



Special Educational Needs: preparing for the future



Focus report: learning lessons from complaints



“A common phrase I hear from families when seeking to resolve a complaint about special educational needs provision is that it feels like a constant battle. It should not have to be this way.”

Dr Jane Martin
Local Government Ombudsman

The role of the Ombudsman

For 40 years the Ombudsman has independently and impartially investigated complaints about councils and other bodies within our jurisdiction. Our services are free of charge.

If we find something wrong, we can ask the council to take action to put it right. What we ask the council to do will depend on the particular complaint, how serious the fault was and how the complainant was affected.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems do not happen again.

Local Government Ombudsman

**The Oaks, No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB**

**Phone: 0300 061 0614
Web: www.lgo.org.uk
Twitter: @LGOmbudsman**

Contents

Foreword **1**

Introduction **2**

Extent of the issue 3

Legislative changes 3

The legal position 4

Access to the Ombudsman 6

Where things go wrong **7**

Delay 7

Transition planning 9

Loss of education 10

Failure to provide specialist support or overall provision 11

Unlawful exclusions 12

Putting things right **13**

How we remedy injustice 13

Promoting good practice 13

Encouraging local accountability - questions for elected members and scrutiny committees 14

Further information **15**

To protect identities, real names are not used in this report.

Foreword

Last year the Local Government Ombudsman (LGO) received more complaints about education and children's services than any other area. This report highlights some of the stories from these complaints that are from children and young people who have special educational needs (SEN), and their families.

While there is a great deal of good practice from councils and schools, when things do go wrong in providing SEN support, the impact on the child and family can be traumatic. The stories here identify council failings that have left children without their right to education being met for years and pupils with SEN being illegally excluded from school. In one case, numerous teenagers in a local authority were being withheld the specialist therapy to which they were entitled, and this has been restored following an investigation.

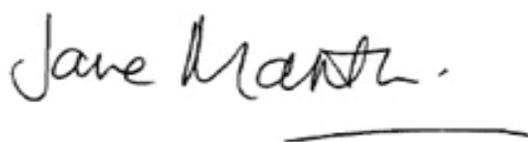
The legal arrangements for meeting SEN will be changing. The Children and Families Bill, currently progressing through Parliament, will bring about new legislation which the Government states will strengthen partnership working between councils and NHS Trusts. As with any new legislation its success will be dependent upon the way the changes are implemented. By publishing this report we aim to inform the way councils approach the new legislation by highlighting some of the problems that have occurred under the current arrangements. By learning the lessons of the past I hope that future mistakes can be avoided.

When problems occur in SEN support, access to redress is not simple. Complaints about the contents of a statement of SEN can only be considered by the Special Educational Needs and Disability Tribunal. Complaints about how SEN support is provided as set out in a statement should be referred to the Local Government Ombudsman. We can conduct joint investigations with the Health Service Ombudsman if complaints are about both health and social care. But we cannot consider complaints about the internal actions

of a school/academy or any other educational provider. There are separate complaint routes for this and it can be difficult for parents and carers to navigate their way through these separate systems. I therefore welcome the Government's recent amendment to the Children and Families Bill to undertake a review of how well the redress arrangements are working and its commitment to look more widely at other complaint arrangements relevant to education, health and care planning. I believe that a clear and accessible route to redress should underpin these new arrangements and look forward to contributing to that review by sharing our experiences of resolving complaints.

A common phrase I hear from families when seeking to resolve a complaint about SEN provision is that it feels like a constant battle. It should not have to be this way. The parents we hear from want the best for their children, but on the other hand councils are not obliged to provide support in a statement of SEN exactly as parents wish. This can lead to disagreement, so we urge councils to keep communication with parents open and constructive, recognising the strain that the process can bring. The key issue of course is to focus on the needs of the child and how best to support them.

While council's resources are stretched in these difficult economic times, their statutory SEN duties remain and will continue under the revised legislation. When things go wrong and children, young people and their families suffer directly as a result it is ever more important to ensure councils get it right first time.



