
Council

20 October, 2020

Name of Cabinet Member:

Cabinet Member for Education and Skills - Councillor K Maton,

Director Approving Submission of the report:

Director of Education and Skills

Ward(s) affected:

None

Title:

Report of Local Government and Social Care Ombudsman

Is this a key decision?

No - This report is laid before Council under Section 31(2) of the Local Government Act 1974 on the direction of the Local Government and Social Care Ombudsman (LGO). Council is asked to acknowledge the LGO recommendations,

Executive Summary:

In August 2020, The Local Government and Social Care Ombudsman (LGO) published a report in the public interest setting out the findings of a complaint against Coventry City Council in respect of the appeals process for Home to School Transport applications. The Council's process did not at that time provide a right for an appellant to attend the second and final stage appeals panel.

The LGO identified that was a flaw in operational process as it might disadvantage an appellant who may not have the skills to express their grounds for appeal in writing. Coventry City Council has accepted that finding, apologised to the complainant and amended its process.

The LGO publication is made in the public interest to share wider learning, with the intent that other LAs will now review their own operational procedures to ensure compliance, as this is not necessarily a Coventry specific issue.

Recommendations:

Council is recommended to acknowledge the recommendations of the Local Government and Social Care Ombudsman (LGO) in its published decision of the 10th August 2020, reference number: 19008896 and note that the Council has accepted and implemented all recommendations

List of Appendices included:

Appendices

Appendix 1 - Report of Local Government and Social Care Ombudsman: Reference 19 008 896

Appendix 2 - Coventry Home to school transport appeals flowchart 2019/20

Background papers:

None

Other useful documents

None.

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes 20th October 2020

1. Context (or background)

- 1.1 The Council's Home to School Travel Assistance Policy reflects national guidance and is compliant. The eligibility criteria for the provision of home to school travel assistance is clear and confirms that if an applicant's application is unsuccessful, they are able to appeal through a two-stage appeals process.
- 1.2 However, following a resident's complaint to the Ombudsman it was found that the Council's operational appeals process did not meet the requirements set out in national guidance, which states the independent appeal panel (stage 2) should consider written and verbal representations from both the parent and officers involved in the case. The LGO was concerned that the Council's process should give parents the same or equal opportunity to present their case unless there were cogent arguments not to do so. It therefore found injustice and maladministration.
- 1.3 At the point of investigation, the Council's process did not include a right of attendance for the parent, instead relying on written submissions. The process had been designed to ensure that appeals were heard quickly, with a target of 20 days.
- 1.4 The LGO's recommendations following the investigation were:
- The Council should consider the report at a meeting of full Council
 - Apologise to the complainant
 - Change its school transport appeal procedure to ensure it meets the requirements of statutory guidance; and
 - Offer the complainant a fresh appeal with a new panel, including the opportunity to attend the panel meeting and make verbal representations
- 1.5 It is confirmed that all of these actions have been taken and that the appeals process has been amended to reflect statutory guidance at stage 2 (Appendix 2)

2. Options considered and recommended proposal

- 2.1 Not applicable

3. Results of consultation undertaken

- 3.1 Not applicable

4. Timetable for implementing this decision

- 4.1 All recommendations of the LGO have been implemented

5. Comments from Director of Finance and Director of Law and Governance

5.1 Financial implications

None

5.2 Legal implications

Section 31 of the Local Government Act 1974 requires local authorities to consider reports of maladministration from the LGO and Section 5(2) places a duty on the Monitoring Officer

to “prepare a report to the authority” where (among other things) it appears to the Monitoring Officer that “a proposal, decision or omission by the authority , by any committee, or sub-committee of the authority , by any person holding any office or employment under the authority.....has given rise to or is likely to or would give rise to” any maladministration

6. Other implications

Any other specific implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Provide commentary on how the proposals contribute to the council's core aims as detailed in the Council Plan.

6.2 How is risk being managed?

The recommendations of the LGO’s report have been implemented in full

6.3 What is the impact on the organisation?

None

6.4 Equality Impact Assessment (EIA)

The findings of the LGO identified that the omission in process might present a potential injustice to residents who are not able to articulate their case as clearly in writing as they might in verbal evidence to a panel. This may include residents with a disability or where written English is a barrier. The change in process removes the potential injustice.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None

Report author: Julie Newman

Name and job title: City Solicitor and Monitoring Officer, Director of Law and Governance

Directorate: Law and Governance

Tel and email contact: Tel: 02476 972707 Email: julie.newman@coentry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Law and Governance	9/10/20	9/10/20
Other members				
Names of approvers for submission: (officers and members)				
Finance: Barry Hasty	Director of Finance & Corp Resources	Finance and Corporate Resources	9/10/20	12/10/20
Legal: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	9/10/20	9/10/20
Director: Kirston Nelson	Director of Education and Skills	Education and Skills	9/10/20	9/10/20
Members: Councillor K Maton	Cabinet Member for Education and Skills		9/10/20	12/10/20

This report is published on the council's website:

www.coventry.gov.uk/councilmeetings

