

# Local Government OMBUDSMAN

## Report

on an investigation into  
complaint no 09 018 565 against  
Peterborough City Council and  
complaint no 09 018 567 against  
Cambridgeshire County Council

6 October 2011

# **Investigation into complaint no 09 018 565 against Peterborough City Council and complaint no 09 018 567 against Cambridgeshire County Council**

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**The Local Government Act 1974, section 30(3) generally requires me to report without naming or identifying the complainant or other individuals. The names used in this report are therefore not the real names.**

## **Key to names used**

Mrs Jones the complainant

Harry her grandson

## **Report summary**

### **Education and children's services**

The complainant's grandson, 'Harry', lived with his mother in Cambridgeshire and had a statement of Special Educational Needs (SEN). He was expected to continue at special school post-16, but changes in his behaviour prompted a review of the arrangements in May 2008. An assessment commissioned by the children's services team recommended a residential school placement but the education team refused to fund this on the grounds that Harry had no educational need for a residential placement. Harry's mother was becoming unable to cope with his behaviour so Cambridgeshire County Council offered a foster placement with continued attendance at Harry's previous school. Harry refused to return to this school and moved to live with his grandparents in Peterborough.

Cambridgeshire County Council made a social services referral to Peterborough City Council in November 2008. Peterborough City Council completed its initial assessment in January 2009, but did not begin a core assessment of Harry's social care needs until August 2009. In the meantime, the two councils disputed which had responsibility for maintaining his statement of SEN. Because of this, Harry was out of school until September 2009, when he started a college placement.

The Ombudsman found that Cambridgeshire County Council did not carry out an annual or emergency review of Harry's SEN statement in 2008, based its decision not to fund a specialist residential placement on insufficient information, and did not act promptly and decisively to transfer responsibility for maintaining Harry's SEN statement to Peterborough City Council. The Ombudsman also found that Peterborough City Council delayed in assessing Harry's social care needs, did not consider the safeguarding issues of his move to its area, and failed to take a child-centred approach to the transfer of Harry's SEN statement. As a result, Harry's SEN statement has lapsed, and he missed a year of full-time education and nine months of supported socialising. The complainant suffered unnecessary stress and frustration, her daughter lost the opportunity to influence events, and both are now left with uncertainty about whether, had either council acted differently, Harry would have had the benefit of a residential placement.

### **Finding**

Maladministration causing injustice, remedy agreed.

### **Recommended remedy**

Cambridgeshire County Council to pay compensation totalling £2,750.  
Peterborough City Council to pay compensation totalling £1,750, and provide appropriate therapy for Harry.

Both Councils to apologise to Harry, his mother, and the complainant, and to review their current arrangements for the transfer of statemented children who are transferring to post-16 education.

## Introduction

1. Mrs Jones complains that Cambridgeshire County Council failed to review her grandson Harry's placement when concerns were raised in 2008 and did not transfer information about his statement of SEN to Peterborough City Council in September 2008, which caused delay in identifying a suitable placement for him. Mrs Jones also complains that Peterborough City Council delayed in allocating a social worker to Harry when he moved into the area in September 2008, did not accept responsibility to provide him with full time education until September 2009, and has not properly assessed her own needs as a carer.
2. As part of the investigation, an officer of the Commission has:
  - considered the complaint and the documents provided by the complainant;
  - made enquiries of both councils and considered the comments and documents the councils provided;
  - examined the files held by Peterborough City Council (which includes files transferred from Cambridgeshire County Council) relevant to the complaint; and
  - discussed the issues with the complainant.

## Legal and administrative background

3. Everything we do is governed by the 1974 Local Government Act. The Act gives me discretion to consider complaints about events that occurred more than 12 months before the complaint is made. I exercised that discretion in this case to consider events going back to 2007, because Mrs Jones could not reasonably have made her complaint sooner.
4. There is a right of appeal to a tribunal for most decisions about statements of Special Educational Needs (SEN). I will not normally investigate a complaint where there is a right of appeal to a tribunal. But this does not prevent an investigation where appeal rights have been lost as a result of proper procedures not being followed.
5. The law is not explicit on which authority has responsibility for a child with SEN, where that child has moved to live in the area of one authority, but its parents live in the area of another authority. But where two authorities cannot agree on which has the responsibility, either can refer the matter to the Secretary of State for Education for resolution.
6. The SEN Code of Practice sets out the responsibilities and procedures for matters relating to SEN. This is a lengthy document of which the following paragraphs are particularly relevant to this complaint:

- a. Paragraph 8:113 says that when the responsibility for a child with special educational needs changes from the council maintaining the statement (the old authority) to another council (the new authority), the old authority must transfer the statement to the new authority. The old authority may also transfer any opinion it has have received under the Disabled Persons (Services, Consultation and Representation) Act 1986 that the child is disabled. Upon the transfer of the statement, the new authority becomes responsible for maintaining the statement and for providing the special educational provision specified in the statement.
- b. Paragraph 8:115 says that the new authority may, on the transfer of the statement, bring forward the arrangements for the review of the statement, and may conduct a new assessment regardless of when the previous assessment took place. The new authority must tell the parents, within six weeks of the date of transfer, when it will review the statement and whether it proposes to make a new assessment.
- c. Paragraph 8:122 says that where there is agreement all-round that the pupil should stay at school post-16, and the council can source appropriate school provision, the council should normally continue to maintain the statement; and paragraph 8:123 says that when a council decides to cease to maintain a statement of SEN, it must notify the parents of their right of appeal to the Tribunal.
- d. Paragraph 8:132 says that when a child is moving to a new school, particularly at phase transfer, the statement should be amended to name in Part 4 both the current placement and the new placement, stating an appropriate start date for the latter. This will make sure that parents, children and the receiving school can plan well in advance of transfer, and entitle parents to appeal to the SEN Tribunal in good time if they disagree with the named school. The statement must be amended no later than 15 February in the year of transfer.
- e. Section 9 of the Code deals with annual reviews. Paragraph 9:1 says that all statements (other than those for children under two) must be reviewed at least annually. The annual review of a pupil's statement ensures that once a year the parents, the pupil, the council, the school, and all the professionals involved, consider both the progress the pupil has made over the previous 12 months and whether any amendments need to be made to the description of the pupil's needs or to the special educational provision specified in the statement. It is a way of monitoring and evaluating the continued effectiveness and appropriateness of the statement.
- f. The aim of the annual review in year 9 and subsequent years is to review the young person's statement and to draw up and subsequently review the young person's transition plan. This review should involve the agencies that may play a major role in the young person's life during the post-school years and must involve the Connexions Service, which provides advice and guidance to young

people aged 13 to 19 (25 for those with learning difficulties or disabilities). The transition plan should draw together information from a range of individuals within and beyond school in order to plan coherently for the young person's transition to adult life. Transition plans when first drawn up in year 9 are not simply about post-school arrangements, they should also plan for ongoing school provision, under the statement of SEN as overseen by the council.

- g. Paragraph 9:59 makes clear that multi-agency input at year 9 is important for all young people with SEN. Under the Children Act 1989 social services departments may arrange multi-disciplinary assessments and must establish Children's Service Plans which may include the provision of further education for children in need (likely to include those with significant special needs). Social services departments should ensure that a social worker attends the year 9 annual review meeting and contributes to the formation of the transition plan where a young person is subject to a care order, accommodated by the local authority or is a 'child in need'.
7. Cambridgeshire County Council has a service level agreement with Child and Adolescent Mental Health Services (CAMHS) in Cambridgeshire and Peterborough NHS Trust for the provision of children's services. Where appropriate in this report I have referred to 'Cambridgeshire County Council's children's learning and disability team' to reflect the fact that the actions of staff at CAMHS were on behalf of Cambridgeshire County Council.

## Investigation

8. Harry lived with his mother in Cambridgeshire. He has a moderate learning disability and global development delay, and his SEN statement named a special school, School A, from the age of six. From 2006, when he was 14, there were concerns at the school about his inappropriate sexualised behaviour. Harry's mother's own learning difficulties and medical condition made it hard for her deal with his behaviour. But these concerns had receded by the time of his statement's annual review in June 2007.
9. Harry's transition annual review was held in September 2007. This meeting was held to draw up Harry's transition action plan, and consider his future from the age of 16. The meeting recorded that Harry was likely to remain at School A and this is reflected in the subsequent action plan, although the Connexions alert form said it was not clear if local provision would be able to meet Harry's needs. It is not clear what consideration Cambridgeshire County Council gave to Harry's needs and how these would be met post-16, but Cambridgeshire County Council issued an amended statement in November 2007, based on the outcome of the earlier annual review held in June. The amended statement named School A.
10. Social workers had been involved with the family from April 2007 to January 2008, after concern that Harry's mother might be neglecting him. Harry began to display sexualised behaviour again. By May 2008 School A was finding it increasingly

difficult to deal with this, and at least one incident outside school had been reported to the police. A Child In Need meeting of professionals was held on 15 May 2008. This meeting was not attended by a representative from the education team and it is not clear if the team received a copy of the minutes. The meeting agreed that Harry could continue at School A with 1:1 support at all times, but consideration should be given to alternatives, including a residential placement.

