



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

	Nature of complaint/decision	Remedy	Service Improvement Recommendations
1.	23008228  Children's Social Care - Statutory complaint handling.	Financial redress of £350 for avoidable distress, frustration and uncertainty.	N/A
2.	23008538  Adult Social Care – aftercare under section 117 of the Mental Health Act 1983.	Apology, and completion of fresh assessment of section 117 aftercare needs.	Share with complainant and LGSCO an action plan for section 117 process improvements that were already under review by the council.
3	23010442  Handling of Education, Health and Care Plan and education provision.	Apology, financial redress of £300 for avoidable distress, uncertainty and delayed right of appeal, and £6000 for loss of education and specialist provision.	N/A
4.	23010626  Handling of Education, Health and Care Needs Assessment, admissions process, and consideration of alternative provision.	Apology, financial redress of £787.50 to refund costs, £2850 to acknowledge the loss of education, £500 for loss of free school meal provision, and £1000 to acknowledge the impact on family for providing care, and for time, trouble and inconvenience.	To review approach to free school meals taking into account recent Government Guidance that addresses children unable to attend school. Free school meals: guidance for schools and local authorities - GOV.UK ( <a href="http://www.gov.uk">www.gov.uk</a> )  To ensure officers have sufficient training and guidance to intervene when they become aware a child is receiving less than fulltime education and understand their s.19 Education Act duty.

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			To review whether there are robust processes to complete EHC needs applications on time and how to deal with cases where delay may lead a child to miss education. Where a disabled child will be out of school for an extended period the Council should also consider the holistic needs of the family and consider signposting parents to other sources of advice, for example a Parent Carer Needs Assessment via social care.
5.	23012184  Special Educational Needs provision.	Apology, and financial redress of £500 for avoidable distress.	N/A
6.	23010442  Handling of Education, Health and Care Needs Assessment.	Apology, and financial redress of £1,800 for delays and missed provision, and for the impact this had.	N/A
7.	23014461  Education Provision	Apology, and financial redress of £920 for missed education	Share a copy of decision notice and the Ombudsman's Focus report: Out of School, Out of Sight? with relevant officers, to emphasise the Council's Section 19 responsibilities and identify wider points of learning. This recommendation is made in addition to other service improvements the Ombudsman has made to the Council in other cases, to remind officers of the Council's Section 19 duties.

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8.	23014767  Adult Social Care – Delays in completing Care Act Needs Assessment	None as no injustice caused.	N/A
9.	23015559  Handling of Education, Health and Care Plan and education provision.	Apology, financial redress of £3,600 for missed education, and £300 for avoidable frustration.	Remind relevant Council officers to take positive action to follow up school consultation responses where it is causing drift and delay in finalising new and amended EHC Plans for children and young people;  Review and update complaints policy to ensure it is clear about how it approaches financial remedies to upheld complaints and provide an update to all staff who respond to stage one and stage two complaints about any updates.
10.	23016452  Education Provision	Apology, financial redress of £150 for avoidable distress, time and trouble.	By training or other means ensure the relevant officers are aware of the Council's complaints policy which sets out the timescales for responding to complaints.
11.	23016722  Handling of Education, Health and Care Plan review and complaint.	Apology, and financial redress of £500 as a symbolic gesture to reflect the impact of the Council's delays in reviewing the EHC Plan and the impact of the fault of its complaint handling.	N/A

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12.	<p>23018940</p> <p>Adult Social Care – Communications relating to charges for care.</p>	<p>Complete a review of the invoices the councils consider to be unpaid and issue a revised bill. It should take all the concerns raised into consideration when doing so and take into the consideration the money he has already paid. If the Council disagrees with any of the complainant's concerns, it should properly explain why and say how it has reached the decision it has. If the Council decides to deduct any money, this should be deducted from the final bill;</p> <p>Deduct the previous £250 it offered, off the final bill.</p> <p>Financial redress £200 for time and trouble.</p>	N/A
13.	<p>23020288</p> <p>Children's Social Care - Statutory complaint handling.</p>	<p>Conclude Stage 2 of complaint process, and financial redress of £100 for delay.</p>	N/A
14.	<p>24001440</p> <p>Handling of Education Health, and Care Plan, and education provision.</p>	<p>Apology, and financial redress £300 for uncertainty caused.</p>	<p>Provide evidence of training provided.</p>

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15.	24001593  Education Provision	Financial redress of £4,357 for educational benefit, and £300 for avoidable frustration, time and trouble.	N/A
16.	24002176  Education Provision	Apology, financial redress of £1,100 for lost provision, and £350 for distress, uncertainty and frustration.	<p>Demonstrate that the council has taken steps to improve its timeliness for progressing annual reviews;</p> <p>Remind SEND Officers of the importance of submitting up to date information to its internal panel when seeking specialist placements for them and consider whether officers should have access to a basic checklist of what the panel requires, for officers to use before submitting requests; and</p> <p>Demonstrate that the council has investigated what led to the delays in arranging alternative provision in this case after the Council became aware that no education was being provided and has taken steps to prevent such delays in future.</p>
17.	24002177  Education Provision	Apology, financial redress of £350 for uncertainty, £2,050 for missed provision, and £200 for frustration and inconvenience.	N/A

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18.	24002501  Handling of Education Health, and Care Plan, and education provision.	The Council has already taken action to remedy the injustice including an apology, a symbolic payment and training for relevant staff.	N/A
19.	24004019  Education Provision	Issue EHC plan, reimburse for payments made by family, financial redress of £500 for distress, £3,500 for injustice caused, and commit to making further symbolic payments of £500 for every half term child remains in education.	Produce action plan which sets out how, in future, it will overcome similar problems in delivering education to young people who have moved into its area.
20.	24005830  Education Provision / SEN Support	Apology, £7,500 for missed education/ support, £400 for avoidable distress.	Review thirteen cases in the past two years where the Ombudsman found fault with its section 19 duty to provide alternative education to a child out of school. It will: <ul style="list-style-type: none"> <li>a. produce a dated action plan of how it will avoid recurrence of the same faults by making changes to practice and procedure or staff training; and,</li> <li>b. report this review outcome and action plan to its relevant scrutiny and oversight committee, so it can decide how progress against the plan should be monitored.</li> </ul>

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			c. The Council will finalise and share with the Ombudsman the action plan, evidence of the report to Scrutiny meeting and the minutes of that meeting.
21.	24006454  Adult Social Care – Quality of care at care home.	Apology	Work with the care provider to improve its record keeping, including the need to record significant conversations with family members and to help it understand the need to provide accurate information when responding to complaints.
22.	24007673  Adult Social Care – Quality of care at care home.	The Council has already taken steps to improve how it investigates safeguarding concerns.	N/A