

LGSCO SEND Cases

Introduction

The role of the Local Government and Social Care Ombudsman is to look at individual complaints about councils. Usually, a complaint will have been responded to by the council concerned before it is considered by the Ombudsman. The Ombudsman will investigate the complaint and if upheld may make recommendations to the Council in terms of remedy to the complainant and service improvements.

As well as investigating individual complaints the LGSCO also issues focus reports on specific areas of interest. Focus reports highlight common or systemic issues, brought to life with case studies from LGSCO complaints. They share learning from complaints to help councils and care providers make improvements, contribute to public policy debates, and give elected members tools to scrutinise local services.

The LGSCO have issued 3 focus reports on SEN (appendices I-III):

- Special Educational Needs: preparing for the future (2014)
- Education, Health and Care Plans: our first 100 investigations (2017)
- Not Going to Plan? Education, Health and Care Plans two years on (2019)

Complaint Information

Since 2018 there have been 50 complaints relating to SEND considered by the LGSCO.

YEAR OF FINAL DECISION	UPHELD	NOT UPHELD	PREMATURE	WOULD NOT INVESTIGATE	TOTAL
2018	4	0	3	1	8
2019	4	1	3	2	10
2020*	6	1	0	1	8
2021	14	0	4	6	24
TOTAL	28	2	10	10	50

*LGSCO stopped their activity from March 2020 until June 2020

Upheld Complaints

- Financial remedies were payable in 26 cases
- SCC had offered a financial remedy in 11 of these cases prior to them reaching the LGSCO
- 3 of which had deemed acceptable by the LGSCO

89% of upheld complaints contained elements relating to the main themes below, often a combination of themes contributed to the complexity of the complaint.

- Lack of suitable education
- Delay in issuing EHCP
- Lack of provision as specified in EHCP including OT and SALT

Those complaints relating to lack of suitable education usually extend over a period of a time and often lead to the higher financial remedy being payable. It is more important to note the impact on the young people, who have not had all or any provision, and their families especially when there has been a lack of provision for some months.

Recommendations

When upholding a complaint, the Ombudsman will often make recommendations relating to both the complainant and the service provided. SCC has 100% compliance with all recommendations.

Examples of recommendations and actions which have been implemented as the result of LGSCO decisions are:

- Reminded its staff of the requirement to adhere to the statutory timescales within the EHCP process
- Amended guidance to staff regarding Post -16 provision, specifically, to show that Post-16 cases do not need to be referred to its Specialist Education Panel
- Training has been delivered in the Autumn Term 2021 to staff in Inclusion Service, including the SEND family Services Team, regarding the SEND Law relating to annual reviews and amending EHC Plans.
- Suffolk requires within the annual review process that all children and young people are involved in the development of a Moving into Adulthood (MIA) Plan which is submitted to the LA with the annual review report. To support the development of improved practice, both annual reviews reports and MIA Plans have been brought into the Local Area's Annual Quality Assurance Programme.
- Findings of QA audits are discussed by a multi-agency board and an action plan is agreed. In addition, the LA has recently engaged with a strategic partner to review and identify touch point within all statutory processes to introduce and/or enhance strength-based conversations with children, young people and families to further promote person-centred approach and outcomes for all.
- The Local Authority reviewed its processes with local authority staff and local area partners including education settings and have moved to area-based panels when considering requests for specialist placements for the new school year. This included communication to all settings and other partners about deadlines for the submission of annual review reports to the LA late summer 2021 and again in early Autumn 2021. This is alongside bringing in additional management oversight, advisory teacher roles and additional administrative support to process phase transfer annual reviews, amended EHC plans and support and challenge education settings where necessary so that the statutory deadlines of 15 February and 31 March for phase transfers can be met.
- Suffolk ATS Medical policy has been amended and updated to the Local Offer website. It has been shared with schools. [Alternative Tuition Service | Community Directory \(suffolk.gov.uk\)](https://www.suffolk.gov.uk/alternative-tuition-service-community-directory)
- Policy and processes have been discussed with the Safer In Schools Board which met on 22 October. Training delivered to Early Help and Attendance staff during October to provide guidance on how to support children not in school for medical reasons
- Schools have been advised to contact the service to enable us to review the provision and support where appropriate and the service has a weekly meeting to do this work. We also link in with Specialist Education Services to support the assessment of need where required

Jane Swift
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