

When things go wrong

Sometimes, despite best intentions, things go wrong and the relationship between you and the professionals sours or even breaks down. There are all sorts of reasons why this might happen, but the result is almost always lots of extra stress and difficulties for everyone involved.

When things go wrong it's often rooted in worries about a child – about their needs, their support and ultimately their future. So, it's no surprise that sometimes things don't go smoothly, because there is a lot at stake.

But there are ways to move forward. You and the professionals can try and repair the relationship, have grievances heard and dealt with or, if it comes to it, make a fresh start. You can:

- Raise your concerns
- Make a complaint
- Have a disagreement resolution meeting
- Use mediation

Below are some of the main things you can try. Remember, you can also talk things through with us. Sometimes it helps to have someone independent listen and help you find a way forward. Contact us if you need more support.

Why do things go wrong?

These are some of the most common reasons why things go wrong (these apply for both parent carers and professionals). They're common and happen to everyone now and again - we're all human.

- Misunderstandings, lack of communication or feeling unheard.

- Unrealistic expectations of what other people or services can achieve, do, or offer.
- Not being involved enough in the decisions about your about a child or wanting to be involved in everything (too much or too little engagement).
- Previous 'baggage'. This means taking negative feelings from previous situations and experiences into the current one. Or expecting that things won't go well right from the start.
- Seeing the relationship as a battle or a fight to be won or focusing on the negatives – this leads to a child, parent or school becoming a 'problem'.
- Family or parent difficulties. Sometimes there are disagreements between parents about how things should be managed. Or families are under a lot of pressure for other reasons and that makes all relationships challenging.
- Issues for professionals. For example, inexperience or lack of knowledge about a particular area or condition, or not enough time or resources. Parents sometimes feel that professionals may not know enough about their child's needs, the support that is available or processes or procedures.
- Lack of, or reduced trust in people, services or systems. This can develop when people don't do what they say they will. Or it can happen when services or people don't respond in the right way or in good time.
- Where there is a power imbalance and parent carer and professional aren't working as equal partners.

Whatever the reason, if a relationship is challenging or breaks down, you'll need to do something about it. If you do nothing, very little is likely to change and things will probably get worse. In the end that's going to affect both you and your child. Lots of people don't like

confrontation or conflict, and disagreement makes them feel uncomfortable.

If you need help or support to take the first step to try and resolve a problem, get in touch.

How do I raise a concern?

A concern is something you're worried about, which can probably be resolved at the time you raise it. It's a step you can take if you have something to say that needs acting on, but you don't want to complain.

Lots of disagreements can be sorted out by talking honestly and openly about the issues. It's important to ask about and listen to the other side of the story, even though it might be hard. Sometimes digging a little deeper into a problem can help you understand what's gone wrong and why.

Ask for a meeting to discuss things and take someone with you for support if you can. We have information about getting the most out of meetings and about your role in meetings which may help.

Here are some other tips.

- If something has happened and you're angry or upset, take time to think about it and calm down if you need to. Sending an email or calling someone when you're really stressed is something people often regret, usually because they say something they ordinarily wouldn't. If you're calm and composed, you're more likely to get a response or the kind of response that helps rather than making things worse.
- If your difficulty is with a particular member of staff, ask if you can talk to or meet with someone else – such as another teacher, the headteacher or a governor. Everyone has personality clashes from time to time, so working with a different person can sometimes help.
- Whatever is happening, keep communicating with someone at school. That way you've always got some way of knowing how your child is getting on and sharing information. You can do this at arms-length if you need to, using a home school communication book.



How do I make a complaint?

If you've raised concerns and they haven't been dealt with to your satisfaction, or talking hasn't sorted out the issues, the next step is to make a formal complaint.

This is a written statement about something that's wrong or that you're dissatisfied with, which needs a formal written response. How you complain, and to who, will depend on what or who the complaint is about.

You'll need to put in writing what you're complaining about. Contact, the charity for the families of disabled children, has a model letter and some tips for doing that:

- Give the important details and be brief – don't add unnecessary history or information.
- Be clear about how your child is affected by the situation.
- Be polite and factual. Try not to use emotional language or personal comments.
- Refer to any relevant school policies, for example the behaviour or absence policy.
- Say what action you or the school/college has already taken about the problem.
- Say what you would like the school or college to do to put things right. This might be an apology or explanation, or a change to the way the school does something.

IPSEA (Independent Provider of Special Education Advice) also has some model letters you can use, including several about complaints.

How do I complain about the support my child is getting at school?

If a meeting or raising concerns hasn't worked, your next step is to complain directly to school. Every school in England must have a complaints procedure by law and it should be available on their website. If you can't see it, ask for it. The school must give you a copy.

The complaints procedure will set out the steps you need to follow to complain. Usually there are set times by which you should get a reply or response. There should also be information about the person or people who will be looking at and investigating your complaint. There are often several steps to the complaints process, which may include an appeals panel or review by a board of trustees or governors.

