

For advocates working with children and young people



This is the first issue of *CYP issues* – a bulletin from the Local Government Ombudsman (LGO) giving a snapshot of the complaints we look at affecting children and young people.

By sharing some of the common issues from our casework (see the case studies over the next few pages), we aim to keep children and young people's advocacy organisations informed of our work. They can then properly signpost people in need of help in the right direction.

In addition, we hope that councils, school appeal panels and other bodies within our jurisdiction can learn from our experiences and convert that into local service improvement.

The LGO has investigators with specialist experience in dealing with complaints made by, or on behalf of, children and young people. Amongst other areas, we can look into complaints about:

- > failure to provide proper support to a young care leaver;
- > lack of consultation when a child is moved from foster placements;
- > delay in assessing a child's special educational needs;
- > failure to provide the support set out in a statement of special educational needs;
- > the way a council has assessed the needs of a child or young person with disabilities; and
- > delays in offering a school place to a child and failure to offer alternative education in the meantime.

The LGO investigates complaints from members of the public about councils, care providers and some other bodies in England. We provide a free and impartial service.

Want to find out more?

Visit [our website](#).

If you are interested in someone from the LGO coming to speak to your organisation about our work or write an article for your newsletter, [contact us](#).

We would like to hear from you

To discuss whether to make a complaint on behalf of a young person, call 0300 061 0614 or visit www.lgo.org.uk/making-a-complaint. We can pass your call on to a specialist investigator if necessary.

For any other queries about this bulletin, or if you require relevant information for your website, please contact cyp@lgo.org.uk

Case studies

Care decision comes too late

Gareth came to us when he was 19. He complained that the council had failed to take him into care soon enough and that it failed to look after or support him properly once it did take him into care. He described a chaotic childhood. He was one of five brothers. His parents had mental health and drug abuse problems. There was domestic violence and a pattern of neglect and truancy with the children being largely expected to fend for themselves.

Gareth was eventually taken into care when he was 12. However, he never found a permanent home after that time. He was placed in a series of badly supported family and friends placements including one with a family friend who the Police advised the council was a drug dealer.

Gareth got into trouble with the Police which led to him spending some time in custody. During his second spell in custody, the council evicted him and destroyed the possessions he had bought with his Leaving Care Grant, assuming that he would be in prison for much longer than the 14 weeks he spent there.

We investigated Gareth's complaint because, although his complaints went back to his early childhood, his age and difficult personal circumstances meant that he could not reasonably have complained sooner. Also the issues he raised were significant in terms of the council's practice and the potential injustice he suffered.

The investigation found many faults in the way the council dealt with Gareth. The council failed to:

- > properly follow up referrals about Gareth's welfare when a young child;
- > properly support a placement with his aunt;
- > properly consider or act on allegations that a carer was a drug dealer (and was involving him in this);
- > address Gareth's truancy or promote his education;
- > support contact with a younger brother who was adopted out of the family; and
- > provide proper housing and other support to Gareth as a care leaver.

The council accepted there had been fault. There was some difficulty in assessing what the results of this had been: it was difficult to say how Gareth's life might have been different if the council had acted sooner or differently. However, Gareth had strong views about what would be a reasonable remedy. The council agreed to:

- > apologise;
- > write off over £1,000 in housing arrears and overpaid educational support;
- > help Gareth apply for a passport and pay the cost;
- > pay £200 towards driving lessons and the cost of a licence;
- > pay £1,000 compensation;
- > establish a fund of £2,500 for him to use to support educational or employment opportunities; and
- > help him re-establish contact with his brother.

Failure to prepare



Philip was a looked-after child who was convicted of an offence and in custody. He was represented by an independent advocate. During his first period in a detention centre, the council took too long to appoint a social worker for him. This meant the social worker was late visiting him for the first time and the planning for his release was not done in time. There were further delays by the council in writing a care plan following his early release.

Philip was returned to custody for not complying with his release conditions. Although the council was keen to better plan for his release the second time it still left too long between social worker visits and the planning was late again. Philip lost trust in the council, whose failings caused him unnecessary anxiety.

The council agreed to apologise, review its policies and procedures and put £500 in trust for Philip to pay for education, training or a suitable leisure activity such as gym membership.

Case studies

Placement peril

Jane fostered a child (Ava) for the council who she later went on to adopt. She complained about how the council had supported Ava while she was in foster care, and about the council's decision to oppose the adoption.

