LGO DECISION	Date of response
Mrs Y complains about the Council's failure to make alternative educational provision for her son, Child Y, for more than a year when he was out of school. The Council agreed with Child X's school's approach in excluding him informally in breach of the School Exclusions Code 2017. It also failed to make educational provision for him for more than a year, or to meet his special educational needs, or to update his Education Health and Care Plan. This meant Child Y lost out on education he needed. Although delays by the Council in dealing with Mrs X's complaint were only slight, the Council's corporate complaints procedure lacks timescales and has the potential to cause injustice to future complainants by delay. **Finding** Fault found causing injustice and recommendations made.	22.08.19

Deadline **22.09.19**	**Action**	**Action by / Date completed**
1	Apologise to Mrs X for failing to provide education or make the special educational needs (SEN) provision in Child Y's Education Health and Care (EHC) Plan between December 2017 and February 2019, and for failing to update his EHC Plan;	Director for Education and Early Help - Letter sent to Mrs X - completed
2	Pay Mrs X £4,200 to use for Child Y's benefit. This reflects his loss of education and SEN provision during a period of three and a half school terms at £1,200 a term;	WCF - Payment made to Mrs X - completed
3	Issue an up-to-date draft EHC Plan for Child Y if it has not already done so.	WCF - EHC Plan issued
4	To prevent a recurrence of fault, the Council will remind all its relevant staff within one month of the date of this report that: • all informal school exclusions are illegal. The Council should not advise schools to carry them out and should remind schools that carry them out that they are illegal; and • where a child with an EHC Plan is out of education, the Council should carry out an emergency review of the EHC Plan and record it as such. It should then amend the EHC Plan as necessary and write to the parent advising them of their right to appeal to the Special Educational Needs and Disability (SEND) Tribunal against its decision.	Director for Education and Early Help - Briefing note sent to all CHS staff including related services in other organisations 19.09.19. Schools have been briefed through the SENCo Network meetings
Deadline **22.11.19**	**Action**	**Action by / Date completed**
1	To reduce the potential for injustice to future complainants, the Council will review its corporate complaints policy within three months of the date of this report to ensure that: • the procedure normally takes no longer than 12 weeks to complete; and • there is a timescale for each stage.	completed
2	The Council must consider the report and confirm within three months the action it has taken or proposes to take.	Director for Education and Early Help to write to the LGO before 22.11.2019
3	The Council should consider the report at its full Final report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this.	Cabinet report 14 November 2019