

**AGENDA ITEM**

**REPORT TO CABINET**

**16 OCTOBER 2025**

**REPORT OF THE MONITORING  
OFFICER**

**CABINET DECISION**

**Portfolio Title - Lead Cabinet Member – Councillor Lisa Evans**

**Local Government and Social Care Ombudsman Public Report following Investigation  
Reference 24 013 122**

**SUMMARY**

On 24 July 2025, the Local Government and Social Care Ombudsman (LGSCO) issued a Public Interest Report concerning Stockton-on-Tees Borough Council's handling of a young person's Education, Health and Care (EHC) Plan. The Ombudsman determined that this case merited a public report because of its seriousness and the wider implications for service delivery and statutory compliance.

The Ombudsman found that the Council failed to secure the special educational provision set out in the young person's Plan and did not carry out the required annual review, despite sending correspondence to the family stating that a review had taken place. This resulted in the young person missing significant education and caused distress and uncertainty for the family. The investigation also revealed that this was not an isolated error: ninety-nine other families had been sent similar letters stating that annual reviews had been completed when no meeting or consultation had in fact taken place.

This report brings the Ombudsman's findings before Cabinet, as required by law, and sets out both the remedies directed by the Ombudsman and the action already taken by the Council.

**REASONS FOR RECOMMENDATION(S)/DECISION(S)**

Section 31(2) of the Local Government Act 1974 requires the Council to bring any Public Interest Report from the Ombudsman before Cabinet, full Council, or another delegated committee of elected members, and to provide the Ombudsman with evidence that this has happened.

In addition, section 5 of the Local Government and Housing Act 1989 places a personal duty on the Monitoring Officer to report to members where maladministration or injustice has been identified. This report fulfils both obligations and ensures transparency to the public.

Cabinet is also recommended to take the additional voluntary step of inviting the Executive Scrutiny Committee to consider the Ombudsman's findings and the Council's improvement actions, in order to reinforce oversight and support continuous improvement.

## RECOMMENDATIONS

Cabinet is asked to:

1. Formally consider the Local Government and Social Care Ombudsman's Public Interest Report (Investigation Reference 24 013 122).
2. Endorse the actions taken to date and the further steps being implemented to address the failings identified.
3. Confirm that the Council will implement the Ombudsman's recommendations in full and within the statutory timeframe, with progress reported to Cabinet until compliance is achieved.
4. Recommend that the Executive Scrutiny Committee also considers the Ombudsman's findings and the Council's improvement actions and provides any further comment and recommendations to strengthen the improvement process.

## DETAIL

1. The Ombudsman's investigation concerned a young person, referred to as Y, who had an Education, Health and Care Plan. The Council failed to secure the provision specified in that Plan and failed to carry out the required annual review. Nevertheless, correspondence was issued to Y's parent, Ms X, stating that a review had taken place.
2. As a consequence of these failings, Y missed four and a half terms of education between May 2023 and July 2024. The Ombudsman concluded that this amounted to maladministration causing injustice. The family experienced distress, frustration and uncertainty, and the young person was denied the support to which they were legally entitled.
3. The investigation also identified systemic failings. Between July 2024 and May 2025, the Council issued ninety-nine annual review letters recording reviews as complete when no meeting had been held. Although in most cases annual reviews were in fact carried out, this practice was misleading, risked masking gaps in provision, and undermined confidence in the Council's processes.
4. To remedy the injustice, the Ombudsman required the Council to apologise formally to Y and Ms X, to make a payment of £5,700 to recognise the lost education and a further £200 for the distress caused by misleading correspondence, and to repeat its earlier offer of £1,800 for the period prior to May 2023. The total redress of £7,700 has been funded from the SEND budget. The Council issued the apology on 14 August 2025 and completed the payments on 18 August 2025.
5. The Ombudsman also required the Council to write to the ninety-nine affected families to explain the error, to apologise, and to invite any concerns about their child's provision. Those letters were sent on 14 August 2025.
6. In terms of systemic improvement, the Ombudsman directed the Council to develop an action plan to ensure that every child and young person with an EHC Plan receives an annual review each year. That plan must set out specific actions, timescales and resources, be approved by the relevant committee, and be monitored by both members and senior officers. The Ombudsman also required the Council to review its procedures for delivering Education Otherwise Than at School (EOTAS) provision and for securing

post-16 placements, so that statutory requirements are met and provision is properly monitored.