The Ombudsman found the council had failed to provide any social worker support when Jane transferred Ava to her birth father's care as part of a trial placement. The council subsequently failed to monitor the placement, despite it knowing Ava was at risk of harm. The placement broke down after Ava suffered abuse while living at her father's house, and the council failed to return Ava to live with Jane, despite this being the contingency in Ava's care plan.

The Ombudsman could not comment on what happened during the adoption proceedings, as matters considered in the courts fall outside her jurisdiction.

The council agreed to our recommendation to pay Jane £4,000 to recognise:

- > the significant distress it had caused her and Ava when she was transferred to her father's care;
- > their failure to follow the contingency plan when the placement with Ava's father broke down;
- > their failure to respond to the complaints under the Children Act complaints procedure; and
- > her time and trouble in pursuing the matter.

The council also agreed to provide counselling services to Ava.

Assessment errors cause debt issues

Molly, aged 16, approached the council because she became homeless shortly after giving birth to Billy in July 2007. The council's housing department and a health visitor referred her case to children's services. In September 2007, the council's housing department housed Molly and Billy as it decided she qualified as homeless.

In December Molly was admitted to hospital after taking an overdose.

Following an investigation in early 2008, children's services placed Billy on the Child Protection Register. Billy was fostered and by January 2009 the council had gained an Interim Care order for him.

In March 2009, Molly had a daughter, Grace. Following unsuccessful fostering and 'mother and baby' placements, Molly and her children went to live with Molly's father in Scotland. Molly left the children there and returned to the council's area. The children remained with their grandfather, who gained a Special Guardianship Order for both children.



Since then, Molly moved into supported accommodation, and eventually into council housing with her new partner and third child. The child remains with them and there have been no care proceedings.

While living at the property provided by the housing department between July 2007 and July 2009 (between the ages of 16 and 18), Molly accumulated debts of over £2,500 for rent arrears, housing benefit overpayment, council tax and crisis loans.

We found that the council failed to:

- > assess Molly as a child in need in July 2007 when she was 16 and a new mother in a possibly violent relationship;
- > arrange housing for Molly under S20(3) of the Children Act 1989 rather than under homelessness legislation. Had it done so, she would not have had to pay rent or council tax;
- > provide for her needs, avoiding the need to apply for crisis loans;
- > consider any duty it had towards Molly when assessing her children.

The council agreed to pay Molly £3,500 in recognition of the problems she suffered.

Case studies

Transport change risks child's health

Janet is aged 12 and has a condition which causes severe developmental delay and affects her mobility. She receives food, fluids and medication through a feeding tube and pump. The council was providing school transport for her by taxi. When the council changed the transport provider and withdrew the taxi service it offered her a place on an adapted minibus instead. Janet's mother wrote to the council to explain why this would not be suitable.

The council did not respond to her letter but relied on a previous risk assessment that said it was safe for Janet to have her pump switched off during the journey.

A week after the start of term, Janet's mother became concerned that her daughter was not getting enough fluids during the journey, which was now taking longer than before. The hospital and the school wrote to the council asking for an urgent change in the transport arrangements. On the same day that the council considered the request Janet was admitted to hospital with severe dehydration.

We found that the council:

- > should have considered Janet's needs more carefully before changing the transport arrangements. This might not have avoided the deterioration in her health, but it would have significantly reduced the risks; and

- > did not do enough to provide alternative education for Janet when she was not able to go back to school full-time.

The council revised its procedures for dealing with changes in school transport arrangements and education in hospital. It paid Janet's mum £2,000 to recognise the problems with transport, loss of education for Janet, and her time and trouble in pursuing the complaint.

Refusal to admit

Susan moved into the area four months before her daughter was due to start primary school in September. The council prepared a proposed Statement in June (the child had already been assessed by a previous council). Allowing time for responses from Susan and the school it intended to name, it should have issued the final Statement by early October. It took nine weeks too long to do this.



The school refused to admit the child even when the council issued the Statement naming it. The council, which focussed more on its relationship with the school than the needs of the child, then took too long to refer the matter to the Department for Education. The child was eventually admitted after the Department ordered the school to do so.

The council didn't make sufficient alternative educational provision for the time (almost two terms) when the child didn't have a school to attend.

The council agreed to apologise, review its practices and pay Susan £1,950.