# West Sussex council criticised for failing to secure school place for child with special needs



A child with multiple health conditions in West Sussex was left without a school placement following the closure of the special school he had been attending. Despite ongoing efforts, by December 2023 no alternative school place had been secured for the child, a situation that prompted his mother to raise a formal complaint with West Sussex County Council.

By April 2024, with her son still not enrolled in any educational provision, the mother escalated her complaint to the Local Government and Social Care Ombudsman. The Ombudsman's investigation identified four key failings by the council: the initial failure to arrange a school placement once it became clear the child’s current special school would close; the council’s inability to secure appropriate alternative provision, including necessary special educational needs (SEN) support and therapies outlined in the child’s Education, Health and Care Plan (EHCP); poor communication with the family; and significant delays in handling the mother’s complaint, particularly a failure to respond within the stipulated 20 working days for the stage two complaint process, instead taking over ten months.

The Ombudsman’s report acknowledged the child’s complex needs posed challenges in finding a suitable placement, noting, “I acknowledge [the child’s] complex needs made it challenging for the council to find a school or alternative provision placement he could access, and it took steps to source placements or providers.” However, it emphasised the council's statutory duty: “it is the council’s duty to ensure it has placements and provision available to all children in its area regardless of their needs. I therefore agree the council was, and continues to be, at fault.”

Following the investigation, in November 2024 West Sussex County Council formally upheld the mother’s complaint and offered £100 in compensation for the distress and uncertainty caused. The Ombudsman increased this award to £300 and added a further £300 to recognise the “significantly delayed complaints handling.” Additionally, £7,800 was awarded to compensate for the substantial loss of education and SEN provision experienced by the child from September 2023 through to the end of January 2025, resulting in a total compensation package of £8,400.

The Ombudsman also mandated the council to provide details on measures taken and planned to address the backlog in its complaints management system.

A spokesperson for West Sussex County Council responded to the findings by stating, “We accept the Ombudsman’s findings and have apologised to the family involved. We have made the recommended payment as well as taking action to improve the service based on these recommendations.”

The Argus is reporting on this case, highlighting concerns over the local authority’s handling of educational provision for children with special needs and its complaint processes.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.bbc.co.uk/news/articles/crgye23mv3ro> - This article reports on a case where West Sussex County Council failed to review or update a child's Education, Health and Care Plan (EHCP) correctly, leading to compensation being paid to the family.
2. <https://www.bbc.com/news/uk-england-sussex-62007778> - This article discusses a mother of a child with special needs who received £2,000 from West Sussex County Council after the Local Government and Social Care Ombudsman upheld her complaint regarding the council's handling of her son's EHCP.
3. <https://www.westsussex.gov.uk/about-the-council/have-your-say/complaints/make-a-complaint-or-appeal/> - This page outlines the complaints procedure for West Sussex County Council, detailing how individuals can submit complaints or appeals regarding council services.
4. <https://westsussexsendias.org/complaints/> - This page provides information on how to make a complaint about special educational needs and disabilities (SEND) services in West Sussex, including contact details and procedures.
5. <https://westsussexsendias.org/complaints-to-the-lgsco/> - This page explains how to escalate complaints about SEND services in West Sussex to the Local Government and Social Care Ombudsman (LGSCO), including guidance on the process and time limits.
6. <https://westsussexsendias.org/appeals-against-placement-section-i/> - This page provides guidance on appealing against Section I of an Education, Health and Care Plan (EHCP) in West Sussex, which relates to the named educational placement.
7. <https://www.theargus.co.uk/news/25123591.west-sussex-county-council-pays-8k-compensation-mum/?ref=rss> - Please view link - unable to able to access data