Dr Jane Martin
Local Government Ombudsman
March 2014

Introduction

“ In 2012/13 we received more complaints about education and children’s services than any other area. ”

A child or young person has special educational needs (SEN) if they have a learning difficulty, disability or health condition which calls for special educational provision to be made for them. There are four broad areas of need defined in the legislation:

- > communication and interaction;
- > cognition and learning;
- > social, mental and emotional health;
- > sensory and/or physical.

Both councils and schools have duties to provide support for children with SEN. The forthcoming Children and Families Bill will alter the way support is provided.

This report focuses on the role of councils. We examine the human impact of some of the common issues we find, and we hope it will inform the way councils approach the new arrangements to avoid problems of the past.

In 2013, 19% of pupils in all schools across England were pupils with SEN. Of those, 2.8% had assessed needs within statements of SEN. The percentage of pupils with statements has remained at 2.8% of the overall school population for the last five years.¹

Extent of the issue

In 2012/13, we received more complaints about education and children's services than any other area. Of our total of 20,186 complaints, 17% (3,432) were in this area.

Complaints about SEN provision accounted for 8.6% of all education and children's services complaints. So far in 2013/14, we are continuing to receive a similar number of complaints about SEN provision.

Based on our complaints, some of the most significant areas of concern are:

- > delays in the process – which can often lead to other problems, such as the loss of education;
- > inadequate assessment and review of statements of SEN;
- > poor planning of an individual's SEN support – particularly in the key transition phases;
- > failure to provide specific SEN support – such as qualified specialists;
- > unlawful exclusions – children wrongfully excluded from the educational system due to their SEN; and
- > failure to ensure suitable SEN provision in a councils' area.

Legislative changes

The Government proposes the new legislation in the Children and Families Bill will be in place for September 2014.

A major change in the new arrangements will be to extend the responsibilities of councils and educational establishments for provision up to the age of 25.

Another key change will be to replace statements of SEN with Education, Health and Care Plans (EHCP). These will be created through a single assessment process and closer joint working between councils and NHS Trusts. In addition, the assessment period will be reduced from 26 to 20 weeks.

Once in place the new legislation aims to increase the voice of the child or young person within the process, reduce the time taken to complete assessments, ensure a holistic plan for those with assessed SEN and improve outcomes for all.

There will be a period of transition from the old system to the new from September 2014.

To provide guidance to those working within SEN, the Government has issued a draft 'Special Educational Needs (SEN) Code of Practice: for 0-25 years' (the Draft Code). This will replace the existing Code that has been in force since 2001.

These changes come after much scrutiny of the existing SEN assessment and statementing processes in recent years². In 2010 the Government issued a consultation document 'Support and aspiration: A new approach to special educational needs and disability' and reported on the outcomes of that consultation in 2012.

The legal position

Councils have a statutory responsibility to respond to requests for an assessment of a child's SEN from schools and parents. They must complete that consideration and, if agreed, complete the assessment within fixed timescales set out in the legislation and detailed in the Code of Practice.

Once an assessment determines SEN provision, the council has a duty to ensure it is in place and is maintained to meet the specifications of a statement of SEN. It must ensure the statement is reviewed annually and implement any changes from the review.

Councils are not obliged to provide exactly what each parent requests, but they should be able to explain clearly why they consider a suggested provision meets the assessed needs of any individual child. They must also take steps to ensure that the views of the child or young person are properly recorded and considered when planning provision for them. There is a Special Educational Needs and Disability Tribunal; this Tribunal provides a legal route to resolve differences about matters set out in the statement of SEN.

Councils must also provide support services to enable schools to provide for all children with SEN, such as educational psychologists and behavioural and sensory impairment support. Councils have an overarching responsibility to work in partnership with other bodies, including the NHS, the voluntary sector and, above all, parents.

