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Special Educational Needs

Introduction

This Factsheet is about complaints about the provision of education for children with special educational needs. It should be read together with our 'How to Complain' webpage, available on the 'Making A Complaint' tab.

The Local Education Authority (LEA), a part of the Council, has a general duty to make arrangements for the education of children with special educational needs. Although a child's needs can usually be met by the school without the LEA's involvement, sometimes the LEA will issue a statement of special educational needs.

We may be able to look into complaints from parents that the LEA has failed to make provision to meet their child's special educational needs.

What we can do

We can:

- look at any delay in carrying out an assessment of a child's special educational needs, or in providing a statement of those needs;
- look at whether the LEA has followed the rules regarding the assessment of needs and, if necessary, the issuing of a statement;
- look at whether there has been a delay or failure in making provision in accordance with the statement.

What we cannot do

We cannot:

- undertake our own assessment of a child's needs;
- compel the LEA to provide a statement of special educational needs if the LEA does not consider one to be necessary;
- tell the LEA what it should put in a statement.

Issues to bear in mind

If the LEA refuses to arrange an assessment of your child's special educational needs, or subsequently refuses to make a statement, you can appeal to the **Special Educational Needs Tribunal for Wales.** You can also appeal to the Tribunal if you are not happy with what the LEA has put in a statement. We will therefore not look at any part of your complaint which concerns these matters.

If we uphold (agree with) your complaint we may make recommendations to the LEA about what it should do. This may include recommending that the LEA make a payment to you to enable you to pay privately for additional help for your child.

Further information

The Special Educational Needs Code of Practice for Wales, and other useful information, can be found in the education section of the **Welsh Assembly Government website –**www.wales.gov.uk

Information, advice and support may be obtained from **Snap Cymru –** www.snapcymru.org ,or from the Advisory Centre for Education –www.ace-ed.org.uk

For further information about the **Special Educational Needs Tribunal for Wales** see their website: www.sentw.gov.uk or contact their helpline on **01597 829800**

We are independent and impartial; we cannot order public bodies to do what we recommend – but, in practice, they almost always do.

Examples of cases that we have looked at can be found on our website, on the 'Publications' tab under 'Our Findings'.

Contact us

If you are unsure whether we would be able to look into your complaint, please contact us on 0300 790 0203 or ask@ombudsman.wales

Also available in Welsh.

Easy Read

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