

Cabinet Meeting on Wednesday 15 December 2021

Formal Report from the Local Government and Social Care Ombudsman Regarding SEND



Cllr Jonathan Price, Cabinet Member for Education (and SEND) said,

"This case was allowed to take too long to resolve at a time when demand for Education, Health and Care Plans (EHCPs) had risen sharply and put staff under great pressure.

"Extra investment has since been made in the team handling EHCPs and processes have been reviewed to provide a better, more responsive service to the thousands of families that use it."

Report Summary:

The Local Government and Social Care Ombudsman (LGSCO) provides independent and impartially investigated complaints about councils and other bodies within its jurisdiction.

The LGSCO has decided that it is important to raise awareness of this investigation and a Formal Report has been issued.

The finding on the investigation is Report issued; maladministration and injustice. The LGSCO has found the complainant suffered injustice as a result of fault and therefore has issued a formal public interest report and require the report to be considered at Cabinet.

A further reason for issuing this public report is to highlight the systemic issues raised by this complaint. The LGSCO has noted that as Ofsted reviewed the Council's EHC provision during the same period the complaint relates to it is not recommending any wider remedy. The issues had already been highlighted by Ofsted

Inspectors who agreed a plan with the Council to remedy the systemic issues.

Recommendations

I recommend that Cabinet:

- a. Consider the Formal Report from the Local Government and Social Care Ombudsman (LGSCO) in relation to the failure to review and update a young person's EHC Plan.
- b. Consider the recommendations made as part of the investigation report and the finding of "Report issued: upheld; maladministration and injustice"



Local Members Interest
N/A

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Recommendations of the Cabinet Member for Education (and SEND)

I recommend that Cabinet:

- a. Consider the Formal Report from the Local Government and Social Care Ombudsman (LGSCO) in relation to the failure to review and update a young person's EHC Plan.
- b. Consider the recommendations made as part of the investigation report and the finding of "Report issued: upheld; maladministration and injustice"

Report of the Director for Corporate Services

Reasons for Recommendations:

1. The appended Formal Report by the Local Government and Social Care Ombudsman in relation to the failure to review and update a young person's EHC Plan within the specified timeframe.
2. The LGSCO investigates complaints about "maladministration" and "service failure". The finding of the Report issued is upheld; maladministration and injustice.
3. The LGSCO has decided due to the service failure and also systemic wider issues that the report is to be issued as a Public Interest Report.
4. Since the LGSCO has found the complainant and her daughter have suffered in-justice as a result of fault, under Section 31(s) of the 1974 Act, the Council must formally consider the appended Formal Report at a high decision-making level such as Cabinet.

List of Background Documents/Appendices:

Appendix 1 - Formal Report by the Local Government and Social Care Ombudsman. Investigation into a complaint about Staffordshire County Council (reference number: 20 000 770).

Contact Details

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