

Somerset Council
Scrutiny Committee
Children’s & Families Scrutiny Committee – 31st March
2025



LGSCO Complaints directed to Somerset Council

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Executive Lead Member: Cllr Heather Shearer

Division / Local Member: n/a

1. Summary

- 1.1.** The Local Government and Social Care Ombudsman (LGSCO) considers complaints against the local authority and has the power to recommend actions to the local authority to resolve the complaint.
- 1.2.** In the context of a SEND crisis locally and nationally, the level of complaints to the LGSCO is high at this time. Recently, Somerset Council was required to public two public interest reports in relation to complaints where the local authority had failed to make the recommended remedy.

2. Issues for consideration / Recommendations

2.1. Children and Families Scrutiny is recommended to:

- Consider and comment on the volume of complaints to the LGSCO in Quarter 4 (Jan to April 2025)
- Consider the nature of complaints when setting future items for Children and Families Scrutiny Committee’s agendas

3. Background

3.1. There have been 12 decisions by the LGSCO relating to Children, Families and Education in Quarter 4 2024/25 (as at 24/03/2025). Two related to Children’s Social Care and ten to Education (SEND services).

Number of decisions made	12
Number closed without investigation	2
Number upheld	10

3.2. The overarching issues and mitigations identified from LGSCO complaints are being logged and incorporated into the SEND Action Plan. The key issues that have been identified arising from complaints are:

Issue	Impact	Mitigation
Capacity to focus	The escalating crisis in SEND	The restructure of

	has overwhelmed the ability of the statutory SEND team to manage their current wide responsibilities for operations, improvement, strategic planning and disputes resolution.	Education services reduces the breadth of responsibilities where they are currently unworkable, including creation of a new disputes team.
Systems and process	Management information and case tracking systems and processes are insufficiently robust, but the team has no spare capacity for improvement work due to operational demands.	Additional capacity has been reallocated from other areas of the service, deploying staff members who have successively tackled similar procedural challenges in other areas,
Ombudsman relationship	Due to the high level of interactions, actions and reporting requirements set by the Ombudsman's office were overlapping and uncoordinated.	Agreement has been secured with LGSCO to regular reporting against the SEND Action Plan, avoiding creation of discrete action plans and commensurate risk of non-compliance.
Direct payments	The policy is out of date and practice across council teams no longer accords with published policy.	The policy is being reviewed and rewritten and practice brought into alignment.
Speech and Language Therapy	Lack of access to therapies has resulted in reduced ability to meet demand. The Joint Strategic Needs Assessment for SEND dates from 2022 and has not been updated.	A new contract has been signed with the NHS for provision of therapy. Business Intelligence has committed to support an agile approach to analysis to support commissioning needs.
Council-wide ownership	The 'rising tide' crisis in SEND has resulted in services increasingly focused on managing frontline crisis, reducing the ability of the service to bring forward strategic challenges, decisions and analysis to decision-makers.	External capacity has been contracted which is delivering effective support in the development of business cases and decision papers to enable strategic leaders to drive forward transformation.

3.3. The detail of the Quarter 4 cases is as follows:

Decision	Summary	Action/Remedy
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<p>Report issued: Upheld; maladministration and injustice</p>	<p>Mrs X complained about the Council's failure to release funds for her family to access specialist provision in Section F of their children's Education, Health and Care (EHC) Plans. She also complained the Council failed to respond to requests, provided incorrect information and that its complaint handling was poor. Mrs X says she suffered anxiety and frustration, and her children's placement was at risk due to them not being able to access the specialist provision.</p>	<ul style="list-style-type: none">• Publish report• Apology• Reconsider decision• Repay outstanding funds• Pay £1000 remedy• Process review, training, guidance
<p>Upheld; maladministration and injustice</p>	<p>The Council took 78 weeks too long to amend Mrs M's son B's Education, Health and Care (EHC) Plan. As a result, B did not have the support he needed when he started school and he was only able to attend part-time. We have recommended a remedy for the injustice this caused.</p>	<ul style="list-style-type: none">• Apology• Pay £4000 remedy
<p>Upheld: Fault and Injustice</p>	<p>Ms X complained about the way the Council dealt with her son's education. The Council was at fault for failing to properly consider its section 19 duties and its delay in issuing Y's education, health and care plan. This caused distress, frustration and uncertainty to Ms X and Y. The Council will make a payment to recognise this and make service improvements.</p>	<ul style="list-style-type: none">• Apology• Pay £1700 remedy• Action plan demonstrating how similar failures will be avoided
<p>Upheld: Fault and Injustice</p>	<p>We have found fault with the Council for the delays Mr X experienced during his daughter's (Y's) Education, Health and Care Plan process and for failing to meet its Section 19 duties. This fault caused Y to miss out on education, SEN provision and the social benefits of a school environment. The Council has agreed to remedy Mr X and Y's injustice.</p>	<ul style="list-style-type: none">• Apology• Pay £5200 remedy

Upheld: Fault and Injustice	Ms X complained about the Council's handling of her son's education. The Council has already accepted fault for failing to provide all the provision set out in his Education, Health and Care Plan since October 2023. The Council has agreed to apologise and make payment to acknowledge the injustice its faults caused Ms X and her son.	<ul style="list-style-type: none">• Apology• Pay 7700 remedy
Upheld: Maladministration and Injustice	Mrs B complained the Council failed to comply with the statutory process for completing an annual review of her child, Y's, Education, Health and Care Plan and failed to secure access to suitable, full-time education. We have found the Council at fault for a delay in completing the annual review and failing to consider whether the provision it provided Y was adequate for her needs. This has caused distress, frustration and uncertainty to Mrs B and Y. The Council has agreed to apologise and make a symbolic financial payment to remedy the injustice caused by the faults identified.	<ul style="list-style-type: none">• Apology• Pay £3000 remedy
Upheld: Maladministration and Injustice	Miss B complained the Council delayed in issuing an Education, Health and Care Plan following an annual review. This meant her son was unable to access education. We have found the Council at fault for delays in issuing the amended Education, Health and Care Plan. The Council has agreed to apologise and make a symbolic payment to Miss B to remedy the injustice caused.	<ul style="list-style-type: none">• Apology• Pay £3000 remedy
Upheld: Maladministration and Injustice	Miss X complained the Council failed to finalise and issue her son's EHC Plan following the annual review meeting held on 21 April 2023; provided zero hours of social care from December 2022 and failed to provide OT from June 2023. Miss X says this has caused stress and frustration and her son has missed out on the appropriate help. The Council took more than a year longer than it should to	<ul style="list-style-type: none">• Apology• Pay £7700 remedy• Put in place OT provision• Identify suitable care provider

	complete the annual review, has provided no social care since January 2023 and no OT since June 2023 which is fault. A suitable remedy is agreed.	
Upheld: Maladministration and Injustice	Miss X complains the Council failed to issue an Education Health and Care Plan within the statutory time frame. She says this impacted her child's education and mental health. We find the Council at fault. The Council will apologise and make a payment to Miss X.	<ul style="list-style-type: none">• Issue EHCP• Apology• Pay £1700 remedy
Upheld: Maladministration and injustice	Mr and Mrs X complained the Council failed to provide appropriate family support for the needs of their daughter. Mr and Mrs X considered there were missed opportunities to support both them and their daughter leading to their decision to ask for their daughter to be taken into foster care. We have found fault in the late provision of information ahead of a Child Protection Conference and failure to complete a carers assessment but consider the agreed action of an apology and procedural review provides a suitable remedy.	<ul style="list-style-type: none">• Apology• Review policy and procedures