

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
<p>22/005/438</p> <p>Children's Services</p>	<p>The complaint, Mr X complained that the Council:</p> <ul style="list-style-type: none"> • delayed in identifying a suitable residential school and placement for Mr Y following the ending of his placement at a residential school in summer 2021; • failed to make appropriate alternative education provision for Mr Y; and • failed to deliver the provision set out in his Education Health and Care Plan. <p>As a result, Mr Y did not receive suitable education for a significant period and Mr and Mrs X were caused significant distress.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <p>a) send a written apology to Mr and Mrs X and Mr Y to acknowledge the distress caused to them by not fully making the provision set out in section F of Mr Y's EHCP and not making sufficient education provision for Mr Y between June 2021 and October 2022.</p> <p>b) make a total payment of £3992.50 to Mr Y to acknowledge he did not receive all the provision in section F of his EHCP and sufficient educational provision between June 2021 and October 2022.</p> <p>c) make a payment of £300 to Mr and Mrs X to acknowledge the distress caused.</p> <p>d) review its procedures for commissioning tuition to children/young people out of school to ensure it regularly reviews the provision to ensure it is meeting their needs. The Council also agreed to explain to the Ombudsman how it had improved its performance in this area.</p>
<p>22005444</p> <p>Children's Services</p>	<p>Mr X complained that Mr Y's placement was not suitable for his needs as the care provider did not have the experience, facilities and staff to care for Mr Y which put him at risk. In particular:</p> <ul style="list-style-type: none"> • staff did not follow Mr Y's activity planner so he did not receive sufficient mental and physical stimulation or 	<p>The Ombudsman found that there was no evidence of fault in how the Council made its decision that a care placement was suitable for Mr Y and in how it considered safeguarding concerns. There was also no evidence of fault in how the Council reached its decision to start public law outline proceedings. The Council was at fault in how it dealt with Mr X's</p>

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	<p>interaction which left him bored and frustrated and caused a deterioration in his behaviour;</p> <ul style="list-style-type: none"> • there were numerous safeguarding incidents including Mr Y absconding, breaking furniture, breaking his glasses and staff locking themselves in the office; • the care provider refused to share incident reports with Mr X; • there were frequent changes in carers so Mr Y did not receive consistency of care; • the care provider did not inform Mr X of Mr Y's medical appointments. <p>Mr X also complained that the Council:</p> <ul style="list-style-type: none"> • decided to hold a public law outline meeting without any justification which caused significant distress to him and Mrs X; • decided to hold a best interests meeting without any prior discussion with Mr and Mrs X and then cancelled the meeting at short notice which caused distress to them. • failed to consider the numerous safeguarding referrals raised by Mr and Mrs X about Mr Y's placement which put Mr Y at risk and caused distress to them. 	<p>complaint as it did not consider it through the children's services statutory complaints procedure. The Council agreed to apologise to Mr and Mrs X for denying them the opportunity to have their complaint considered through the statutory process and for the frustration caused</p>
<p>22007781 Children's Services</p>	<p>Miss X complained that the Council failed to arrange alternative provision for her son (Y) during his absence in the school year between September 2021 and March 2022. Miss X said this caused her distress because Y already had an education, health and care plan (EHCP) and</p>	<p>The Ombudsman found that there was fault in the Council failing to provide Miss X's son suitable alternative education while he was not in school. This had caused Miss X an injustice because she now had the uncertainty of how this has impacted her son's education. The Council had already apologised for this and had</p>

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	<p>she believed the lack of provision had caused Y to fall behind with his education. Miss X said she had to pay for private tuition.</p>	<p>agreed to pay Miss X a financial remedy to recognise her injustice. The agreed remedy was £400 for distress and uncertainty.</p>
<p>22009044 Children's Services</p>	<p>Mrs C complained that the Council had failed, for several years, to implement provision set out in her children's education, health and care plans. Specifically, she said:</p> <ul style="list-style-type: none"> • both children should have received 1:1 support from a personal assistant to help them access their education; and • H should have received termly involvement from an educational psychologist. <p>Mrs C said she had been providing the 1:1 support herself in place of a personal assistant, which meant that she had been unable to work. She considered that the Council should now reimburse her for her time.</p> <p>Mrs C also considered that the Council should offer H a financial remedy for the educational psychologist support she had missed.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • write a formal letter of apology to Mrs C for the faults and injustice identified; • pay Mrs C £2000 to reflect the distress she suffered because of the lack of 1:1 support for the children, and the fact she then had to provide this support herself instead; • pay Mrs C £450 to be used for H's benefit, to reflect the impact on them of the missed EP provision between October 2021 and September 2022; • pay Mrs C £200 to reflect the time and trouble she was put to because of the fault in its complaint handling; and • circulate guidance to its complaints staff to remind them that they should, where appropriate, offer financial remedies to complainants in response to upheld complaints.
<p>22009074 Children's Services</p>	<p>The complainant, Mr X, complained about the Council's assessment and handling of his son's support needs. He also complained about delays in handling his complaints. Mr X said a lack of social care provision impacted on his son. He said it caused distress and put strain on his son because of numerous reassessments. The Ombudsman did not investigate one of Mr X's complaints,</p>	<p>The Ombudsman found the Council at fault for delays in handling Mr X's complaints., which caused injustice. The Ombudsman was satisfied that the Council had already remedied the injustice to Mr X, including a remedy payment of £200.</p>

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	<p>made in June 2022 as it had not started stage two of the statutory children’s complaints process. This was on the basis that the Ombudsman cannot normally investigate a complaint unless he is satisfied the Council knows about the complaint and has had an opportunity to investigate and reply, and it was considered it reasonable to give the Council an opportunity to complete its investigation into Mr X’s complaint.</p>	
<p>22009089 Children’s Services</p>	<p>Ms X complained the Council failed to:</p> <ul style="list-style-type: none"> • Keep satisfactory records; • Provide suitable education for her son H; • Carry out Annual Reviews; • Complete post-16 transition assessments or provide post-16 education for H; • Carry out the assessments in H’s 2018 Education, Health and Care Plan (EHCP); and • Respond adequately to her complaints. <p>Ms X said H did not have any post-16 education in place and the Council had not provided the provision in his EHCP.</p> <p>Ms X also complained the school did not use the funding in H’s EHCP</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed that it would:</p> <ul style="list-style-type: none"> • Write a personal apology to Ms X for the distress and frustration caused by the faults. • Pay Ms X £250 for the distress, uncertainty and frustration caused by the faults identified. • Pay Ms X £100 for the time and trouble of bringing her complaint. • Pay Ms X £15,400 for the loss of education (£2200 per term x 7 terms from May 2021 – July 2023). The Ombudsman had not used the maximum amount as H was provided with some education during this period. • Complete and issue H’s final EHCP naming his post-16 provision / placement. <p>The Council agreed that it would review its procedures to ensure AR’s are held on time and the action required following the review meeting is taken according to guidance and timescales. The Council also agreed that it would remind staff to ensure they consult schools and professionals in good time,</p>

