

**REPORT OF THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO)  
– EHC PLANS (Reference 17 001 811 – Mr X)**

**Key Decision No.N/A**

<b>CABINET MEETING DATE (2018/19)</b>  15 July 2019	<b>CLASSIFICATION:</b>  Open  If exempt, the reason will be listed in the main body of this report.
<b>WARD(S) AFFECTED</b>  All Wards	
<b>CABINET MEMBER</b>  Cllr Kennedy  Families, Early Years & Play	
<b>KEY DECISION</b>  No  <b>REASON</b>  Click Here to Select	
<b>GROUP DIRECTOR</b>  Anne Canning Group Director Children, Adults & Community Health	

## **1. CABINET MEMBER'S INTRODUCTION**

- 1.1. The Local Government & Social Care Ombudsman (LGSCO) has issued a report (Appendix 1) following an investigation of a complaint against the Council. The complaint related to the initiation & completion of an Education, Health & Care (EHC) needs assessment and the subsequent management of the EHC plan for a child with special educational needs.
- 1.2. The Ombudsman found that there had been fault on the part of the Council, and that this had, in their view, caused injustice to the complainant. We have apologised for the faults identified and have complied with all the recommendations set out in the LGSCO's report. Of the 8 recommendations made, to date, 5 have been completed with 2 due for completion by September 2019. The remaining recommendation is currently subject to reconciliation of evidence provided by the complainant in line with the LGSCO's direction.
- 1.3. The LGSCO report raises important issues which impact on the way Local Authorities undertake and complete EHC needs assessments which we will be raising with the Department for Education.

## **2. GROUP DIRECTOR'S INTRODUCTION**

- 2.1. The LGSCO investigation relates to a complaint raised by the father (Mr X) of a boy (child B), who first came to the attention of the Council in 2015 when he was 2 years old and shortly after being diagnosed with autism. The complaint raised issues with
  - Delay in considering a request to initiate an EHC needs assessment;
  - Delays in finalising the EHC Plan and not completing this within the statutory 20 week timeframe;
  - Not reviewing & amending the plan by 15 February in the year that B started primary school (as required by law);
  - Not reviewing the EHC plan in line with statutory requirements and timeframes; and
  - The way the complaint investigation was managed.
- 2.2. The LGSCO's investigation has been complex, taking 24 months to produce the final report (appendix 1). During this time, the Council has provided significant supporting information & legal comment to the LGSCO to explain its actions and the challenges faced as part of this case. The final report upheld the majority of concerns raised by the father, finding fault by the Council causing injustice.
- 2.3. Since Mr X first lodged his complaint with the Council at the end of June 2016, a number of reviews and audits regarding the EHC planning process have been undertaken. These were completed as part of ongoing service review and improvement and include:
  - A review, finalised in July 2017, of processes to initiate and complete assessments within 20 weeks, with follow up review in September 2018; and

- An internal audit, finalised in October 2017, with follow up audit review in June 2019.

- 2.4. The LGSCO report identifies a 41 week delay in issuing B's EHC Plan linked to consideration of the initial request to undertake an EHC needs assessment and co-production of the ultimate plan. The Council acknowledges that there were delays in the process but believe that many of the practices which led to delay were done so in line with advice set out in the SEND Code of Practice or as a pragmatic approach to producing an EHC Plan co-produced with the family. In addition, many of our practices are no different to those of most other local authorities and, as such, some of the conclusions in the report raise significant issues for all local authorities. The Department for Education has noted this and has been in touch to explore the issues further.
- 2.5. Furthermore, whilst the Council accepted and apologised for a number of avoidable delays as part of its own complaints process (providing £4,062 financial remedy at the resolution stage), we are concerned that the report did not reflect the time spent by officers working with the family to provide appropriate educational provision to meet B's identified needs. The findings and recommendations set out in the LGSCO report are, therefore, disappointing.
- 2.6. Notwithstanding the above, the Council acknowledges that there were some faults in the EHC needs assessment process and review of Child B's EHC plan. We have, therefore, accepted the report's findings and recommendations made.
- 2.7. This report sets out the LGSCO's recommendations in more detail and how the Council has responded, or intends to respond, to them in more detail. It also sets out the Council's case management approach in terms of this specific case.

### **3. RECOMMENDATION(S)**

- 3.1. The Cabinet is asked:  
To note the contents of the LGSCO report (appendix 1) and the Council's response as set out in this report (paragraphs 6 and 7).