Schools have a duty to put in place the provision set out in a statement of SEN on a day to day basis. They also have a duty to identify and support all children with SEN appropriately. At the point at which a school or parent requests an assessment of SEN, this triggers a council's formal involvement.

Completing assessments

The current arrangements state that councils should complete an assessment of SEN within a maximum of 26 weeks, including set times for each stage of the process.¹

The new Draft Code sets out a shorter timescale for assessment and provision of a Education, Health and Care Plan (EHCP). It is reduced to a maximum of 20 weeks and an emphasis is placed on completing the steps involved as soon as practicable.⁴

We see complaints where the council has delayed in naming a school in Part 4 of a statement due to lack of agreement with parents. The Code allows a council to name the school without that agreement if proper consultation with parents and the school has taken place. The parent may then appeal that decision to the Tribunal. The school is expected to make suitable provision for the child and should work with the council to achieve this.

Reviews and phase transfers

The Annual Review of a statement considers whether the provision remains appropriate and whether progress is being made towards the targets in the statement. The current Code does not provide an explicit timetable for follow-up action after a review but it is implicit that the council should complete any changes needed in a timely way.⁵ The Draft Code does not change this.

The move between schools, especially at the key phase transfers from nursery to infant, primary to secondary and then to post-16 education, is an important moment for any child and especially those with SEN. The Code says that advance planning for these moves is essential. The year 5 review should provide a clear recommendation for the type of provision the child will need at secondary school. The year 9 review

starts the process for transition to post-16 provision.⁶

The Draft Code identifies all the key phase transfers and states that an EHCP 'must be reviewed and amended in sufficient time prior to a child or young person moving between key phases of education, to allow for planning and, where necessary, commissioning of support and provision at the new institution'.⁷

Arranging provision

The current Code⁸ requires councils to arrange provision from the date on which the statement is made. The Draft Code says that councils must arrange the special educational provision specified in the EHCP.⁹

Generally where the council has had clear knowledge of what provision is needed and a likely start date for that to happen, delay is not acceptable. We usually expect straightforward provision to be in place within no more than four weeks and complex provision to be available within no more than half a term.

Exclusions

The Government's Statutory Guidance on exclusion¹⁰ says schools must take account of their statutory duties in relation to SEN when administering the exclusion process. It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason.

This includes 'unofficial' exclusions, like being sent home to 'cool off'. Often these arise when the child's SEN is being poorly managed or inadequately provided for. Good monitoring and reporting of developing difficulties can prevent this. Councils should also advise schools of their legal position in relation to exclusions.

Access to the Ombudsman

The public's access to redress through an independent ombudsman service, in relation to SEN, is not straightforward. This is because different parts of the SEN landscape fall under the jurisdiction of different bodies, and in some areas there is no access at all to an ombudsman.

The LGO will look at the actions of councils in undertaking their statutory SEN duties, but there are some common areas of complaints that the public approach us about, but which we have not been given the legal power to investigate. These are:

- > the actions of schools. An exception to this is where we may look at the council's actions in relation to those of the school, such as unlawful exclusions where the council has an overarching duty towards a child's education;
- > complaints about provision at School Action and School Action Plus as the council has no statutory involvement at that stage; and
- > the direct actions of NHS or other non-council providers' actions. However, we work jointly with the Parliamentary and Health Service Ombudsman (PHSO) on NHS issues.

We do not normally take up a complaint where there is an alternative remedy available through the courts or a statutory tribunal.

In cases involving children with statements of SEN, the complainant may have a right to appeal the content of the statement to the Special Educational Needs and Disability Tribunal. We would not normally need to become involved in those aspects of such cases but may look at the council's actions in respect of any delay or other matters that cannot be taken to the Tribunal. This may mean our investigation would need to await the outcome of the Tribunal in order for us to decide the level of any injustice.

Where things go wrong

Delay

Delay is an overriding feature in most complaints about SEN that we investigate. It can happen at various points of the process. However delay is very often the catalyst for other faults, and can lead to other problems, like the failure to provide suitable education or the loss of education.

