

**CABINET MEMBER DECISION – EDUCATION & LEARNING
27 JUNE 2023**

PROCEDURAL MATTERS

Question (1): Anna Sutherland

When a parent finds out that their child has a significant, lifelong disability, they often experience a kind of grief for the child and life they thought they were going to have. The worry that all parents sometimes feel for their child's future, is multiplied a hundredfold, when it becomes clear that your beautiful child will never be independent, will never be able to have a job, or have children, or even speak, for example. Your whole life is changed, and for some parents, the feelings of trauma, isolation, and depression can be overwhelming at times.

So when, on top of that, your local authority does not give your child the right educational support (for which you have copious amounts of evidence) at the right time, so you have to continually chase for accurate information, and action, and the right school for your child, it very much feels that someone somewhere in the LA's SEND system (the person or people making the decisions) must be entirely lacking in empathy.

For those Surrey SEND families who the Local Government Ombudsman and the SEND Tribunal ultimately find in favour of, where it turns out the parents were right all along, in what they said their child required in terms of educational provision, or where the LGO agrees the council are at fault with how they've dealt with things, it may help parents recover if a full, detailed apology is given.

This certainly does not happen at present in appeal cases when the Judge finds wholly in favour of the Surrey family, based on evidence that was presented to the LA pre appeal (meaning that the appeal could and should have been avoided).

Is this something Councillor Curran would support?

Reply:

Decision-makers in the local authority are passionately committed to getting it right for the families they work with. Many council staff are also parents, carers and some also have additional needs and disabilities. Staff empathise strongly with children and young people with additional needs and their families and work hard to try to ensure that the right support is provided to those who need it, within the resources available. All staff appreciate the impact of having a child with a significant lifelong disability and are committed to supporting parents in this position.

We work closely with Family Voice Surrey, the parent carer forum, to ensure that we listen to and understand the experiences of children and young people with additional needs and their families. We have worked with partners to develop a co-production charter which sets out our commitment to improve services with the voices of families at the heart of everything we do. This commitment is further reinforced by the focus on the Time for Kids principles which is an integral part of all meetings <https://time4kids.org/>.

Where there is a complaint against the local authority via either the Local Government Ombudsman or the Council's complaints procedure, an apology is always issued where fault is found and/or lessons can be learned. All officers are expected to work hard to avoid the need for families to make a complaint or to appeal to the SEND tribunal. Whilst we may have

differing professional opinions we respect the Tribunal decision is final and regret the process for the family will have been difficult and are willing to acknowledge this with families and will work in a restorative manner to re-build trust in order to implement the decisions. An apology would be offered to any parent where fault is found, in this respect every judgement is unique. If an appeal is lodged, staff continue to work with families to try to find a resolution, without the need for a formal hearing. During 2022 of the appeals that were concluded 67% were resolved without the requirement for a hearing. Officers are also supported and encouraged to apologise if something has not gone as well as we expected, this does not require a formalised process and should be conducted with empathy, respect and understanding.

All Surrey staff aim to work constructively, sensitively and empathetically with families to resolve issues as quickly as possible. Surrey SEND teams are committed to working with families using a restorative and relational approach to build and maintain good working relationships in order to achieve the best outcomes for children and young people. Further training has recently been rolled out to staff to support them in their work with families as a part of our continuous development offer.

Clare Curran

Cabinet Member for Education & Learning