### **4. REASONS FOR DECISION**

- 4.1. This report forms part of the Council's obligations under the Local Government Act 1974 to publicise receipt of an LGSCO report.
- 4.2. The LGSCO has concluded that there was fault by the Council which caused injustice to Mr X and to B and that the Council should take the action identified in the report to remedy that injustice.

### **5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5.1. There is no right of appeal against an LGSCO decision. A complainant, Council or authority can, however, apply to the courts for a judicial review of a decision. We do not propose to take this course of action.
- 5.2. Exceptionally, the LGSCO has an internal review system in place where a

request can be made for a decision to be reviewed in very limited circumstances – where a decision was made based on important evidence that contained facts that were not accurate or if new and relevant information (that was not previously available) is provided which affects the decision made. In either circumstance, a request to review must be made within 1 month of the decision.

- 5.3. Whilst the Council provided robust information on many occasions over the 2 year investigation period, to explain its actions and, where appropriate, apologised at an early point in the complaint process for recognised delays, it was not felt appropriate at this stage to submit further challenge to the LGSCO decision. Furthermore, given the low threshold for requests to initiate EHC needs assessments and the statutory timeframe to complete assessments within 20 weeks, it was felt that there were insufficient grounds to apply for a judicial review.

## **6. BACKGROUND**

### **6.1. Investigation & findings of the LGSCO**

- 6.1.1. In September 2014, SEND legislation was significantly reformed. Part 3 of the Children & Families Act 2014 and the SEND Regulations 2014 set out new requirements for local authorities in relation to the identification & assessment of children with SEND. Alongside this legislation, the SEND Code of Practice 2014 was published providing statutory guidance on duties, policies and procedures relating to the new SEND legislation and regulations.
- 6.1.2. This new legislation placed a requirement on local authorities to identify & assess children & young people who may have special educational needs within a 20 week timeframe. The SEND Code of Practice breaks down the 20 week timeframe into constituent aspects of the assessment process (see appendix 2). Furthermore, where it is agreed that an EHC plan is required to meet a child or young person's SEND, local authorities must co-produce the plan with the families and/or young person.
- 6.1.3. The Council has a statutory responsibility to provide advice & guidance for families of children & young people with SEND through a Local Offer website. This includes advice & guidance for parents & carers in relation to the EHC needs assessment process and how to request an assessment. This website is subject to ongoing review and update to reflect customer feedback and current practice at the time.
- 6.1.4. Whilst the Council takes every step to meet the statutory 20 week deadline, the assessment and co-production process can be complex and delays do occur. Nationally, local authorities are struggling to issue EHC plans following assessment with the 20 week timeframe. In the 2018 calendar year, Hackney issued 42.4% EHC plans within 20 weeks; this compares to, nationally, 58% of plans being issued in 20 weeks and 53.4% of plans in inner London authorities being issued within 20 weeks<sup>1</sup>.
- 6.1.5. In this case, the LGSCO has considered whether the Council assessed &

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<sup>1</sup> Department for Education, "Statements of SEN & EHC Plans: England 2019"

identified Child B's needs and managed his EHC plan in line with statutory legislation and due process. As a result, they have made a series of recommendations to remedy the injustice caused to Mr X and to child B.

- i. Apologise in writing to Mr X:
- ii. Pay Mr X £22,448.47 (made up of £19,343 in recognition of the funding the Council would have paid had there been no delay to the EHC plan, £1,605.47 interest at the retail price index between June 2016 to February 2019, £1,000 to acknowledge distress caused to the family and £500 in recognition of the time and trouble caused to Mrs X in pursuing his complaint).
- iii. Review procedures to ensure that when notification is received under Section 24 of the Act that a child in its area may have special educational needs, the Council consults parents and other professionals so as to reach a decision about assessment within 6 weeks;
- iv. Provide guidance to parents / carers how requests for statutory assessments will be dealt with;
- v. Make available on the Council website a standard form for making requests for a statutory assessment;
- vi. Ensure panels making decisions about EHC needs assessment maintain proper records of their meetings, recording clear reasons for decisions and what information was provided to reach this decision.
- vii. Offer training to the Council complaints team in respect of EHC needs assessment processes and how to remedy avoidable delays.
- viii. Be willing to consider complaints raised by other parents in the light of the findings on this case with regard to delays in the process