11. Harry's behaviour meant that he and his mother became increasingly isolated in the community, and in school the 1:1 support for Harry, intended to safeguard other pupils as well as to meet his needs, meant that he became increasingly isolated there, too. The educational psychologist was concerned that Harry would target younger and more vulnerable girls because of his own mental age. An Assessment, Intervention and Moving-on (AIM) analysis (which assesses the extent of sexualised behaviour, the risk it presents, and the ways in which it might be managed) was concluded on 29 May 2008 and recommended a residential placement.

#### *Harry is out of school*

12. Children's services agreed that a residential placement would be best for Harry and preparations were made for him to start at School B in September 2008. But the education team believed that Harry's educational needs could still be met at School A. On 2 September 2008 officers asked Cambridgeshire County Council's joint agency panel for 'clarification'. The panel did not rule out School B, but asked officers to find out more about Harry's needs, and to explore alternative local provision.
13. Cambridgeshire County Council held a complex case review meeting on 23 September – an emergency meeting to come to a final decision regarding Harry's future provision. Cambridgeshire County Council has said the meeting was not attended by anyone from Harry's family; Mrs Jones says that the family was not told about the meeting. The meeting concluded that Harry ought to return to School A but acknowledged that his mother wanted him to attend School B. Children's services subsequently wrote that as a result of this meeting, Cambridgeshire County Council would look into further possible provisions that could provide a therapeutic package for Harry's sexually inappropriate behaviours, and assess whether a placement at School B would include CAMHS involvement and could meet Harry's therapeutic needs.
14. Cambridgeshire County Council's joint agency panel considered the case again on 7 October 2008. Officers thought a local residential placement might now be possible and the panel felt that specialist training could be provided for any staff member working with Harry. The panel agreed that officers should continue to gather information about School B as a contingency only. The record of the meeting is brief, so it is not clear what information the panel took into account in reaching this view, or under what circumstances the panel would consider



placement at School B to be appropriate. Cambridgeshire County Council suggested to Harry's mother that Harry could have a residential care placement in Huntingdon and access School A from there. Harry refused to return to School A and as his mother was finding it increasingly difficult to cope, Harry moved to his grandparents' home in Peterborough.

15. In October 2008 Harry's social worker advised the education team Harry was moving to Peterborough. Children's services arranged for six sessions of specialist provision to address Harry's current behaviour difficulties and expected Peterborough City Council to handle his social care from this point, making a referral to Peterborough City Council on 6 November.
16. Cambridgeshire County Council's education team had written to Peterborough City Council on 22 October 2008, advising that Harry was now living there and asking Peterborough City Council to consider him for placements at two local special schools. It was not clear from this letter if Cambridgeshire County Council intended to transfer responsibility for maintaining Harry's SEN statement to Peterborough City Council. On 30 October Peterborough City Council's education services told Cambridgeshire County Council's children's learning and disability team that Harry's case was going to the SEN panel in November with a recommendation that his named placement continued to be School A.
17. Peterborough City Council considered the children's services referral on 11 November. Officers gave the case a low priority, on the grounds that the decision to move Harry into the area had been made by Harry's family in full knowledge of his complex needs. Peterborough City Council began an initial assessment on 24 November 2008.

*Peterborough City Council's first consideration of Harry's needs*

18. Peterborough City Council replied to Cambridgeshire County Council's education team on 19 November. Peterborough City Council said that Harry did not meet the criteria for one of its special schools, and that the other had no places. Peterborough City Council made it clear that it did not accept responsibility for maintaining Harry's statement, and said that if Harry continued to refuse to attend School A, this would be a matter for Cambridgeshire County Council's attendance service.
19. Cambridgeshire County Council replied on 16 December. It agreed that it was still Cambridgeshire County Council's responsibility to maintain Harry's statement, and asked why Harry did not meet the criteria for one of Peterborough City Council's special schools. From this point Cambridgeshire County Council says it provided Harry with an alternative education programme for 10 hours a week, while he remained on the school roll at School A. This programme included life skills, physical activities and independence training. Mrs Jones disputes this. She says that most weeks Harry was taken swimming, and some weeks he also did

shopping, cookery, and crafts, but he did not receive 10 hours of tuition every week.