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		issue the plan within the timescales and keep young people and parents informed.
<p>22011497</p> <p>Children's Services</p>	<p>Mrs X complained that the Council:</p> <ul style="list-style-type: none"> • delayed issuing her child, Child Y's amended Education Health and Care (EHC) plan between 18 November 2022 and 20 January 2023 (following the SEND Tribunal order dated 13 October 2022) with a finalised personal budget; • failed to provide provision set out in Child Y's final amended EHC plan; • delayed providing the full personal budget to fund the provision set out in Child Y's amended EHC plan dated 20 January 2023; and • delayed paying reasonable expenses. As a result, Mrs X said that the delay in receiving the personal budget payment led to missed provision and distress. 	<p>The Ombudsman found fault.</p> <p>The Council agreed that within one week of the final decision it would pay Mrs X the outstanding personal budget payment of £10,396.56. 49. The Council also agreed that it would :</p> <ul style="list-style-type: none"> • apologise for the delay in processing Child Y's outstanding personal budget payment. • pay Mrs X £250 for the distress, uncertainty, time and trouble the delay in processing Child Y's personal budget payments caused. • pay Child Y £250 for the distress caused by the delay in making the personal budget payments which meant Child Y did not receive a transition between tutors or receive equipment earlier; • provide evidence of the new training and guidance delivered to relevant staff on personal budget payments.
<p>22012010</p> <p>Children's Services</p>	<p>The complainant, Mrs B, complained that the Council:</p> <ul style="list-style-type: none"> • failed to put in place some of the provision in her son's education, health and care plan (EHCP); • failed to properly oversee her son's education otherwise than at school (EOTAS) programme; • delayed issuing the EHCP following an annual review in January 2022; and • failed to properly consider her complaint. 	<p>The Ombudsman found fault.</p> <p>The Council agreed:</p> <ul style="list-style-type: none"> • to apologise to Mrs B; • pay Mrs B £3,750; • chase up the NHS response in relation to the cCMV training and then put in place a plan to ensure it was arranged and delivered at least within the first term of the new school year; (cCMV is a congenital cytomegalovirus, long recognised as a cause of hearing loss in children)

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	<p>Mrs B said that the Council’s actions meant she had to spend a lot of time dealing with the Council and sorting out her son’s provision which impacted on her mental health. Mrs B said her son had also missed out on support which had impacted on him.</p>	<ul style="list-style-type: none"> • remind officers dealing with EHCPs of the need to follow the timescales set out in the code of practice when issuing EHCPs following reviews; • remind officers dealing with complaints of the need to ensure the person responding to complaints at stage one is the appropriate line manager or service manager, in accordance with the Council’s complaints procedure; and • remind officers dealing with complaints of the need to ensure that when responding to a complaint at stage two an alternative manager is identified where the person that would normally be tasked with responding to the complaint has already had involvement at an earlier stage of the complaints process. <p>The Council also agreed that it would:</p> <ul style="list-style-type: none"> • ensure there is a proper handover process when officers dealing with special educational needs cases leave so the officer taking over the case is aware of the outstanding issues and monitor the provision to Mrs B’s son through the MDT process over the next two terms to ensure problems did not recur and that any issues were followed up on. If issues were identified the Council would consider what additional measures it could take to ensure proper oversight of the EHCP.
<p>22014257 Children’s Services</p>	<p>Miss X complained that the Council had not ensured her son, Y, could attend college. She said the medical training required to support Y to attend college had not been completed. Miss X also complained that the Council did not</p>	<p>The Ombudsman found fault.</p> <p>To remedy the outstanding injustice caused to Miss X and Y by the fault, the Council agreed to take the following action:</p>

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	<p>ensure the provision set out in Y's Education, Health and Care Plan (EHCP) was provided. Miss X said Y had not been able to attend college, which had impacted his mental health.</p>	<ul style="list-style-type: none"> • Apologise to Miss X and Y for not ensuring Y received a suitable transition, sufficient education and the provision set out in Y's EHCP; • Pay Miss X £300 it previously offered as an acknowledgement of the distress pursuing this complaint. • Pay Miss X £300 for her time and trouble pursuing this matter and having to deliver the training to staff herself. • Pay £2,100, in line with its previous offer, for not providing sufficient education over two academic terms. This money should be used for Y's benefit. It should pay Miss X a further £100 per month from the date the decision is issued until Y is able to return to college. • Pay £1,800 for not providing the provision specified in Y's EHCP for two academic terms, specifically the OT. This money should be used for Y's benefit. It should pay Miss X a further £100 per month from the date the decision is issued until the OT provision is arranged and has started. • Ensure college and transport staff receive the necessary medical training and produce an action plan to confirm the steps which will be taken with specific timescales to ensure Y is able to attend college. • Remind staff of the Council's responsibilities to ensure the provision set out in the EHCP is secured and provided.
<p>22015056 Children's Services</p>	<p>Mr and Mrs X complained the Council failed to ensure their son, C, received provision in line with his Education, Health and Care (EHC) Plan between July and October 2022. Further they said that when the school placement ended the Council failed to arrange alternative provision. They said</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • Apologise to Mr and Mrs X and C for the injustices identified. • Pay Mr and Mrs X, for the benefit of C, £1,500 in recognition of the missed provision.