## 6.2. **Notification that B may have SEND to EHC needs assessment initiation (delays in starting the assessment)**

- 6.2.1. Child B was formally diagnosed with autism in May 2015 by the Consultant Community Paediatrician. Prior to this diagnosis, Mr X chose to set up a programme of Pivotal Response Therapy (PRT), a form of educational provision for pre school children with autism spectrum disorder (ASD). At this point Mr X was funding the provision from his own resources.
- 6.2.2. In the meantime, over the summer term 2015, one of the Council's Area SEN Co-ordinators (SENCo) was working with Child B's nursery, family and Speech & Language Therapist to provide advice, guidance and training to support Child B's inclusion in the setting. In line with section 5 of the SEND Code of Practice, this work followed the graduated good practice, "Assess-Plan-Do-Review" approach to identifying needs in the early years.
- 6.2.3. The SEND Code describes how this approach reviews the effectiveness of interventions in enabling children to make progress, provides further information about the precise nature of their needs and informs the next steps to be taken. In the majority of cases, the Area SENCo will produce a support plan which is reviewed with the family, setting and other professionals on a monthly basis. This information then provides robust

evidence to inform any subsequent decision to initiate an EHC needs assessment or not.

- 6.2.4. The Council received a formal request to assess (completed by the Area SENCo and signed by Mrs X) on 14 October 2015. The Council took this date as day 1 of the EHC needs assessment process. The LGSCO, however, identifies 2 points earlier on whereby the Council should have considered initiation of an EHC needs assessment:
- i. Receipt of a standard (and following the SEND reforms in September 2014, redundant) form from the Community Paediatrician notifying the Council that Child B may have special educational needs; and
  - ii. A telephone call seeking advice with regard to the EHC needs assessment process made by Mr X on 15 May 2015.
- 6.2.5. We have acknowledged that there was some confusion around the advice given to Mr X on 15 May 2015. It was not clear to Mr X that if he wanted to formally ask the Council to request an assessment, this should be done in writing and that a standard template was available on Hackney's Local Offer to do this. In light of this, LGSCO determined that the assessment started on 1 June 2015 (2 weeks after Mr X telephoned the Council).
- 6.2.6. The Council acknowledges this fault and confirms that guidance to inform parents with regard to due process has already been reviewed and the Local Offer updated. Council officers will also be reminded to signpost parents / carers to the relevant sections of the Local Offer website if they wish to formally request an EHC needs assessment.
- 6.2.7. Notwithstanding the above, following receipt of the written request to assess on 14 October 2015, the Council determined that sufficient evidence had not been provided to initiate an EHC needs assessment. Parents were issued with a right of appeal against this decision on 6 November 2015 and the Council determined that the assessment process had stopped.
- 6.2.8. On 18 November 2015, the Council received what it believed to be new evidence and, on 30 November 2015, agreed to initiate an EHC needs assessment. The LGSCO investigation, however, determined that in the light of additional evidence being provided soon after the decision not to assess was taken, the Council was wrong to state that the assessment started afresh on 18 November. As such, the LGSCO found that the assessment started on 1 June 2015, 2 weeks after Mr X contacted the Council for advice.
- 6.3. **EHC needs assessment to issue of EHC plan (delays in completing the assessment)**
- 6.3.1. As set out above, the Council must complete statutory assessments within 20 weeks. By determining that the assessment start date was 1 June 2015, the LGSCO has calculated that the assessment took 61 weeks to complete.
- 6.3.2. The Council had believed in good faith that the assessment period started on 30 November 2015 giving a due date for completion of 6 April 2016. For Child B, however, the plan was finalised on 2 August 2016; some 37 weeks

from the date the Council received new information.

