

Surrey County failed SEND boy

16 February 2023



Surrey County Council has been ordered to apologise and pay a family £7,400 after failing a young boy with special educational needs. The local government and social care ombudsman published its finding today. It found Surrey County Council failed to provide the boy his full entitlement of education and therapy for 18 months and fined the local authority due the frustration, distress, and lost education it caused.

The boy's mother raised the complaint in June 2021. As part of his education, health, and care plan, the boy should receive 15 hours of tutoring a week, along with speech, language and occupational therapy. Between September 2020 and January 2021 "he received just four hours a week. This rose to six hours a week in February 2021."

In April 2021 a special educational needs and disabilities (SEND) tribunal ordered the council to increase this to 25 hours a week, including weekly therapeutic provision, and animal therapy. Full speech and language therapy did not begin until September 2021. Animal therapy, despite the mother alerting the council that sessions had not started in May 2021, did not begin until March 2022 - as the council did not follow up her complaints, the ombudsman found.

In December 2021, the boy's relationship with his occupational therapist was said to have broken down but Surrey County Council did not put in an alternative until March 2022.

Michael King, local government and social care ombudsman, said: "Councils cannot delegate their duties to ensure provision laid out in young people's EHC Plans are delivered. After councils issue these plans we expect them to ensure all the provision included is in place - and if it is not, it should act to secure it without delay. In this case the boy missed out on a significant amount of tuition and therapies for a prolonged period, despite a previous investigation by us which found the son did not get education between 2018 and 2020. It is disappointing that the council did not learn from the issues raised in my first investigation."

Mr King said he had further concerns over the way Surrey County Council dealt with the mother's complaints, which at one stage took 11 months to handle. The council's own policy states it should have taken a maximum of 30 days.

Following the investigation Surrey County Council must now write to the mother and apologise for its faults and the injustice it caused. It must also pay £5,400 for the boy's his lost hours of education and therapy, £1,000 to the boy's mother for the prolonged frustration and distress it caused which it compounded with poor complaint handling, and a further £1,000 to the boy in recognition of the distress caused to him.

It must also carry out a review of how it arranges and monitors its provisions and complaint handling for its children and young people services.

Mr King added: "The council has accepted my recommendations to improve its processes and I hope the better oversight this will bring will ensure other children and young people in Surrey do not miss out on the education and therapy they are entitled to in the same way."

Surrey County Council now has three months to consider the report and confirm its actions. A spokesperson for the county council said: "The Local Government and Social Care Ombudsman has issued a report following its investigation of a complaint about Surrey County Council. The complaint was about education and children's services. The Ombudsman found that there had been fault on the part of the council, and this had caused injustice to the complainant. Surrey County Council takes the findings very seriously and apologises for any distress the family experienced, and has agreed to take action which the ombudsman regards as providing a satisfactory remedy for the complaint."

The council must now consider the report and tell the ombudsman within three months (or such longer period as the ombudsman may agree) what it proposes to do.