

Cabinet report LGO case 230006024 - Briefing

The report sets out the findings by the Local Government & Social Care Ombudsman (LGO) made against the Council following the Council's failure to comply with agreed recommendations following an earlier LGO investigation and the action now taken by the Council to demonstrate that it has complied with those recommendations.

An initial complaint was investigated by the LGO which found that the Council had failed to act properly when the child was out of education causing injustice.

The Council agreed to remedy the complaint but failed to do so within the timescales required. This was re-investigated by the LGO which found fault with the Council causing injustice and making further recommendations.

An initial complaint was submitted to the LGO in June 2022 from a parent of a child alleging that the Council failed to act properly when the child was out of education.

The LGO findings were that:

The Council failed to consider the child's case properly at the fair access protocol meeting or provide reasons why the child could not be admitted besides saying the school was over-subscribed.

That there was no contact from the school allocated by the Panel. That the Council knew but did not take prompt action.

There was little help from the home education team or follow up.

The Council accepted the findings and agreed a number of actions. These were:

- An apology to the parent and payment of £350 for avoidable distress
- A payment of £2,400 to the parent for the child's lost education
- Discussion with parents on appropriate provision at the child's school
- That the EHE team should consider enforcement action where this is deemed necessary and appropriate
- That meetings of the In Year Fair Access Panel should be appropriately recorded
- That in accordance with the Council's own policy, there should be an assessment of a pupil's needs

However, on 11 April 2023, the parent informed the LGO that they had not heard from the Council in respect of the agreed remedy and the LGO raised this with the Council on 13th April and again on 3rd May 2023.

Whilst the Council did seek to remedy, it did not do so in full and on the 19th July 2023 the LGO confirmed that it was opening a new investigation, and consequently made further recommendations.

The Council has subsequently taken action to respond to the LGO recommendations following the second investigation:

- From September 2023, the Council introduced a new Elective Home Education (EHE) Policy
- A dedicated Officer has been appointed within the school admissions team to support families who want to reintegrate their children back into education following EHE.
- Since September 2023, the Council has issued nine School Attendance Orders (SAO) served for children who were not receiving suitable education and where parents have refused to engage with an in-year transfer.
- A new in-year fair access policy (IYFAP) is in place for primary schools.
- All EHE/CME and IYFAP processes are reviewed via our vulnerable children's group which is a multi-agency panel that meets on a weekly basis.
- The Council is providing training to staff in relation to the new policies, and in respect to the wider issues raised by the LGO.

The LGO confirmed that, where it finds fault and make recommendations, it expects councils to carry them out within the agreed timescales.

The LGO stated that the Council's delays in acting on agreed recommendations following the investigation could undermine public trust in the Council's ability to operate a fair system of redress and causes further avoidable distress to the complainant.

The LGO also confirmed that there have been issues with compliance with remedies on another case (23 005 479) and, because of this, it has made recommendations to address the systemic problems in the Council in implementing the recommendations it agrees to.

Those recommendations include the LGO being presented to the Council's Cabinet, and the publication of public notices advising members of the public of the LGO reports, and making those reports available.