If you're not satisfied with the way the school responds to your complaint the next step would usually be to complain to:

- your local authority if the school is a maintained one (overseen by the local authority) or you're complaining about the support (provision) in an EHC plan not being given (delivered)
- the Education Funding Agency instead, if the school is an academy or free school or if your complaint is not about an EHC plan

You can find out more about complaining on the Devon County Council website and the Gov.uk website.

Contact, the charity for the families of disabled children, has detailed information about:

- School and college complaints – including taking complaints further to the Local authority, the Local Government Ombudsman or going to Judicial review.
- Disability discrimination – This is when a disabled child or young person is treated in a worse way than a non-disabled child, or where a school hasn't done things differently for a disabled pupil where it's needed.
- How to challenge an exclusion.
- Complaining about healthcare for a disabled child.

How do I complain about healthcare?

If you want to make a complaint about health care you will need to contact the organisation that provides the service. So, that might mean the hospital, the community organisation or mental health trust.

Devon Clinical Commissioning Group has details of all the Devon based NHS organisations, plus contact details for the teams that handle complaints and feedback. In

some NHS organisations this is a Patient Advice and Liaison Services (PALS).

How do I complain about social care?

If your child is under 18 you will need to make a complaint about children's social care services. You can find out how to do that on the Devon County Council website.

If your child is over 18 and you're acting on their behalf, you will need to make a complaint about adult social care services. You can find out how to do that on the Devon County Council website.

What is disagreement resolution?

Disagreement resolution aims to sort out disagreements in a quick and informal way, using a trained and independent mediator to help find a solution. Discussions happen at a meeting, either in person or online.

The service is there to help resolve disagreements between parents or young people and the organisations that are responsible for making or providing support for that child. That can include the local authority (around education and social care) and health services.

Disagreement resolution is

- free for parent carers and young people
- voluntary, but it must be agreed by everyone involved
- confidential
- independent of the local authority and Clinical Commissioning Group (CCG).

Any parent of a child or any young person with SEND can use disagreement resolution, not just those with an EHC plan.

Disagreement resolution can help people to come to agreement about the following.

- How an early years setting (such as a nursery or pre-school), school, college or local authority is carrying out its education, health and care duties for a child with special educational needs.

- The support (provision) that the early years setting, school, or college is making for a child or young person. This applies to children and young people with any kind of SEN, not just those going through an EHC needs assessment or with an EHC plan.
- The health or social care support that is given
 - during an EHC needs assessment
 - while EHC plans are being drawn up or reviewed
 - while awaiting an appeal
 - when a child or young person is being reassessed

In these cases, the disagreement will be with the Local Authority or Clinical Commissioning Group, rather than the early years setting, school, or college.

If you think disagreement resolution is something you would like to use, contact Global Mediation on 0800 064 4488 or email sen@globalmediation.co.uk to find out more.

What is mediation?

Mediation is a way for you to discuss things with local authority staff which are led and supported by someone independent, impartial and non-judgmental. It aims to encourage discussion and working together, collaborative working, and empower those involved to find their own solutions. Discussions happen at a meeting, either in person or online and you can take someone along to support you. Sometimes people from other organisations also go along, such as staff from your child's school or college.

It's less formal than going to a tribunal to appeal. It doesn't cost anything for you to use and you don't need to be represented by a lawyer.

Mediation is different from disagreement resolution because it's specifically for parents and young people who are considering appealing about parts of the Education Health and Care (EHC) plan process. It's not normally used to resolve disagreements about general SEN support.

If you or your young person want it to, mediation can take place following the decisions made by a local authority at these times:

- after a decision was made not to carry out an EHC needs assessment or reassessment
- after a decision was made not to draw up an EHC plan
- after you receive a final EHC plan or amended plan and you disagree with certain parts of the content
- following a decision not to change (amend) an EHC plan
- following a decision to end (cease) an EHC plan

If you decide that you want to appeal about one of the situations listed above, you must contact a mediation advisor. This is to see whether mediation could help you to resolve your disagreement without going to appeal. If you decide to use mediation, a meeting will be set up between you and the local authority. If you decide not to use mediation, you'll be given a certificate which allows you to start your appeal.

If you have never had a proper discussion with the local authority about why they made a decision, mediation could help. Going to mediation can also give you more time to appeal.

The deadline for appealing is

- two months from the date of the letter you were sent by the local authority about their decision, or
- one month from the date a mediation certificate is issued

whichever is the later.

You don't have to contact a mediation adviser before registering an appeal if it's solely about

- the name of the school, college or other institution named on the plan
- the type of school, college or other institution specified in the plan or
- the fact that no school or other institution is named.

Need more information?

IPSEA (Independent Provider of Special Education Advice)

www.ipsea.org.uk

Global Mediation

www.globalmediation.co.uk

Child Law Advice

childlawadvice.org.uk

Reviewed and updated: June 2023

Review date: June 2025