

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
Suffolk County Council
(reference number: 17 009 618)**

18 January 2019

The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

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 don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms M	The complainant
Ms D	The complainant's daughter
School G	Out-of-county, independent residential special school
SYSW	Specialist Youth Support Worker
School F	Independent Special School

Report summary

Education – Special Educational Needs

Ms M complained the Council delayed in providing her daughter with suitable full-time education and it was unaware of what provision was available in its area and surrounding areas.

Finding

Fault found causing injustice and recommendations made.

Recommendations

To remedy the injustice caused, we recommend the Council:

- apologise to Ms M and Ms D for the delay in failing to arrange full-time education between September 2016 - January 2017 and acknowledge the impact this had on Ms D, Ms M and their family;
- pay Ms D £1,200 for the loss of one term of education;
- pay Ms D £1,000 for the 14 months of uncertainty she was faced with while the Council was trying to find a suitable placement and the distress caused;
- pay the family £1,000 for the 14 months of uncertainty;
- pay Ms M £1,000 for the disruption to her working arrangements caused by Ms D's unplanned return from residential school; and
- pay Ms M a total of £500 for the time and trouble she has spent on pursuing her complaint.

The Council should also:

- review the young people with Education, Health and Care (EHC) Plans whose placements were moved from out-of-county to in-county before their Plans were issued (from 1 January 2015). The review should:
 - ensure that any changes in provision were based on a proper consideration of the needs of the young person and not on resource pressures; and
 - ensure the changes in planned provision were managed in line with the statutory requirements and guidance.

Where the Council finds shortcomings in its approach, it should contact any families that have been adversely affected to discuss how it can remedy any injustice caused.

- review its policies and procedures to ensure EHC Plans are completed within the statutory time limits, needs are identified, provision is met and ensure decisions are based on the assessed needs of each young person;
- take relevant action to ensure it is aware of the provision available in its area and surrounding areas. The Council should revise its Local Offer accordingly to ensure it properly reflects the provision available in the local area and outside of the area; and
- take relevant action to ensure transition planning work has begun when a young person with an EHC Plan is in Year 9.

We welcome the Council's decision to provide the recommended remedy for the complainant. We note that it has already undertaken work on our recommendations as a result of an inspection by the Office for Standards in Education, Children's Services and Skills (OFSTED) and the Care Quality Commission (CQC).

The complaint

1. Ms M complains the Council failed to ensure the educational provision in her daughter, Ms D's, Education, Health and Care (EHC) Plan was in place from September 2016 until February 2017. She also complains the Council:
 - made decisions to change the setting Ms D should attend based on its resources rather than her daughter's needs or the evidence available;
 - failed to follow timescales or properly plan Ms D's transition to post-16 education;
 - lacked knowledge about what further education provision was available locally;
 - delayed in communicating information regarding Ms D's further education; and
 - promised to put in place a bespoke education package by September 2016, but then failed to do so.
2. Ms M says the lack of planning, delays and poor communication by the Council has caused huge stress and anxiety to Ms D. Ms M has had to use all of her annual leave and take unpaid leave from work and the family has been put under a great deal of stress due to Ms D being without a full-time education placement.

Legal and administrative background

The Ombudsman's role and powers

3. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
4. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
5. We cannot investigate a complaint if someone has used their right of appeal to a tribunal about the same matter. (*Local Government Act 1974, section 26(6)(a), as amended*)
6. The law says we cannot normally investigate a complaint when someone can appeal to a tribunal such as the Special Educational Needs and Disability Chamber of the First Tier Tribunal (the Tribunal). However, we may decide to investigate if we consider it would be unreasonable to expect the person to appeal. (*Local Government Act 1974, section 26(6)(a), as amended*)
7. We may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E, as amended*)

Policy and guidance

8. The Children and Families Act 2014 sets out how councils should assess and meet the needs of children and young people who have special educational needs. The young person may have an EHC Plan setting out their needs and the provision to meet them. These plans supersede Statements of special educational needs under previous legislation.