- 6.3.3. Following agreement to initiate the EHC needs assessment, evidence was requested and collated in line with statutory requirements. Unfortunately, there was confusion regarding the date of the medical evidence submitted to the Council. This led to an initial decision not to issue an EHC plan. Upon receipt of updated medical advice, this decision was overturned and a final EHC plan ultimately issued on 2 August 2016. The Council's investigation at resolution stage of its complaints process accepted that an error in the medical report should have been picked up sooner. We apologised for this error and provided financial remedy of £4,062 (equivalent to 7 weeks funding of the provision set out in the final EHC Plan to offset the identified delay).
- 6.3.4. Further delay occurred as a result of ongoing dialogue between Mr X and the Council in line with the co-production process and in a bid to agree the content and resources set out in the EHC Plan. It is clear that this dialogue was complex and prolonged and, whilst it ultimately led to a significantly increased resource provision in the plan, it did lead to further delay to the 20 week process.
- 6.3.5. The Council is firmly committed to co-producing EHC plans with parents and wants to ensure that it hears the representations of parent/carers and, wherever possible, reach agreement regarding a child's needs and provision. It is important to acknowledge that true co-production between a local authority and parent/carers can occasionally take longer than the timeframes stipulated in the Code of Practice. Where a case is more complex, it can be in the interests of the child for the Council to spend more time considering and reviewing representations, rather than seeking resolution through the SEND Tribunal. The alternative would be to issue a low quality plan at 20 weeks, which both parents and Council do not agree with and which would contravene the spirit of co-production.
- 6.3.6. In this case, therefore, a pragmatic approach was taken by the Council to prolong the co-production discussion in a bid to secure agreement over the plan. The Council, however, acknowledges the LGSCO's interpretation that assessments must be completed within the statutory 20 week timeframe and apologises for the further delay which occurred at this point.
- 6.3.7. It is of note that the Council monitors the completion of EHC needs assessments on a quarterly basis and acknowledges the challenges with meeting the 20 week timeline. Irrespective of this case, in 2017 both an audit and a review of the EHC needs assessment process were completed in acknowledgement of ongoing challenges to meet the 20 week timeframe. This review identified a number of recommendations to improve and strengthen the process including steps to streamline consideration of assessment requests. A review of these actions was undertaken in September 2018 and a follow up audit review completed in 2019. In light of this report, the Council has agreed to revisit these recommendations again to ensure assessment requests are being considered in a timely manner.
- 6.4. **Process to review & amend B's EHC plan in advance of transfer to primary school in September 2017**

- 6.4.1. The SEND Regulations 2014 stipulate that a local authority must review and amend a child or young person's EHC plan by 15 February in the calendar year the child transfers to primary or secondary school or educational setting.
- 6.4.2. The Council updated Child B's EHC plan on 15 February to reflect his agreed primary school placement in September 2017. There was, however, confusion regarding the parental address as we had been given a number of addresses and the LGSCO has ruled that, on the balance of doubt, the amended plan issued on 15 February was not sent to Mr X and the family, therefore, did not receive their right of appeal to challenge the contents. Whilst the Council maintains that the plan was produced, we acknowledge the LGSCO's findings and apologise that the family did not receive this EHC plan within statutory timeframes.
- 6.4.3. A review of Child B's EHC plan issued in August 2016 was held in March 2017 and a further amended plan issued on 29 June 2017 setting out provision to meet Child B's identified needs in his primary school. As part of the complaint process, the Council acknowledged and apologised for a number of faults and delays which occurred in completing the review and issuing the final amended plan. We accept the LGSCO findings in this aspect and again apologise for any distress caused.

## 6.5. **Management of Mr X's complaint**

- 6.5.1. The Council provided response to Mr X at both resolution and review stage of its complaints process and aimed to explain decisions taken in light of current working practices. The issues being raised were complex and required significant investigation which the Council believes was undertaken objectively and followed due process.
- 6.5.2. It is evident from dialogue with the LGSCO and information provided over the course of the 24 month investigation that the case was a complex one and that there were clear differing opinions in terms of the requirements of local authorities as set out in SEND legislation and statutory guidance.
- 6.5.3. In accepting the findings of the LGSCO report, we believe that this exposes a juxtaposition between legal determination of the Children & Families Act and the SEND Code of Practice with regard to the initiation of statutory assessments and the process to gather sufficient information to inform this. It is also true to state that the Council has always tried to balance the requirement to assess and issue EHC plans within 20 weeks against a pragmatic approach to co-production that maintains open (but occasionally prolonged) dialogue in a bid to produce a higher quality plan which is agreed by both parents and Council.
- 6.5.4. We note that the LGSCO investigation has challenged practices used by the Council (and other local authorities) and has highlighted a number of issues – some of which have already been reviewed and amended (e.g., information regarding the EHC needs assessment process and how to request an assessment) and some which will be subject to further review (e.g., co-production in line with issuing plans within 20 weeks). We will also discuss the implications of the issues raised by the LGSCO report with the Department for Education.



