

# Making a Complaint

Most children with SEN will have their needs met by their school and the local authority (LA). However, sometimes things can go wrong, and you may choose to make a complaint. This guide showcases who you can speak to if things go wrong, who to complain to and how to initiate a complaint.

## 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 the school SENCO. If you are still not happy after speaking with your child's teacher and/or the school SENCO, you could think about talking 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 School Governing Body

Every school has a governing body, academies have an 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 several 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. For more information on how to complain to the LA, you can visit the NYCC website:

[www.cornwall.gov.uk/the-council-and-democracy/feedback-and-complaints/](http://www.cornwall.gov.uk/the-council-and-democracy/feedback-and-complaints/)

## Complaining to the Information Commissioner

You can complain to the Information Commissioner if you have problems accessing school records, minutes of governor's 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, they need 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 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.

### School admissions

You can complain to the Ombudsman if you think that a place at a school was refused because of some unfairness or a mistake by the admissions authority. Similarly, you can complain 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/>

