

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint about
Shropshire Council
(reference number: 25 006 308)**

17 June 2026

The Ombudsman's role

We independently and impartially investigate complaints about councils and other organisations in our jurisdiction. If we decide to investigate, we look at whether organisations have made decisions the right way. Where we find fault has caused injustice, we can recommend actions to put things right, which are proportionate, appropriate and reasonable based on all the facts of the complaint. We can also identify service improvements so similar problems don't happen again. Our service is free.

We cannot force organisations to follow our recommendations, but they almost always do. Some of the things we might ask an organisation to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

We publish reports to raise awareness of significant issues, encourage scrutiny of local services and hold organisations to account.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Mrs X	The complainant
Y	Her child

Report summary

Education and Children's Services - SEN Provision and EHC Plans

We upheld Mrs X's complaint about a delay in transferring her child Y's Education, Health and Care Plan when they moved into Shropshire. The delay meant Y did not receive the educational provision in his Education, Health and Care Plan between February and July 2025 which was an important year for him. Mrs X and Y are an armed forces family and the gap in Y's education made the move and settling into the area more difficult and stressful. Communication was also not in line with our expected standards which caused Mrs X avoidable frustration.

Finding

Fault found causing injustice and recommendations made.

Recommendations

Within three months of the date of this report, we recommend the Council:

- apologise in writing to Mrs X and to Y for the fault and injustice caused. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The Council should consider this guidance in making the apology we have recommended;
- make a payment of £3,000 to Mrs X to reflect Y's missed special educational provision between February and July 2025; and
- review its Armed Forces Covenant Action Plan and ensure it implements changes to Special Educational Needs and Disabilities (SEND) procedures so service children with SEND (with or without Education Health and Care Plans) do not have any gaps in their education when they move into Shropshire. The Council should provide us with a written report summarising its review and any changes to the Plan.

The Council must consider the 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)

The Council has accepted these recommendations.

The complaint

1. Mrs X complained the Council failed to:
 - secure the content of her child, Y's, Education, Health and Care (EHC) Plan when the family moved to the Council's area;
 - finalise Y's EHC Plan; and
 - communicate with her effectively.
2. She said this caused her avoidable frustration and uncertainty and Y missed out on special educational provision.

Legal and administrative background

The Ombudsman's role and powers

3. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
4. Under our information sharing agreement, we will share this report with the Office for Standards in Education, Children's Services and Skills (Ofsted).

Relevant law, guidance and council policy

5. A child or young person with special educational needs (SEN) may have an Education, Health and Care (EHC) Plan. This document sets out the child's needs and what arrangements should be made to meet them. The EHC Plan is set out in sections. Section F has the child's special educational provision (SEP) and Section I the educational placement.
6. The council has a duty to make sure the child or young person receives the special educational provision set out in section F of an EHC Plan. (Section 42 Children and Families Act 2014)
7. Where a child or young person moves to another council, the 'old' council must transfer the EHC Plan to the 'new' council. The new council must make sure the provision in the EHC Plan begins on the day of the move or within 15 working days of becoming aware of the move if this is later. The new council must review the EHC Plan either within 12 months of it last being reviewed or three months of the date of the transfer, whichever is the later date. (Regulation 15, Special Educational Needs and Disability Regulations 2014 and SEND Code of Practice, paragraphs 9.157 to 9.162)
8. The Armed Forces Covenant (the Covenant) places a legal duty on public bodies to have due regard to Covenant Principles when carrying out housing, education and healthcare functions. The principles say:
 - military families should not face any disadvantage compared with others in the provision of public services; and
 - special consideration is appropriate in some cases.
9. We published guidance about the Covenant to raise awareness among council staff. We said they needed to ensure they considered covenant commitments appropriately when military families approached them for services or support. (Armed Forces Covenant, Guidance for Practitioners, November 2019)