- 6.5.5. The Council, however, apologises for any distress caused to Mr X in pursuing his complaint through the LGSCO.
- 6.6. **Policy Context**
- 6.6.1. As set out above, this report is made in the context of regulations governing the role and functions of the LGSCO.
- 6.7. **Equality Impact Assessment**
- 6.7.1. The report identifies that there were issues regarding the accessibility and transparency of information to understand the EHC process at the time that Mr X moved into the area. Work already undertaken to improve processes, as well as further review and follow up in light of the LGSCO's recommendations, will improve transparency of process and accessibility of information for parents / carers seeking support and provision for their children who have or may have SEND.
- 6.7.2. Notwithstanding this, equality impact assessments will be completed, as appropriate, where EHC planning processes are reviewed and amended.
- 6.8. **Sustainability**
- 6.8.1. Not applicable.
- 6.9. **Consultations**
- 6.9.1. Section 30 of the 1974 Local Government Act requires the Council to make a public notice in more than one newspaper within two weeks of receiving the LGSCO report, and to make the report available at one or more of the Council's offices for 3 weeks. These actions have been undertaken with publication in both the Hackney Gazette and Hackney Today week beginning 27 May 2019. Copies of the LGSCO report were also made available to the public at key Council reception points.
- 6.10. **Risk Assessment**
- 6.10.1. The LGSCO's report concludes that current legislation and case law sets out a low threshold for considering and agreeing EHC needs assessments. Furthermore, whilst the Assess-Plan-Do-Review graduated approach used by Hackney to test out interventions in schools and settings (as set out in the SEND Code of Practice) will provide evidence for the Council to make robust decisions about whether to initiate an EHC needs assessment, the LGSCO report suggests that this process should not be considered ahead of consideration of any such decision.
- 6.10.2. Where robust evidence to warrant initiation of an EHC needs assessment does not exist, there is a risk that a higher number of assessment requests will need to be considered. Alongside this, an increase in the numbers of appeals to the SEND Tribunal is also likely if assessments are not agreed due to insufficient evidence.
- 6.10.3. The Council will mitigate these risks through continued review of processes to ensure EHC needs assessments are considered in a timely way and in line with statutory requirements, alongside regular performance monitoring reported to the Director of Education.
- 6.10.4. Officers will also continue to work with parents to co-produce EHC Plans.

However, this must be balanced against the LGSCO's strong message that EHC needs assessments must be completed within the statutory 20 week timeframe. This carries a reputational risk as the quality of plans acknowledged in the 2017 SEND inspection may be affected.

Furthermore, whilst Council officers will continue to work with parents to produce high quality EHC Plans agreed by both parties, if strong co-production with parents cannot be balanced against the requirement for local authorities to meet their responsibilities to complete EHC needs assessments in 20 weeks, the potential for parents / carers to lose faith and confidence in Council officers will increase; especially if we cannot afford the time to consider views and maintain dialogue.

- 6.10.5. Compromising co-production by issuing plans in those circumstances where additional dialogue is required to reach agreement, will also lead to an increased number of appeals lodged with the SEND Tribunal as the Council may not be able to reach agreement with parents / carers on EHC plans prior to finalisation.

## 7. CONCLUSIONS

- 7.1. The Council apologises for the difficulties and delays in initiating & completing Child B's EHC needs assessment, reviewing & amending his EHC plan and investigating his complaint. With regard to the specific recommendations made by the LGSCO, we have responded as follows:
- i. **Apologise in writing to Mr X** – A letter of apology was sent to Mr X on 4 July 2019.
  - ii. **Pay Mr X £22,448.47** – at the time of writing this report, payment to Mr X of 20,948.47 is currently subject to review of itemised receipts and proof of expenditure provided by Mr X. Payment will be made following satisfactory reconciliation of all evidence received. Payment of £1,500 in lieu of the family's distress through the process and time & trouble pursuing their complaint was made on 5 July 2019.
  - iii. **Review procedures to ensure that when notification is received under Section 24 of the Act, the Council consults parents and other professionals so as to reach a decision within 6 weeks** – The 6 week statutory timeframe is set out in detail in appendix 2. This is a statutory requirement and forms part of the 20 week overall timeframe if assessment is agreed  

Hackney processes looking at notification were reviewed in 2017, with recommendations to improve the process subsequently implemented. Furthermore, fieldwork undertaken between March and June 2019 for an Internal Audit follow up report was satisfied that assessment requests were being considered within statutory timeframes. This issue is also a focus of the work of the SEND Partnership Board (a borough wide multi agency group overseeing delivery of SEND services in Hackney) and will be subject to discussion between the Council and the Department for Education
  - iv. **Provide guidance to parents / carers how requests for statutory assessments will be dealt with;** and