20. Peterborough City Council completed its initial social care assessment on 9 January 2009. The assessment recommended that the case transfer to its children's integrated disability service for further assessment, and that an occupational therapy assessment might also be needed. Cambridgeshire County Council's children's learning and disability team was still strongly recommending that Harry's long-term needs would best be met in a residential therapeutic educational provision. Cambridgeshire County Council's education team, meanwhile, was debating whether or not Harry's needs could be met at a college of further education.
21. Cambridgeshire County Council arranged a case conference for 2 February 2009. The meeting agreed that Cambridgeshire County Council still had responsibility for maintaining Harry's statement, and Cambridgeshire County Council's children's learning and disability team believed that all parties had agreed that residential provision would be the most appropriate for Harry.

#### *Harry's case transfers to Peterborough City Council*

22. By mid-February 2009 all parties were clear that Harry was known to Peterborough City Council, and his case was in the process of transferring from Cambridgeshire County Council to Peterborough City Council. Cambridgeshire County Council's children's learning and disability team was concerned that Harry needed further assessment for more therapeutic work on his sexualised behaviours, and wrote to Peterborough City Council three times about this, without receiving a response.
23. In March 2009, Connexions began to explore the possibility of Harry attending college. One college refused a placement because of his history of sexualised behaviour. On 16 April 2009 Peterborough City Council sought legal advice on whether Harry had, by removing to live with his grandparents, become Peterborough City Council's responsibility. Cambridgeshire County Council was at this point still funding Harry's education, and a psychiatric assessment made at around this time concluded that further therapeutic work with Harry would be ineffectual.
24. But on 2 June an incident was reported in which the police had become involved after Harry acted inappropriately with two girls. A meeting was held at Harry's grandparents', attended by Connexions and Cambridgeshire County Council's children's learning and disability team. It was agreed by all involved that Harry required residential provision, which would mean reviewing Harry's SEN statement. But Cambridgeshire County Council now intended transferring responsibility for Harry's SEN statement to Peterborough City Council. On 8 June 2009, Cambridgeshire County Council's children's learning and disability team formally transferred Harry's case to Peterborough City Council's children in

need team, and in July, Cambridgeshire County Council stopped its provision of tutoring to Harry and formally transferred the statement.

25. But emails and letters between the two councils from July 2009 show that Peterborough City Council disputed that it now had responsibility for Harry. Peterborough City Council returned Harry's SEN file on 21 July. On 20 July, the complainant complained to both councils about the delay in resolving the issue of which had responsibility for Harry. Cambridgeshire County Council replied on 31 July to say that if it could not resolve the situation quickly it would seek the direction of the Department for Children, Schools and Families. Peterborough City Council subsequently referred to the complaint as a letter of concern, but did respond on 13 August, saying that it had now decided to provide Harry with social care, and that the Learning and Skills Council would be assuming responsibility for his education.
26. At the end of July 2009, Connexions concluded its assessment of Harry and recorded that while the complainant agreed a local college, College C, would be the best local option for Harry, she would still like to pursue a residential placement for him.
27. In August 2009, Peterborough City Council's children's integrated disability service accepted the transfer of Harry's case and began to undertake a core assessment. It is not clear to me when this was completed, but Peterborough City Council consulted both Connexions and Harry's family as part of the assessment. By October 2009, funding had been agreed for Harry to attend College C, and for support for Harry with social activities. Harry's mother moved out of Cambridgeshire to Peterborough the same month. Support with social activities was in place by December and in March 2010 Harry's case began the process of transferring to the adult team.

*Mrs Jones as a carer*

28. Peterborough City Council completed a carer's needs assessment in May 2008. At this point Harry was still living with his mother, and the assessment was about Mrs Jones' needs arising from the care she provided to her husband and brother. Harry came to live with them in September 2008, and his care needs affected the care Mrs Jones was able to provide to her husband and brother, and put her under a greater level of stress. Peterborough City Council was aware of the change in home circumstances but does not appear to have reviewed the situation until June 2009.

*Cambridgeshire County Council's response to my enquiries*

29. In its response to my enquiries, Cambridgeshire County Council acknowledged that its children's services team promoted the possibility of a placement at School B, and raised the family's expectations, without properly consulting with the education service. Cambridgeshire County Council also took the view that it

was at fault in having continued to maintain Harry's SEN statement after he had moved to Peterborough, and should instead have referred the matter to the Secretary of State on receipt of Peterborough City Council's letter in November 2008.