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	<p>this has impacted on C’s educational achievement and his mental health.</p>	<ul style="list-style-type: none"> Remind all staff within the education department of the duties and the Council’s policy under section 19 of the Education Act 1990. This should include the government guidance on when alternative provision should be offered.
<p>22015304 Children’s Services</p>	<p>Mrs B complained about how the Council had handled the educational provision for her child, K. In particular, she said that the Council:</p> <ul style="list-style-type: none"> delayed in issuing a final EHC plan for K; had failed to provide K with a suitable education since he was excluded at the beginning of October 2022; had failed to meet his sensory needs since he had been out of school, and had not kept her informed of its actions or responded to her communications in good time. <p>Mrs B said that as a result of the Council’s shortcomings, her son was not receiving an education. He was distressed and self-harming, and as such he could not access education at home. Mrs B was frustrated and distressed that her son’s needs were not being met.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> Apologise to Mrs B for the faults outlined found. The apology should be in writing and from an officer of appropriate seniority. Pay to Mrs B £2,400 offered from October 2022 to May 2023. Pay to Mrs B £120 for each academic week K did not have access to a suitable education from May 2023. This should continue for as long as there was no suitable provision on offer, up to a limit of six months from the date of the Ombudsman’s final decision statement. If the Council had not been able to provide a suitable education within six months of the decision, it should complete a fundamental review of the situation and share a plan of action with Mrs B. Pay to Mrs B £500 in recognition of the impact on her and her child of its failure to consider or meet his sensory needs. Pay Mrs B £600, as offered, in recognition of the distress and frustration caused when it did communicate with her properly.

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<p>22016575 Children's Services</p>	<p>The complainant, Miss X, complained about how the Council had managed her son's special educational needs provision. She said her son had not been receiving full time education and said his needs had not been met. Miss X said this had had a significant impact on her and her son who she said had been isolated at home.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • Apologise to Miss X for the faults identified in this statement. • Pay Miss X £500 to acknowledge the time and trouble she spent contacting the Council which caused her distress. • Pay Miss X £6,000 for the educational benefit of D, to recognise the impact of its failings on D's education. • Reimburse Miss X for what D missed out on in regard to his free school meal entitlement. The Council also agreed to review its working practices and policies so that it retains oversight and responsibility for its duties to children unable to attend school.
<p>22017121 Children's Services</p>	<p>Mrs X said the Council delayed finalising her daughter's Education Health and Care plan (EHCP) after she asked it to carry out an EHC assessment. Mrs X said this meant her daughter (Y) missed special education provision (SEP). Mrs X said this meant Y had fallen behind in her education and this impacted on her self-esteem. Mrs X also said the Council's delays and poor communication about this, caused her avoidable stress and inconvenience.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to pay Mrs X;</p> <ul style="list-style-type: none"> • £500 for the uncertainty and avoidable distress caused by delays in finalising Y's EHCP; • £100 for Mrs X's time and trouble caused by poor communication. <p>Once the SEND Tribunal had determined the SEP that Y would have been due for December to June, the Council agreed to consider the consequences of the delays to Y. In doing so it agreed to consider whether it should make a further offer of a remedy in line with the Ombudsman's guidance for missed provision.</p>

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		This resulted in a further payment of £4,080 being made for missed provision.
22017332 Children's Services	<p>Mr X complained that the Council delayed in finding a suitable school placement when his son moved into the Council's area and his son's Education, Health and Care (EHC) plan was transferred. Mr X said the Council also failed to secure fulltime suitable alternative education; put in place the special educational provision in the EHC plan; and, failed to keep him informed. When the Council did name a school, the school failed to admit.</p> <p>Mr X also says as his son was not in school, he missed out on free school meals and there was additional pressure on him as a parent carer.. The Council had accepted delay and apologised, but it failed to offer a remedy for the injustice caused via its own complaint process.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to apologise to Mr X and Y for the faults identified and agreed to pay Mr X £1,000 for the prolonged distress and to acknowledge the additional level of care he needed to provide when little or no education for Y was in place. The Council agreed to pay Mr X, on behalf of Y, a symbolic payment of £4,000 calculated as follows:</p> <ul style="list-style-type: none"> • £2,400 for the period October to January • £1,600 for the period January to May. <p>The Council agreed to pay Mr X £475 for the loss of free school meals over three terms. The Council confirmed that it was developing a policy for children with EHC plans who did not have a school as these cases were held by the SEN team, not the CME team.</p> <p>The Council agreed that it would include consideration of financial support to children who would be entitled to free school meals. The Ombudsman welcomed the Council's actions to learn lessons from this complaint.</p>
23000380	The complaint, Ms X, complained that the Council had delayed considering a complaint under the children's statutory complaints procedure. The Council had	<p>The Ombudsman found fault.</p> <p>The complaint was upheld and the Council agreed to resolve the complaint early by providing an appropriate remedy. The</p>

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Children's Services	subsequently agreed to resolve the complaint by arranging a stage three panel by the end of June, apologising to the complainant and offering to make a payment to them to remedy the time and trouble they had been put to.	Council agreed to arrange the panel meeting within one month, apologize for the delay and offer to make a payment £100 to Ms X for the time and trouble she had been put to pursuing the matter.
23000833 Children's Services	<p>Ms X complained the Council:</p> <ul style="list-style-type: none"> • failed to meet her child's special educational needs with the education it provided between April 2022 and April 2023; • failed to secure all the provision in Z's EHC Plan; • failed to provide her with enough support to manage her child's personal budget for his EOTAS; and • delayed in carrying out an educational psychology assessment. 2. Ms X stated this caused Z to miss out on the provision he was entitled to and impacted his wellbeing and affected all members of the family. Ms X wanted the Council to recognise the impact on the whole family and to provide a financial payment. 	<p>The Ombudsman found fault.</p> <p>The Council agreed that it would:</p> <ul style="list-style-type: none"> • Write to Ms X and apologise for the injustice caused by the faults identified. • Pay Ms X a symbolic amount of £500 to recognise the uncertainty and frustration caused to her by the Council's failure to provide a personal budget amount when Ms X requested one and in its delay in issuing the final amended EHC Plan. • Pay Ms X £1,000 to recognise the half term Z was without the provision in his Plan other than the play therapy. • Pay Ms X £2,000 to recognise the two terms Z was without the OT and SALT therapy specified in his Plan. This was calculated at £1,000 per term and was in line with the Ombudsman's Guidance on Remedies. • Remind relevant staff to commission specialist interventions such as OT and SALT for children at the earliest opportunity where there is a change of circumstances, to avoid loss of provision. • Remind relevant staff to adhere to the timescales set out in the statutory guidance when issuing its decision, draft or final amended EHC Plan after a review meeting.