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9. Under both sets of arrangements a young person with a Statement or an EHC Plan should have a transition plan to prepare for adulthood. It should start in Year 9 and be reviewed as the young person approaches transfer from school to further education.
 10. The Government issued guidance on the process of transferring Statements to EHC Plans. Each transfer requires an EHC assessment to take place during which the council must seek mandatory advice from education, health and social care. A council must then consider the evidence received and decide whether it is necessary to make provision for the child or young person via an EHC Plan.
 11. All local authorities should have a Local Offer setting out what provision is available in the area and also include services outside of the local authority area. The Local Offer must be reviewed regularly to ensure it is kept up to date.
 12. A section 41 school under the Children and Families Act 2014 is an independent special school that can be named as a placement under the same terms as a maintained school.
 13. Councils have a duty to issue any EHC Plan in the format and timescales prescribed. Councils must ensure provision in an EHC Plan is put in place for the child or young person from the date an EHC Plan is made.
 14. For transfers begun before September 2015, the timescale to complete the transfer from a Statement to an EHC Plan was 14 weeks from the date notice was given to the parent. A minimum of two weeks' notice had to be given. Councils should use the annual review in the academic year it intends to do the transfer as the EHC transfer review.
 15. The Guidance also says that EHC transfer reviews for those transferring from school to a post-16 institution or an apprenticeship in 2014/15 must be completed by 31 May 2015. This means a final EHC Plan naming the post-16 setting a young person will attend from September 2015 had to be issued no later than 31 May 2015. The reason for this deadline was to allow a planned transition to post-16 education and for any appeal against the placement named to be heard before September.
 16. Where a person or young person disagrees with the contents of the Plan (or Statement) there is a right of appeal to the Tribunal about the educational part of the EHC Plan.
 17. Where a parent or young person's preference is to attend an independent special school, councils must have regard to the general principle under s.9 Education Act 1996 that young people are to be educated in accordance with their parents' wishes, so far as that is compatible with efficient education and the avoidance of unreasonable public expenditure. In practice, this means independent schools (other than s.41 schools) will only be named on an EHC Plan if none of the council's schools can meet the pupil's needs or the cost of the placement will not constitute unreasonable public expenditure.
 18. We cannot change an EHC Plan, only the Tribunal can do that. The council is responsible for making sure that all arrangements specified in the EHC Plan are put in place. We cannot look at complaints about what is in the EHC Plan but can look at other matters, such as where support set out in a Statement or Plan has not been provided or where there have been delays in the process.

How we considered this complaint

19. We produced this report following the examination of relevant documents.
20. Specifically, we have considered:
 - information provided by Ms M;
 - information provided by the Council;
 - the Children and Families Act 2014;
 - the Special Educational Needs and Disability Regulations 2014 ('The Regulations');
 - the Special educational needs and disability code of practice 0 – 25 years ('The Code'); and
 - the Special Educational Needs and Disability: Managing the September 2014 Changes to the System Guidance ('The Guidance').
21. We gave Ms M and the Council a confidential draft of this report and invited their comments. We took the comments received into account before the report was finalised.
22. Under the information sharing agreement between the Local Government and Social Care Ombudsman and the Office for Standards in Education, Children's Services and Skills (OFSTED), we will share this decision with OFSTED.

What we found

What happened

23. Ms M's daughter, Ms D, has an EHC Plan maintained by the Council. She has autistic spectrum condition (ASC) and her behaviour can be challenging, particularly when she is frustrated and distressed. She attended an out-of-county, independent residential special school (School G) from 2011 until July 2016.
24. School G held an annual review of Ms D's special educational needs on 16 October 2014. This was stated on the paperwork to be an EHC transfer review. Ms D was in Year 11. The School's report following the review recommended minor changes to Ms D's outcomes and a further meeting be held with Ms M to discuss post-16 provision, which was anticipated to be a two-year placement (Year 12 and 13). The report stated Ms D was likely to remain at her current independent residential placement and recorded Ms D's own views as being she wished to stay at School G until the age of 18 (end of Year 13).
25. The Council told us its plan was for Ms D to leave School G at the end of Year 11 (at age 16) but the school and parents requested the Council fund an extra year to support transition to post-16 provision. The Council says it agreed this on the proviso Ms D left School G at the end of Year 12. A chronology prepared for the Council's complaint response says School G was informed of this plan in June 2015 (although there is no mention of Ms M or Ms D being told).
26. The Council's own records show no action by the Council between December 2014 and June 2015. In June 2015, a youth worker contacted the Council to find out what was happening to Ms D for Year 12. At that point, the Council agreed Ms D could stay for a further year and notified School G.
27. Ms D transferred to the sixth form (Year 12) in September 2015 at School G.