30. When asked for access to its files for the case, Cambridgeshire County Council said that it had transferred all of these to Peterborough City Council. Subsequent further enquiries established that Cambridgeshire County Council had not transferred the minutes of the relevant panel meetings. Social care records prior to the minutes of the professionals' meeting held on 15 May 2008 were also not available.

*Cambridgeshire County Council's response to the draft of this report*

31. Cambridgeshire County Council says that its procedures now are different to those in place at the time of this complaint. Placement decisions are made through a new panel system which ensures timely, co-ordinated, multi-agency decision-making; there has been a complete restructure of the SEN team, which now includes Connexions personal advisors; and there is a clear process in place for transferring a statement of SEN to another authority.

*Peterborough City Council's response to the draft of this report*

32. Peterborough City Council has said that it has taken steps to ensure that such a delay in accepting the transfer of a case would not occur again. It has restructured the service, including a change of leadership, with clear systems, and processes that are audited. It has introduced an integrated approach with the needs of the young person paramount. It is issuing guidance for staff to reinforce this approach – staff are advised to accept the referral and take appropriate action to meet the needs of the child, and treat the issue of who should ultimately be responsible for the costs as a secondary matter that can be resolved separately. And it is developing a transitions team to help plan the transition to adult services.

## **Conclusions**

33. It appears that Harry's experience of transferring to post-16 provision is the sort of experience that the SEN Code of Practice seeks to avoid. This is at least in part because changes in Harry's behaviour called into question the transition planning carried out in the autumn of 2007. But subsequent actions of both councils made a difficult situation much harder for Harry and his family.

*Cambridgeshire County Council*

34. The investigation of this complaint has been frustrated by the incomplete transfer of records. It is reasonable to expect that when a case transfers to a different authority, all relevant records will be handed over, so that the new authority has a

clear understanding of the history of the case. Meetings of professionals and panels form part of that record, so the minutes of meetings – or extracts from minutes, if a meeting refers to more than one service user – should be attached to the service user record. That did not happen consistently in this case.

35. In the autumn of 2007 Harry, his mother, and the professionals working with them appear to have taken the view that Harry would continue at School A post-16, and his amended statement reflects this. But that situation altered significantly when Harry began to display inappropriate sexual behaviour. At this point his continuing placement at School A was called into question, and the plan made the previous autumn needed to be reviewed.
36. The Child in Need meeting held in May 2008 was not attended by a representative from the education service, yet it appears that the meeting was prompted at least in part by the school's difficulty in coping with Harry's behaviour, which suggests that the involvement of the education service was essential. Cambridgeshire County Council as a body was at fault in failing to act coherently. There was no annual review meeting held in June 2008 and under the circumstances it would have been reasonable to convene one. As a result of this, Harry and his family did not know in good time where he would be placed for post-16 provision.
37. The information available to Cambridgeshire County Council when it considered Harry's placement – the educational psychologist's assessment, the outcome of the AIM assessment, and the Connexions alert – all indicates that the placement at School A was no longer likely to be appropriate; and the AIM assessment makes a clear recommendation for a specialist residential placement. The records of the joint agency panel meetings, which steered officers away from School B, makes no reference to these documents, stating simply that Harry met the threshold criteria for accommodation. This suggests that the panel reached its view based on insufficient information. But in any event, Cambridgeshire County Council did not then issue a formal decision against which Harry's carers could appeal. So Harry's mother lost the opportunity to have the matter resolved at tribunal, and Harry's education remained in limbo for the rest of the school year.
38. Had Cambridgeshire County Council taken a different approach there is a possibility that Harry might have been placed at School B, which would have given him 24-hour support and a full-time differentiated curriculum, and there is no way of assessing whether this might have benefited him more than the education he now receives. There are significant unknowns; I do not think we could say for certain that the placement at School B would have gone ahead, although almost all the professionals working with Harry in 2008 expected it to. But that uncertainty is an injustice, and so is the stress and frustration that arose from simply not knowing what, if anything, Cambridgeshire County Council intended to do.

