

Complaint Reference	Details of complaint	Findings and Remedy
18/ 015 /573  CS	Mr Z who was represented by his mother complained of delay and other fault by the Council in meeting his special educational needs in 2017 and 2018, causing him to lose provision. The Council delayed issuing an EHC Plan in 2017 and failed to deal properly with his mother, Ms X's complaint.	The Ombudsman upheld the complaint and recommended that the Council should apologise to Ms X and Mr Z for the lost SEN provision for Mr Z between April and November 2017 as a result of the Council taking too long to complete the EHC transfer process; and pay a total of £700; (£250 to Ms X for her time and trouble in making the complaint and £450 to Mr Z for the loss of SEN provision.
19/016/781  CS	<p>The complainant, Miss X, complained of fault by the Council when it issued an Education Health and Care (EHC) Plan for her son Z. She said this related to:</p> <ul style="list-style-type: none"> <li>a) Failing to obtain advice from a neuro-psychologist;</li> <li>b) The poor quality, content and advice in a report on Z's Special Educational Needs (SEN);</li> <li>c) Failing to include transport in the EHC Plan;</li> <li>d) The attitude of a Council officer in emails sent on 7 and 15 February 2019;</li> <li>e) Taking too long to issue the final EHC Plan; and</li> <li>f) Taking too long to deal with her complaint about this.</li> </ul>	<p>The Ombudsman upheld the complaint, he acknowledged that the Council had already apologised for some of the delay in issuing Z's EHC Plan, and for taking too long to deal with Miss X's complaint. However, to remedy the injustice caused by the fault he said the Council should also apologise to Miss X and Z for taking almost three months too long to issue the final EHC Plan; and pay Miss X £450, comprising £300 on Z's behalf for the unnecessary anxiety caused by the delayed issue of the EHC Plan and £150 for Miss X's time and trouble in pursuing her complaint.</p> <p>The Ombudsman did not investigate complaints a), b) and c) as they are matters for a SEND Tribunal.</p>

<p>19/006/673</p> <p>CS</p>	<p>The complainant, Mrs C, was represented by her representative, Ms R. Ms R said the Council was at fault for a delay in providing information about the education, health and care plan (EHCP) the Council prepared for Mrs C's son, who I have called Mr X. She said the Council:</p> <p>a) Delayed in processing Mr X's application for direct payments for 19 months;</p> <p>b) Communicated poorly with Ms R and Mrs C by:</p> <ol style="list-style-type: none"> <li>1. Initially refusing to correspond with Ms R even though she had attended meetings with Mrs C;</li> <li>2. Failed to answer to Ms R's first letter about Mr X's EHCP adequately; and</li> <li>3. Delayed in responding to Ms R's second letter about the EHCP; and</li> </ol> <p>2. Mrs C said this caused injustice because Mr X did not receive social care payments for 19 months and Mrs C and Ms R spent time pursuing the Council.</p> <p>5. She also said the Council paid for social care at too low a rate.</p>	<p>The Ombudsman upheld the complaint and recommended the Council should write to Mrs C and apologise to her for the fault found; and pay Mrs C £4,425,42.</p> <p>.</p>
<p>19/007/198</p> <p>CS</p>	<p>The complainants referred to as Mr and Mrs X complained that the Council failed to:</p> <ul style="list-style-type: none"> <li>• Properly assess their daughter Y's educational needs;</li> <li>• Issue an Education, Health and Care Plan (EHC Plan) within the statutory timescales;</li> </ul>	<p>The Ombudsman upheld the complaint and recommended that the Council should apologise to Mr and Mrs X and pay the costs of the independent reports commissioned by Mr and Mrs X to a total cost of £1,400 to gain information the Council should have gathered.</p>

