

OPEN

Children and Families Committee

19 January 2026

Formal Consideration of the Local Government and Social Care Ombudsman's Report

Report of: Tracy Stephen - Director of Family Help and Children's Social Care

Report Reference No: CF/44/25-26

Ward(s) Affected: All

For Scrutiny

Purpose of Report

- 1 To present the findings of the Ombudsman's investigation and seek formal consideration and noting of the conclusions, including the Council's response and amended practices.

Executive Summary

- 2 This report presents the findings of the Local Government and Social Care Ombudsman, following an investigation into a complaint made by a resident, referred to as Miss X, regarding the Council's intervention after the premature birth of her child in 2022. The Ombudsman found multiple instances of fault in the Council's handling of the case, including unwarranted escalation to child protection status and legal proceedings, poor communication, and reliance on unevidenced assumptions, alongside a Breach of Human Rights as per Article 8 of the Human Rights Act 1989; *respect for private and family life*. These actions created further distress to Miss X, at a time which was already highly distressing. There was a missed opportunity to provide meaningful support to Miss X as a result.
- 3 The Council has accepted the Ombudsman's findings and recommendations and has undertaken a learning review which has led to several suggested changes in practice and procedure. This report seeks formal noting of the conclusions and outlines the remedial actions and improvements made.

RECOMMENDATIONS

The Children and Families Committee is recommended to:

1. Formally consider the Ombudsman's report and recommendations in relation to Miss X.
2. Note the conclusion of the report and the Council's actions.

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Background

- 4 The complaint concerned the Council's decision to place Miss X's 2 children on child protection plans and initiate the Public Law Outline (PLO) process without sufficient evidence.
- 5 The Ombudsman found that the Council acted on hints and assumptions about mental health and domestic abuse without proper finding of fact. These actions were based on statements made by professionals involved with the family and contributed to an overall uninformed sense of growing concern.
- 6 The council failed to properly assess the information given and acted without having proper evidence. Information gathered and shared by others was inaccurate and escalatory in language and was taken as fact rather than used as a platform from which to explore the true picture. A lack of professionally curiosity meant that little scrutiny was placed on the information at hand. This set off the direction for the Council in seeking a legal platform to enter into PLO, or pre-proceedings, with a lens of child protection.
- 7 Due to an absence of joint reflective conversation, professionals who raised an alternative, more accurate view of the situation went unheard. Those professionals did not use a formal escalation process to further progress their concerns.
- 8 Opportunities were missed to offer appropriate support to Miss X, who was dealing with a traumatic situation regarding the birth of her second child, whose labour came early and unexpected alongside delays in securing medical assistance during labour, which are believed to have caused lifelong medical issues for Miss X's child.
- 9 The Ombudsman recommendations were as follows;

The Council should:
 - provide evidence that the learning review report was shared in the Child Safeguarding Practice review sub-group;
 - provides evidence that the recommendations from the learning review report have been added to the action tracker for progress and monitoring through the sub-group; and,
 - provides evidence that the recommendations from the learning review report have been tracked and monitored and, where appropriate, continue to be tracked and monitored so the learning is embedded in practice
- 10 The report by the Ombudsman in Appendix 1 was published on the 11th September 2025.
- 11 All above recommendations have subsequently been actioned.

- 12 A learning review was conducted by Cheshire East Safeguarding Children's Partnership (CESCP) in August 2024, resulting in a set of 7 recommendations, including:
- Improving communications with families and partners
 - Understanding the support networks of families
 - Increased understanding of multi-agency escalation processes
 - Addressing issue of value-based language
 - Sharing of information in a timely and accurate manner
 - Ensuring actions are based on the consideration of evidence
 - Assessments require consideration of all information from all sources
- 13 Oversight of the progress of the CESCP recommended actions sits with the Child Safeguarding Practice Review sub-group.
- 14 A payment to offer some level of remedy was offered to Miss X by Cheshire East Council.
- 15 A formal senior-level letter of apology was written and sent to Miss X.
- 16 The Council and its partners have welcomed the opportunity to learn from the complaint, to ensure practice is based in evidence with a view to considering the impact on Human Rights when there is intervention without due cause. There is a solid understanding of the need to bring professionals closer together to aid with clear communication and reflective, curious practice.
- 17 The Council understands that very sadly, Miss X has subsequently passed away following an unrelated health issue.

