

Complaints and Disagreement Resolution

School

The first step is to talk to the teacher. If you need to discuss things further, you can speak to the Head Teacher or to the Special Educational Needs Coordinator (SENCo). We would advise that you ask for a meeting at the setting to discuss your concerns, it is a good idea to keep notes or have records of what they have done and have told you.

If you have tried to resolve disagreements informally and you feel that this hasn't been enough then you need to start the formal complaints process. To do this you need to follow their complaints procedure as detailed on their website. If it's not on the website, request it directly from the school office. If you have gone through the whole procedure (including escalation to the Governors/Academy Trust) and feel you still haven't had a suitable response, then you can escalate it further:

You can complain to the [Department for Education \(DfE\)](#) directly if:

- a child is at risk
- a child is missing school
- the school is stopping you from following its complaints procedure

Ofsted cannot respond to or resolve individual complaints, but you can still tell [Ofsted about a problem with a school](#). They can use the information you provide to decide when to inspect and what areas to focus the inspection on.

If your complaint is about an allegation of abuse at the educational setting you can contact LADO (Local Authority Designated Officer) [Local Authority Designated Officer - Norfolk County Council](#)

Health

Everyone who provides an NHS service must provide their own complaints procedure, this is normally found in waiting rooms or on their website but if you aren't able to find it ask the provider for a copy. You can either complain to the service provider directly or to the body that pays for that NHS service, you can only complain to one, not both. You will need to follow the provider procedure as detailed and the complaint should normally be made within 12 months of the incident. For further help you can contact the [Patient Advice and Liaison Service \(PALS\)](#) as they can provide you with advice and support and may be able to help you rectify the complaint on an informal level.

If after trying to resolve the complaint on an informal level you've decided to formalise it the Independent [NHS Complaints Advocacy Service](#) could support you with the procedure you would need to undertake.



Local Authority

If you are unhappy with a service provided by the Local Authority (LA) then you must complain to them directly. You could start by complaining to the Head of Service or Service/Team Manager, following this if you aren't happy with the response you can complain to the LA 'Compliments and Complaints' service. The complaint should be made within a year of using the service you were dissatisfied with and you can make the complaint verbally, in person or in writing.

There are three stages to the complaints procedure with response times ranging from 15 days to 25 days, with some complicated complaints these response times may be longer. To complain to the LA follow the link below:

[Compliments and complaints - Norfolk County Council](#)

If you are unhappy with the LA's response to your complaint you can take the complaint higher to the Local Government and Social Care Ombudsman (LGSCO). The LGSCO investigates complaints which have not been resolved by the Local Authority complaints procedure and consider if the correct actions and procedures have been followed. If the case is serious and the child is missing education then the LGSCO may start assessing before going to the Local Authority.

[Local Government and Social Care Ombudsman](#)

You can't complain to the LGSCO if:

- You have left it more than 12 months since knowing about the problem
- The matter has not affected you personally or caused you an injustice
- The issue affects most people in the council's area
- You have, or had, a right to appeal or take legal action and we think it is reasonable for you to have done so. This might be to:
 - a tribunal (such as the Housing Benefit Appeals Service)
 - a government minister (such as a planning appeal)
 - the courts
- It is about personnel matters (such as your employment or disciplinary issues)

If the LGSCO finds the Local Authority is at fault they can ask them to reconsider and make recommendations. These recommendations can include compensation or an apology. The Local Authority does not have to carry out the recommendations, but they usually do.

Parents and young people can apply to have their concerns taken to Judicial Review (High Court). It will consider how the Local Authority and public bodies have carried out duties for example: how decisions were made in an EHCP or failure to provide provision outlined in the EHCP. The costs of going to Judicial Review can be high if a case goes ahead. You may be able to obtain funding through [legal aid](#).

Disagreement Resolution

The Disagreement Resolution Service is there to help resolve disagreements between parents or young people and the organisations that are responsible for making provision for children and young people with special educational needs.

A parent or young person can ask for disagreement resolution at any time, the dispute can be about education, health or social care provision. Access to disagreement resolution covers all children and young people with SEND - whether or not they have an Education, Health and Care Plan (EHCP).

Disagreement resolution meetings are conducted by mediators who manage the meeting, and make sure that everyone is fully heard and treated fairly. They ensure that the focus of the meeting stays on the needs of the child or young person. Disagreement resolution is voluntary for all parties.

In Norfolk this service is provided by Kids. They are independent and will provide a trained mediator to facilitate a discussion. The purpose is to look for a way forward that all the parties accept. The service is free and confidential.

KIDS SEND Mediation & Disagreement Resolution Service

03330 062 835



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