39. Cambridgeshire County Council continued to maintain Harry's SEN statement after he had moved to Peterborough. It was probably not clear at that point whether Harry's move to Peterborough was permanent, and a referral to the Secretary of State would have been premature until this was established. Having accepted a responsibility to maintain Harry's SEN statement, Cambridgeshire County Council should have held an annual review meeting not later than September 2008. It did not do so, and the complex case review of 23 September 2008 was not an adequate substitute, because it was not convened as an annual review of Harry's SEN statement and so did not include Harry's carers. And although Cambridgeshire County Council did put in place tuition from December 2008, the debate that its education team conducted in early 2009, about the most suitable post-16 provision for Harry, is one that should have been concluded, in consultation with his mother, 12 months previously.
40. In June 2009 professionals agreed that Harry's SEN statement needed urgent review. Given that Harry had by this time been out of full-time education for nearly three terms, a review of his statement had in my view been urgent for at least six months. Yet the Council declined to undertake this, apparently on the grounds that it was about to transfer the case to Peterborough City Council. This was not wholly unreasonable under the circumstances, given the receiving authority's obligation to issue a decision on the statement within six weeks; but the circumstances should not have arisen.

*Peterborough City Council*

41. Peterborough City Council received a clear referral to its children's services team in November 2008, but did not apparently conclude its initial assessment until January 2009. And it was not until August 2009 that Peterborough City Council implemented the recommendation of its initial assessment and carried out a core assessment. Such delays are maladministration. As a result of this Harry and his carers lost the benefit of nine months of supported socialising.
42. It was also clear from the initial referral that Harry had moved to the area because he had been offered a residential placement in Cambridgeshire which his family did not want. Peterborough City Council does not appear to have questioned this, yet the reason for the residential placement was at least in part because of the risk that Harry presented to other young people, and at the time of the referral Harry was receiving therapeutic support as a result of his behaviour. Peterborough City Council does not appear to have considered the safeguarding issues arising from these circumstances and in my view its failure to do so was maladministration. The incident of June 2009, which was serious enough for police involvement, might well have been avoided had the Council carried out a proper and timely assessment.
43. Peterborough City Council made it clear to Cambridgeshire County Council in November 2008 that it did not accept responsibility for Harry's statement. As it was possible at that point that Harry might return to his mother's care, this stance

does not seem wholly unreasonable, although it was a less than co-operative approach. But Peterborough City Council's approach in 2009 failed to be child-centred as it continued to dispute accepting responsibility for Harry's statement. It is to the credit of the Connexions adviser that he continued to work with the family, despite the fact that he apparently shared the reservations of Harry's family, and of other professionals working with Harry, about the appropriateness of a college placement. If Peterborough City Council took the view that it did not have responsibility for maintaining Harry's statement, then, rather than referring it back to Cambridgeshire County Council, it would have been reasonable to accept the transfer and then issue a decision not to review the statement and not to carry out an assessment. This decision would have carried appeal rights and the issue could then have been determined by tribunal.

#### *Impact on Harry and his family*

44. Harry's statement has now lapsed and his education is managed by Connexions. His placement is working well, but he missed out on a crucial year of education, and lost the opportunity of a continued SEN statement. It is possible that he has also lost three years of a residential placement with 24-hour support and differentiated curriculum, which might well have had significantly more benefit for him, but because of both councils' failings we cannot be certain of this.
45. He and his carers also lost the benefit of nine months of supported socialising; and his grandmother in particular (who is also a carer for her husband and her brother) suffered significant unnecessary stress and frustration from the situation. I cannot conclude that Harry would have had a residential placement had the councils involved acted differently, so by extension we cannot say that Harry's mother's move to Peterborough resulted from maladministration by either council. But it seems to me that she did lose the opportunity to influence events, because she was not appropriately signposted to advocacy support, and neither council issued a decision against which she could appeal to tribunal.

### **Finding**

46. For the reasons given in paragraphs 33 to 45 I find maladministration by both Cambridgeshire County Council and Peterborough City Council, causing injustice to Mrs Jones, her daughter, and Harry.

### **Remedy**

47. To put things right, I recommend that:
  - Both councils should review their current arrangements for statemented children who are transferring to post-16 education, including any training that staff may require. I note that Peterborough City Council has already taken steps to address this and commend the Council for its action here;

- Both councils should apologise to Mrs Jones, Harry, and his mother;
- Both councils should pay compensation of £250 to Mrs Jones;
- Peterborough City Council should pay compensation of £1,500 to Harry, and arrange appropriate therapy for him; and
- Cambridgeshire County Council should pay compensation of £2,000 to Harry, and £500 to his mother.

48. Both councils have agreed to implement my recommendations and I am grateful for their willingness to make amends. I have nevertheless completed my investigation and made public my findings, as I consider this to be in the public interest.

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**6 October 2011**