

APPENDIX 2 LGSCO recommendations: Case reference 16 012 609

Recommendation	Action	Expected date	Completed	Notes	AUTH
<p>The Council must consider this 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).</p>	<p>Report to Mayor and Cabinet on 20th September 2018 Report to Full Council on 3rd October 2018</p>	<p>03/10/18</p>		<p>Reports completed and on agendas</p>	
<p>In addition to the requirements set out above the Council has agreed to take the following action to remedy the injustice identified:</p>					
<p>Apologise to the resident and her son for the faults identified</p>	<p>Letter from Executive Director for CYP to the resident apologising</p>	<p>02/08/18</p>	<p>02/08/18</p>	<p>Letter sent</p>	
<p>Retake its decision on whether it owes a transport duty to the person concerned under s.508F(1) Education Act 1996 or is willing to make provision under s.508F(8).</p>	<p>Decision made agreeing eligibility as at September 2016</p>	<p>02/08/18</p>	<p>02/08/18</p>	<p>Decision made and form sent to assess future eligibility</p>	
<p>It will share a copy of this decision with the resident and the LGSCO.</p>	<p>Included in letter from Executive Director for CYP to the resident</p>	<p>02/08/18</p>	<p>02/08/18</p>	<p>Included in letter to the resident</p>	
<p>Review the Care Act and Carers assessments to:</p>	<p>Undertake a Care Act and Carers assessment</p>	<p>02/08/18</p>			
<p>set out total eligible needs including consideration of: transport to college (if this is not to be met by the Council under s.508F); and transport to leisure activities</p>	<p>Undertake a Care Act and Carers assessment</p>	<p>02/08/18</p>			

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holidays				Adults with Learning Disabilities Team has contacted the resident who is currently out of the country. On return, the team will establish ordinary residence (the family have moved) and arrange for the completion of a fresh assessment of need and carers assessment.	
include an assessment of mental capacity	Undertake a Care Act and Carers assessment	02/08/18			
detail which needs a carer is 'able and willing' to meet	Undertake a Care Act and Carers assessment	02/08/18			
detail unmet eligible needs the Council will meet	Undertake a Care Act and Carers assessment	02/08/18			
detail carer's needs	Undertake a Care Act and Carers assessment	02/08/18			
consider whether a personal budget or direct payments are suitable for any further provision identified	Undertake a Care Act and Carers assessment	02/08/18			
Make a financial payment of £100 a week (calculated from September 2016) to recognise time and expenses (and those of friends) providing unpaid care and transport. This payment also recognizes that the resident was not able to seek employment and later, when she became unwell, was caused additional stress finding alternative drivers. Payments will continue until new arrangements are in place so that the resident is no longer responsible for driving her son to college.	Calculate payment and pay resident compensation	31/08/18		Payment calculated and confirmed in wiring with resident. Await acceptance and banking details allowing payment to be made.	
Pay £1,500 in recognition of: the seven months delay in providing social care support between September 2016 and March 2017 during which the resident had to support her son's activities; and the uncertainty whether a more thorough social care assessment may	Pay resident compensation	01/08/18			

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have led to a higher level of support being provided					
Pay £300 for the loss of one term's additional therapist input due to the delayed EHC assessment and subsequent appeal	Pay resident compensation	01/08/18			
Pay £300 for the time and trouble spent pursuing the complaint	Pay resident compensation	01/08/18			
Update its Local Offer to show how it currently assesses eligibility for transport for post-19 learners. Once a formal policy on post-19 transport is approved this should be made available via the Local Offer and on the Council's website. The Council has agreed to consider complaint, mediation and appeal mechanisms when drafting the new policy		04/10/18		Post 16 policy has been updated to reflect Section 508F. It is available on the Local Offer. CWCNS will work with adult services to develop a 0-25 Transport Policy over the next year.	
Consider whether, as a result of our findings, it needs to change policies, review guidance or provide refresher training to ensure		04/10/18		All relevant CWCN staff have been provided with the updated post 16 policy and updated on section 508F. Any further training will be considered once new 0-25 Transport policy is developed.	
EHC assessments are carried out in a timely way and always include consideration of social care needs		04/10/18		EHC assessments are monitored monthly and performance is reported to DMT and EMT. Latest data showed 90% of EHCP's are completed on time. Social care needs are considered as part of the planning of what assessments are required at the SEN panel. Mr Y's complaint referred to a transfer from a Statement of Special educational	

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				needs to an EHCP. Lewisham has completed all of its transfers within the Government timescale.	
Officers across relevant departments are clear about transport duties for learners aged 0-25;		04/10/18		Lewisham will be developing a 0-25 Transport Policy over the next year.	
It has the correct mediation arrangements in place and the correct information about mediation is available to all relevant officers and families; and		04/10/18		Mediation is available to all families as part of the EHCP assessment process. Lewisham commissions Kids to deliver all mediations. Information is provided to all families of their right to appeal which includes how to apply for mediation.	
Transition planning is in place that considers the care needs of young people before they reach 18 and the changing needs of their carers	Ensure that effective transition planning is in place	04/10/18		Transition planning pre 18 is currently in place but still needs to improve, reflected in a Transition strand in the Children's Social Care Improvement Plan	
Within six weeks the Council will review the cases of young people (19-25) who have an EHC plan naming an educational setting, but who are not currently receiving free transport, and report its findings to us. The review will consider if others have been similarly affected by errors in the application of s.508F Education Act or the way the Council has considered DLA and mobility cars		15/08/18		There are 230 young people 18yrs plus with an ECP. 70 of those young people already receive travel assistance. AWLD are currently identifying whether any of the 160 young people who do not currently receive travel assistance have applied for travel assistance and be refused. So those assessments can be reviewed.	