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Amerdeep Clarke
Local Government
and Social Care Ombudsman
for England

25th November 2025

Formal complaint regarding governance, misrepresentation, and systemic maladministration at Surrey County Council

Dear Ms Clarke,

We are writing to formally raise escalating, serious concerns regarding Surrey County Council's (SCC) complaint handling, governance, transparency, and the broader patterns of systemic maladministration and misconduct that are emerging across both Education and Children's Services. In Surrey, these services are delivered through a single directorate, known as the 'Children, Families and Lifelong Learning Directorate (CFL)', led by Executive Director Rachael Wardell, OBE. However, the concerns we are outlining extend beyond this directorate to the wider leadership of the Council, encompassing both Executive and Elected members. The Council is led by Terence Herbert, Chief Executive Officer, and by Tim Oliver, OBE, Leader of the Council. The available evidence now demonstrates profound, ongoing structural failures in SCC's delivery of Children's Services, and, of significant concern, in their complaint pathways, their management of legal appeals, and oversight systems. These failures have distorted public understanding of performance, undermined councillors' ability to discharge their scrutiny duties, and left residents with diminished access to justice.

We would be grateful for your advice on the appropriate next steps, given the severity of these concerns, their systemic nature, and the clear risk of ongoing serious injustice to families in Surrey.

Specific areas for your view

- Whether SCC's complaint governance arrangements (from 2022 to the present) comply with your published guidance and the relevant requirements of Local Government legislation to maintain accurate records, publish transparent complaint data, and provide sufficient visibility of complaint performance trends.
- Whether identified patterns of misclassification, diversion, or premature closure of complaints indicate systemic maladministration;
- Whether Surrey's internal reporting and scrutiny processes have materially misrepresented performance, particularly during the period of 2022–2024, leading to a failure of democratic oversight;

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- Whether the provision of materially false assurances to MPs regarding withheld complaint data reflects a broader cultural failure of candour and transparency within SCC's leadership;
- Whether the repeated recurrence of identical statutory breaches, despite claimed "100% compliance" with LGSCO recommendations, evidences institutional non-learning and wider organisational dysfunction;
- And, more broadly, what mechanisms or powers, whether within the LGSCO or through other regulators, you consider appropriate to address issues of this scale and persistence.

For completeness, the evidence underpinning the concerns set out above is summarised in sections 1 to 8 that follow.

Since our last meeting, on 13 November 2025, the Local Child Safeguarding Practice Review (LCSPR) into the death of ten-year-old Sara Sharif was published. The findings are devastating. They describe not isolated error, but comprehensive, systemic breakdown within Surrey County Council's Children, Families and Lifelong Learning Directorate over a sustained period: inaccurate statutory records, multiple failures to follow essential safeguarding processes, multiple ignored risk indicators, multiple instances of highly flawed decision making, and — notably — the alteration of statutory records by Council Officers after the fact when urgent, required actions had not been taken.

The LCSPR makes clear that these were not incidental lapses but comprehensive, persistent, and enduring failures. They reflected deep cultural and organisational dysfunction: errors were allowed to go unnoticed, unchallenged, and uncorrected; safeguarding processes were systematically deprioritised; and leadership oversight repeatedly failed to identify or act upon patterns of failure.

The LCSPR's findings correspond directly with the ongoing patterns of failure outlined in this letter: the removal or suppression of critical information from decision making; the absence of reliable oversight; the normalisation of unlawful decision-making; and repeated harm to children whose vulnerabilities were known to the authority. It is widely recognised that safeguarding failures of this scale seldom arise in isolation- they are indicated as a symptom of structural and cultural collapse.

Detailed grounds for regulator consideration

1. Highest LGSCO Education and Children's Services complaint escalation rates

Between 2022 and 2024, SCC recorded the highest number of Education and Children's Services complaint enquiries escalated to the LGSCO nationally—at its peak, their volumes were around ten times the national median for these specific service areas. During this period, their escalation rate was climbing at a rate that far exceeded national trends. In addition, patterns of repeat

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statutory breaches intensified over this period. This alone should have indicated a system under acute strain and in urgent need of intervention.

References: [Local government complaint reviews - Local Government and Social Care Ombudsman](#)

2. Removal of comparative complaint data from scrutiny reports

From mid-2022, precisely when their complaint performance was escalating to outlier status, SCC withdrew the methodology and commentary previously used to illustrate comparative complaints performance with their county council cohort. This critical comparative data was withheld from scrutiny reports from mid-2022 through late 2024, despite repeated requests from councillors for its reinstatement. The action to restore this data remained outstanding on governance trackers for over 14 months.

- Councillors were left unaware that escalations to your office had reached unprecedented levels.
- Public scrutiny was obstructed during the period of greatest escalation.
- Comparison against peer councils—the only meaningful indicator of contextual performance—was removed.

This omission was both material and consequential. When comparative data was eventually reinstated—only after my written intervention—it confirmed the catastrophic extent of the comparative underperformance that had been concealed from elected members and residents for over 14 months.

References: Surrey County Council Annual Complaints Performance Report, June 2023; Surrey County Council Webcast, June 2023 Audit and Governance Committee; Surrey County Council Annual LGSCO Update, November 2023; Surrey County Council Webcast, November 2023; Audit and Governance Committee Actions Tracker, June 2023 – September 2024.

[Browse Meetings, 2025 - Surrey County Council](#)

3. Misrepresentation of complaint performance to Scrutiny Committees and the wider public

In the absence of disclosed data, senior officers repeatedly presented an account of performance that was inconsistent with the reality recorded by your office. At the Children, Families and Lifelong Learning Select Committee meetings on 18 July 2023 and 21 September 2023, minutes show officers characterising the LGSCO Annual Letter as positive, highlighting the Council's collaboration with the LGSCO and the challenges faced nationally.

At those points, Surrey was performing significantly worse than its county council comparators, with escalation levels far exceeding the national median. This narrative materially misled the committee about the scale of the failing and prevented corrective governance action. This misrepresentation has subsequently persisted into Cabinet Meetings, Full Council Meetings, and media interviews, where the Leader and other elected officials underplayed the scale of underperformance in complaints and materially misrepresented the experiences of families using their services.



References: Surrey County Council Annual LGSCO Update, November 2023; Surrey County Council Webcast, November 2023; Minutes for other Surrey County Council Meetings.

[Browse Meetings, 2025 - Surrey County Council](#)

4. Leadership-level denial and refusal to investigate legitimate MP concerns

When these issues were raised in correspondence with the Council’s leadership—including the escalation in complaint volumes and the removal of comparative performance data from scrutiny reports—the Leader of Surrey County Council categorically denied that any data had been withheld or misrepresented. This denial was given on two separate occasions, despite clear documentary evidence to the contrary. Rather than investigating concerns that have since been substantiated by the reappearance of the data, the Leader instead chose to cease correspondence on the matter and indicated his intention to refer any further communication on these issues to the Council’s Monitoring Officer.

This response, particularly when presented with clear evidence of governance failure, is deeply troubling. The sequence of denial, refusal to investigate, and refusal to engage with legitimate scrutiny demonstrates a leadership culture resistant to accountability and unwilling to acknowledge or address systemic failings. It seriously undermines confidence in the Council’s governance arrangements and reinforces the need for immediate intervention, independent investigation, and external oversight.

References (including email chains): [Chris Coghlan MP calls for the Education Secretary to directly intervene in Surrey County Council - Chris Coghlan MP](#)
[SEND parents call for an independent judge lead inquiry into Surrey County Council's misconduct on ITV News - Chris Coghlan MP](#) (including letter of concurrence on governance failures from Independent Cllr Fiona Davidson, then Chair of the Children’s Select Committee on Surrey County Council).

5. Evidence of premature closure, refusal, or reclassification of complaints

Multiple reports- including your own decisions- indicate that SCC has:

- Refused legitimate complaints;
- Reclassified formal complaints as “enquiries” or “service requests”;
- and consequently, incorrectly directed families away from the statutory process.

You have already noted examples in which complaints were incorrectly refused, misrouted, or downgraded contrary to regulations within your investigations. Parents report this practice of ‘downgrading’ and refusing complaints to be widespread in Surrey. These issues were considered of such public concern that they were reported in ITV news earlier this year.



In the wider context of the issues set out here, these behaviours cannot credibly be viewed as isolated. They indicate a cultural resistance to scrutiny and a systemic failure of complaint governance within this authority.

References: ITV coverage of Surrey County Council reclassifying formal complaints as “enquiries”
[ITV News: Surrey County Council SEND Crisis](#)

6. Excessive, outlier Tribunal volumes evidence a systemic breakdown in statutory functions

In the past three years, Surrey County Council has registered more SEN Tribunal appeals than any other local authority in England, with over 1,000 appeals lodged last year alone. Families consistently describe serious maladministration in the lead-up to their legal decision-making including:

- Statutory processes ignored or bypassed;
- Specialist reports removed from legal documents, or entirely omitted from decision-making;
- Failures to gather or consider evidence required by law;
- Failures to issue legal decisions or conduct legal processes in a timely manner, delaying rights of legal appeal;
- Widespread, wholesale non-compliance with the statutory SEND framework, consequently producing unlawful or unsustainable decisions at scale.

Because families are prohibited from raising complaints about matters ultimately within Tribunal jurisdiction, this surge in appeals has severe consequences:

- Hundreds of families are now being functionally excluded from the complaints process.
- Any reduction in complaint volumes cannot be interpreted as improvement, but displacement.
- Tribunal offers no remedy for maladministration in the decision-making process itself, only the final decision—leaving prolonged statutory breaches, delays, and injustice entirely unaddressed.

This is not an appeals system functioning as intended; it is the predictable consequence of an authority in which statutory processes are routinely not followed, internal redress mechanisms do not operate, and complaint routes are blocked, unavailable, or incapable of addressing procedural illegality. Families have no meaningful way to challenge unlawful or flawed decision-making until after the harm has already occurred, which can mean over 18 months of a vulnerable child's life in crisis without any route for intervention.

In practical terms, this leaves a regulatory vacuum in which prolonged injustice can persist without remedy, even when the root cause is maladministration — for example, when statutory decision-making processes repeatedly produce unlawful or procedurally flawed outcomes. In such circumstances, Tribunal is being used to correct the downstream effects of maladministration, rather than to adjudicate legitimate professional or educational disagreements.

References: [Tribunals statistics quarterly: July to September 2024 - GOV.UK](#)



7. “100% Compliance” with LGSCO recommendations contrasted by persistent faults

SCC routinely asserts full compliance with recommendations issued by your office, as evidence of their improved performance. However, the rigid, repeating patterns of faults identified, and the persistence of identical statutory breaches month after month, all indicate that SCC is failing to address the underlying causes of these failures.

At worst, families are experiencing serious, prolonged, and harmful maladministration, causing significant detriment to children and taking more than 18 months to redress- only for the identical failures to occur again the next time they are required to engaged with SCC. In some instances, this involves the same officers, the same managers, and the same unlawful decision-making processes. The extent of the repeated harm inflicted on families cannot be overstated. This paradox—case-by-case compliance without any systemic correction—has profound implications. For every upheld complaint, there are likely many more families experiencing identical injustices who never reach your office. A council displaying this level of institutional non-learning poses a significant and continuing risk to residents.

8. The LCSPR confirms systemic, not incidental, failure

As set out above, the recent Local Child Safeguarding Practice Review (LCSPR) found catastrophic and systemic maladministration by this council. The Review identified inaccurate statutory reporting, failures to maintain records, failures to follow mandatory processes, and an organisational culture in which errors were neither identified, challenged, nor corrected. Most notably, it described statutory records being altered by Officers, after the fact, when the appropriate safeguarding actions had not been taken- effectively adjusting the record rather than taking the urgent action required by law.

As MPs representing thousands of families, many of whom report similar, ongoing failures, we are deeply concerned that these behaviours are deeply embedded within the directorate’s culture. The Council has resisted opportunities to address them and appears instead to have concealed the scale of its underperformance; at the very time this acutely vulnerable child was being so comprehensively failed.

The LCSPR’s findings correspond directly with the serious administrative and conduct-related failings that have driven Surrey’s sharp rise in serious complaints and its exceptionally high Tribunal caseload. Families have consistently raised these concerns relating to maladministration and misconduct - the available data indicates that these patterns have been intensifying for more than three years. These issues cannot credibly be characterised as isolated incidents; they constitute systemic patterns of misconduct and maladministration.

We would therefore ask for your particular consideration of:

- the seriousness of these omissions from the Council’s scrutiny processes;
- whether it was, in fact, material that Surrey’s performance was demonstrably failing at a rate far exceeding its peers; and



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- whether- had these warning signs been properly and urgently identified, investigated, and scrutinised with sufficient rigour- these failures would have persisted.

References; [SS-CSPR-SSCP-Report-for-publication-13.11.25.pdf](#)

Request for action and guidance

The weight of evidence now points to a local authority whose internal governance mechanisms have failed, whose leadership culture actively resists scrutiny, and whose statutory functions are being exercised in a manner inconsistent with the basic requirements of public administration. The consequences for children and families have been grave, and they continue to be so. It is not an exaggeration to say that the risks to children in Surrey remain live, immediate and unmitigated. Families, children and young people in Surrey- many already deeply harmed by these failures- cannot be expected to rely on a system that has repeatedly demonstrated its inability or unwillingness to correct itself. It is now difficult to see how these issues can be addressed without external intervention.

We would therefore be grateful for your guidance on the steps your office considers necessary- whether through your own powers or through engagement with other statutory regulators- to ensure independent scrutiny, accountability, and immediate risk mitigation.

We would of course be willing to support any next steps your office considers appropriate.

Yours sincerely,

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