

Annex 2 – Cases Upheld by the Local Government and Social Care Ombudsman

	Nature of complaint/decision	Remedy	Service Improvement Recommendations
1.	22013701 Adult Social Care – Care provision and complaint handling.	Apology, Financial redress of £500 for avoidable distress/time and trouble, £250 for loss of service.	The Council will draw up an action plan to address the following concerns: record keeping, recording the time and duration of care calls accurately and tailoring care plans to individual needs. The Council will update the action plan to include a summary of improvements made by the Care Provider following input from its Quality Improvement Team. Ensure officers involved in the Council's complaint response have received training on how to draft complaint responses and provide a copy of the training material. Ensure the Quality Improvement Team has completed training referred to in the Council's enquiry response and provide copies of the training material.
2.	22016944 Adult Social Care – Care provision and complaint handling.	Apology, Financial redress of £500 for distress, uncertainty and frustration caused, £6900 in recognition in loss of suitable education provision, and £150 for time and trouble in pursuing complaint.	N/A
3	23003116 Adult Social Care – Live in care arrangements, direct payments and communication.	The Council proposed its own remedy for the injustice cause. No remedy proposed by the Ombudsman.	N/A
4.	21005436	Apology, provide information/advice to person affected, financial redress of £600 for	The Council will introduce a policy, clarifying communication principles when providing social care

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	Adult Social Care – Care provision, support, and complaint handling.	avoidable distress/time and trouble, provide services to person affected.	services to people for whom others hold a Lasting Power of Attorney.
5.	22009052 Handling of Education, Health and Care Plan.	Apology, Financial redress of £200 for avoidable distress/time and trouble.	The Council has agreed to consider how it manages its internal process for altering names of service users who have gone through gender transition to ensure it does not inadvertently disclose sensitive information. The Council should ensure staff who may deal with sensitive information about transgender children are adequately trained on how to do so to avoid inadvertently disclosing a person's gender information who would not otherwise need to be aware of this information.
6.	22010056 Child Protection	Apology, Financial redress of £1200 for avoidable distress/time and trouble,	The Council has agreed to remind relevant staff of the need for child protection enquiries to be concluded when started and the importance of speaking to children alone to seek their views. The Council failed to complete one of its child protection enquiries for the children in this case and did not consult sufficient health professionals during its child protection proceedings. It has agreed to review what caused the Council to drift and act indecisively with regards to whether it enforced attendance or re-considered the suitability of the education being provided to the children.
7.	22011357	Apology	The Council has agreed to review its procedures for children out of school to ensure it carries out regular reviews of children it knows are missing in education. This is to ensure it takes timely, appropriate action to

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	Handling of Education, Health and Care Plan, communication and complaint process.		support the child back into education without delay or to consider whether it is appropriate to offer alternative provision. The Council has agreed to remind relevant staff to respond to complaints in a timely manner in line with its complaint handling policy.
8.	22011673 Alternative Education Provision	Apology, Financial redress of £200 for avoidable distress/time and trouble, financial redress of £2100 for Loss of service.	N/A
9.	22012000 Handling of Education, Health and Care Plan.	Apology, Financial redress of £500 for avoidable distress/time and trouble, financial redress of £1200 for Loss of service.	The Council has agreed to remind relevant staff of the Council's duties under law and guidance to provide alternative provision when a child of statutory school age is out of school for health or other reasons. The Council should consider sharing a copy of our focus report Out of School....Out of sight? and this final decision with the reminder. The Council has agreed to remind relevant staff to ensure they obtain EHCP review documentation, issue notices within timescales, approach school settings in good time, consult professionals in good time, issue the EHCP within timescales and keep young people and parents informed. The Council has agreed to ensure relevant staff are made aware of the importance of making and keeping clear and accurate records of their decision making in respect of personal budget requests.
10.	22012023	Apology, Financial redress of £700 for avoidable distress/time and trouble, Financial	N/A

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	Handling of Education, Health and Care Plan	Redress of £500 for Quantifiable Loss. £440 reimbursement for tuition funded by family.	
11.	22012504 Children's Social Care – Support for child and communication.	The Council already remedied any injustice before the Ombudsman's involvement.	N/A
12.	22012848 Handling of Education, Health and Care Plan	Apology, Financial redress of £5650 for Loss of service and impact of that loss, financial redress of £500 for Avoidable distress/time and trouble.	The Council will ensure all front-line Special Educational Needs staff and their managers review our Focus Report "Out of school, out of sight?" of July 2022. The Council will provide us with the details of how it monitors education of children who are out of school.
13.	22013657 Handling of Education, Health and Care Plan	Financial redress of £500 for avoidable distress/time and trouble	N/A
14.	22013912 Complaint handling	Financial redress of £1400 for avoidable distress/time and trouble.	The Council will amend any policy or protocol document to ensure it correctly states when Stage Two timescales start within the statutory complaints process; when it is requested in writing. This change should be sent to all staff involved in this procedure.
15.	22014218 Education Provision	Apology, Financial redress of £250 for Avoidable distress/time and trouble, financial redress of £2250 for Loss of service.	The Council will send written reminders to relevant staff of the Council's responsibilities under Section 19 of the Education Act 1996 when it is made aware a child is attending school part-time. This should cover