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<p>23001604</p> <p>Children's Services</p>	<p>Miss X complained the Council caused delays throughout the Education, Health and Care (EHC) needs assessment for her son, C. She said that this has caused her son to lose out on the support he needed. She said that this was affecting his ability to form friendships and learn.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • Apologise to Miss X for the distress caused by its delay in carrying out its assessment and in issuing a final decision outside of the statutory timescales. • Pay Miss X £600 for the injustice caused by the delay in issuing a final decision. This was equivalent to £100 per month.
<p>23001615</p> <p>Children's Services</p>	<p>The complainant, Mrs B, complained about how the Council dealt with a special educational needs (SEN) assessment for her daughter, C. Mrs B said :</p> <ul style="list-style-type: none"> • There was a delay to the Council's assessment, which meant C missed out on SEN provision and was late starting her new school. • The Council mishandled her complaint. The process took too long, and the Council's communication was poor. And one of the Council's complaint respondents was unprofessional. • Mrs B also complained that a Council officer provided inappropriate advice about whether a special school would be suitable for C. Instead of consulting the school when Mrs B asked about it, she said that the officer told her the school would be oversubscribed (without checking first). She said that the Council then decided C would attend a mainstream school. • Mrs B said that the Council's mistakes caused her and C distress. She also said that C's education was affected. She wanted compensation and wanted the Council officer disciplined. 	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • Apologise to Mrs B to recognise the time and trouble she went to trying to get responses to her complaints. • Make a symbolic payment of £1,000 to Mrs B, on C's behalf, to recognise C's injustice from the delay to her needs assessment. The Council also agreed to deliver refresher training on its complaint's procedure to all its staff who handle and respond to complaints. This training would ensure that staff were fully aware of the Council's responsibility to meet timescales and communicate effectively with complainants.

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<p>23001812</p> <p>Children's Services</p>	<p>The complainant, Mrs D, complained about the Council's handling of her request for an Education, Health and Care (EHC) plan for her son (X) since Autumn 2021. She said it:</p> <ul style="list-style-type: none"> • wrongly initially refused her request for and EHC Needs Assessment for X; • caused delays in the EHC plan process and a data breach; • failed to provide X with an education since April 2022 when she told the Council his home education was no longer working; and • failed to find a school which could meet X's needs and to consult with a school she had requested. <p>Mrs D said, as a result, she experienced distress and had taken time and effort to get the Council to address her concerns. She also said X experienced distress and had a loss of education and provision in his EHC plan.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <p>Apologise in writing to Mrs D and X, and pay her;</p> <ul style="list-style-type: none"> • £500 to acknowledge the distress and uncertainty the Council's faults and service failure caused her; • £300 to acknowledge the distress and uncertainty the Council's faults and service failure caused X; • £4,800 to acknowledge the loss of educational provision X missed out on from January to July 2023. <p>In total the Council agreed to pay Mrs D £5,600.68. Within three months of the final decision the Council agreed that it would provide the Ombudsman with evidence of the Council's redesign and restructuring of its service, and explain how this will reduce delays in the Education, Health and Care plan process and improve communication with the parents of children and young people it is supporting; and e) review how it could ensure it had sufficient provision available in its Local Offer to meet the educational needs of the children and young people in its area.</p>
<p>23003684</p> <p>Children's Services</p>	<p>The complaint, Miss X complained that the Council failed to issue her child, Y, with an Education, Health, and Care (EHC) plan despite agreeing to do this in March 2023, following her appeal to the SEND Tribunal. Miss X said the</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to apologise to Miss X and pay her £325 to acknowledge the frustration and uncertainty caused by the Council's failure to carry out the EHC needs assessment in line with statutory timescales. This was calculated at around £100 a</p>

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	<p>Council's delay had caused her distress and caused her child to miss out on provision that she needed.</p>	<p>month from the date the Council should have reached a decision on whether to issue a plan (during September 2022) until it made its decision in early December 2022. The Council also agreed to pay Miss X £900 to acknowledge the impact on Y of not receiving all the education provision Y should have received, as set out in their EHC plan, for around one term.</p>
<p>23003809 Children's Services</p>	<p>Mrs X complained that the Council wrongly refused to give her son, Y, a place at her preferred school from September 2023 and that it failed to properly consider her appeal about its decision. As a result, she said that Y missed out on the school place he needed and both she and Y had been caused significant worry and upset. She wanted the Council to arrange a new appeal with a different panel and presenting officer.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to apologise to Mrs Y for the appeal panel's failure to fully address her grounds of appeal and arrange a fresh appeal panel to reconsider Mrs Y's appeal. The Council agreed to ensure the new appeal panel explored Y's caring role, the effects of this on him and the support he received from his primary school relating to this.</p>
<p>23003846 Children's Services</p>	<p>The complainant, Mrs D, complained about the Council's handling of her request for an Education, Health, and Care (EHC) plan for her son (X) since Autumn 2021. She said it:</p> <ul style="list-style-type: none"> • wrongly initially refused her request for an EHC Needs Assessment for X. • caused delays in the EHC plan process and a data breach. • failed to provide X with an education since April 2022 when she told the Council his home education was no longer working; and • failed to find a school which could meet X's needs and to consult with a school she had requested. 	<p>The Ombudsman found fault.</p> <p>The Council agreed to apologise and pay Mrs X £500 to acknowledge the frustration and uncertainty she experienced due to the delay in completing Y's EHC plan. This equated to £100 per month for the delay.</p>

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	<p>Mrs D said, as a result, she experienced distress and had time and effort to get the Council to address her concerns. She also said X experienced distress and had a loss of education and provision in his EHC plan.</p>	
<p>23003866 Children's Services</p>	<p>Mrs X complained the Council delayed completing an EHC assessment for her daughter, K. Mrs X said the delay meant K did not receive the provision she needed. Mrs X said this caused her unnecessary frustration.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to take the following action:</p> <ul style="list-style-type: none"> • Apologise to Mrs X for the frustration and uncertainty she experienced due to the delay in completing K's EHC assessment. • Pay Mrs X £500 in recognition of that frustration and uncertainty. This equated to £100 per month of delay. • The Council will also continue to pay Mrs X £100 per month until it issued K's final EHC plan. This was to acknowledge the continued injustice Mrs X was experiencing caused by the Council's delay. The Council agreed to make this payment within one month of the date it issues the final EHC Plan.
<p>23004019 Children's Services</p>	<p>Mrs X complained for her son, Y that :</p> <ul style="list-style-type: none"> • Y had been out of school since September 2022 and so had not been receiving education in line with his EHC plan. There was an arrangement for two school staff to take him out for two hours a day, five days a week. The school was only making staff available to take him out in the community if they had enough staff; they often cancelled at short notice and staff were just taking him out on trips to the farm or ice-skating and not providing education. 	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • Issue Y's final amended EHC plan naming the school which had offered a place. • Apologise for the avoidable frustration, distress and loss of education caused by the fault identified. • Pay Y £2,400 a term for lost special educational provision (three terms), minus the £1,800 already received. So, £5,400.

