

PUBLIC

MINUTES of a meeting of the **GOVERNANCE, ETHICS AND STANDARDS COMMITTEE** held on 03 October 2019 at County Hall, Matlock

PRESENT

Councillor C Short (in the Chair)

Councillors K Buttery, J Coyle, K Gillott, A Griffiths, L Grooby, J Innes, and J Perkins

Also in attendance – L Newby MBE (Independent Person)

Apologies for absence were received on behalf of Councillors A Fox and C Moesby, and K Jackson-Horner (Independent Person)

16/19 MINUTES RESOLVED that the minutes of the meeting of the Governance, Ethics and Standards Committee held on 04 July 2019 be confirmed as a correct record and signed by the Chairman.

17/19 DECLARATIONS OF INTEREST Councillor J Coyle and K Gillott declared a personal interest in respect of Item 4 on the Agenda by virtue of being part of the administration at Derbyshire County Council during the period the complaint was first received.

18/19 AN INVESTIGATION INTO COMPLAINT NO 18 000 932 AGAINST DERBYSHIRE COUNTY COUNCIL A recent case had been investigated by the Local Government and Social Care Ombudsman (LGSCO) who had made a finding of fault by the Council causing injustice to the complainant.

The child had experienced significant difficulties from an early age with their behaviour and communication with others. This individual was diagnosed with autism and received support via a statement of special educational needs to transition to secondary school.

Whilst at secondary school, this individual's behaviour continued to deteriorate which impacted on their attendance. In the beginning the school and the parent agreed that the child should go home for lunch and be brought back for the afternoon sessions as they were unable to manage his behaviour over lunch times. Over time this increased and by year 8 onwards his overall attendance was very low. The parent reported that he was very vulnerable to outside influences in the community at that time and his behaviour at home also worsened.

The individual received a significant level of support from the local multi-agency team who worked with both child and parent to improve school attendance. A social care initial assessment was completed in December 2013 and core assessment in February 2014 at which time both the child and his brother were placed on a child protection plan. They remained on a child protection plan until October 2014 when professionals felt it was no longer necessary. The individual had also been supported by medical professionals for a number of years during which time he had been prescribed a number of different medications to help manage behaviour. This had resulted in long periods of instability which had impacted significantly on his ability to cope with day to day life.

The LGSCO notified the Council of its intention to investigate on 9th May 2018, requesting a copy of the report and adjudication letter sent to the parent. As a result of its investigation, the LGSCO notified the Council of its intention to issue a public report on this matter a copy of which was attached for information.

The LGSCO found the following faults:

- While there were attempts to encourage the individual to attend school he attended little and there were no structured alternative provisions.
- There was no evidence that reviews took place after Year 10.
- The annual reviews of the statement were ineffective. Once the Council considered the report from the annual reviews it should have asked more questions about what was being delivered. This would have revealed it was not providing what the Statement required and what the child was entitled to receive.
- There were significant delays in considering the complaint.

The LGSCO also found the following fault causing injustice:

- The failure to provide the child's SEN support, particularly speech and language therapy (SALT), represented fault that caused potentially significant impact to the individual.
- Between 2011 and 2014 the child's attendance deteriorated significantly. Whilst not all issues he faced were due to education, and whilst at times it was unlikely he could have engaged with education, as the Council had identified, he needed the support set out in his statement and the LGSCO was satisfied he was caused disadvantage.
- Both parents were left with a degree of distress and uncertainty about how much of a difference SALT provision may have helped the child during his school years.
- The LGSCO welcomed the apology the Council had provided to the parent and the actions the Council agreed to take to improve its

processes and procedures following this complaint. However, as the impact was significant the LGSCO considered a financial remedy appropriate to recognise the damage to the child's education.

The fault identified meant that the individual missed out on education and SEN provision for the majority of his secondary school years. The LGSCO welcomed that the Council accepted the findings and agreed to the following recommendations:

- The Council would make a payment of £22,500 to the individual to reflect the impact of the missed provision. In part, this could be used to fund a shed that would help manage his mental health, with the remainder placed in a trust for him. This recommendation had now been actioned and the agreed payment made to the individual.
- The Council would recognise the impact on the parent from the lack of provision for the individual and the distress and uncertainty about how much the provision may have helped him over an extended period. To reflect this the Council should pay the parent £1000. This recommendation had now been actioned and the agreed payment made to the parent.

In addition to the above recommendations the following actions had also been taken:

- The Council had placed two public notice announcements in two local newspapers/websites within two weeks of the LGSCO publishing the report. It had also made copies of the report available free of charge at one or more of the Council Offices. This was a required action in relation to a public report issued by the LGSCO and had been completed by Legal services.
- The Council was also required to arrange for the report to be placed before the Council's, Governance, Ethics and Standards Committee and inform the LGSCO when this had been done. This report fulfilled this required action in relation to a public report issued by the LGSCO.
- The Council would provide evidence to confirm the required actions had been taken in accordance with the agreed remedy.
- The learning from this investigation was to be shared with both Schools and SEND services to ensure such a situation is mitigated against for the future. This was being taken forward by the Service Director, Schools & Learning and the Head of Service for SEND.
- Management oversight of attendance at school for children and young people with SEND had also been added to the Children's Services risk register.

RESOLVED to note the findings of the Local Government and Social Care Ombudsman and the action which has been taken by the Council in response to the Ombudsman's report.