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			what the Council should consider when assessing the suitability of education and whether to provide or work towards full-time education for the child.
16.	22014564 Handling of Education, Health and Care Plan	Apology, Financial redress of £300 for Avoidable distress/time and trouble, financial redress of £4000 for Loss of service.	The Council will review its procedures for consulting for new education placements for children with Education, Health and Care plans. In particular, it will ensure its staff are consulting early enough and with sufficient providers to prevent unnecessary delays in children accessing a new education placement. The Council will remind all its Special Educational Needs staff that it is the Council's duty to ensure children receive the provision set out in their Education, Health and Care plans, and an appropriate education under section 19 of the Education Act, and that those duties cannot be delegated to a school. The Council will discuss the findings of an investigation into how it issued an Education, Health and Care plan, a suitable education and specialist education for a child at an appropriate committee or cabinet meeting. This is to ensure the Council's leaders are aware of the delay finalising the Education, Health and Care plan, its poor communication with the family and its failure to provide a child with suitable education. The Council will consider if additional actions are needed to improve its services.
17.	22014617	Financial redress of £350 for avoidable distress/time and trouble.	N/A

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	Handling of Education, Health and Care Plan.		
18.	22016591 Handling of Education, Health and Care Plan.	Apology, Financial redress of £650 for Avoidable distress/time and trouble, financial redress of £6900 for Loss of service	N/A
19.	22016710 Handling of Education, Health and Care Plan.	Apology, Financial redress of £3750 for Loss of service, financial redress of £500 for Avoidable distress/time and trouble.	The Council has agreed to arrange training to ensure council officers are aware of the Council's duties under Section 19 of The Education Act 1996 to provide provision or suitable education for children of compulsory age who cannot attend school because of exclusion, medical reasons or otherwise.
20.	22017068 Handling of Education, Health and Care Plan.	Apology, Financial redress of £2000 for Avoidable distress/time and trouble	N/A
21.	22017249 Handling of Education, Health and Care Plan.	Apology, Financial redress of £1000 Loss of service, financial redress of £350 for Avoidable distress/time and trouble.	The Council has agreed to remind relevant Special Educational Needs and Disabilities staff of the duty to consider alternative provision in line with statutory guidance once it becomes aware a child is not attending school. The Council has agreed to explain to the Ombudsman what action it has taken or intends to take to reduce delays in issuing amended Education, Health and Care plans following annual reviews.

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22.	22017603 Handling of Education, Health and Care Plan.	Apology, Financial redress of £950 for Avoidable distress/time and trouble.	The Council will remind relevant staff to finalise Education, Health and Care plans within the statutory timescales and to check the school or college named in section I is appropriate for the person's age and stage of education, especially where it is a continuation of a placement for post 19 education. The Council will also remind relevant staff to ensure young people and their parents are kept regularly informed during the Education, Health and Care plan review process, especially where it continues outside of the statutory timescales.
23.	23000335 Children's Statutory complaints procedure.	The Council had already remedied before the Ombudsman's involvement.	N/A
24.	23000575 Handling of Education, Health and Care Plan.	Apology, Financial redress of £650 for Avoidable distress/time and trouble, financial redress of £250 for Loss of service. Provide services to person affected	N/A
25.	23000771 Handling of Education, Health and Care Plan.	Apology, Financial redress of £1700 for Avoidable distress/time and trouble and Loss of service.	Review its processes to ensure when a child is unable to attend a school alternative education provided by the Council is suitable, full-time and on par with what a child would receive within school and that alternative provision is put in place without delay. Remind relevant officers of the need to finalise

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			Education, Health and Care Plans within the statutory timescales.
26.	23001972 Handling of Education, Health and Care Plan.	Apology, Financial redress: £500 Avoidable distress/time and trouble, financial redress of £6000 for Loss of service, provide services to person affected	Provide evidence of the training given to staff on statutory processes and communication.
27.	23002802 Handling of Education, Health and Care Plan.	Apology, Financial redress of £300 for Avoidable distress/time and trouble, financial redress £3700 for Loss of service.	Review its policy relating to its funding arrangements with a view to mitigating any possible delays in future. The Council should inform the Ombudsman of the outcome of its review.
28.	23003023 Children's Social Care – Handling of Fostering Allowance.	The Ombudsman praised the Council for agreeing to resolve the complaint by appointing an independent investigator to consider the complaint at stage 2.	N/A
29.	23003197 Handling of Education, Health and Care Plan.	Apology, Financial redress of £500 for Avoidable distress/time and trouble, financial redress of £2736.50 for Loss of service.	Issue written reminders to relevant staff to ensure they are aware of the Council's duty to issue the amended EHC plan as soon as practicable and within eight weeks of the date it sent the EHC plan and proposed amendments to the parents; the Council's duties under section 19 of the Education Act 1996 to provide provision or suitable education for children of compulsory age who cannot attend school because of exclusion, medical reasons or otherwise.

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30.	23003387 Handling of Education, Health and Care Plan.	Apology, Financial redress of £300 for Avoidable distress/time and trouble.	The Council will provide evidence to the Ombudsman of its long-term plan to access or recruit further educational psychologists.
31.	23004410 Children's Social Care	Remedied at assessment stage. Financial redress of £1300 for Avoidable distress/time and trouble.	N/A
32.	23005512 Handling of Education, Health and Care Plan.	Financial redress of £1000 for Loss of service.	The Council will review why it took three months to issue its decision to amend a child's Education, Health and Care Plan. If the Council identifies flaws in its process or areas for improvement, it will prepare an action plan setting out how it will address those issues.
33.	23006665 Handling of Education, Health and Care Plan.	Apology, Financial redress of £500 for Avoidable distress/time and trouble, financial redress of £2600 for Loss of service.	The Council will review its procedures for carrying out due diligence when concerns are raised that a child is not receiving education in line with an Education, Health and Care Plan. This is to ensure processes are in place for the Council to act at an early stage, and if necessary, consider whether alternative provision is appropriate.
34.	23008642 Handling of Education, Health and Care Plan.	Apology, Financial redress of £2000 for Avoidable distress/time and trouble	N/A