- v. **Make available on the Council website a standard form for making requests for a statutory assessment**  
Hackney's Local Offer website is subject to ongoing review and is updated regularly to reflect user feedback and changes to process. In this respect, the website already holds detailed information with regard to the [EHC process](#), as well as [template forms for parents](#) to complete should they wish to request an assessment
- vi. **Ensure panels making decisions about EHC needs assessment maintain proper records of their meetings, recording clear reasons for decisions and what information was provided to reach this decision** – Although the LGSCO finding in this respect was based on sight of one panel minute, current meeting minutes and records of EHC panel decisions, however, will be revisited and reviewed as appropriate by September 2019.
- vii. **Offer training to the Council complaints team in respect of EHC needs assessment processes and how to remedy avoidable delays** – The local authority's SEND Service (who provide EHC related training to other service areas within the organisation and partner agencies) will offer training to the Complaint Team on the EHC needs assessment process and statutory timeframes. This will be completed by September 2019.
- viii. **If other parents, because of this report, complain to the Council about delays in their child's EHC Plan process, the Council should be willing to consider these in the light of the findings on this case** – The Council always considers and responds to concerns raised in line with its complaints policy.

## **8. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 8.1. The immediate financial implication for the Council is the £22k payment due to Mr X. £1.5k of this is for distress caused and has been paid. The balance is to reimburse Mr X for expenses he has incurred. The HLT Finance team are providing support regarding identifying & assessing suitable evidence of expenses before payment is released.
- 8.2. The review of assessment processes undertaken in 2017 have resulted in improvements. This should reduce the risk of further financial penalties in the future. However, we are not yet in line with the national or inner-London average, so there is still a real risk of further complaints.
- 8.3. Other recommendations by LGSCO are not expected to result in further financial implications for the Council.

## **9. VAT Implications on Land & Property Transactions**

Not applicable

## **10. COMMENTS OF THE DIRECTOR, LEGAL & GOVERNANCE SERVICES**

- 10.1. The Report to Cabinet sets out the outcome of the investigation by the

Local Government and Social Care Ombudsman (LGSCO) into the complaint by Mr X. The complaint relates to the way the LA initiated and completed the Education Health and Care Assessment of Child B and the delay arising from this. Mr X also complained about the way the complaint process was handled.

- 10.2. Part 3 of the Children and Families Act 2014 sets out the law in regards to special educational needs. Section 24 of the Children and Families Act 2014 states that an LA becomes responsible for a child if he or she is brought to its attention as someone who has or may have special educational needs. Regulation 3 of the SEND Regulations 2014 provides that the LA must consult with the family upon receiving a request or becoming responsible for a child in accordance with the S24 Children and Families Act 2014 before determining whether it may be necessary for special education provision to be made in accordance with an EHC plan.
- 10.3. The threshold to undertake such an assessment is low and the duty appears to be triggered where a child is brought to the LA's attention. It should be noted that this threshold is lower than what is outlined in the SEND Code of Practice.
- 10.4. Where there is an alleged breach of the duty to assess, parents and young people will have recourse to the complaint process including referral to the LGSCO.
  - 10.4.1. Part III of the Local Government Act 1974 (sections 26 (1) and 26A(1) empowers the LGSCO to investigate complaints about 'maladministration' and 'service failure', consider the adverse impact on the person making the complaint and where this has caused injustice, suggest a remedy.
  - 10.4.2. Whilst the LGSCO has no power to force the LA to follow their recommendations, it is always advisable for the authority to give due consideration to their recommendations and in the majority of cases, LA's tend to accept the LGSCO recommendations to remedy complaints.
- 10.5. The LA have set out in section 7, conclusions, above how they propose to respond to each of the recommendations made by the LGSCO.

#### **APPENDICES – None**

- **Appendix 1:** Report of the Local Government & Social Care Ombudsman – EHC Plans (Ref: 17 009 811)
- **Appendix 2:** Statutory timescales for EHC needs assessment and EHC plan development (SEND Code of Practice 2014)

**EXEMPT – Not applicable**

#### **BACKGROUND PAPERS**

**In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required**

**Description of document (or None)**

None

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