

**Southampton Parent Carer Forum CIC**

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**FAO: Chief Executive and Leader of the Council**

Southampton City Council

**Formal Complaint: Ongoing Failure to Address Systemic Concerns within Disabled Children's Social Care and Short Break Provision**

Dear **Jillian Kay**,

We are writing to raise a formal complaint on behalf of Southampton Parent Carer Forum CIC regarding the continued lack of progress and response following:

- The sharing of our report "*Short Breaks, Jigsaw and Social Care – Families Experiences*" (June 2025)
- Our meeting with Robert Henderson, Executive Director Community Wellbeing, Children & Learning (DASS & DCS) and Steph Murray, Director for Children's Social Care on 23rd September
- Multiple follow-up emails over the past several months requesting updates and clarification

Despite these efforts, families report that the issues outlined in our June report remain unresolved and, in some cases, have worsened.

**Failure to Act on Documented Concerns**

Our June report clearly set out systemic issues affecting families of children and young people with SEND, including:

- Lack of transparency around short break and direct payment policy changes
- Inconsistent and inequitable allocation of respite
- Reduction of packages without clear rationale
- An appeals system perceived as inaccessible and inconsistently applied
- Barriers to transport and access
- Lack of holistic, needs-led assessments
- Inadequate support for siblings and young carers
- Delays and poor communication through the jigsaw duty line

These concerns were not anecdotal; they were drawn from widespread lived experience across the city and supported by legislative references, including the Chronically Sick and Disabled Persons Act 1970, the Children Act 1989, the Children and Families Act 2014, and the SEND Code of Practice.

At our September meeting, there was acknowledgement of the seriousness of these issues. However, families have not seen meaningful change, nor have we received a

clear action plan, timeline, or formal response to the recommendations set out in the report.

## **Escalating Impact on Families**

The impact on families is significant and deeply concerning.

We are increasingly hearing from parents who are:

- Exhausted and approaching crisis due to reduced respite
- Experiencing deterioration in their own mental health
- Struggling to balance employment and caring responsibilities
- Watching siblings take on inappropriate caring roles without support
- Losing trust in the social care system altogether

We are particularly concerned as we approach further school holiday periods, where reduced provision and limited HAF availability are compounding pressures already at breaking point.

Short breaks are not a luxury. They are a statutory duty and a preventative measure designed to safeguard family wellbeing and prevent breakdown. When these are reduced or inconsistently applied, the consequences are real.

## **Safeguarding and Reputational Risk**

We must also be clear about the wider risk.

Across the country, there have been tragic cases where families of disabled children have felt unsupported, isolated, and unheard — cases that later resulted in intense media scrutiny of local authorities and questions about whether statutory duties were met.

We are increasingly worried that without urgent intervention, Southampton risks finding itself in a similar position. The patterns we are seeing — reductions in support, complaints not being addressed transparently, barriers to access, and families describing themselves as “in crisis” — are warning signs.

Our intention is not to be alarmist. It is to prevent harm.

No family should feel so unsupported that they reach a breaking point without help. A preventative, lawful, and compassionate social care system is essential to avoid crisis escalation — both for families and for the Council.

## **Lack of Co-Production and Communication**

A central theme of our June report was the breakdown in meaningful co-production.

While we remain willing and committed to working constructively with the Council, true co-production requires:

- Early involvement in policy development
- Transparent sharing of draft policies before implementation
- Clear communication to families about changes
- Joint action planning with measurable outcomes

Policies such as the Direct Payment framework and changes linked to the Resource Allocation System have been operational for months without transparent publication or co-produced consultation. This undermines trust and contradicts the principles set out in the SEND Code of Practice.

We also note continued inconsistency in the appeals and complaints processes, contributing to perceptions of inequity.

### **Potential Breaches of Statutory Duty**

We must now raise our serious concern that the current practice within Disabled Children's Social Care may constitute breaches of statutory duties.

Under:

- Section 2 of the Chronically Sick and Disabled Persons Act 1970, where a need has been identified, the local authority has a mandatory duty to provide the necessary services. This duty is not discretionary and cannot be overridden by resource pressures.
- Section 17 of the Children Act 1989, there is a duty to safeguard and promote the welfare of children in need, including disabled children.
- The Children and Families Act 2014, there is a duty for coordinated, needs-led provision.
- The Equality Act 2010, there is a duty to avoid discrimination and to make reasonable adjustments.

Where families are experiencing:

- Reductions in support without transparent reassessment,
- Delays in provision due to staffing or budget constraints,
- Inconsistent application of policy,
- Failure to assess siblings who may meet the threshold for Child in Need,
- Charging structures that disadvantage disabled children compared to non-disabled peers,
- Barriers to accessing appeals or complaints,

There is a real risk that statutory duties are not being met.