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10. Children whose parents are in the military services may face unique difficulties because of the nature of their parents' jobs. The difficulties include frequent moves at short notice. Guidance says transitions should be well managed to avoid service children with SEN experiencing delays in having their assessed needs met. (SEND Code of Practice, paragraph 10.54)
 11. Guidance also says councils must:
 - arrange the SEP in the EHC Plan from the date of the transfer of the EHC Plan; and
 - work with each other, particularly those which have bases within their area so that SEP can be made as soon as a child arrives in the new authority. (SEND Code of Practice, paragraph 10.57)
 12. The Council's Armed Forces Covenant Action Plan 2025-29 acknowledges issues remain about SEN and additional support, in respect of how to get the required package in place at short notice. It goes on to say it will "consider the covenant when developing, delivering and reviewing policies and decisions which may impact the Armed Forces community".
 13. Our Principles of Good Administrative Practice set out our expectations of councils. We say they should 'get it right' including by operating an effective complaints procedure and offering a fair and appropriate remedy when upholding a complaint. We also expect councils to be citizen focused. This includes responding flexibly, dealing with people helpfully, promptly and sensitively and taking account of their individual circumstances.
 14. The Council put in place a communication protocol for contact between parents and the EHC team in October 2025. This was not in place during the events of this complaint. The protocol asks parents to email their named case officer or send an email to a general team email address if there is no named officer. The Council will try to respond within five working days, but due to demands on the service, it would likely be eight working days. If there was no response, parents could forward their email to a named manager, adding 'escalation' to the subject line of the email address.

How we considered this complaint

15. We produced this report following the examination of relevant files and documents and interviews with the complainant.
16. We gave the complainant and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before the report was finalised.

What we found

Background

17. Y has SEN and an EHC Plan which was maintained by a different local authority (Council A). Y and his family moved to Shropshire at the start of February 2025 when he was in Year 10. They are a military family and were due to move to Shropshire in the new year.

2024

18. Council A held an annual review of Y's EHC Plan in September 2024.

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19. The Council told us it received contact from Council A about Y at the start of December 2024. Mrs X told us she was in contact with the Council at the same time to inform it Y had an EHC Plan.
- 2025**
20. Council A issued the amended final EHC Plan for Y in January 2025. Section I did not have a named placement, just a type (mainstream). Provision in Section F included:
- social skills programme
 - adult support to maintain engagement
 - support with note taking and access to alternative means of recording
 - reminders to drink and go to the toilet
 - access to a safe place during break and lunch.
21. Council A emailed the Council's EHC team in January 2025 saying:
- Mrs X had been in contact with a couple of schools in Shropshire;
 - Y needed a school place; and
 - it had just issued an amended final EHC Plan following Y's annual review.
22. The Council's internal records show Y's case was added to its EHC Plan database and a case worker assigned to Y in the last week of January.
23. Mrs X told us Y had access to online provision arranged by Council A between January and the start of April 2025. Mrs X said online education was not suitable for Y as he found it hard to engage. The family moved to Shropshire at the start of February 2025.
24. Council A asked the Council for updates on Y's educational placement in February and March 2025. Mrs X also said she tried to contact the EHC team by phone and email about consultations with schools. Council A told the Council Y was having online schooling but this would be ending due to his move. It asked the Council to confirm it had taken responsibility for Y's EHC Plan. In the middle of March, Council A told the Council it was ending Y's online provision.
25. In April Mrs X complained to the Council setting out her numerous attempts to get Y's EHC Plan transferred and his provision put in place. There followed an exchange of emails between a Council manager and Mrs X in which:
- the manager apologised, explained the team had been restructured in December 2024 and staffing was at 50%. The manager said the team was made up of agency staff and the worker who had been allocated to Y had left unexpectedly. The manager went on to say Y had a new case officer who would secure a placement for him; and
 - Mrs X put forward her preferred settings, including School B (a specialist hub in a mainstream secondary school). Mrs X also said Y was not having any education as Council A had ended online schooling at the start of April without letting her know. She had concerns about his academic progress as he had been out of a school setting for most of Year 9 and almost all of Year 10.
26. The Council's stage one complaint response in May said:
- it had delayed transferring Y's EHC Plan and starting school consultations; and

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- the case officer had been informed about what needed to happen to progress Y's case and would give Mrs X:
 - details about interim tuition
 - updates on school consultations
 - the date the Council would issue Y's draft EHC Plan.
27. Mrs X asked the Council for a stage two complaint response in June. Hearing nothing, she complained to us. We accepted the complaint for investigation.
28. Mrs X told us she visited schools and arranged for a placement at School B in its resource base. The Council's records show it had consulted with School B which had initially said no, but later accepted Y. The Council's funding panel agreed funding for Y to attend School B's alternative resource provision and Y started there in September.
29. The Council issued a second stage complaint response at the start of October. It upheld the complaint and said:
- the service had progressed consultations but communication with Mrs X about this was inconsistent and no interim education was arranged leaving Y without education;
 - a placement at School B was confirmed in the middle of July and Y had settled in well;
 - it should have done more to find interim provision while waiting for a school place after Council A's online provision ended; and
 - a draft EHC Plan with Mrs X's comments had been submitted for quality checks and the Council aimed to issue a final Plan shortly.
30. The Council issued Y's draft EHC Plan in October. Mrs X provided her comments on this. It issued a final amended EHC Plan naming School B in November 2025.