Reasons for Recommendations

- 18 That the Committee:
1. Notes the conclusions of the Ombudsman's report.
 2. Endorses the actions taken by the Council.
 3. Confirms that the report has been formally considered in accordance with statutory requirements.
 4. These actions meet the Council's commitment to helping children and young people thrive and meet their potential.

Other Options Considered

- 19 The other option available for consideration was to reject the recommendations of the Ombudsman, which was discounted given the findings of the Ombudsman that the council acted erroneously.

Option	Impact	Risk
Do nothing	There would be no acknowledgement of errors or learning from mistakes	There would be a reputational risk with Ombudsman/ public, as well as risk of legal action.
To accept findings	Acknowledge learning that comes from Ombudsman report to ensure the practice is not repeated.	Risk of being unable to implement learning

Implications and Comments

Monitoring Officer/Legal/Governance

- 20 This report fulfils the statutory requirement under Section 31(2) of the Local Government Act 1974 for the Council to formally consider the Ombudsman's findings and confirm the actions taken.

Section 151 Officer/Finance

- 21 The Council has made a symbolic payment of £4,000 and acknowledge the significant distress and uncertainty caused to Miss X.

The payment is made from the Children's Services revenue budget. This is authorised in the constitution Chapter 2 Part 5.

Human Resources

- 22 There are no human resource implications arising from this report.

Risk Management

- 23 The risks associated with this report are both legal and reputational. There is a risk of reputational damage and legal culpability related to the erroneous practices mentioned within the report. To reduce this risk, the findings of the report were fully accepted, and a related action plan has been devised to avoid a repeat of mistakes. An apology has been provided, and an offer of a symbolic payment has been made.

The risk of not accepting the findings of report would mean that there is a risk of further legal action to find the council culpable of the errors already accepted.

The Cheshire East Safeguarding Children's Partnership subgroup will ensure oversight and ongoing implementation of the recommendations to support staff in continuous improvement in the areas outlined in the Ombudsman's report.

Impact on other Committees

24 This report has no bearing on any other committees.

Policy

Commitment 1: Unlocking prosperity for all	Commitment 2: Improving health and wellbeing Children and young people thrive and reach their potential with targeted support when and where they need it	Commitment 3: An effective and enabling council Effective and responsive governance, compliance and evidence-based decision making
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Equality, Diversity and Inclusion

25 An EIA has been completed and is attached at Appendix 1.

Other Implications

26 None

Consultation

Name of Consultee	Post held	Date sent	Date returned
<i>Statutory Officer (or deputy):</i>			
Chris Benham	Director of Finance and Deputy S151 Officer	19/12/25	22/12/25
Kevin O'Keefe	Interim Director of Law and Governance (Monitoring Officer)	19/12/25	22/12/25
<i>Legal and Finance</i>			

Diane Green	Finance Manager – Children's Services	19/12/25	02/01/26
Jennie Summers	Acting Head of Legal Services	19/12/25	09/01/26
<i>Other Consultees:</i> <i>Executive Directors/Directors</i>			
Dawn Godfrey	Executive Director, Children's Services	19/12/25	22/12/25

Access to Information	
Contact Officer:	Tracy Stephen, Director Family Help and Children's Social Care tracy.stephen@cheshireeast.gov.uk
Appendices:	Appendix 1: Equality Impact Assessment
Background Papers:	Report by Local Government and Social Care Ombudsman: Investigation into a complaint about Cheshire East Council (reference number: 24 009 262)