

**From: Rory Love, Cabinet Member for Education and Skills**  
**Sarah Hammond, Corporate Director of Children, Young People and Education**

**To: Children's and Young People's Cabinet Committee – Thursday 6 January 2025**

**Subject: LGSCO Public Decision Action**

**Classification: Unrestricted**

**Past Pathway of report:** None

**Future Pathway of report:** N/A

**Electoral Division:** N/A

**Summary:**

This report outlines the actions the Council has taken and proposes to take in response to the Report by the Local Government and Social Care Ombudsman (LGSCO) Investigation into a complaint about Kent County Council (reference 230005792) published on 22<sup>nd</sup> July 2024.

The Ombudsman has outlined in the report that the Council should consider report at the meeting of the Council Children's, Young People and Education Cabinet Committee.

**Recommendation(s):**

The committee is asked to note the contents of the report and the actions the Council intends to take as a result.

## **1. Introduction**

1.1 The Local Government and Social Care Ombudsman published a final decision response on 22<sup>nd</sup> July 2024 regarding a child who had been out of school for two years without any education due to the delays in amending the Education. Health and Care plan. The child required a Special School. The Ombudsman made final recommendations, which were as follows:

- The council apologises for the faults identified and the impact on the family
- Offer a symbolic payment of £16,400 to acknowledge the impact on the child's education
- Offers a symbolic payment of £2,000 to acknowledge the impact on Ms M and B's sister

- Takes whatever action is necessary to ensure the child returns to an appropriate school without further delay.

1.2 The Ombudsman can make recommendations to Councils to ensure similar faults do not happen again. They noted that “The Government issued an Improvement Notice in March 2023 which required the council, and its partners, to develop a rapid improvement plan. The plan is overseen by the Government, with monitoring visits from the Department of Education and Ofsted. The Ombudsman, therefore, did not make further recommendations but asked the Council reflect on this complaint and explain how it will ensure the Placement Panel supports the Council to make sound and timely decisions in the future.”

1.3 The Ombudsman also recommended that the Council made an action plan for how it intended to secure B’s return to education, sends them a copy, within two weeks of the final decision.

1.4 The Ombudsman also recommended that this report be presented to both the Childrens, Young People and Education committee and the SEND Sub-Committee.

## **2. Actions on the recommendations**

2.1 Since the Ombudsman’s final decision was issued, the council has apologised to the family, provided payment as agreed and submitted evidence regarding the changes in placement panel. The family have since moved out of Kent.

2.2 The events and lack of action by the council took place over the period leading to an Improvement Notice in March 2023. As a result, Kent put in place an Accelerated Action Plan (APP) which was agreed by the Department for Education (DoE).

2.3 The Improvement Notice was lifted in August 2024. Regardless of the lifting of the improvement notice, we are committed to continuing to work on improving the SEN service.

2.4 There are a number of specific actions from APP which will have had an impact on improving services and issues that were raised in relation to this complaint and time period, these include:

- Implementation of new communication working practices by SEND officers in relation to keeping parents informed during education, health and care processes (1A2)
- Implementation of SEND redesign – to implement the teams created under the SEND redesign and ensure operational guidance for Casework, Assessment and Placement Teams in place and understood (1C4)

- Review of Special Schools. The scope of the review: Planning for sufficiency of special school places; Reviewing the designation and admission criteria; Reviewing the principles for funding of special schools; Reviewing the role of special schools in supporting children and young people with SEND in mainstream schools. (2C1)
- Process Improvements for Annual Reviews. (6D1)
- Development of annual review best practice model and dissemination to frontline teams. (6D3)
- Review the staffing capacity required to ensure compliance with statutory review timescales. (6H1)

2.5 A review of the process of Independent Placement Panel (now referred to as High Cost Placement Panel). This has resulted in changes to process which include:

- Revised High Cost Placement form and evidence expectation
- Review of panel membership
- Further development of how outcomes are communicated including use of SharePoint for all documentation to officers can access outcomes 'live time'
- Ongoing collation and analysis of reasons for agree, defer and decline decision to inform practice and refine decision making
- The establishment of a Complex Case Meeting specifically for CYP where there have been challenges in decision making – under this system the child referenced in the report would be a standing agenda item until suitably placed

### **3. Financial Implications**

3.1 The Ombudsman made a recommendation of a financial remedy in this case. This has been paid to the family.

3.2 The other service changes made as a result of the Ombudsman's recommendations have been made within the current budget allocation.

### **4 Legal implications**

4.1 The Council as far as it can so far, have fulfilled the obligations to the Ombudsman's recommended actions. Should the Council comply with the Ombudsman's recommendations and improve the service in line with the APP, there should be no further reports on this particular case.

4.2 The Ombudsman will review cases on a case-by-case basis. Where it feels there a systemic issues, they may decide to issue a public report, however there is recognition that the Council was placed under an improvement notice and that it has made efforts to improve services.

## 5 Governance

5.1 Following the committee's discussion, we will be supplying the link to the webcast, copies of the minutes and any remaining evidence asked for by the Ombudsman.

## 6.

### Recommendation(s):

The committee is asked to note the contents of the report and the actions the Council intends to take as a result.

## 7 Background Documents

Appendix A – Local Government and Social Care Ombudsmen Case 22 03 403

Appendix B – Accelerated Progress Plan ([Kent improvement plan for special educational needs and disabilities \(SEND\) - Kent County Council](#))

## 8. Contact details

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