

Report to Children's Services and Education Scrutiny Board

11 November 2024

Subject:	Local Government and Social Care Ombudsman (LGSCO) Findings
Director:	Director of Children and Education Sally Giles
Contact Officer:	Assistant Director for Inclusive Learning Services, Judith Nash judith_nash@sandwell.gov.uk

1 Recommendations

- 1.1 That the Board considers and comments upon the recent Local Government and Social Care Ombudsman (LGSCO) findings in relation to the Council's handling of Education, Health, and Care Plans (EHCPs) for children with Special Educational Needs and Disabilities (SEND).
- 1.2 That the Board receives the measures to be taken by Inclusive Learning Services and the Children and Education Directorate in direct response to the Local Government and Social Care Ombudsman (LGSCO) recommendations to strengthen the EHCP processes and improve the support for families of children with SEND.

2 Reasons for Recommendations

- 2.1 The Ombudsman found failure in relation to the Council's handling of Education, Health, and Care Plans (EHCPs) for children with Special Educational Needs and Disabilities (SEND), particularly the concerns around record-keeping and documentation of appeals hearings.

3 How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	The Corporate Plan contains a commitment to improve services for children and young people with SEND and therefore these actions will contribute towards its objectives.
------------------------	--

4 Context and Key Issues

- 4.1 The EHC Team within Inclusive Learning Services has already begun to implement a series of measures in direct response to the LGSCO's recommendations to strengthen EHCP processes and improve support for families of children with SEND.
- 4.2 The SEND tribunal provide a written record of decisions after any appeal hearing, detailing the outcome and reasons for the decision. This decision is shared with the parents and Sandwell and serves as the official documentation for the hearing's result and rationale, However, following the LGSCO, it has been recognised that it is essential for the Council to keep its own records or minutes of pre-tribunal meetings, appeals, and any case-related discussions to ensure transparency and consistency in decision-making.
- 4.3 A protocol has been put in place to ensure that clear and comprehensive minutes are kept for all appeals hearings. Additionally, case management and documentation procedures are being reviewed to enhance better accuracy, transparency, and accountability in every stage of the EHCP process.

These improvements include:

- Working with staff on immediate training surrounding EHCP management and appeals, focusing on best practices in documentation and record-keeping.
- Developing updated procedural guidelines to standardise record-keeping across all EHCP and SEND-related processes, including appeals. This includes regular senior management discussions and a whole service training day on the 29 November 2024.
- Implementing a system which will allow the Director of Children and Education Services and the Assistant Director for Inclusive Learning Services to monitor adherence of timely communications and ad identify areas for ongoing improvement.

- 4.4 The aim is to have these actions fully implemented by December 2024. Updates will be provided to families and stakeholders to ensure full transparency. The Council values the opportunity to learn from this process and will continue to work to ensure that practices are aligned with best standards and meet the needs of the families it serves.

5 Implications

Resources:	No additional resources required.
Legal and Governance:	Council required to comply with Ombudsman recommendations and to ensure that it meets legal duties regarding children with SEND and their entitlement to education and transport.
Risk:	Risk of reputational damage and maladministration if recommendations not implemented.
Equality:	Meeting needs and ensuring reasonable adjustments of the 0-25 population with SEND needs and adhering to the Equality Act 2010.
Health and Wellbeing:	Improved educational outcomes, gained through the best quality provision, contribute to the improve emotional wellbeing, attendance and resilience of children and young people (CYP).
Social Value:	Improving outcomes for vulnerable CYP at transition points between 0-25 will enhance community connection, and increase potential of successful education, training and employment experiences.
Climate Change:	There are no implications for climate change outcomes or for any potential impact on the environment as a result of this report.
Corporate Parenting:	Children and young people with SEND may in addition be children we care for, or care experienced.

6 Appendices

LGSCO Report Link

[23 013 127 - Local Government and Social Care Ombudsman](#)

7 Background Papers

None