints dealt with and their outcomes.

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.

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 complaint they should write to the Director of Children's Services, who will then make the necessary arrangement or advise the complainant about what steps to take.

Date: April 08

Signed:

