

## **LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY**

DECISIONS made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley, on 30 April 2020 at County Hall, Lewes

++ The Lead Member was not present in person, but took the decisions remotely ++

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Councillor Alan Shuttleworth spoke on item 3 (see minute 40)

Councillor Kathryn Field spoke on items 3 and 4 (see minutes 40 and 42)

Councillor Sylvia Tidy spoke on item 4 (see minute 42)

### **39 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 9 MARCH 2020**

39.1 The Lead Member approved as a correct record the minutes of the meeting held on 9 March 2020.

### **40 URGENT ITEMS**

40.1 Councillor Shuttleworth requested that the Lead Member consider as an urgent item the Council's response to the Covid-19 pandemic, with particular regard to its impact on children and education. The Lead Member considered the request, but concluded that there was no urgent decision to be taken but that he was happy for a briefing to be provided to members after the meeting. Reference was also made to the requirements in the Constitution in relation to urgent decisions.

### **41 REPORTS**

41.1 Reports referred to in the minutes below are contained in the minute book.

### **42 LOCAL GOVERNMENT OMBUDSMAN'S REPORT**

42.1 The Lead Member considered a report by the Assistant Chief Executive and the Director of Children's Services regarding a Local Government and Social Care Ombudsman's (LGO) report of maladministration. The Director of Children's Services highlighted some amendments to the Post-19 Policy at Appendix 2 made since the publication of the agenda.

### **DECISIONS**

42.2 The Lead Member **RESOLVED** – to accept the findings and recommendations of the LGO report and agree that the following actions be undertaken by East Sussex County Council:

- Review the cases of young adults (19-25) who have an EHC plan naming an educational setting and who were refused transport at appeal in 2018 and 2019. The review will consider if others have been similarly affected by the fault identified in this report.

- Write to the young adults identified in its review (those affected by the fault identified in this report) and invite them to reapply for travel assistance (if still relevant) under its revised policy. There were five appeals for the academic year 2018/19 and seven appeals for the academic year 2019/20.
- Review its policy on post-16 (to 25) SEND travel (2019) and revise it to properly reflect the test set out in law. The policy should be clear that the Council has a statutory duty to provide transport to post-19 learners if it is considered 'necessary', not exceptional.
- Properly reflect in its revised policy the difference between the approaches the Council should be taking for young people aged 16-18 and those over 19.
- Make the finalised policy available on its website.

#### Reason

42.3 The LGO has power under the Local Government Act 1974 to investigate and issue reports concerning allegations of maladministration or service failure. Details of complaints made to the LGO are reported to members at Cabinet and Council through the Council quarterly monitoring report.

42.4 The LGO have concluded that there was maladministration on the part of East Sussex County Council and has therefore issued the report which is attached as Appendix 1. The report is issued to the Council under s31 of the 1974 Act and must be reported to Council or an appropriate Committee and the Council must confirm within three months the action it has taken or proposes to take.

42.5 The Governance Committee considered a report on this matter at its meeting on 21 April 2020 and agreed to accept the action recommended by the LGO and also agreed to recommend that the Lead Member for Education and Inclusion, Special Educational Needs and Disability agrees to them.