	<ul style="list-style-type: none"> <li>• Properly adhere to the Council’s complaints procedure by failing to respond to their complaints.</li> </ul> <p>Mr and Mrs X said this delayed Y’s receipt of the educational provision and support she needed as set out in the EHC Plan. This has had an impact on Y’s educational progress. Mr and Mrs X said they had to commission reports and seek repayment for the costs of those reports.</p>	<p>The Council should also pay Mr and Mrs X £200 in recognition of the inconvenience and distress caused by the failures identified in this statement.</p> <p>Additionally, the Council should share with officers the view taken in this decision; and review guidance to staff, ensuring they consider carrying out a social care assessment if a child is not known to children’s social care services when gathering information for an EHC Plan.</p>
<p>20/002/690</p> <p>CS</p>	<p>Mrs B complained on behalf of her son, Mr C about the Council’s refusal of a Disabled Facilities Grant (DFG) for Mr C between 2012 and 2017. She also complained that the Council refused to take her complaint at stage two of the statutory complaint’s procedure.</p> <p>Mrs B said the grant refusal left the family without the correct facilities to meet Mr C’s needs.</p>	<p>The Ombudsman upheld the complaint and recommended that the Council should pay Mrs B £150 for her time and trouble pursuing her complaint. It should also appoint an Investigating Officer and Independent Person to investigate Mrs B’s complaint at stage two of the statutory complaint procedure.</p> <p>Further, the Council should remind all staff dealing with statutory complaints of the parts of the Children Act 1989 and associated legislation that can be subject to a statutory complaint and of the process of escalating a complaint through the statutory procedure, and the limited circumstances in which the Council is not required to investigate a complaint, or can refer a complaint early to the Ombudsman.</p>
<p>19 /003/ 959</p>	<p>Mrs X complained that the Council failed to provide her son, F, who had an Education,</p>	<p>The Ombudsman upheld the complaint and recommended the Council should pay Mrs X £5,900 to recognise the failure to deliver the</p>

<p>CS</p>	<p>Health and Care (EHC) Plan with a suitable education in line with his special educational needs (SEN) between 2016 and 2019.</p> <p>Mrs X said the Council identified fault in its stage 2 complaints investigation into the matter but did not adequately remedy the injustice.</p> <p>Mrs X said F had not achieved his academic potential as a result. She said the matter had caused F, her and the wider family significant distress, uncertainty and time and trouble.</p>	<p>provision set out in F’s EHC Plan and the loss of a suitable education between April 2017 and March 2019. Mrs X should use the payment for F’s educational benefit as she saw best.</p> <p>The Council should also pay Mrs X £1,000 to recognise the failure to deliver the provision set out in F’s EHC Plan between April 2019 and November 2019 during the period Mrs X appealed to the SEND tribunal. Mrs X should use the payment for F’s educational benefit as she saw best.</p> <p>The Council should further pay Mrs X £500 to recognise the distress, uncertainty and frustration caused by the Council’s poor handling of F’s education, its failure and delays to amend F’s EHC Plan and the time and trouble spent pursuing her complaint.</p> <p>The Council also agreed to provide to the Ombudsman, within 3 months, evidence of how it had carried out the service improvements identified at the conclusion of its stage 2 investigation. This to include:</p> <ul style="list-style-type: none"> <li>• how it will ensure going forward that referrals of young people to IPT are appropriate</li> <li>• ensuring how the SEN panel will consider all relevant information and assessments when considering alternative placements and amendments to EHC Plans.</li> </ul>
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<p>19 /015/ 368</p> <p>CS</p>	<p>Mr X complained that the Council took too long to reach a decision about a child protection investigation into unfounded claims against him. He also complained that he was not given an opportunity to comment. Mr X complained the matter affected his mental health and he lost out on earnings during the period he was suspended from work.</p>	<p>The Ombudsman upheld the complaint and recommended that the Council should apologise to Mr X for the lack of review and monitoring of the investigations being conducted and for the inappropriate referral to a neighbouring council about the delay.</p> <p>The Council should also consider what steps it needed to take to ensure that LADO investigations were reviewed and monitored in future in accordance with the Derbyshire Safeguarding Board’s policies.</p>