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	<ul style="list-style-type: none"> • There was a delay in issuing a draft EHC plan following an urgent annual review meeting in the autumn term of 2022 and a delay in issuing the final EHC plan. • There was supposed to be a meeting in June 2023 to plan Y’s education, but the SEND team cancelled five minutes before the meeting was due to start. <p>Ms X said this caused her and Y avoidable distress and her son a loss of education provision. She said Y had not had any formal schooling since September 2022 and he had been isolated at home, had no interaction with friends and had been bored and lonely. Ms X said this had led to Y’s challenging behaviours escalating which she had to deal with.</p>	<ul style="list-style-type: none"> • Pay Ms X £1,000 to reflect her avoidable distress. The Ombudsman considered the distress caused by Y being at home was exceptional and so this figure was on the high ‘Final decision 6’ end of the Ombudsman’s usual range so as to take into account the frustration caused by the Council’s inaction on the case and the delay in appeal rights <p>The Council also agreed to review staffing levels in the SEND team and put in place a plan to ensure there were adequate numbers of SEND case officers.</p> <p>The Ombudsman had not recommended a payment for loss of education provision from September 2023 because he was satisfied the ten hours individual tuition was appropriate education for Y until he started at the new school in January 2024.</p>
<p>23004340 Children’s Services</p>	<p>Mrs X complained about the Council’s delays in Y’s EHC needs assessment and in issuing her final EHC plan. Mrs X said these delays meant Y had been out of school since February 2023. The Council’s failings, she said, had a negative impact on Y’s and her own mental health and the family finances.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to take the following action:</p> <ul style="list-style-type: none"> • send a written apology to Mrs X. The apology should follow the principles for effective apologies set up in the Ombudsman’s revised ‘Guidance on remedies’. • pay Mrs X £1,500 for the injustice caused to Y by missed provision for a term and a half. This should be used for Y’s educational benefit. • pay Mrs X £300 for her distress.

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
		<p>The Council also agreed that within three months of the Ombudsman's final decision it would :</p> <ul style="list-style-type: none"> • prepare a plan of action for dealing with a shortage of EPs and tackling a backlog of EHC needs assessments and EHC plan issuing and • ensure all staff dealing with complaints review the ombudsman's 'Guidance on remedies ' paragraph 2.2 on making effective apologies.
<p>23004833 Children's Services</p>	<p>The complainant, Mr X, said the Council delayed finalising his son's Education Health and Care plan (EHCP) after he asked it to carry out an EHC needs assessment. Mr X said this meant his son (Y) missed special education provision (SEP) which may have started sooner if but for delays. Mr X said his son was already out of school and the delays had hindered his development further at a critical time in his education. Mr X also said the Council gave inaccurate information about school preferences and about the consultations it had. Mr X said the delays caused him distress because of uncertainty.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed that it would pay Mr X £500 for the distress and uncertainty in delaying issuing Y's EHCP.</p>
<p>23004850 Children's Services</p>	<p>Miss X complained that the Council delayed assessing her child, W, for an Education, Health, and Care Plan. Miss X also complained:</p> <ul style="list-style-type: none"> • the Council named a mainstream school in W's final Education, Health and Care Plan. 	<p>The Ombudsman found fault.</p> <p>The Council agreed to take the following action:</p> <ul style="list-style-type: none"> • Apologise to Miss X for the frustration, upset and uncertainty she experienced due to the delay in completing K's EHC assessment, the inaccurate information it gave about moving W to a specialist school and the delay responding

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
	<ul style="list-style-type: none"> • after W started attending the mainstream school, the Council told her it had found a specialist school for W to move to immediately. Miss X said this was not the case; and • the Council took too long to reply to her stage two complaint. 2. Miss X said this caused her significant distress and uncertainty and meant W missed out on provision and support they should have had. 	<p>to her stage two complaint. The Ombudsman drew the Council's attention to the guidance on remedies which set out the Ombudsman's expectations for how organisations should apologise effectively to remedy injustice. The Council agreed to consider this guidance in making the apology.</p> <ul style="list-style-type: none"> • Pay Miss X £1,300 in recognition of that frustration, upset and uncertainty, which equated to £100 per month of delay in assessing W, and a further £100 to recognise the impact of the inaccurate information and complaint delay and • Pay Miss X £1,200 to recognise the impact of the loss of special educational provision on W.
<p>23004857 Children's Services</p>	<p>The complainant, Mrs X, complained that the Council had not dealt properly with her son Y's Special Educational Needs (SEN) because it had delayed beyond the statutory timescales when issuing an EHCP and it had not ensured Y received all SEN provision in his EHCP and the necessary support to ensure a successful placement. Mrs X said that this had caused avoidable distress to Y and her family, had impacted Y's ability to attend his educational placement, Y has missed SEN provision and has caused them economic loss.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to take the following action:</p> <ul style="list-style-type: none"> • Apologise to Mrs X and Y for the loss of SEN provision; • Pay Mrs X £3,000 in respect of lost SEN provision, based on two terms at a rate of £1,500 per term.
<p>23004861 Children's Services</p>	<p>Mrs X complained that the Council:</p> <ul style="list-style-type: none"> • delayed completing an Education, Health and Care needs assessment for her child, Y; • delayed sending Y's final Education, Health, and Care plan; and 	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • write to Mrs X and apologise for the frustration caused by the delay in deciding whether to complete an EHC needs assessment for Y in 2022.

