

The logo for Sendiass North Yorkshire features the word "sendiass" in a teal and purple font, with a purple arc above the "i" and a purple star above the "a". Below it, "NORTH YORKSHIRE" is written in a bold, black, sans-serif font.

sendiass

NORTH YORKSHIRE

Leaflets and Factsheets

Making a Complaint

www.sendiassnorthyorkshire.co.uk

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 explains how to do this.

Complaining About Your Child's School

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 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.

For further information, please visit the NYCC website: <https://www.northyorks.gov.uk/send-complaints-about-school>

Complaining to the governors of a

Local authority maintained school

Every school has a governing body. 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. 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.

[Complaints to Maintained Schools \(childlawadvice.org.uk\)](http://childlawadvice.org.uk)

Complaining to trust of an academy school

Every academy has an academy trust. School complaint procedures usually end with complaining to the academy trust for that academy. A complaint to the academy trust should be addressed to the head of that academy trust.

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 academy trust to do.

You may be invited to a meeting to discuss your case in more detail. If the academy trust 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.

[Complaints to Academy Schools \(childlawadvice.org.uk\)](http://childlawadvice.org.uk)

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:

[Complaints procedure - Department for Education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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 the Local Authority 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) – maintained mainstream, maintained special and non-maintained special schools only.
- For other types of schools or organisations including the local authority personal information must be supplied within **40 days** of your written Subject Access Request (SAR). (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.
Further information about requesting your child's school records can be found on the Independent Providers of Special education and Advice (IPSEA) website:

[Asking for a copy of a child's school record: Model letter 18 | \(IPSEA\) Independent Provider of Special Education Advice](#)

Freedom of Information and DATA protection complaints forms can be found at:
[Make a complaint | ICO](#)

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.
[Complaints procedure - Ofsted - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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.

[Teacher misconduct - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Complaining about the Local Authority

There are many reasons why you may wish to complain about the Local Authority, for example; lack of involvement from social care or any aspect of the statutory assessment process that you are not happy with or admissions and appeals or SEND transport.

If you are complaining about Local Authority services, you should do so to the Director of the Children and Young People's Service (CYPS). For more information on how to complain to the Local Authority, you can visit the North Yorkshire County Council website:

<https://www.northyorks.gov.uk/complaints-comments-or-compliments>

Other information and advice about how to complain about a Local Authority can be found on the IPSEA (Independent Providers of Special Education Advice) website;

[Making a complaint about a local authority | \(IPSEA\) Independent Provider of Special Education Advice](#)
[Model letters | \(IPSEA\) Independent Provider of Special Education Advice](#)

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.

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 if 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.

School Transport

You can only complain to the LGO about SEND Transport if you were refused help unfairly, or because of a mistake, or because your request for help was not handled properly.

For information about complaining to the Local Government Ombudsman, visit: [Special educational needs - Local Government and Social Care Ombudsman](#)

Useful Links

- **Ace Education** (independent advice and information on state education in England.)
- **Child Law Advice** (education law advice for families) www.childlawadvice.org.uk
- **Collis Mediation Ltd** (mediation and disagreement resolution service) www.collismediationltd.com
- **Contact** (for families with disabled children) www.contact.org.uk
- **Council for Disabled Children** (umbrella body for the disabled children's sector) www.councilfordisabledchildren.org.uk
- **IASSN** (information, advice and support services network) www.cyp.iassnetwork.org.uk
- **IPSEA** (national charity providing legally based information advice and support) www.ipsea.org.uk
- **Our Website** www.sendiassnorthyorkshire.co.uk
- **SEND Code of Practice** (explains the statutory duties of schools and local authorities) www.gov.uk/government/publications/send-code-ofpractice-0-to-25
- **SEND Tribunals Service** (organisation responsible for handling claims) www.justice.gov.uk/tribunals/send

sendiass NORTH YORKSHIRE

Special Educational Needs and Disabilities
Information, Advice and Support Service

If you would like any further information please see the links below to our website and social media pages.

Alternatively, if you would like some extra support for your child/young person you can call or email our

Advice Line service on 01609 536923 or

info@sendiassnorthyorks.org.uk

Our Advice Line is open 9:30-1pm Monday to Friday during Term-Time and 9:30-1pm Tuesday and Thursday during School Holidays.



Information



Advice



Support



Education



Rights



EHC Plans



www.sendiassnorthyorkshire.co.uk



info@sendiassnorthyorks.org



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