

Cabinet report LGO case 23005479 - Briefing

This report sets out the findings by the Local Government & Social Care Ombudsman (LGO) made against the Council following the Council's failure to comply with agreed recommendations following two earlier investigations and the action now taken by the Council to demonstrate that it has complied with those recommendations.

An initial complaint was made to the LGO regarding the Council's failure to provide appropriate free transport.

The Council agreed with the LGO findings and to meet the recommended within agreed timescales.

The Council failed to do so and a further LGO investigation was opened, the Council agreed with the LGO's findings and agreed to meet the recommendations in agreed timescales.

However, the Council failed to do so and a third investigation was opened.

An initial complaint was made to the LGO in 2022 from the parent of a young person, in that the Council had failed to provide appropriate free transport to enable the young person to attend college named in his Education, Health & Care Plan.

The Council agreed with the findings of the LGO and to meet a number of the recommended actions by 30th June 2022, with the remaining action by 30th August 2022.

However, the Council failed to implement a number of the recommended actions within the agreed timescale:

An apology had been provided, a payment made to the young person, and the application for transport had been re-assessed.

However, no meeting had taken place with the parent and young person to consider the impact the lack of transport had on the young person's ability to attend college and complete his college course; and a review by the Council of its post-16 transport policy to ensure it clearly sets out the difference in its duties between sixth form and adult learners, had not been undertaken.

In November 2022 the LGO opened a new investigation because of the Council's failure to implement the initial recommendations within the agreed timescale.

Following that investigation, the Council agreed with the findings of the LGO and committed to:

Make a payment of £250 for additional frustration caused by the Council's failure to meet with the parents

Review its post-16 transport to education policy and confirm by 13th February 2023 when the revised policy would be finalised and approved by committee. The Council confirmed that it anticipated the revised policy to be in place for the 2023/24 academic year.

The Council has made the payment but failed to consult on and implement a revised post-16 transport to college policy within the agreed timescale.

In its final report the LGO found that the Council was at fault in not actioning the LGO recommendations within a reasonable timeframe, despite the Council having agreed to those timescales in both earlier investigations.

The recommendations set out in the final LGO report are that the Council should:

- present a report to Cabinet on the new policy in December 2023
- carry out full stakeholder consultation in Spring 2024
- present a report to Cabinet in April 2024 for a decision regarding implementation
- implement a revised post-16 transport policy by 31st May 2024

At its meeting on the 13th December 2023 Cabinet received a report on proposals to consult on changes to the Council's home to school policy.

Throughout January 2024, a series on parental engagement workshops have taken place to inform the re-drafting of the policy. From this, Officers have worked with Bury2gether to co-produce a draft policy. Consultation with stakeholders on the draft policy will commence on the 26th February through to the end of March.

The outcome of the consultation together with recommendations in respect of the adoption of a new transport policy will be presented to Cabinet for its consideration in April 2024.

The LGO confirmed that, where it finds fault and make recommendations, it expects councils to carry them out within the agreed timescales.

The LGO stated that the Council's delays in acting on agreed recommendations following the investigation could undermine public trust in the Council's ability to operate a fair system of redress and causes further avoidable distress to the complainant.

Those recommendations include the LGO being presented to the Council's Cabinet, and the publication of public notices advising members of the public of the LGO reports, and making those reports available.