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
	<ul style="list-style-type: none"> failed to communicate with her effectively about the EHC process. <p>Mrs X said this caused her avoidable frustration and meant Y did not receive all the education and support they needed.</p>	<ul style="list-style-type: none"> pay Mrs X a symbolic payment of £500 for the frustration caused by the delay in making Y's final EHC plan; and write to SEND officers involved in the EHC process and remind them of the importance of maintaining communication with parents/ carers regarding any progress or delays.
<p>23004892</p> <p>Children's Services</p>	<p>Mrs X complained that the Council delayed completing her son, F's Education, Health and Care (EHC) needs assessment within statutory timescales. This meant F's final EHC plan was issued 25 weeks late.</p> <p>Mrs X also complained that the Council failed to put appropriate alternative provision in place for F between December 2022 and May 2023 after he stopped attending school.</p> <p>Mrs X said that the delay issuing the final EHC plan delayed her right of appeal to the SEND tribunal. She said F lost education for nearly five months which caused her and F distress and uncertainty.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to :</p> <ul style="list-style-type: none"> pay Mrs X £600 to acknowledge the distress, frustration and uncertainty caused to her and F by the Council's failure to issue his final EHC plan in line with statutory timescales. This remedy was calculated at roughly £100 per month from the date the Council should have issued the final EHC plan in August 2022 until the date it issued the final plan in February 2022. Pay Mrs X £800 to acknowledge F's loss of full-time education between January and February 2023. Remind staff in its SEND department that it is the Council's responsibility, not the schools, to make arrangements for the provision of suitable education for children not attending school for illness or other reasons if suitable arrangements have not been made.
<p>23005321</p> <p>Children's Services</p>	<p>The complainant, Miss X, complained about the significant delays in the education, health, and care plan process. She also complained about the lack of communication from the Council. Miss X said because of this her son did not get a</p>	<p>The Ombudsman found fault.</p> <p>The Council has agreed to:</p> <ul style="list-style-type: none"> apologise to Miss X for the faults identified in this statement.

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
	<p>place at her preferred school. She said that this had caused her significant distress.</p>	<ul style="list-style-type: none"> • pay Miss X £300 for the avoidable distress, time and trouble caused by the Council's actions; and • pay Miss X £1,107 for the educational benefit of B, to recognise the impact of its failings on B's education.
<p>23005384 Children's Services</p>	<p>The complainant, Miss B, complained about the process the Council followed when deciding the support her daughter, C, should receive for her special educational needs. Miss B said that the Council:</p> <ul style="list-style-type: none"> • caused significant delays when deciding what support C should receive, • refused her requests for specialist assessments of C's needs and • failed to respond properly to her numerous emails. <p>Miss B said that the delays meant the Council's assessments were out of date. She also said that these matters caused her distress, as she had to spend a great deal of time trying to get the Council to make a decision on C's support.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to make a payment of £500 to Miss B, on behalf of C, to recognise C's likely injustice from the delay to her special educational needs support and make a further payment of £500 to Miss B to recognise the distress she likely experienced from the Council's delay.</p>
<p>23006824 Children's Services</p>	<p>Miss X complained about delays and flaws in the Education Health and Care (EHC) needs assessment for her son, Y, in 2022 and 2023. She said that the Council:</p> <ul style="list-style-type: none"> • took too long to complete the needs assessment and issue an EHC plan for Y; 	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • apologise to Miss X for the delays and poor communication during the EHC needs assessment, and for not following through on the promises is made in its complaint responses to her.

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
	<ul style="list-style-type: none"> failed to ask for the correct advice and information from health care professionals involved with Y, including those she asked it to; failed to arrange a social care assessment when preparing the EHC plan; communicated with her poorly; and failed to take action to correct the errors it accepted it had made. 	<ul style="list-style-type: none"> pay Miss X £650 to acknowledge the distress, frustration and uncertainty caused to her and Y by the council's failure to issue his final EHC plan in line with statutory timescales; pay Miss X £400 to recognise the further frustration, uncertainty, time, and trouble caused by its poor communication, broken promises and complaints handling; and pay Miss X the £1,665 it has offered for the period between March and June 2023 to cover the costs of the education Miss X provided for Y during that time.
<p>23007209 Children's Services</p>	<p>Mrs X complained that the Council failed to ensure her child D received the Special Educational Needs (SEN) provision in their Education, Health, and Care (EHC) Plan, after D started a new school in April 2023.</p> <p>Mrs X also said that the Council delayed in responding to her complaint about this. Because of this, Mrs X said D missed SEN provision they needed, and their behaviour in school worsened. Mrs X also said that this caused her stress. She wanted the Council to provide compensation for the SEN support D missed and ensure D's EHC Plan was in place.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> apologise for the faults identified and the impact of those faults on the family in line with the Ombudsman's guidance on remedies which sets out the Ombudsman's expectations for how organisations should apologise effectively to remedy injustice. pay Mrs X a total of £500 comprising of: <ul style="list-style-type: none"> i) £400 to recognise the term of SEN support D missed from the start of May 2023 to the start of October 2023. This was intended for D's future educational benefit; and ii) £100 to recognise the avoidable time and trouble caused to Mrs X by fault in how the Council handled the complaint. <p>The Council also agreed that it would share a copy of the Ombudsman's decision with relevant staff across its Special Educational Needs and Disability service and remind staff that:</p>

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
		<ul style="list-style-type: none"> • the Council has a statutory duty to secure the SEN provision in a child’s EHC plan, which it cannot delegate; and • where a family raises concerns that an EHC plan is not being delivered, it should properly investigate and assure itself the provision is in place without delay.
<p>23007246 Children’s Services</p>	<p>Mr X complained on behalf of his daughter, Ms A. He said that following an annual review of her Education, Health and Care (EHC) Plan in November 2021 the Council failed to:</p> <ul style="list-style-type: none"> • finalise her EHC Plan in a timely manner. • carry out an annual review in 2022. • provide suitable education to her since September 2022. • secure the provision named in section F of her EHC Plan; and • accept the offer of a residential school place to start in September 2022 even though this was her preferred school, and the Council had no other suitable option. <p>Mr X said that because of the Council’s actions Ms A missed out on education and therapies that she needed. Because of this, she did not progress towards any of the outcomes named in her EHC Plan. The Council agreed for her to start the residential placement in September 2023, but Mr X considered she should have started in September 2022 when the school originally offered it to her.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to take the following action:</p> <ul style="list-style-type: none"> • apologise to Mr X and Ms A for the faults identified. <p>The Council agreed to refer to the Ombudsman’s guidance on making an effective apology and ensure that its apology to Ms A was in a format suitable for her needs;</p> <ul style="list-style-type: none"> • pay Mr X £400 to recognise the distress and uncertainty the Council’s fault has caused him and Ms A; • pay Mr X £200 it had offered for his time and trouble. • pay Mr X £4,050 in recognition of the education that Ms A missed between September 2021 and July 2022. The payment should be used for the benefit of Ms A’s education. • pay Mr X a further £400 in recognition of the therapy Ms A missed between September 2022 and April 2023. The payment should be used for the benefit of Ms A’s social and emotional wellbeing; and • on provision of suitably itemised invoices, pay back Mr X for his avoidable legal costs (£5,496.00) related to this complaint.

