

## **Making a Complaint to Schools**

Most children with SEN will have their needs met by schools and local authorities. If things go wrong, it is possible to use informal and formal complaints procedures to improve the situation.

### **Speak to the school**

The first thing to do if you are not happy is to speak to your child's class teacher and or SENCO. If you are still not happy, you should talk to the head teacher.

If you cannot resolve the problem informally, ask for a copy of the school's complaints procedure. Legally, all schools should have one.

### **Complaining to the governing body**

Every school has a governing body, academies have the academy trust. School complaint procedures usually end with complaining to the governing body of the school. A complaint to the governing body should be addressed to the chair of governors/ head of the academy trust. If the school is a community or voluntary controlled school, (local authority maintained) you could also send a copy of your letter to the director in charge of local education services.

Try to include as much detail as possible in your complaint, dates, times, meetings, conversations. State what harm you or your child has suffered as a result of the school's action or inaction. State what you would like the governing body to do.

The governing body is likely to pass your complaint to a panel of governors. You may be invited to a meeting to discuss your case in more detail. If the governing body does not give you a satisfactory response, you then have a number of options. It is important that you follow the school's and, if applicable, the local authority's complaints procedures first.

## **Complaining to the local authority**

If you are complaining about LA services, you should do so to the most senior education officer.

## **Complaining to the Information Commissioner**

You can complain to the Information Commissioner if you have problems accessing school records, minutes of governors meetings, school policies or other public documents, or if you believe your child's school records have been disclosed unlawfully, are incorrect or out of date.

You should first exhaust the school or LA complaints procedure. There are different timescales for schools to reply to your requests:

- a copy of a child's educational record must be supplied within 15 days. (The Education (Pupil Information) (England) Regulations, 2005)
- other personal information must be supplied within 40 days of your written request. (Section 7 of the Data Protection Act, 1998)
- documents such as school SEN policy, school accessibility plan or governing body minutes must be provided within 20 working days (excluding school holidays) of your written request under the Freedom of Information Act, 2000.

An administration fee may be requested.

Freedom of Information and DATA protection complaints forms can be found at: [www.ico.gov.uk/complaints](http://www.ico.gov.uk/complaints)

## **Complaining to Ofsted**

Ofsted is the body which inspects a range of public services including schools. Schools are inspected once every three years. Parents have a legal right to complain to Ofsted on the work of maintained schools, academies, colleges, maintained nursery schools and non-maintained special schools.

Ofsted could investigate complaints about:

- quality of education and standards achieved

- inadequate provision for pupils with SEN
- neglect of pupils' personal development and wellbeing.
- the quality of leadership and management. For example, whether the school spends its money well.

It is important to remember that you can only make complaints to Ofsted about issues that affect the whole school and not about an individual child.

Ofsted can call an immediate inspection of a school at short notice, if it feels your complaint is very serious.

### **Complaining to the Teaching Agency**

If you have an allegation of serious misconduct against an individual teacher or head teacher, you can complain to the Teaching Agency.

[www.education.gov.uk/schools/leadership/teachermisconduct](http://www.education.gov.uk/schools/leadership/teachermisconduct)

### **Complaining to the Secretary of State for Education**

The Department for Education (DfE) will look at a complaint about a maintained school, academy or free school from anyone who is unhappy with the way the school is acting.

For the Secretary of State to intervene in a school following a complaint, he needs to be sure either that the school has acted or is proposing to act unreasonably in the exercise or performance of its functions under certain legislation, or that the school has failed to discharge a duty at all under certain legislation.

For guidance on making a complaint to the Secretary of State and a complaints form, go to: [www.education.gov.uk/tribunals/send/appeals](http://www.education.gov.uk/tribunals/send/appeals)

### **Complain to the Local Government Ombudsman**

The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities. They are able to consider the role of the school as part of a wider complaint against the local authority.

## **Special educational needs**

You cannot complain to the Ombudsman about whether or not a local authority decides to assess your child, which is a matter for the SEND Tribunal. However you can complain about any delay in assessment, failure to carry out the provision set out in the statement or EHCP or to carry out an annual review. It may also be able to look at what the school has done in response to your child's SEN, as long as you have previously complained to the local authority.

## **School admissions**

You can complain to the Ombudsman if you think that a place at a school was refused because of some unfairness or mistake by the admissions authority, or if your appeal was handled incorrectly, or you have asked for an appeal and the admissions authority has not arranged an appeal hearing for you within a reasonable time.

You cannot complain to the LGO the complaint is about an academy or an independent school.

If you are refused the school place you asked for, you need to make an appeal to an independent appeal panel. If your child has SEN you can appeal to the SEN Tribunal.

For information about complaining to the Local Government Ombudsman, visit:

<http://www.lgo.org.uk/>

Legal advice on matters relating to education and SEN is also available from: Coram Children's Legal Centre: <http://childrenslegalcentre>

Independent Parental Special Educational Advice:

<http://www.ipsea.org.uk/>

**For further information and advice, contact Barnardo's SENDIASS:**

Telephone : 01274 513300

Email: [bradfordsendiass@barnardos.org.uk](mailto:bradfordsendiass@barnardos.org.uk)

Write to: Bradford SENDIASS  
40-42 Listerhills Science Park  
Campus Road  
Bradford  
BD7 1HR

Or visit our website for more useful information:  
[www.barnardos.org.uk/bradfordsendiass](http://www.barnardos.org.uk/bradfordsendiass)