Some of the common areas where we find there have been delays are in issuing final SEN statements; processing Annual Reviews; putting in place the provision within a statement; and carrying out Learning Disability Assessments for post-16 placements.

Billy's story:

Avoidable delay causing loss of support and development skills

Billy was 15 and diagnosed with autism and attended a mainstream school. He had regressed in his self-help and independent skills, and required constant support from his mother to carry out daily routines.

His attendance at the mainstream school declined and within a year he had stopped attending school altogether. The council issued a statement some months later which determined that Billy should attend a mainstream school once he was well enough to do so. The council offered five hours a week of home tuition for more than 18 months, but Billy would not accept this.

The council asked Billy's parents to propose a school they would like him to attend, and they asked for an independent specialist school. At that point, the council failed to hold a review of Billy's statement to reassess his needs and provision, and the council failed to tell his parents when it later did not alter his statement. This denied Billy's parents the right to appeal the statement at a Special Educational Needs and Disability Tribunal.

Several months later the council held an Annual Review of Billy's statement, and named a Pupil Referral Unit in his amended statement. His parents appealed this to the Tribunal, which upheld their request for a specialist school. Billy eventually started there – some two years after his attendance started to decline at the mainstream school.

We found fault in many aspects of the council's actions. It delayed in taking action to ensure Billy was attending school; it failed to ensure he was receiving the provision in his

statement; it failed to tell his parents it had not altered his statement after their request for a different school; and it delayed in holding a review of his statement. It offered inadequate alternative provision while Billy was not in school.

The impact on Billy was significant. He lost out on appropriate education for more than two years at an important time in his education. He also lost out on essential social skills development, which affected his ability to move into adult life – a substantial loss for someone with autism.

We recommended that the council should pay:

- > £2,000 in recognition of missed education and to be used to help Billy make up studies in preparation for his GCSEs;
- > another £2,000 in recognition of additional education Billy missed once his attendance ceased because the council did not act quickly enough;
- > £500 for the distress caused to Billy's parents and the time taken to support him at home; and
- > £250 for time and trouble taken in pursuing the complaint.

In addition, we recommended a payment of a further £3,000 to the family once the Tribunal decision was known, for loss of time at the specialist school caused by the council's delays, and £500 for the time and trouble in pursuing the complaint for a second time.

Where things go wrong

Nigel's story:

Delay and lack of provision reduces post-16 education choices

Nigel has special educational needs recognised by a statement of SEN. These include selective mutism and severe anxiety specifically within the school setting.

While he was in year 11 and afterwards, the council failed to provide elements of his provision in his statement, for periods of between two months and a year. This included the absence of a key worker to support him to communicate. The council also took 15 months after issuing a proposed Statement to issue the final version. This prevented his mother from appealing against the council's decision during that period.

The result for Nigel was an increase in his already high levels of anxiety about school, and more absences from school during year 11 at a key time in his school career, which reduced his choices at post 16.

We recommended the council should apologise to Nigel and his mother for the delay of 15 months in issuing the final statement and for its failure to provide:

- > a key worker for three terms;
- > training for staff for two terms; and
- > a speech and language therapist specialising in selective mutism for 12 months.

We asked the council to pay Nigel £1,500 for the stress, anxiety and unnecessary uncertainty its failures caused him and £2,000 for the loss of opportunity caused by its actions in a critical year when choices for post-16 were being made.

We recommended the council should also pay Nigel's mother £1,500 for the stress and unnecessary uncertainty caused by its actions and an additional £2,000 for the justifiable outrage its actions caused her, and time and trouble in having to bring the issue to us on more than one occasion.

Where things go wrong

Transition planning

Transition planning is about having a timely and holistic assessment of future needs, consideration of the young person's aspirations and abilities to achieve them, and provision of suitable placements in good time. Problems in this area are more acute at the phased transition points between nursery, primary, secondary and particularly post 16 in schools.