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28. The Council says it issued a draft EHC Plan on 29 September 2015. The Council decided Ms D would leave School G and move to “*suitable [local] mainstream post-16 provision*” in July 2016 when she completed Year 12. At an internal post-16 solution meeting on 12 October 2015 council officers noted Ms D’s annual review was to be held that week. School G had told Officers that Ms D had very significant needs and should not be moving at the end of Year 12. Officers noted it had made very clear to School G this was Ms D’s final year of funding, which had been agreed to allow for transition work, and any courses Ms D was taking should only be one year courses. An Officer from the Council was to attend the annual review meeting.
29. School G held an annual review of Ms D’s EHC Plan on 16 October 2015. Nobody from the Council attended the meeting. The recommendation from the School and the School’s Educational Psychologist (EP) was that Ms D had very significant needs, had taken a long time to settle at School G and should remain there for Year 13 or, if she had to move, this should be to another long-term placement (so she did not have to move again at the end of Year 13). The EP recommended a residential placement until age 25.
30. Following the annual review meeting Ms M complained to the Council. She complained about delay issuing the draft EHC Plan, the lack of detail in the Plan, and the Council’s absence from the review meeting.
31. The Council apologised for the delay in finalising Ms D’s EHC Plan. The Council invited Ms M to discuss the contents of the Plan with the case officer. The Council said, “[w]e really want to work with you to ensure [Ms D]’s needs are met from September 2016 from within the resources available to us”.
32. Ms M and School G met with the Council on 30 November 2015 where they highlighted the following concerns:
- Ms M and School G were shocked when the Council informed them that funding was only available until July 2016;
 - the Plan does not include social care;
 - it took Ms D four years to settle at School G;
 - Ms D will not be able to cope with transition in September 2016; and
 - Ms D requires a further year at School G to help her with transition (until the end of Year 13).
33. The Council agreed funding until July 2016 at School G but said it intended to explore local post-16 options before any consideration could be given to Ms D continuing at School G, or any other out of area college, after that date. The Council also obtained up to date advice as part of the process to convert Ms D’s Statement to an EHC Plan.
34. The Council says it issued a revised draft EHC Plan on 23 February 2016 which set out the Council’s plans to change Ms D’s placement named in section I of the Plan at the end of Year 12.
35. The Council issued Ms D’s final EHC Plan on 16 March 2016. The Plan said Ms D would remain at School G until July 2016 and then attend a suitable mainstream post-16 provider. The type of setting required was described as ‘specialist’. It did not name a specific provider. The Council says the intention was to secure a bespoke specialist package for Ms D at a mainstream setting. It started to consult

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- with placements from March 2016 but was unable to identify a suitable placement until November 2016.
36. The EHC Plan included full-time provision at a setting including:
 - immediate support to explore further education options for a new placement in September 2016;
 - structured planning to support Ms D's move to the next phase of her education; and
 - a highly individualised timetable to support academic, speech and language, social skills and life skills targets.
 37. School G offered Ms D the Autumn 2016 term to support her transition to the next placement. School G gave the Council two deadlines to respond to this suggestion but both deadlines were missed. School G rescinded this offer on 10 June 2016. The Council said the transition offer from School G was "*not thought to be appropriate, a good use of public funds, nor in [Ms D]'s best interests*".
 38. The Council had an unfilled Specialist Youth Support Worker (SYSW) post in the North of the County. The Council says this contributed in some part to the difficulties encountered in finding a placement for Ms D.
 39. Ms M was unhappy with the placement named in the final EHC Plan and completed the relevant forms to submit an appeal to the Tribunal. Ms D wanted to stay at School G.
 40. Ms M decided not to submit her appeal to the Tribunal in July 2016. She told us this was because she had been appealing for Ms D to stay at School G, but once School G said it would not hold a place for Ms D, there was no point pursuing the appeal. Ms M was also advised she would need to obtain private reports to support Ms D remaining in an independent specialist residential placement and she could not afford to fund these. Ms M told us the Council had promised it would put a specialist bespoke package in place for Ms D for September and Ms M decided to accept this offer.
 41. Ms D left School G in July 2016.
 42. Between March and November 2016, the Council approached 11 mainstream local post-16 colleges and requested a bespoke package of learning for Ms D, but none felt able to meet her needs. In December 2016, the Council approached an independent special school (School F) for young people aged 13 – 16 which also provides youth work and learning to young people over 16. School F proposed a service that met Ms D's needs.
 43. The Council secured a place for Ms D at School F in January 2017 but Ms M and Ms D were considering another specialist college at the time and they accepted the placement at School F on 20 January 2017.
 44. Ms D began her placement at School F in February 2017.
 45. Between September 2016 and February 2017, when Ms D was not on roll at any educational setting, the Council arranged funding through social care for Ms D to attend a 15-week art course and for her to attend a farm for two days a week. The Council says these courses were based on Ms D's interests and preferences.
 46. Ms M complained to the Council about the education Ms D had missed since her place at School G ended (July 2016) and the service from School F started

