



## *Supporting Parents of Children with additional needs in early education settings, schools and young people 16-25*

### **Factsheet #28: Concerns & Complaints and resolving disagreements**

If you are the parent/carer of a child or young person with special educational needs and or disabilities and have some concerns or would like to make a complaint, you might find the information useful in **Chapter 11 of the SEND Code of Practice 0-25 years – Jan 2015 Resolving disagreements**

Please go to [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)

In the first instance you would share your concerns with a representative from the organisation/provider; this is usually in person and could be called an unofficial complaint. Sometimes there can be an early resolution of disagreements at this local level. It might be useful to make a note of your concerns and suggest some solutions.

Most organisations have to publish their complaints procedure and this would be the document you would need to read to find out what you can make a complaint about, who will deal with the complaint and how long the complaints process will take. There will usually be an official complaint form attached to this document.

In the **SEND Code of Practice 0-25 years – Jan 2015 – Chapter 6** explains the duties of schools and explains the action that mainstream schools should take to meet their duties in relation to identifying and supporting all children with special educational needs (SEN) and or disabilities (SEND) whether or not they have an Education, Health and Care (EHC) plan.

Every school is required to identify and address the SEN of the pupils that they support. Mainstream schools, which includes maintained schools and academies that are not special schools, maintained nursery schools, 16 to 19 academies, alternative provision academies and Pupil Referral Units (PRUs), **must:**

- use their best endeavours to make sure that a child with SEN gets the support they need – this means doing everything they can to meet children and young people's SEN
- ensure that children and young people with SEN engage in the activities of the school alongside pupils who do not have SEN
- designate a teacher to be responsible for co-ordinating SEN provision – the SEN co-ordinator, or SENCO (this does not apply to 16 to 19 academies)
- inform parents when they are making special educational provision for a child
- prepare an SEN information report and their arrangements for the admission of disabled children, the steps being taken to prevent disabled children from being treated less favourably than others, the facilities provided to enable access to the school for disabled children and their accessibility plan showing how they plan to improve access progressively over time

There should be a member of the governing body or a sub-committee with specific oversight of the school's arrangements for SEN and disability. School leaders should regularly review how expertise and resources used to address SEN can be used to build the quality of whole-school provision as part of their approach to school improvement.

The government has issued guidance on making a complaint against an Academy entitled "Procedure for dealing with complaints about Academies". The Education Funding Agency is under an obligation to ensure that **Academies** stick to their contract with them, which is called an **Education Funding Agreement**. **19 Sep 2016**

Please see link below for more detailed information about the law regarding this matter:

<http://childlawadvice.org.uk/information-pages/complaints-to-academy-schools/>

Please see link below for information from the government department that are responsible for funding the Academies and for dealing with certain complaints about them:

<http://www.moultonschool.co.uk/assets/Uploads/Documents/Publications/DFE-AcademiesComplaintsProcedure.pdf>

After going through the official complaints procedure you may feel that an independent, external viewpoint may be useful. Local authorities must make **disagreement resolution services available to parents and young people**. Use of the disagreement resolution services is voluntary and has to be with the agreement of all parties. The service, while commissioned by it, must be independent of the local authority – no-one who is directly employed by a local authority can provide disagreement resolution services

The disagreement resolution service is to help resolve four types of disagreement or to prevent them from escalating further:

- The first is between parents or young people and local authorities, the governing bodies of maintained schools and maintained nursery schools, early years providers, further education institutions or the proprietors of academies (including free schools), about how these authorities, bodies or proprietors are carrying out their education, health and care duties for children and young people with SEN, whether they have EHC plans or not. These include duties on the local authority to keep their education and care provision under review, the duties to assess needs and draw up EHC plans and the duty on governing bodies and proprietors to use their best endeavours to meet children and young people's SEN
- The second is disagreements between parents or young people and early years providers, schools or post-16 institutions about the special educational provision made for a child or young person, whether they have EHC plans or not
- The third is disagreements between parents or young people and CCGs or local authorities about health or social care provision during EHC needs assessments, while EHC plans are being drawn up, reviewed or when children or young people are being reassessed. Disagreement resolution services can also be used to resolved disagreements over special educational

provision throughout assessments, the drawing up of EHC plans, while waiting for Tribunal appeals and at review or during re-assessments

- The fourth is disagreements between local authorities and health commissioning bodies during EHC needs assessments or re-assessments, the drawing up of EHC plans or reviews of those plans for children and young people with SEN. In relation to EHC plans. This includes the description of the child or young person's education, health and care needs and any education, health and care provision set out in the plan. These disagreements do not involve parents and young people.

For more impartial SEND information and advice and practical support with template letters you may wish to contact your local SEND Information, Advice and Support Service (SEND IAS Service) Co-ordinator: Iain Macdonald

Website: [www.warringtonsendiass.co.uk](http://www.warringtonsendiass.co.uk)

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