<p>18/014/369</p> <p>CS</p>	<p>The complainant, Mrs B complained that the Council had failed to provide an appropriate school place for her son, C since 2016. Mrs B had to give up her job to educate him and the situation had a significant adverse impact on the family finances.</p>	<p>The Ombudsman upheld the complaint and in recognition of the injustice caused to Mrs B by the delay in the complaints process, the Council agreed to pay her £150.</p>
<p>19/ 018 /918</p> <p>CS</p>	<p>The complainant, Mrs C, said the Council was at fault for its refusal to fund transport to college for her daughter X. She said that she and X had suffered injustice as a result. Mrs C had to pay £45 per week transport fees and X had not gained the independence she would have done had she taken a bus to college.</p>	<p>The Ombudsman upheld the complaint and recommended that the Council should write to Mrs C and X to apologise for the fault found.</p> <p>The Council agreed to hold a new appeal hearing. It agreed to first allow Mrs C the opportunity to provide any evidence it required, and to then consider:-</p> <ul style="list-style-type: none"> <li>a) The Ombudsman’s findings set out in this decision.</li> <li>b) The actual cost of the transport requested;</li> <li>c) Whether the Council was providing a reasonable opportunity to choose between the courses available; <i>and</i></li> <li>d) X’s specific needs and requirements, including reference to doctor’s evidence about X’s difficulty in taking public transport.</li> </ul> <p>Should the Council decide X was eligible for transport, it agreed it would backdate any payment that it made as a result of the finding.</p> <p>Within a week of the appeal decision, the Council agreed that X would be eligible to join the ITT programme.</p>

		The Council agreed it would also reconsider its policy in the relevant area and report back to the Ombudsman. The Council also agreed to amend any affected online and other materials.
20/ 002 /545  CS	Mr X complained the Council failed to provide the speech and language therapy (SaLT) specified in his daughter, Miss D's, Education, Health and Care (EHC) Plan from 6 December 2019. Mr X says that as a result of this, the Council had disadvantaged an already vulnerable child during her GCSE years. In addition, Mr X said he had been caused distress, anxiety and unnecessary time and trouble dealing with this matter and having to come again to the Ombudsman. He believed the £2,000 already offered by the Council was insufficient.	The Ombudsman found fault which the Council accepted. It had provided a suitable remedy to address the injustice caused to Miss D and Mr X and said it would make service changes to prevent a reoccurrence in future.
20/ 002 /225  CS	Mr X complained that the Council failed to carry out his daughter, Miss D's, annual review in January 2020. As a result, he said this had caused the family uncertainty because they did not know if Miss D was receiving the support she needed. He said this uncertainty was compounded by the fact Miss D did not have an annual review in 2018 and her latest Education, Health and Care (EHC) Plan was based on information from 2018.	The Ombudsman found fault, but this did not cause an injustice. The Council had arranged for Miss D to have an annual review and she would be able to provide comments to ensure Section A is updated. It also said it had started the process to review the files of other young people to ensure they had not been refused an annual review because of similar circumstances.
20 000 611  CS	The complainant, Ms X complained the Council failed to: • carry out her son, Z's, annual review in line with the statutory timescales;	The Ombudsman found fault and issued a report against the Council which the Council considered at Cabinet on 17 June.

	<ul style="list-style-type: none"> <li>• consult with secondary schools in a timely manner;</li> <li>• issue Z's final amended Education, Health and Care (EHC) Plan within the statutory timescales when he transitioned to secondary school;</li> <li>• ensure Z received a suitable education from September 2019 to June 2020 when she appealed to the Tribunal;</li> <li>• communicate appropriately with her; and</li> <li>• deal with her complaints in a timely manner.</li> </ul> <p>As a result, Z had to remain at primary school for an additional school year and Ms Z says that during this time only received part of the Year 7 curriculum. Ms X said this led to a deterioration in Z's behaviour and feelings of low self-esteem and isolation.</p>	<p>The Council agreed to:</p> <ul style="list-style-type: none"> <li>• apologise to Ms X; and</li> <li>• pay Ms X on behalf of herself and Z, £1,000 to acknowledge the distress Z experienced when he was unable to transfer to secondary school at the same time as his peers for a whole school year and for the unnecessary frustration, distress and time and trouble Ms X experienced because of the Council's faults.</li> </ul> <p>The Council had also agreed to review its processes to ensure it is carrying out annual reviews, issuing decision notices and finalising amended Education, Health and Care Plans in line with the statutory guidelines.</p>
<p>19/021/063</p> <p>AC</p>	<p>Mr B complains about his uncle's (Mr C's) respite care provider. Mr B says Mr C was not properly fed and he had to purchase food for him, his care provider lost his clothes and says he was treated negatively by the manager of the home. Mr B says he has been to the home on four separate occasions to collect Mr C's belongings but has not been given them.</p>	<p>The Ombudsman was satisfied that an apology and offer of reimbursement for the cost of the additionally purchased clothing remedied the injustice caused by the fault.</p>