Diana's story: Lack of transition planning left student isolated

Diana is a teenager with an interest in art, with ambitions to go to university. She has a visual impairment (VI), and her statement of SEN includes the development of social skills as one of her educational objectives. She attended a mainstream secondary school with a VI unit.

Diana expected to transfer to the school's sixth form at post 16. The transition planning for this began with the Annual Review of her Statement in year 9. There was no input from social services.

Diana was offered a place at a specialist residential college for students with VI where she could continue studying art, as well as gain qualifications in Braille and Information and Communications Technology (ICT). These would increase her UCAS points for applying to university. She could also undertake an independent living skills programme.

An Initial Placement Review Meeting recommended approving funding for Diana to attend the specialist college. Later the council reviewed the decision and wanted to explore the option of using adult education tutors to support a local school in order to meet Diana's needs.

The Placement Approval Panel refused funding for a place at the specialist college. It decided that as Diana was already studying art at the school, and the school had facilities to offer Braille, her needs could be met locally with the provision of specialist software and ICT tuition to the school.

In the meantime a social worker had carried out an assessment of Diana's social care needs and deemed that a specialist college would best suit her needs.

We found fault in the council's failure to involve social services early in the transition review process. This meant that the transition planning was not holistic. Had it been, it is likely there would have been earlier consideration of the specialist college for Diana's post-16 provision. The SEN Code of Practice is clear that social services should be involved in transition planning in year 9. The Placement Approval Panel also failed to take into account Diana's long term objectives to attend university when it considered her application.

Because of the council's faults Diana lost the opportunity to start at the independent college earlier. Delays in the council's appeal process meant Diana suffered prolonged uncertainty about her future. She also suffered significant distress because her original placement left her isolated and unable to obtain the qualifications and social skills she needed for an independent future.

As a result of our investigation the council agreed to fund a place for Diana at the independent specialist college from September 2013. We therefore recommended that it should pay Diana £1,500 to acknowledge the opportunity she lost to start there in September 2012, and apologise to her for its mistakes. The council will also review its procedures to bring them in line with statutory requirements on holistic assessments.

Where things go wrong

Loss of education

We see cases where failings result in pupils with SEN suffering the complete loss of education. This could be because of an inability to find a suitable school in time and a failure to provide suitable interim provision to cover any delays.

Not only does it have a significant impact on both the child's educational and social development, but the loss of education can also place undue stress on parents or carers, who are left responsible for the additional care at a time when they would have normally expected a break.

Freddy's story: Mother and child losing out on education and support

Freddy is an eight year old with complex needs. He has a Statement of SEN and displays challenging behaviour.

Freddy had been attending a mainstream primary school but the council had identified that he needed a specialist school. It could not, however, find a suitable school for Freddy because of his very specific needs. The council had no places available in its own specialist provision; it also looked out of area to other, local authority maintained, and independent provision.

In the meantime Freddy was not attending school and did not receive any home tuition. The council has a duty to ensure that if a child cannot receive an education in school that he receives an alternative education 'otherwise' than at school. If Freddy had returned to his mainstream primary school, the school said they would have permanently excluded him because of his challenging behaviour and the risk he posed to himself and others.

This meant that Freddy was without any education for a term and a half because of the council's failures. In addition, Freddy's mother had to care for her son during the day when she might reasonably have expected some respite while he attended school.

The council accepted that it was at fault in this case. It did not have appropriate management systems in place to respond to a child out of school in such circumstances, and it accepted the case had become protracted and it had not discussed interim solutions with Freddy's mother.

The council agreed to offer Freddy and his mother a remedy of £1,750 towards his educational benefit, as a result of its delay in securing appropriate education for him. The council also agreed to provide private tuition while it looked for a suitable placement for Freddy. It would also examine the problems of provision in its area for those children with complex needs.

In addition, the council agreed to pay Freddy's mother £750 in recognition of the anxiety and distress caused over a term and a half when she could have reasonably expected Freddy to be in a school setting. It also agreed to carry out a carer's assessment of Freddy's mother in her role caring for Freddy who has complex needs.