(February 2017). She was unhappy the Council had failed to deliver on its offer to provide Ms D with a bespoke package of learning from September 2016.

47. The Council accepted it had taken longer than anticipated to find the right provider and offered Ms M a payment of £350 for distress and £150 for her time and trouble. Ms M was unhappy with the Council's remedy and brought her complaint to us.

Findings

The transfer of Ms D's needs from a Statement to an EHC Plan

48. The transfer review meeting took place on 16 October 2014 as part of Ms D's annual review. Notice must have been given before this. The Regulations required the Council to complete the EHC transfer within 14 weeks of the notice (by early January).
49. The Council issued a draft EHC Plan in May 2015, a revised draft Plan in October 2015 and a final Plan on 16 March 2016. The Council should have issued a final EHC Plan by January 2015, but having missed this date it was required to complete Ms D's transfer no later than 31 May 2015 because it intended Ms D should move placement to post-16 provision in September 2015.
50. The Council considerably exceeded the timescales for the EHC transfer, so much so that Ms D moved into Year 12 at her current placement and the School held another annual review meeting before the Council had issued the Plan. This is fault.

Transition planning

51. The planning for Ms D's transition into adulthood should have started when she was in Year 9. The evidence shows the Council began transition planning in Autumn 2014 when Ms D was in Year 11. This is fault. The Council then made no progress in researching post-16 placements for Ms D by July 2015 when it had intended to move her.
52. While the Council says it agreed a year's additional funding at School G for Year 12 at the parent and school's request to aid transition, there is no evidence to support this. The evidence is the Council only considered Ms D's Year 12 provision when a youth worker made enquiries in June 2015 whether Ms D was to stay at School G in September 2015. By June 2015 the Council had no alternative but to allow Ms D to continue into sixth form at School G as it had taken no steps to move her at 16.
53. We find the Council did not share its intention to end Ms D's placement at School G with Ms D and Ms M until November 2015. We find Ms D and Ms M had a legitimate expectation having started Year 12 that she would complete the usual two-year programme and leave education at the end of Year 13. There is no evidence Ms D was following one year courses in Year 12 or that the Council did use Year 12 to support Ms D's transition to a new placement.
54. Ms D's EHC Plan was in force from March 2016. It said Ms D would receive immediate support to explore post-16 placements and structured planning to support her move. As the Council did not find a placement for Ms D to attend before it ended her school placement she missed out on this support. There was no planned transition despite Ms D being a young person who found change particularly difficult. This is fault.

Social care

55. Ms D attended a residential special school until July 2016 when she returned home. When the Council issued Ms D's EHC Plan in March 2016, it had not assessed Ms D's social care needs or Ms M's needs as a carer. Ms D's EHC Plan was incomplete. This is fault.
56. Ms M requested a carer's assessment and an assessment of eligibility for adult care services. Ms M and Ms D were found eligible and were provided support by the Council from May 2016.
57. The Council should have considered Ms D's social care needs by January 2015 when Ms D's EHC Plan should have been issued. The final EHC Plan issued in March 2016 should have looked ahead to the social care provision Ms D would require when her residential placement ended in July 2016.

