

Council meeting 28.1.20

Debate on Ombudsman Report - item 7c

- It is with great sadness that I present this report, with our heartfelt apologies to the families concerned. We fully accept the recommendations of the report, and this has been made clear to the parents who made the original complaints
- The Ombudsman's report and recommendations are being considered tonight, at the first full Council following its publication in January, although parent groups have had the opportunity for a presentation and some discussion of the steps forward at the Children and Young People with Disabilities and Learning Difficulties Partnership Forum on 21 January 2020. You have already heard in some detail a number of the questions raised by parents about issues related to the report and the procedures which are being followed, and I hope that my replies have been able to bring clarity to the points raised
- At the end of last year, James Thomas met individually with the parents involved to make a formal apology and explained the actions that would be taken. Financial payments have been made as required by the Ombudsman
- The Ombudsman's report requires the Council to ensure that there are no other cases where there may have been similar failings, so that the Council can decide if there is a wider pattern and if the service provided by Achieving for Children is fit for purpose. In preparation for the publication of the Ombudsman's report, an audit of SEND practice (as required by the Ombudsman) was commissioned from the South West London Audit Partnership. This audit will test SEND systems and processes to ensure they are effective. The areas to be tested are set out in detail in 3.5 of tonight's council paper
- A written scope for the audit has been produced and has been reviewed by members of the Parent Carer Forum.
- AfC has appointed a team of independent professionals to review all current EHCPs, which will operate alongside the audit of the process to be completed by South West London Audit Partnership. Point 3.5 of the paper refers to the audit being carried out in two stages, but for clarity I should point out that these will run concurrently. The independent reviewers will engage with parents and carers to seek their views and experiences
- All parents of children with current EHCPs have been sent a letter explaining that their child's EHCP will be audited, with an invitation to them to make representations to the auditors. The mechanisms are in place for the audits, and these are in process. The progress of the team will be monitored, and additional resource will be brought in as needed to ensure that the audit is completed within the time frame set out by the Ombudsman
- Parents have raised questions regarding why the audit was not started sooner. I should explain that our Corporate and Ombudsman Complaints Manager was in regular contact with the Ombudsman and our then DCS, seeking clarification of the point at which the audit should start, and on 3rd January, received a confirmation from the Ombudsman that the audit period starts from the date of publication
- We must report back to the Ombudsman on the findings of the review within 3 months, highlighting the outcome of the review, any cases we have identified where there are similar failings, and the actions that we are taking. This will be by 14 April 2020.

- There is a report on the Ombudsman's findings and the scope of the audit/review to the Education and Children's Services Committee on 13 February 2020. There will be a further report back to the Education and Children's Services Committee in June on the outcome of the audit/review and progress with the actions which have been taken
- Please be assured that this report has been taken very seriously by AfC, Council and Members. Point 3.8 of the paper sets out the significant changes which have been put in place already since the period of the Ombudsman's investigations, one of which was the commissioning by the council of a peer review of SEND services from the Local Government Association. This was put in place to support and build on the learning which has already been drawn from the Ombudsman's findings. The findings of the peer review, set out in brief in 3.9, were reported to the ECS Committee on 17 December 2019. Actions resulting from the peer review were included in the SEND Futures Plan, which is publicly available on the Local Offer website
- We are determined that this report, and resulting audits both of processes and EHCPs, will be an opportunity for AfC to address swiftly any systemic flaws or failings within the system, so that we can be sure that we can and do provide the best possible service for our children and young people with special needs and disabilities.
- We acknowledge that the Council and AfC were slow to recognise and respond to the increased demands of the 2014 Act in some respects. SEND funding remains an issue for this borough, and our experience is evidenced in the findings of the recent National Audit Office report which concluded that funding for special educational needs provision is insufficient. But this is no excuse for the poor experiences of parents within our borough whose children have special educational needs, and we and AfC are determined to provide an outstanding service for all our children
- To this end I am putting before you the recommendations contained within 2.1, 2.2 and 2.3 of this report, to ask you to adopt this tonight