

# **SEND Complaints procedures**

## **Who can help me if I am concerned about the provision of services to help children and young people with SEN**

A disagreement resolution service can help you to resolve disagreements that you have over the provision of services to help children and young people with SEN, regardless of whether the child or young person has an Education, Health and Care Plan (EHCP) or Statement of Special Educational Need. .

The disagreement resolution service can be accessed through the Bolton Information and Advisory Service, which helps to resolve disagreements or to prevent them from escalating further. For contact information, please see <https://iasbolton.com/> or telephone 01204 848 722.

## **Can I appeal to Tribunal about my concerns?**

You have the right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST) about the following local authority decisions:

- Not to secure an EHC needs assessment for a child or young person;
- Not to draw up an EHC plan following an EHC needs assessment;
- Where an EHC plan has been drawn up
  - The description of the child's or young person's special educational needs as specified in the plan;
  - The special educational provision specified in the plan;
  - The school or other institution specified in the plan, or the type of school or other institution specified in the plan;
  - The fact that no school or other institution is named in the plan.
- Not to secure a reassessment;
- Not to amend or replace an EHC plan following a review or reassessment;
- To cease to maintain an EHC plan.

The Tribunal does not hear appeals about personal budgets, but will hear appeals about the special educational provision to which a personal budget may apply.

## **When can I make an appeal to Tribunal?**

Within two months of the date on a notice containing a decision from the local authority which can be appealed, or one month from the date of a certificate which has been issued following mediation or one month from the date that you have been given mediation information, whichever is the later.

## **How do I make an appeal to Tribunal?**

If you want appeal to the Tribunal, you have to contact an independent mediation adviser first to discuss whether mediation might be a suitable way of resolving the disagreement.

If you decide to go to mediation, you do not have to pay for the mediation session(s). The adviser will contact the Local Authority to notify them that you want to go to mediation and a mediation session will take place within 30 days.

In Bolton mediation services are provided by Together Trust who are independent of the Local Authority. Information about how to contact Together Trust will be outlined in the letter accompanying your/your child's EHCP. Further information can be found on the Together Trust website [www.togethertrust.org.uk](http://www.togethertrust.org.uk) or by ringing 0161 2834848.

Once you have been issued with a certificate from a mediator you must send certain information to the Tribunal. This information must include the following: a copy of the decision that you are appealing against, the date that the local authority's decision was made and/or the date of the mediation certificate, the reasons why you disagree with the decision and copies of all relevant documents, such as assessments/reports. This information does not have to be lengthy or written in legal language. Once you have registered your appeal with the Tribunal the local authority will be sent a copy of the papers and be given a date by which they must respond. Both you and the local authority will be asked to provide details of witnesses. The parties will be told of the approximate hearing date and the Tribunal will be heard at a Her Majesty's Courts and Tribunals Service building. The Tribunal will try to hold hearings as close to where you live as possible. For Bolton families hearings are normally, but not always, held in Manchester.

Further advice on making SEN appeals to the Tribunal is available from the Ministry of Justice website <http://www.justice.gov.uk/tribunals/send>

## **Complaints about Health and Social care elements on an EHC plan**

You can go to mediation about the health and social care elements of an EHC plan.

If mediation does not resolve the identified disagreements of the plan, you can, from April 1<sup>st</sup> 2018 appeal to the Tribunal, as part of the SEND Single Route of Redress National Trial. Through this route you can request the Tribunal makes recommendations about the health and/or social care aspects of EHC plans **as part of an appeal** process. Please refer to the additional information relating to this trial on the Local Offer website for further details.

## **Complaints about health services received under an EHC plan**

If your complaint is about the health services which a child or young person receives under an EHC plan, you can also complain to the NHS.

Local Healthwatch has a statutory role to provide patients with advice on how to take forward a complaint, or resolve an issue. Please see <http://www.healthwatch.co.uk/> for further information.

### **Complaints about how a school are meeting a child's Special Educational Needs**

If you are unhappy with the way a school are meeting the Special Educational Needs of your child, you should follow the school complaints procedure. In this first instance this involves discussing your concerns with the Headteacher. If the issues are not resolved to your satisfaction then you should put your concerns in writing to the Chair of Governors at the school.

Further information relating to the school complaints procedure can be found at [www.bolton.gov.uk/website/pages/procedureforschoolcomplaints](http://www.bolton.gov.uk/website/pages/procedureforschoolcomplaints)

### **Complaints about how the local authority have carried out its duties**

If you are unhappy about the way in which the Local Authority have carried out their duties, for example the way the EHC needs assessment has been carried out, the exclusion of pupils from school, child protection issues, school admissions etc, complaints should be made in writing to Quality Assurance and Improvement Team, 3<sup>rd</sup> Floor, Paderborn House, Bolton, BL1 1UA or by email to [quality@bolton.gov.uk](mailto:quality@bolton.gov.uk)

Complaints received will be dealt with in line with the corporate complaints procedure, further information about the complaints procedure can be found at [www.bolton.gov.uk/website/Pages/Complaints.aspx](http://www.bolton.gov.uk/website/Pages/Complaints.aspx)