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
	<p>Mr X said this had put avoidable pressure and distress on his entire family. Mr X also said that he had to hire a solicitor to get the Council to carry out an emergency review of Ms A's EHC Plan and agree to the residential placement she wanted and was offered in summer of 2022.</p> <p>Mr X wanted the Council to reimburse him his legal costs and make service improvements to make sure this does not happen to other families. He would also like the Council to apologise for not accepting Ms A's residential placement.</p>	
<p>23007343 Children's Services</p>	<p>Mr D complained how the independent appeal panel dealt with his appeal for a place for his son at his preferred secondary school. He said that the panel did not fully consider the severity of his circumstances and he was not given an opportunity to have support during the hearing. Mr D said the matter had caused distress and upset to his family.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> • Apologise to Mr D for the uncertainty caused by how it considered his appeal. • Arrange for Mr D's appeal to be re-heard with a new panel and clerk. The appeal was to be considered based on the admission figures at the time Mr D made his first appeal. This was to ensure that Mr D was put back in the position he would have been in had his appeal been properly considered. <p>The Council also agreed to:</p> <ul style="list-style-type: none"> • Issue written reminders to clerks to ensure they record the reasons for the panel's decision at both stages of the school admissions appeals process and they provide detailed explanations to parents/guardians in the decision letters.

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
<p>23008335 Children's Services</p>	<p>Ms B complained about how the Council dealt with her son's education. In particular she said the Council:</p> <ul style="list-style-type: none"> • Took too long to assess her son for an Education Health and Care (EHC) Plan and had failed to issue a Plan. • Had failed to ensure that her son had access to a suitable education, when he was unable to attend the school due to illness. • Failed to communicate with her about this properly. It had left her emails unanswered and took too long to respond to Ms B's complaints. <p>Ms B said that the Council's actions had caused her and her family distress and significant frustration. It had also put her to time and trouble and restricted her ability to seek paid work.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed that it would :</p> <ul style="list-style-type: none"> • Issue the final EHC Plan urgently. • Apologise to Ms B and if appropriate, K, for the failures identified above, taking in to account the Ombudsman's published guidance on remedies which sets out the Ombudsman's expectations for how organisations should apologise effectively to remedy injustice. • Pay Ms B £300 in recognition of the unnecessary time and trouble she was put to by the Council's shortcomings and its failure to keep in touch, respond to her contact or respond to her complaint in good time. • Pay to Ms B £100 pcm from May 2023 ongoing until it issues the final EHCP, in recognition of the continuing distress and frustration this is causing her and her son. If the Council has not issued the final EHC Plan within six months, it should hold a review to decide how to resolve this. • Pay to Ms B £1,600 in recognition of the missed educational provision between January and July 2023. (The Ombudsman had taken into account that K was too ill to take up provision for a short period and that the school arranged a tutor for four weeks) • Share this decision with relevant staff and remind them that the Council retains a legal responsibility for children that are out of school because of exclusion, illness or for other reasons, and should have an oversight of the education provided or offered.

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
<p>23008346 Children's Services</p>	<p>Mrs X complained the Council delayed issuing an Education, Health, and Care Plan for her daughter. Mrs X said that the Council's actions caused avoidable distress and anxiety to her daughter and to the family and meant her daughter did not receive an appropriate transition into her post-16 placement at college. Mrs X also complained that after the Council issued the Education, Health, and Care Plan, it did not provide the provision specified for her daughter. Mrs X wanted the Council to make changes to its processes, so the same issues did not happen again. Mrs X wanted the Council to apologise and provide a financial remedy.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to take the following action:</p> <ul style="list-style-type: none"> • Provide a further apology to Mrs X. (The Ombudsman acknowledged that the Council had already apologised to Mrs X for the delay in issuing the final EHC Plan; however, the Council incurred delays throughout the process and a further apology to Mrs X was therefore appropriate) • Provide an apology to Y for the fault identified in line with the Ombudsman's guidance on remedies which sets out the Ombudsman's expectations for how organisations should apologise effectively to remedy injustice. • Make a payment of £525 to Mrs X to recognise the distress, uncertainty and frustration caused by the delay in issuing the final Education, Health, and Care Plan. This remedy was calculated at roughly £100 per month from the date the Council should have issued the final Education, Health and Care Plan in January 2023 until the date it issued the final plan in June 2023. • Make a further payment of £750 to Y in recognition of the distress and harm to health caused by the delay, and • Provide the Ombudsman with evidence of the steps taken as part of the Council's remodelling of its special educational needs and disability service, and its employment of additional Educational Psychologists.
<p>23009587</p>	<p>Mrs X complained that the Council delayed issuing a final Education, Health, and Care (EHC) Plan for her son, Y, after it agreed it would issue one. Mrs X also said her</p>	<p>The Ombudsman found fault.</p> <p>The Council had agreed to offer a financial remedy as follows:</p>