Where things go wrong

Failure to provide specialist support or overall provision

Councils have a duty to ensure there are suitable resources to provide for the overall SEN in its area. This includes providing specialist support to enable schools to provide for all children with SEN – for example speech and language therapy, Autistic Spectrum Disorder provision, teacher of the deaf.

Charlie's story: 15 teenagers denied speech and language therapy

Charlie is 17 years old and has Autistic Spectrum Disorder (ASD) – a lifelong development disability affecting how he communicates and interacts with people. Since the age of four he has had a statement of SEN identifying the need for support from a qualified speech and language therapist among others.

Charlie attended a mainstream secondary school which also had a special unit for children with ASD. He used to be visited by a qualified therapist once or twice a year, who carried out assessments and updated his programme of speech and language therapy for school staff to deliver.

However, for the last three years of secondary school, Charlie was denied the support of a qualified therapist after the council failed to ensure the service was maintained across the area. This impeded Charlie's educational as well as social development.

He had continued to receive speech and language support from his school but this was no substitute for a qualified therapist regularly assessing his needs, and updating a programme of work to meet those needs.

The joint investigation by the LGO and the Health Service Ombudsman found that both the council and the then Primary Care Trust (PCT) (now a Clinical Commissioning Group), who were delivering the provision through council funding, failed to tell Charlie's parents that he was no longer getting speech and language support. Both organisations were at fault in the way they handled the parents' complaint after they became aware of their son's situation.

During the investigation, it also became apparent that other secondary school children who have ASD had not received the speech and language therapy support named in their Statements either.

The council has since introduced a new agreement with the PCT and put in additional funds to meet the need for speech and language therapy for children with ASD. As a result, 15 other teenagers had their specialist support restored.

The ombudsmen recommended that both organisations should apologise for their part in the failings. The council also agreed to pay £5,000 to Charlie's parents and £750 to Charlie for the loss of support, as well as refund the cost of an independent therapist report they self-funded.

In addition, both organisations agreed to make a payment in recognition of the distress, uncertainty and time and trouble resulting from poor communication and complaint handling (£250 from the council and £500 from the PCT/Clinical Commissioning Group).

Where things go wrong

Unlawful exclusions

Councils have an underlying responsibility to ensure a child's inclusion within the education system, and it is unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet. There are limitations to our powers to investigate the internal management within schools, but we may be able to consider a council's actions in relation to this underlying duty.

'Informal' or 'unofficial' exclusions, such as sending pupils home 'off the record', are illegal, regardless of whether they occur with the agreement of parents or carers.

Randeep's story: Council ignoring unlawful exclusion from school

Randeep has a diagnosis of Autistic Spectrum Disorder, and has associated language disorder, sleep difficulties and loco-motor difficulties.

It was clearly evident from the case documents that Randeep had often been excluded from primary school. Although we could not investigate this element of the case because we have not been given the jurisdictional power to investigate the internal management of schools, we found that the council was aware of the exclusions and did not act.

If a council is aware or should have been aware that a school is acting unlawfully, it should provide the school with advice and support in the interests of the child concerned.

The council's inaction seriously failed Randeep and contributed to him missing education. His attendance was near 50% and he did not receive his full entitlement under his statement during his last year at primary school. In addition it became apparent that he had been on a part-time timetable for four years, and while this accounts for some of the time missed, part-time timetables should be an interim measure.

We recommended a total payment of £3,000 in recognition of a number of factors:

- > missed school and education provision due to the council's failure to address the school's practice of sending Randeep home without lawfully excluding him;
- > some loss of education over two school terms while Randeep was receiving some home tuition;
- > delays in finding a suitable school and failures to support and communicate with his mother during Randeep's crucial secondary school transition period.

With the exception of £250 in recognition of the time and trouble pursuing the complaint, we recommended the payment should be used to purchase additional education and/or personal development-related provision for Randeep.