Ms D's education from September 2016

58. The Council decided that Ms D would transfer to a local mainstream post-16 provider in September 2015, and then when it failed to take any steps on her case, it delayed this to September 2016. The Council did not take into account Ms D's needs and the expert evidence when making the decision that her needs could be met in a mainstream placement. This was fault. There was no evidence to support Ms D only needed to complete one year of sixth form at School G or evidence she was following a one year programme. The decision to move her was made purely on the basis of resources. This is fault.
59. Although the decision was made in June 2015 that Ms D's placement at School G would end in July 2016, it does not appear the Council approached a local mainstream post-16 provider until 8 March 2016. There was no full-time provision in place in September 2016. This is fault.
60. Another reason for the delay is that the Council was not aware of the provision available in its area and surrounding areas. It said that it used a Youth Support Worker from the West of the County who had limited knowledge of the North Suffolk area. The Council did not become aware of School F until December 2016. We consider this lack of awareness of available services in the Council's area is fault.
61. Between September 2016 and January 2017, the Council did arrange a package of learning for Ms D, however this was not based on her educational needs. The Council had a duty to provide the education provision in section F of Ms D's EHC Plan and we have seen no evidence it did. This is also fault.
62. Ms D should have been in full-time education until she reached the age of 18. The only reason she was not in full-time education was because the Council ended her placement at School G.
63. We are also critical that having allowed Ms D to start a sixth form study programme it moved her at the mid-point. We are not persuaded there is evidence to support that Ms M and Ms D knew that Ms D was only to have one more year at School G when she started Year 12 in September 2016. This was not compatible with the available professional advice.
64. Moving a pupil midway through a phase of education is highly unusual and disruptive. We are not persuaded that the evidence supports the Council's view that Ms D was following a one year transition programme.

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65. The Council failed to follow the law regarding parental preference. School G was an independent school that was not a s.41 school. The Council was entitled to consider first if any of its own provision could meet Ms D's needs before funding a specialist residential placement. When it was unable to identify an alternative placement to name in the final Plan, it had to name School G because there was no alternative to the parental preference. Ms M should never have needed to appeal for a place at School G.
 66. The Council should have accepted School G's offer for Ms D to return in September 2016 rather than leaving her without education.
 67. Ms M agreed to accept the Council's promise of a bespoke package of learning in a local mainstream placement from September 2016. The Council had a legal duty to put this provision in place but it failed to do so. This is fault.
 68. Ms D should have been in full-time education until she reached the age of 18. The only reason she was not in full-time education was because the Council ended her placement at School G without having any alternative in place.
 69. Where we find fault, we must consider whether it has caused an injustice and if so we may recommend a remedy. Our primary aim is to put the person affected back in the position they would have been in if the fault had not occurred.
 70. Ms D's education was disrupted between September 2016 and January 2017 as a result of fault by the Council. She was not completely without provision, since the Council arranged an art course and Ms D attended a farm two days a week. However, she had been in full-time residential special education until July 2016. This was a significant change in not only Ms D's education but her life. Ms M says that Ms D was very stressed during this period and began to self-harm. She only settled in to these courses when she knew a permanent placement had been arranged for her to start in February 2017.
 71. Ms M says the impact of Ms D's placement at School G ending affected the whole family. Ms M had to use her annual leave and unpaid leave to care for Ms D during this period. Ms D's older brother helped in caring for Ms D when Ms M was at work and he found it difficult to cope with Ms D's challenging behaviour. This resulted in him leaving the family home to live with his grandparents on occasions for respite.
 72. Ms D and Ms M had 14 months of uncertainty prior to the place at School G ending and leading up to a placement being secured at School F in January 2017.
 73. The Council's unsuccessful approach to local mainstream post-16 colleges, and the fact Ms D now receives education from an independent special school rather than a mainstream post-16 provider, suggests there was fault in the Council's transition planning. Ms D does not attend the mainstream post-16 provision the Council thought appropriate.

Others potentially affected

74. Our investigation has shown that there are potentially a significant number of young people who have had their out-of-county placements moved in-county under similar circumstances as Ms D. In Ms D's case we found fault causing injustice.
75. We are publishing this report, in part, to raise awareness to those potentially affected in similar circumstances to Ms D who may wish to pursue a complaint of their own.