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
Children's Services	son was out of school for a significant period and said the Council knew this was the case. Mrs X said the delays meant her son missed out on suitable education during this time. Mrs X said the Council's delays contributed to her son's worsening health and it has caused her unnecessary stress.	<ul style="list-style-type: none"> to pay Mrs X, £500 for the avoidable distress it has caused her for delays, and; to pay Y, £9,600 as a symbolic remedy for the loss of four terms of education provision. Because the offer was in line with the Ombudsman's guidance and there was therefore no unremedied injustice, the Ombudsman decided that he did not need to consider this matter further as any further investigation would not lead to a different outcome.
23010521 Children's Services	Mrs X complained that the Council delayed issuing her child's final EHC Plan. She said this delay caused avoidable frustration, uncertainty, and distress. She said it also affected her child's educational attainment. Mrs X also complained the Council failed to properly communicate with her about her concerns. This caused further avoidable frustration and uncertainty.	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> Pay Mrs X the £1,000 it offered in recognition of the avoidable frustration, distress and uncertainty she and Child Y experienced because of the Council's faults. The Council proposed this figure, taking into account the Ombudsman's Guidance on Remedies. This was at the higher end of the financial remedy recommended for distress and time and trouble. The Council had proposed a financial remedy that suitably recognised the injustice caused in this case.
23013500 Children's Services	Ms X complained the Council delayed assessing her child Z for an Education, Health, and Care (EHC) Plan. This caused her and Z distress and frustration and meant Z missed out on support they should have received.	<p>The Ombudsman found fault.</p> <p>The Council agreed to:</p> <ul style="list-style-type: none"> Apologise to Ms X for the distress and frustration she experienced due to the delay in completing Z's EHC needs assessment and issuing Z's EHC Plan and to Pay Ms X £600 to acknowledge the distress and frustration caused by

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
		<p>the delay in assessing Z. This equated to around £100 per month (four weeks) for the time between when it should have received the EP advice to when it received the updated EP advice.</p> <p>The Council also agreed to pay Ms X £500 to recognise the impact of the loss of half a term's special educational provision on Z.</p>
<p>23013568 Children's Services</p>	<p>Mrs X complained the Council delayed assessing her child, W, for an Education, Health, and Care (EHC) Plan. Mrs X also complained the Council issued W's EHC Plan without giving her extra time to comment on the draft Plan and express a preference for a school. She said the Council named W's existing school in the Plan against her and W's school's wishes.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to take the following action:</p> <ul style="list-style-type: none"> • Apologise to Mrs X for the frustration and uncertainty she experienced due to the delay in completing W's EHC assessment and its failure to give her more time to comment on W's draft EHC Plan. • Pay Mrs X £1,075 in recognition of the frustration and uncertainty she felt due to the delay in assessing W for an EHC Plan. This equates to £100 per month of delay. • Pay Mrs X £100 for the frustration she felt when the Council finalised W's EHC Plan without giving her more time to comment. • Pay Mrs X £900 to recognise the impact of the loss of special educational provision on W.
<p>23013952 Children's Services</p>	<p>This was a complaint about the Education Health and Care Plan process for the complainant's son relating to a SEND Tribunal issue. This placed much of the complaint outside the Ombudsman jurisdiction.</p>	<p>The Ombudsman would not investigate Ms X's complaint because she has appealed to a tribunal. The injustice from any delay could not be properly quantified until the appeals process had concluded.</p>

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
<p>22008430 Adult Care</p>	<p>Ms C complained that the Council failed to properly consider insurance premiums in a financial assessment and delayed in completing an assessment for her father's care.</p>	<p>The Ombudsman found that the Council was at fault for failing to assess and provide a personal budget to Mr D. There was however no fault in the way the Council had assessed Mr D's charge for residential care.</p> <p>The Council agreed that the following actions were suitable to remedy the complaint:-</p> <ul style="list-style-type: none"> • apologise to Ms C for the faults I have identified. • make a symbolic payment of £250 to Ms C for her time, trouble and the distress caused by the Council's failures. • provide Mr D with a personal budget. • review Mr D's finances and refund any payments made which would have taken him under the £23,250 threshold. <p>The Council also agreed that it would:</p> <ul style="list-style-type: none"> • Remind and if necessary, provide training to staff members of: <ul style="list-style-type: none"> i) the duty to assess. ii) the process to follow when assessing and providing a personal budget for all those who have eligible assessed needs; • remind staff about the importance of completing DoLS assessments within the statutory time limits and evidence this is now occurring.

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
<p>22013277 Adult Care</p>	<p>Mrs B complained on behalf of her husband, Mr B, who lacked the mental capacity to make the complaint. She was supported in the complaint by her advocate, Mr C.</p> <p>Mrs B said that the Council failed to follow the correct process when it started a safeguarding enquiry relating to Mr B and placed him in a care home against her will.</p> <p>She says the Council failed to properly communicate with her. Mrs B is deaf and said the Council failed to support her as a deaf person.</p>	<p>The Ombudsman found fault.</p> <p>The Council agreed to take the following actions:</p> <ul style="list-style-type: none"> • Apologise to Mr B, Mrs B and Mr C for the fault identified. • Write to Mrs B and Mr C and inform them of what the outcome of the safeguarding enquiry was. It should let them know if any of the allegations were upheld. • Pay Mr B £300. • Pay Mrs B £700. • Pay Mr C £400. • Remind relevant staff that, if a person at the centre of a safeguarding enquiry lacks mental capacity to engage in the enquiry, they should ensure that the Mental Capacity Act is complied with, particularly in terms of best interest decision making.
<p>22014613 Adult Care</p>	<p>Mrs A complained that the Council did not make available to her father, Mr X, a genuine choice of residential accommodation available without a top-up fee. She said that as a result his family was asked to pay a significant amount more than necessary for his residential care before Mrs X also moved into the home and they became self-funding residents.</p>	<p>The Ombudsman found fault and the Council agreed that it would waive the top-up fees for Mr X's placement at care home A (from when Mr X went into the home until the date Mrs X joined him there) as there was no evidence there was at least one affordable and suitable option of accommodation at the time of Mr X's assessment for long term care.</p>
<p>23000606 Adult Care</p>	<p>Mrs B complained about the lack of information and support provided to the family of her mother-in-law Mrs C, following hospitalisation and move to a care home. Mrs B said she was told a social worker would contact the family, but despite chasing this up, the assessment was completed</p>	<p>The Ombudsman did not investigate Mrs B's complaint about lack of support given to her late mother-in-law's, Mrs C's, family. This was because the Council had acknowledged its failings and apologised, and the Ombudsman was satisfied that this remedied the injustice caused by the fault.</p>

COMPLAINT REFERENCE	DETAILS OF COMPLAINT	FINDINGS AND REMEDY
	<p>without family involvement. Mrs B said she was not given contact details or a named social worker, there was no financial assessment or care needs assessment completed and no one contacted the family. Mrs B wanted a full explanation about what happened in Mrs C's case.</p>	<p>The Ombudsman did not investigate Mrs B's complaint because further investigation by him could not achieve anything more than the Council had already provided.</p>