

LOCAL AUTHORITY COMPLAINTS

Complaints about local authority services should be made to the most senior education officer, usually called the Chief Education Officer, Director of Children's Services or Director of Education.

Parents have to give the local authority the opportunity to put things right before they take up a matter elsewhere, e.g. with the Local Government Ombudsman, or the Secretary of State.

How to complain should be explained in the local offer of the relevant LA; if the LA has not put its complaints policy on the website then ask for copy of the complaints procedure from their offices. This should set out the time limit for replying to a complaint. Always send a written complaint by recorded delivery or ask for a receipt if delivered it by hand. The authority's address will be available on the LA's local offer.

To the Monitoring Officer

If the complaint is about a local authority behaving unlawfully or contravening a Code of Practice (such as the SEN and Disability Code of Practice 2014) then they could write to the Monitoring Officer at the local authority.

Under Section 5 of the Local Government and Housing Act 1989 all local authorities must appoint a Monitoring Officer to check out such complaints or investigate where maladministration is identified by the Local Government Ombudsman.

About the curriculum (Section 409 EA96)

Local authorities are required to set up a procedure (which has to be approved by the Secretary of State) for parents in maintained schools to make complaints about the following:

- Failing to provide the National Curriculum (for example where a school has decided a child cannot take or cannot drop a particular NC subject)
- Charging for education, except where this is lawful
- Offering qualifications or syllabuses which are not approved

- Failing to provide religious education and daily collective worship
- Failing to provide information which by law they must provide
- Failing to carry out any other statutory duty relating to the curriculum
- Acting unreasonably in relation to the above.

(section 409 Education Act 1996 amended by para. 107, Schedule 30, School Standards and Framework Act 1998 and section 215 Education Act 2002).

To the Local Government Ombudsman

The Ombudsman, or Commissioner for Local Administration to give it its official title, investigates complaints of injustice arising from maladministration by local authorities and exclusion review and admission appeal panels. The Ombudsman cannot investigate internal school matters such as a failure to provide help at SEN Support.

Parents can complain if their child has suffered injustice because of bad, illegal or unfair procedures, policies or decision-making processes.

The Ombudsman considers the way a decision is reached, not with the merits of the decision itself, so parents cannot complain just because they do not agree with a decision. The main test of whether there has been maladministration is whether an authority has acted reasonably within the law, its own policies and the good practice standards of local administration.

The Ombudsman expects complaints to be made first of all to the local authority before they will investigate. If there is an alternative remedy such as an appeal to the Special Educational Needs and Disability Tribunal, the Ombudsman will expect parents to use that route instead.

Examples of where parents/young people might complain to the Ombudsman:

- A local authority fails to comply with legal deadlines to carry out a statutory assessment or issue a statement
- A local authority fails to properly consider a parent's case for free transport for their child

- The help in Part 3 of a child's statement or Section F of an EHC plan is not being provided even though parents have asked the local authority to put this right
- An independent review panel (for exclusions) or an appeal panel (for admissions) failed to consider a disability discrimination claim
- A child has missed out on education, for example, following an unlawful exclusion.

Parents should complain to the Ombudsman within a year of the date that the event took place unless they have exceptional reasons such as a serious illness which prevented them from complaining earlier.

For details of the procedure see:

<http://www.lgo.org.uk/making-a-complaint/>

There is also a helpline number to call: 0300 061 0614

If the Ombudsman decides there had been maladministration leading to injustice, s/he can make recommendations to local authorities but cannot require them to carry them out. However, it is very rare for a local authority to ignore a recommendation. Remedies include recommendations of compensation, fresh hearings and changes to policies.

See also:

- the briefing about School Complaints for how and when to complain to the Secretary of State for Education and the Information Commissioner as complaints can also be made to them about local authorities;
- the briefing about going to the High Court for information about Judicial Review of local authority decisions