Guidance on complaints

For parents/carers of children and young people with SEND

This guidance sheet will explain:

- who to complain to
- what the process is
- how to prepare a written complaint
- the help you can get from Reading IASS

Who should I complain to?

Before you raise a concern or make a complaint, it's important to note that the matter should be directed to the appropriate authority.

Educational setting

If you are concerned about the support your child has in school, bullying, or you have concerns about a specific member of staff or a specific incident, then you should raise this with the educational setting.

Local authority

If your child is missing education or has an EHCP which you think is not being followed, or if statutory timeframes around EHCPs are not being met, then it may be appropriate to raise a concern or complaint with the local authority.

Complaints to an educational setting

What's the point of complaining?

If the setting does not know that you are dissatisfied, they cannot take action to put things right. A concern or complaint:

- enables you to raise a concern in a structured way
- allows you to escalate through the process if you are not satisfied
- enables any patterns in complaints to be tracked and considered by the setting
- may result in a change in policy or practice
- allows you to escalate the matter, if appropriate, to Ofsted or the DfE.

What is the process?

All schools, nurseries and colleges must have a complaints procedure which should be on their website. You should refer to this. Usually, the procedure has three steps:

1) raising a concern (informal, stage 1)
2) formal written complaint (stage 2)
3) governor investigation (stage 3)

1) Raising a concern

The first thing you should do if you are unhappy about the help your child receives is to speak to a member of staff at the setting, for example:

- their teacher (or nursery keyworker/college tutor)
- the Special Educational Needs Coordinator (SENCO)
- the headteacher (or principal)

It is likely that you will need to arrange a meeting, so you have time to discuss your concerns.

You may wish to refer to school policies such as safeguarding, antibullying, behaviour or SEND so that you can see how they undertake to address those issues in the school.

2) Formal written complaint

If you have met with a staff member and are not happy with how the school have dealt with the situation/incident, the next step will usually be to put your concerns in writing to the headteacher. This would constitute a formal written complaint. Please see the end of this document for an example of a complaint.

In your letter, we advise you to consider the following:

- Explain who you have spoken to already to try to resolve the issue.
- Acknowledge any positive action that the school has taken.
- Explain why you think there are shortcomings in the school's actions/approach. You may wish to refer to their policies (eg on SEND, safeguarding, bullying), if you feel that these have not been followed, or their legal responsibilities, if you feel these have not been met. For example, you may be concerned about a failure to follow the SEND Code of Practice, or to meet the provisions of the Equality Act (if your young person meets the legal definition of disabled).
- If your complaint is about a specific incident, do include relevant detail (who, when, where etc).
- Keep the letter brief and to the point, where possible taking any emotion out of it.
- Be clear about the outcomes you are seeking, so that the school knows what it can do to put things right. This may be specific action for your child or it may be an undertaking to improve processes for others in future.
- Give a reasonable time by which you would like a response (their complaints policy should set the expectation for this).

The headteacher should respond formally to your letter setting out whether they uphold your complaint or not, or in part, and any action they have agreed to take.

3) Governor investigation

If you are not happy with their response you may wish to escalate to stage 3, which is usually a governor investigation. Governors will review your complaint and the headteacher's response and may offer you a chance to meet with them to address your concerns. This is likely to result in another written response. If, after this point, you are still not satisfied, all stages of the school complaints process will have been completed and you will need to consider other routes to address your concerns.

Can I complain to the Department for Education?

Yes, if your child is in a state school. However, in most situations you need to follow the school complaints procedure first. See https://www.gov.uk/complain-about-school/state-schools

If the school is private, you cannot complain to the DfE, although they will investigate concerns about a major failure to meet standards.
See https://www.gov.uk/complain-about-school/private-schools

Can I complain to Ofsted?

If it is a state school, yes you can, in some circumstances. This may be appropriate if you have a complaint about the school as a whole. As above, you should follow the school process first. Ofsted will not resolve individual disagreements or get involved if you are following the school complaints process. See https://complain.ofsted.gov.uk/

Can I complain about a school to the local authority?

This depends on whether the school is LA-maintained or an academy trust. The LA has oversight of LA-maintained schools. However, it would be very unusual for the LA to take action if you have not first followed the school complaints process. If the setting is an academy trust or community college, the LA has no power to get involved. There is more information about what to do in these situations here: https://brighterfuturesforchildren.org/about/compliments-and-complaints/ (see section headed "other complaints").

Complaints to the local authority

Some issues are the responsibility of the local authority (LA). For example:

- a delay to the issue of a draft EHCP
- a delay to the completion of the Annual Review process

We advise you to raise your concern informally before making a formal complaint. If your concern is around a new assessment for an EHCP, contact ehcassessments@reading.gov.uk
If your child has an EHCP, contact your case officer or, if not known, sen@reading.gov.uk

Some issues are ultimately the responsibility of the LA, but the school may also have a role to play. For example:

- a failure to deliver statutory provision set out in an EHCP
- a failure to provide a suitable full time education for a child of statutory school age

In these situations, it will be important to discuss the matter first with the educational setting before raising the concern to a member of the LA. You can also discuss the matter with us and we can help you consider how best to address the situation.

What is the process?
As before, it is advisable to try to discuss the matter with a member of the LA before you escalate to a formal complaint. If your child has an EHCP, this is likely to be a member of the SEN team. If your child does not have an EHCP and your concern relates to the provision of suitable alternative education for a child who is missing education, this may be a member of the Education Access and Support team. Reading IASS can help you identify where to raise your concern in the first instance and help ensure that all informal routes for resolution have been tried first.

If you have tried to resolve the matter informally without success, you should follow the formal procedure. The complaints process is set out here. Compliments and Complaints - Brighter Futures For Children Complaints about SEND matters would fall under the "corporate complaint" category. There is an online form or you can email: socialcare.complaints@reading.gov.uk

Can I get help with writing my complaint?

Reading IASS can:

- Help you work out if a complaint is the most appropriate route, or if you may be better off following a different path, such as an EHC Needs Assessment request (pathway for an EHCP), or a complaint to a different agency.

- Help you to structure your complaint so that it is clear and as brief as possible.
- Help if you are worried about spelling/grammar.
- Talk you through what you might reasonably expect to happen as a result of your complaint.
- In some circumstances, if we are available, support you in meetings. We prioritise parents who have learning or language difficulties for this support. Please note that in most cases we are only able to provide virtual support for meetings, ie online via MS Teams.

You can help us to help you by doing the following:

- If your complaint is about a specific incident(s), you will need to provide details of these.
- It is helpful if you can put your concerns down in writing in some form as the complaint should stay true to your voice as much as possible.

Should I use AI to help with writing my complaint?

If you are using AI, please take care. AI can be effective to help you with structure and wording and may give you confidence about grammar and phrasing. But it may not be accurate when it comes to legislation. Therefore, we advise you to take extreme care when using AI if you are seeking to make legal points. We would advise you to contact Reading IASS or another reputable source of legal advice in this situation to ensure that your wording is sound.

Where else to get help

IPSEA is an online advice service on SEND which has a number of template letters that you could use to get you started
See also: https://www.ipsea.org.uk/taking-action-when-things-go-wrong-with-a-nursery-school-or-college
https://www.ipsea.org.uk/taking-action-when-things-go-wrong-with-a-local-authority