7. The Council has accepted all of the Ombudsman's recommendations in full. Considerable progress has already been made. The practice of issuing "no change" letters has been stopped. All families who may have been affected have now had a full annual review. A strengthened annual review process was introduced in September 2025, with clear responsibilities and escalation points, and with regular oversight through the SEND Service Improvement Board. Revised procedures for EOTAS and post-16 placements have been drafted and are being implemented.
8. Cabinet is therefore asked to note both the seriousness of the Ombudsman's findings and the substantial steps already taken to put matters right.

### **COMMUNITY IMPACT IMPLICATIONS**

9. The Ombudsman's findings relate to failings that caused significant distress to families and denied children educational opportunities. The Council has acted to restore confidence by apologising, offering redress, and strengthening systems so that statutory duties are met.

### **CORPORATE PARENTING IMPLICATIONS**

10. There are no direct corporate parenting implications arising from this report.

### **FINANCIAL IMPLICATIONS**

11. The total amount payable recommended by the Ombudsman as set out in their report is £5700.00. The Ombudsman did not make a recommendation for the period up to May 2023 as was outside the period of their investigation. The Council has agreed to repeat its earlier offer of £1800.00 to remedy fault in this period. The financial remedy agreed totals £7,700. This has been met from the SEND budget. The payment is a one-off cost and does not impact the Council's Medium-Term Financial Plan. The wider improvement actions are being delivered within existing resources.

### **LEGAL IMPLICATIONS**

12. Under the Local Government Act 1974, the Ombudsman has the power to investigate the complaint and to issue a report where there has been maladministration causing injustice. The Ombudsman has the power to make recommendations to the Council on how to improve its services and to put things right for the complainant.
13. Under section 26D and 34E, as amended of the Local Government Act 1974, the Ombudsman has the power to investigate matters coming to their attention during an investigation, if they consider that a member of the public who has not complained may have suffered an injustice as a result.
14. On receiving a report in the public interest from the Ombudsman, the Council is required to give public notice in two local newspapers and make the report available to inspect by the public at the Council's offices.
15. The Council must not disclose any information to third parties that could identify the complainant or other individuals referred to in the report. Therefore, the young person and his mother are referred to as Y and 'Ms X and officers are not identified by name.

16. The Ombudsman's powers under the Local Government Act 1974 require the Council to consider this public report formally. The Monitoring Officer has a personal duty under Section 5 and 5A of the Local Government and Housing Act 1989 to report maladministration and to advise on the correct governance route. Cabinet is the appropriate forum under Stockton's executive arrangements.
17. Statutory publicity requirements have been met notices placed in local newspapers and copies made available in public libraries.

## **RISK ASSESSMENT**

18. The proposed actions are assessed as low to medium risk. Reputational and service delivery risks are mitigated through the action plan, strengthened oversight, and reporting to both Scrutiny and Cabinet.

## **WARDS AFFECTED AND CONSULTATION WITH WARD/COUNCILLORS**

19. The Ombudsman's findings relate to the operation of a statutory service across the Borough and do not directly affect a single ward.

## **Appendices**

- Appendix A: Ombudsman Public Report (Ref. 24 013 122) (Web Link)  
<https://www.lgo.org.uk/decisions/education/special-educational-needs/24-013-122>
- Appendix B: Annual Review Action Plan (summary version, including example letters and revised process)
- Appendix C: Revised Procedures for Education Otherwise Than at School (EOTAS) (Summary Version)
- Appendix D: Revised Procedures for Post-16 Placements (Summary Version)

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