
STATUTORY INSTRUMENTS

2007 No. 1089

EDUCATION, ENGLAND

The Education (Investigation of Parents' Complaints) (England) Regulations 2007

<i>Made</i>	- - - -	<i>28th March 2007</i>
<i>Laid before Parliament</i>		<i>3rd April 2007</i>
<i>Coming into force</i>	- -	<i>27th April 2007</i>

The Secretary of State, in exercise of the powers conferred by sections 11A and 120 of the Education Act 2005⁽¹⁾, makes the following Regulations:

Citation, commencement, and application

1.—(1) These Regulations may be cited as the Education (Investigation of Parents' Complaints) (England) Regulations 2007 and come into force on 27th April 2007.

(2) These Regulations apply only in relation to England.

Interpretation

2. In these Regulations—

“the 2002 Act” means the Education Act 2002⁽²⁾;

“the 2005 Act” means the Education Act 2005.

Qualifying complaints

3. For the purposes of section 11A(2)(a)(i) of the 2005 Act, a complaint is of a prescribed description if it is about one or more of the following areas—

- (a) the quality of the education provided in the school;
- (b) how far the education provided in the school meets the needs of the range of pupils at the school;
- (c) the educational standards achieved in the school;

(1) 2005 c.18; section 11A was inserted by section 160 of the Education and Inspections Act 2006 (c. 40) which came into force on 28th March 2007 (article 3 of SI 2007/935 (C.37); for the meanings of “prescribed” in section 11A and of “regulations” see section 579 of the Education Act 1996 (c. 56), which applies pursuant to section 122(2) of the Education Act 2005 .

(2) 2002 c.32.

- (d) the quality of the leadership in and management of the school, including whether the financial resources made available to the school are managed effectively;
 - (e) the spiritual, moral, social and cultural development of the pupils at the school; and
 - (f) the contribution made by the school to the well-being of those pupils.
4. For the purposes of section 11A(2)(a)(ii) of the 2005 Act, a complaint is not a qualifying complaint if it is about a matter falling to be dealt with in accordance with any procedures established or required to be established in relation to the school by or under any enactment other than subsection (1)(a) of section 29 (additional functions of governing body) of the 2002 Act.
5. For the purposes of section 11A(2)(c) of the 2005 Act, a person making a complaint satisfies the prescribed condition if, before making the complaint, that person has followed any complaints procedure :
- (a) where the school falls within paragraph (a), (b) or (c) of section 5(2) of the 2005 Act, established by the governing body of the relevant school pursuant to section 29(1)(a) of the 2002 Act; or
 - (b) where the school falls within paragraph (d), (e), (f) or (g) of section 5(2) of the 2005 Act, established in relation to the school.
6. The Chief Inspector may determine that the condition in regulation 5 is not to apply in relation to a person making a complaint.

28th March 2007

Jim Knight
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 160 of the Education and Inspection Act 2006 amended the Education Act 2005 (inserting sections 11A to 11C), providing a procedure for Ofsted to investigate parents' complaints about a school. The schools about which a complaint can be considered are by section 11A(5) those listed in section 5(2) of the Education Act 2005, that is—

- (a) community, foundation and voluntary schools,
- (b) community and foundation special schools,
- (c) maintained nursery schools,
- (d) Academies,
- (e) city technology colleges,
- (f) city colleges for the technology of the arts, and
- (g) non-maintained special schools (special schools approved under section 342 of the Education Act 1996).

These Regulations prescribe various matters in relation to the handling by Ofsted of parents' complaints. In particular they set out the areas of complaint which are qualifying complaints, consistent with Ofsted's functions in section 2(1)(a) to (f) of the Education Act 2005 (regulation 3), and provide that a complaint cannot be considered if there is an alternative statutory route, other than the school's complaints procedure required to be established by the school's governing body under section 29(1)(a) of the Education Act 2002 (regulation 4). In addition the Regulations set out the general rule that a complaint cannot be considered unless the school's complaints procedure has first been exhausted (regulation 5) subject to the Chief Inspector's discretion to waive this requirement (regulation 6).