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76. Each complaint is considered on its own merits by us.

Conclusions

77. The fault can be summarised as follows:
- there was delay of fourteen months in issuing Ms D's final EHC Plan;
 - the Council's decision Ms D should transfer from a residential placement to a post-16 provision was based on resources, not Ms D's needs;
 - the Council had not made arrangements for Ms D's education for September 2016 and Ms D missed out on a term of full time education as a result;
 - the Council made a decision to end Ms D's placement at School G without any evidence her needs had changed;
 - Ms D's EHC Plan was incomplete as her social care needs had not been assessed;
 - the Council failed to consider transition planning when Ms D was in Year 9;
 - Ms D missed out on transition support in her EHC Plan; and
 - the Council was not aware of the provision it had available in its area.
78. We consider this fault has caused Ms M and Ms D injustice. In particular:
- Ms D has missed out on full-time education between September 2016 and January 2017;
 - Ms D, Ms M and their family were faced with 14 months of uncertainty from when they were told Ms D's placement at School G would be ending (November 2015) to when a placement was secured (January 2017);
 - Ms D left residential special school and returned home without appropriate arrangements in place for her education or social care needs and with no transition planning. She was unusually moved midway through her two year sixth form programme. The provision she received was not full-time. As a result, Ms M has had to take leave from work to care for Ms D when she should have been in education. The Council did not consider Ms M's needs as Ms D's carer and the impact this had on her; and
 - Ms M has also been put to considerable time and trouble pursuing her complaint.

Recommendations

79. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)
80. In our draft report we recommended that within three months of the date of this report, the Council review the young people with EHC Plans whose placements were moved from out-of-county to in-county before their Plans were issued (from 1 January 2015). We recommended the review should:
- ensure that any changes in provision were based on a proper consideration of the needs of the young person and not on resource pressures; and

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- ensure the changes in planned provision were managed in line with the statutory requirements and guidance.
81. Where the Council finds shortcomings in its approach as a result of this review, it should contact any families that have been adversely affected to discuss how it can remedy any injustice caused.
82. The Council has confirmed that it has already undertaken a review of the young people in this context as a result of an inspection by OFSTED and CQC in December 2016. It confirmed that those potentially affected were provided with the opportunity to exercise their right of appeal to the Tribunal.
83. We also recommend that within three months of the date of this report, the Council should make the following service improvements:
- review its policies and procedures to ensure EHC Plans are completed within the statutory time limits, needs are identified, provision is met and ensure decisions are based on the assessed needs of each young person;
 - take relevant action to ensure it is aware of the provision available in its area and surrounding areas. The Council should revise its Local Offer accordingly to ensure it properly reflects the provision available in the local area and outside of the area; and
 - take relevant action to ensure transition planning work has begun when a young person with an EHC Plan is in Year 9.
84. The Council has said that some of these recommendations are already in progress in response to the inspection. As paragraph 22 states, this report will be sent to OFSTED to make them aware of our findings and the action the Council has agreed to take.
85. The Council has offered Ms M a payment of £350 for her distress and £150 for her time and trouble. The Council's offer does not address Ms D's lost provision, the injustice to her and the injustice to the family. Therefore, we do not consider this is an adequate remedy.
86. To remedy the injustice to Ms M, Ms D and their family, we recommend that within three months of the date of this report, the Council should take the following action:
- apologise to Ms M and Ms D for the delay in failing to arrange full-time education between September 2016 - January 2017 and acknowledge the impact this had on Ms D, Ms M and their family;
 - pay Ms D £1,200 for the loss of one term of education;
 - pay Ms D £1,000 for the 14 months of uncertainty she was faced with while the Council was trying to find a suitable placement and the distress caused;
 - pay the family £1,000 for the 14 months of uncertainty;
 - pay Ms M £1,000 for the disruption to her working arrangements caused by Ms D's unplanned return from residential school; and
 - pay Ms M a total of £500 for the time and trouble she has spent on pursuing her complaint.
87. We welcome the Council's positive agreement to provide a remedy for the complainant and that it has already undertaken work on our recommendations as a result of an inspection by OFSTED and the CQC.

Decision

88. We have completed our investigation into this complaint. We have found evidence of fault causing injustice. We have recommended action to remedy the injustice caused.