

**NOTTINGHAMSHIRE COUNTY COUNCIL
EDUCATION DEPARTMENT**

**CURRICULUM COMPLAINTS PROCEDURE
FOR LEARNING CENTRES**

Introduction

1. Paragraph 6 of Schedule 1 to the Education Act 1996 requires the local authority (LA) to establish procedures to deal with complaints about the curriculum at pupil referral units.
2. The procedures described in this document relate to the learning centres (formerly known as pupil referral units) maintained by Nottinghamshire County Council.

Scope of the procedures

3. These procedures apply to complaints about the provision of a balanced and broadly based curriculum, 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.

Any complaints not covered by the definition 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.

4. 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.

General principles

5. 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.
6. Urgent complaints will be identified as such and given priority (see paragraphs 23-27).
7. 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

8. Many complaints or potential complaints can best be resolved informally in discussion with the head or other staff of the learning centre. 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.

Complaints procedure

9. The following stages apply when dealing with formal complaints under this procedure.

The informal stage – learning centre staff

10. Many complaints or potential complaints can best be resolved in discussion with the head or other staff at the individual learning centre. 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.
11. If the complainant still then wishes to take the matter further, he/she should contact the Head of the Nottinghamshire Learning Centre to try and resolve the concerns at an informal level.

Formal stage – local authority consideration

12. If a complainant remains dissatisfied after the informal stage of the process has been exhausted, they should register a formal complaint with the local authority's designated officer.
13. The clerk for the local authority complaints panel will be asked by the local authority designated officer to arrange a meeting of the panel normally within **20 working days** of receipt of the request from the complainant.

14. None of the members of the local authority complaints panel should have had any previous involvement with the complaint, or have any other potential conflict of interest.
15. The meeting will be held in private and will be clerked.
16. The local authority complaints panel will consider representations from the complainant (who may be accompanied by a friend, representative or interpreter) and the Head of the Nottinghamshire Learning Centre.
17. The local authority complaints panel members will consider the written documentation and oral representations from the complainant and the Head of the Nottinghamshire Learning Centre.
18. The clerk to the panel will notify the complainant and the Head of the Nottinghamshire Learning Centre in writing, **within 5 working 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.
19. This will complete the local authority stage.

The role of the Secretary of State

20. The Secretary of State is not able to consider any complaint unless it has first been considered under the local authority's procedures for handling complaints. This is to ensure that complaints are, if possible, dealt with and resolved locally between the complainant and the local authority.
21. A complainant who is still dissatisfied after this procedure has been exhausted will be able to complain to the Secretary of State.
22. 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 local authority.

Complaints requiring particularly urgent action

23. The majority of complaints will be accommodated within the timescale set out in these procedures. 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.
24. It is expected that such complaints will be identified from the outset by the Head of the Nottinghamshire Learning Centre.

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

25. In the case of an urgent complaint, the informal stage will be confined to a single meeting of the complainant and the Head of the Nottinghamshire Learning Centre.
26. If no agreement is reached, the Head of the Nottinghamshire Learning Centre should immediately inform the complainant of the right to a hearing by the local authority's complaints panel. The complainant should also be given information on how to contact the local authority designated officer and should be advised to emphasise the urgent nature of the complaint.
27. In dealing with urgent cases under this procedure, a special panel comprising the local authority 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 of the Nottinghamshire Learning Centre as soon as possible and, at the latest, **within 15 school days** of receipt of the complaint by the local authority. The panel will have delegated power to take any decision required on behalf of the local authority. This meeting and its outcome will conclude the local process.

Availability of the procedures

28. Copies of these procedures will be available for inspection at all learning centres maintained by Nottinghamshire County Council, 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 local authority 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

29. The local authority will monitor the number and nature of complaints it deals with under the formal stages of these procedures. Complaints dealt with solely under the informal stages will not be monitored.
30. The local authority 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.
31. A summary of any complaints dealt with formally by the local authority 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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