Putting things right

How we remedy injustice

When children have not received suitable education to meet their special educational needs, we will criticise councils if they have got things wrong and we will pursue recurring issues in order to promote improvements.

Normally we expect councils to consider a complaint through their complaints procedure before we investigate, but we may waive this requirement if a child is out of school or is not receiving the support specified in its statement.

Where the courts determine what is and is not lawful, we have wide discretion to decide what constitutes administrative fault. This means we can criticise councils for poor practice, as well as for failing to consider or take account of their legal duties.

Promoting good practice

At the heart of many complaints we receive about SEN, is a deterioration of the relationship between parents and councils. Both parties will not always agree on what is the best provision for the child or young person. This can result in conflict, which is exacerbated by the strong emotional investment parents put into supporting their child's needs.

We see that there is an increased likelihood of resolving disputes locally, if councils do everything possible to keep communication with parents open and constructive for as long as possible.

Drawing on our experience, we have identified a number of specific recommendations based on examples of good practice in councils:

- > keep to the timescales for the assessment and statement process especially in issuing a final statement which gives parents their statutory right of appeal to the Tribunal;
- > consult concurrently rather than sequentially with several schools when considering suitable placements to avoid unnecessary delay in reaching a decision;
- > take timely actions following annual reviews where amendments are needed to provision, placement and the statement;
- > recognise the need for timely planning and provision for all phased and other transfers to new schools;
- > ensure the availability of suitable alternative provision when placements break down or when there are delays in providing a suitable school place;
- > make sure the provision set out in the statement is in place at the start of a statement, after reviews or for temporary periods;
- > work closely with NHS and other partners to address possible and known shortages of specialist input; and
- > work with schools to ensure pupils with SEN do not receive 'unofficial' exclusions and remind schools of the legal position on such exclusions.

Putting things right

Encouraging local accountability – questions for elected members and scrutiny committees

Councils and all other bodies providing local public services should be accountable to local people. The LGO was established by Parliament to support this process.

Complaints are an important tool and source of information to identify issues that are affecting people. We want to share learning from complaints with locally elected councillors who have the democratic mandate to scrutinise the way local authorities carry out their functions and can hold service providers to account.

Our experiences of complaints that are typically raised about local authority SEN services have highlighted a number of key questions that elected members could ask officers when scrutinising those services.

- > Does the council have an SEN strategy in place that is informed by known demographic information?
- > What steps do the council take to ensure the child, young person and their parents are enabled to participate as fully as possible in decisions about them?
- > Given the significant constraints on resources, how is the council ensuring that sufficient, quality resources and expertise are available now and in the future?
- > How will the council deliver the requirements in the Children and Families Bill for enhanced partnership working, with the NHS in particular, to meet the shorter assessment timescales?

Further information

Visit our website at www.lgo.org.uk

If you have a complaint you would like to make about a council you can contact us on:

0300 061 0614.

Endnotes

- 1 Department for Education Statistical First Release Special Educational Needs in England, January 2013, released July 2013 and updated October 2013
- 2 The Lamb Inquiry: Special Educational Needs and Parental Confidence' 2009?
- 3 Special Educational Needs Code of Practice 2001 paragraph 8:134
- 4 Draft Special Educational Needs (SEN) Code of Practice for 0-25 years October 2013, sections 7.5 and 7.6
- 5 Special Educational Needs Code of Practice 2001 paragraphs 9:34 and 9:35
- 6 Special Educational Needs Code of Practice 2001 paragraphs 5:68 -5:72 and 9:45-9:54
- 7 Draft Special Educational Needs (SEN) Code of Practice for 0-25 years October 2013 section 7.16 – Reviewing an ECH Plan - Transfer between phases of education
- 8 Special Educational Needs Code of Practice 2001 paragraph 8:109
- 9 Draft Special Educational Needs (SEN) Code of Practice for 0-25 years October 2013 section 7.13
- 10 Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion 2012