Information from the Council

31. The Council told us:
- it restructured the EHC team at the start of 2025, moving from mainly agency staff to a permanent workforce. Many agency staff resigned unexpectedly with only a week's notice. This put pressure on the existing permanent workforce at the time when Y and his family moved into Shropshire;
 - a permanent team has been in place since May 2025;
 - it held a training session for the EHC Team in February 2026 about responsibilities under the Armed Forces Covenant;
 - its database flagged the children of services personnel and there was a facility for the administrator to message the case officer directly about armed forces children;
 - it accepted it should have organised interim provision for Y; and
 - since September 2025 children who had recently moved into the area were receiving interim provision while the Council consulted with potential placements.

Conclusions

32. We are issuing this report to highlight the special difficulties faced by children and young people whose families are in the armed forces.

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33. The Council was made aware of Y's move in December 2024, two months before it took place. It appears there may have been some delay by Council A in transferring the relevant paperwork, however the Council had ample time to prepare for the move and ensure Y's educational provision was in place without a gap. The transfer should have been smooth and seamless for Y. Instead, it was poorly managed with ineffective liaison with the outgoing council. This was not in line with paragraphs 10.54 and 10.57 of the SEND Code of Practice. As explained in paragraph seven, the legislation aims to ensure there are no gaps in educational provision for children in military families. There are around six military bases in Shropshire and so the need to follow the principles set out in the Covenant is crucial because more local families are going to be disproportionately affected. The children of military personnel are specifically referenced in the SEND Code of Practice to recognise the additional disadvantages they may face.
34. The Council should have secured the provision in Section F of Y's EHC Plan from the date of transfer. The failure to do so was not in line with the duty in Section 42 of the Children and Families Act 2014 and was fault. The Council did not secure a school placement until July 2025 with Y not starting until September and the Council did not put in place interim provision in the meantime. The delay was fault causing Y a loss of special educational provision. We note Y had access to some online provision commissioned by Council A, but this was not the specialist provision in Section F of his EHC Plan.
35. Council A completed a review of Y's EHC Plan in September 2024. So, the Council had to complete a further review within a year. On the basis that the Council issued a draft Plan in October 2025 and a final amended EHC Plan in November, it would appear the Council was just outside the statutory deadline which was fault but did not cause significant injustice.
36. Communication with Mrs X was woefully inadequate and this was fault causing avoidable frustration, which the Council has accepted in its complaint responses.
37. We accepted the complaint for investigation at the end of June 2025 because the Council had provided one complaint response. It did not provide a final response until October 2025 which was an unacceptable delay, not in line with our Principles of Good Administrative Practice and was fault causing avoidable frustration.
38. Neither of the Council's complaint responses offered an adequate remedy for the loss of educational provision and they did not consider the Armed Forces Covenant. The Covenant recognises children in Y's position are often at a disadvantage when compared with their non-military peers as they may face regular short notice moves which are likely to interrupt their schooling and academic progress. This was fault causing avoidable distress and uncertainty.

Recommendations

39. As we have set out in the previous section, Y had a loss of special educational provision, for which the Council is accountable. Although he had access to a limited amount of online provision arranged by Council A between January and April 2025, we have accepted Mrs X's evidence that this was inadequate and not accessible. Y was in Year 10 which is when the General Certificate of Secondary Education (GCSE) phase starts and so was a key year for him academically. Taking this into account, we have recommended a payment at the higher end of our guidelines for missed provision.

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40. The Council must consider the 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)
41. In addition to the requirements set out above, the Council has agreed, within three months of the date of this report, to take the following action to remedy the injustice identified:
- apologise in writing to Mrs X and to Y for the fault and injustice caused. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The Council should consider this guidance in making the apology we have recommended;
 - make a payment of £3,000 to Mrs X to reflect Y's missed special educational provision between February and July 2025; and
 - review its Armed Forces Covenant Action Plan and ensure it implements changes to Special Educational Needs and Disabilities (SEND) procedures so service children with SEND (with or without Education Health and Care Plans) do not have any gaps in their education when they move into Shropshire. The Council should provide us with a written report summarising its review and any changes to the Plan.
42. We have not recommended a communication protocol for the EHC team because the Council recently introduced one. And it has recently delivered training on the Armed Forces Covenant to key staff. We expect this will minimise the risk of poor communication and the recurrence of other fault we have identified.

Decision

43. We find fault causing injustice. We have made recommendations in paragraphs 40 to 41 to remedy the injustice.