

Information for Parents and Carers

Making a Complaint about School

Most children with Special Educational Needs 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.

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.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772871/Complaints to Ofsted about schools guidance for parents_230119.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772871/Complaints_to_Ofsted_about_schools_guidance_for_parents_230119.pdf)

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other public documents, or if you believe your child's school records have been disclosed unlawfully, are incorrect or out of date.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 1 month of your written request. (General Data Protection Regulations, 2018)
- 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:
<https://ico.org.uk/make-a-complaint/>

Complaining to the Local Government Ombudsman (LGO)

The LGO 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.

Complaining to the Local Government Ombudsman (LGO)

Special Educational Needs

You cannot complain to the LGO 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.

For information about complaining to the Local Government Ombudsman, visit:
<https://www.lgo.org.uk/make-a-complaint>

Complaining to the Local Government Ombudsman (LGO)

School admissions

You can complain to the LGO 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 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.

For information about complaining to the Local Government Ombudsman, visit: <https://www.lgo.org.uk/make-a-complaint>

If you need to ask any questions or for further advice, please contact:

Barnardo's SENDIASS on **0191 4784667**

or email **DAISS@barnardos.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/>