We are increasingly concerned that decisions are being framed as policy-led or resource-led rather than needs-led, which would be incompatible with the above legislation.

### **Ombudsman Findings and Financial Risk to the Council**

We are also aware that a number of families have pursued formal complaints independently of the Forum. Several have now escalated their complaints to the Local Government and Social Care Ombudsman.

We are hearing directly from families that these complaints are being upheld by the independent officer, with findings that the Council has:

- Failed to follow proper process,
- Failed to provide services in line with assessed need,
- Caused avoidable distress,
- Been required to issue financial remedies and compensation.

This is deeply concerning.

Not only does this reflect systemic practice issues, but it also represents avoidable financial cost to the Council. Compensation payments, legal advice, officer time responding to investigations, and reputational damage all divert public funds away from frontline support for children and families.

More importantly, Independent officer findings confirm that families' concerns are not simply perception — they are being validated externally.

A pattern of upheld complaints should trigger immediate systemic review, not individual case-by-case correction.

### **Preventative Duty and Risk of Escalation**

The purpose of short breaks and social care support is preventative — to reduce family breakdown, crisis escalation, and safeguarding risk.

When families repeatedly report:

- Emotional exhaustion,
- Lack of sleep,
- Mental health deterioration,
- Withdrawal from employment,
- Young siblings taking on inappropriate caring roles,

these are early warning indicators.

If statutory preventative services are reduced or inconsistently applied, crisis intervention becomes more likely — which is significantly more costly financially and socially.

We are therefore concerned not only about individual legal breaches, but about systemic risk management.

### **Formal Requests and Requirement for Assurance**

In light of the concerns outlined above, and the increasing evidence of systemic failure impacting families across the city, we formally request the following:

## **1. Written Assurance on Legal Compliance**

We require written assurance that:

1. No reductions in support are being made where assessed need remains unmet.
2. Budgetary pressures or internal resource constraints are not influencing eligibility decisions or the level of provision awarded.
3. A formal review has been undertaken of Ombudsman and independent officer findings relating to Disabled Children's Social Care within the last 24 months.
4. Learning from upheld complaints has been embedded into operational practice, with evidence of systemic change rather than case-by-case correction.
5. A legal compliance review of short break allocation processes, direct payment systems (including the RAS), and transport decisions has been conducted to ensure full alignment with:
  - Section 2 of the Chronically Sick and Disabled Persons Act 1970
  - Section 17 of the Children Act 1989
  - The Children and Families Act 2014
  - The Equality Act 2010

If this assurance cannot be provided, we will have no option but to consider further escalation in order to fulfil our responsibility as the representative body for parent carers in Southampton.

## **2. Formal Action and Governance Requirements**

In addition, we formally request:

1. A detailed written response to our June 2025 report, *Short Breaks, Jigsaw and Social Care – Families Experiences* Short Breaks and Social Care - addressing each recommendation individually.
2. A clear, published action plan with measurable timescales covering:
  - Review of short break allocation processes
  - Publication and genuine co-production of the Direct Payment Policy
  - Immediate improvements to the appeals and complaints process
  - Review of transport provision and accessibility barriers
  - Review and clarification of support pathways for siblings and young carers
3. Confirmation of how the Council is currently monitoring and assuring compliance with statutory duties, including governance oversight arrangements for Disabled Children's Social Care.
4. A senior-level meeting within the next four weeks to agree a structured improvement pathway, including named responsible officers and reporting timelines.

5. Clarification of where ultimate accountability sits within the Council for oversight of Disabled Children's Social Care decision-making and statutory compliance.

Given the number of families who have already pursued formal complaints, and the fact that some cases are now being upheld externally with financial remedies awarded, it is imperative that this is treated as a systemic compliance issue rather than a series of isolated incidents.

We remain committed to constructive partnership. However, without clear assurance, transparency, and measurable action, further escalation through appropriate channels will be unavoidable.

### **Our Position**

Southampton Parent Carer Forum exists to work in partnership. We do not seek conflict; we seek solutions.

However, we also have a responsibility to represent families when they tell us they feel unheard and unsupported.

If progress is not demonstrated, families are increasingly considering escalation routes including formal complaints, Ombudsman involvement, and legal challenge. We would strongly prefer to avoid this and instead rebuild trust through transparency, accountability, and meaningful collaboration.

This is a critical moment.

We urge the Council to treat this complaint with the seriousness it warrants and to work with us proactively to prevent further harm to families and to restore confidence in the system.

We look forward to your urgent response.

Yours sincerely,

**Amy Kendall**

On behalf of Southampton Parent Carer Forum CIC  
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