

# STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Tuesday, 13 June 2017

Present: Councillor M McLaughlin (Chair)

Councillors P Stuart B Kenny  
C Blakeley E Boulton (In place of J Hale)  
WJ Davies C Meaden (In place of RL  
G Ellis Abbey)  
P Gilchrist Jones

Independent Member: Prof RS Jones

## 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Abbey, J Hale and Independent Member Mr Brian Cummings.

The Chair informed the Committee that Mr Cummings was unable to attend due to ill health and that he had also decided to step down from his duties as an independent member of the Committee.

The Chair advised Members that she was sorry to hear of Mr Cummings' decision as he was a much valued member of the Committee. She would be writing to Mr Cummings to wish him well for the future, and to thank him for his contributions and services to the Committee over the years.

## 2 MEMBERS' CODE OF CONDUCT

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

No such declarations were made.

## 3 ORDER OF BUSINESS

The Chair proposed and it was agreed that the meeting's order of business be varied and that item 6 on the agenda (Local Government Ombudsman's Report – Specialist Home to School Transport in Wirral) be considered after item 3 (Minutes).

## 4 MINUTES

**Resolved – That the minutes of the meeting of the Committee held on 26 April 2017, be confirmed as a correct record.**

**5 LOCAL GOVERNMENT OMBUDSMAN'S REPORT - SPECIALIST HOME TO SCHOOL TRANSPORT IN WIRRAL**

The Senior Manager Admissions and Place Planning introduced the report of the Local Government Ombudsman (LGO) on an investigation into complaints against the Council relating to the provision of Specialist Home to School Transport in the 2015-2016 academic year for some families whose children had special educational needs or disabilities (SEND).

The Committee noted that the Council's home to school travel policy set out eligibility criteria for free home to school travel for children and young people in Wirral, and that the policy in its current format came into force from September 2014 and that the 2017-2018 home to school transport policy was attached as an appendix to the report.

Members were apprised that the usual form of home to school travel provided (where young people are eligible under the policy) was through the provision of a free to user scholars travel pass for use on public transport. In relation to transport to special schools, bases and units for children with SEND, the form of transport provided may be through the provision of a specialist vehicle, e.g. a minibus, or via a free scholar's travel pass where the young person was able to utilise public transport.

In addition Members noted that where a home to school travel application for any young person had been refused or the applicant disagreed with the mode of transport provided, the applicant may follow the Council's two stage appeal process. The first stage was for the original decision to be considered by a Senior Officer. The second stage appeal was before a panel of Senior Officers. If applicants did not agree with the outcome of the Stage 2 appeal, they may then choose to make a complaint to the LGO.

The LGO report covered four applicants, A, B, C and D who had made complaints in relation to their child's transport arrangements in the 2015-2016 academic year. The report did not find that the home to school transport policy itself was at fault or that the decisions themselves were incorrect. However, the report identified several areas for action in relation to the appeal process and the Council's actions in relation to the four families involved. The Council had agreed to all of the recommendations, and the related actions as advised, to the Committee for consideration.

The Committee noted that letters of apology had been sent to all four families on 23 February 2017 along with cheques for the amount set out by the LGO. The Committee further noted that Applicant C's vehicle transport had already

been re-instated in May 2016. Applicants A, B and D had already been provided with new transport application forms prior to the LGO report and new decisions had been made in relation to A, B and D accordingly, as set out by the LGO. Any subsequent appeals resulting from these decisions would be dealt with under the improved appeal processes.

As agreed, transport application forms had also been sent to the four other non-complainant families, identified by the Council during the LGO's investigation. For information, one child in this group was now not eligible for specialist transport as they no longer attend an SEN base; and another was now travelling independently following successful travel training. One parent has returned the transport application form and this application was being processed accordingly. The other had not submitted an application, but if they choose to do so in future, this would be considered under the policy and improved procedures that were in place.

The Chair re-iterated the Council's previous apologies and expressed regret relating to the circumstances that had brought about the complaints and the distress caused to the families concerned. The Committee supported the actions taken by the Council to redress the errors that had occurred.

It was moved by the Chair, seconded by Councillor Chris Blakeley and:

**Resolved - That**

- (1) the Committee notes the content of the Ombudsman's report on the provision of Home to School Transport in relation to the application of the policy on a number of service users;**
- (2) the Committee also notes that the Council accept the findings in the report and is pleased to have been made aware that some of the recommendations have already been acted on, that it intends to implement all the recommendations in full, and hopes that all lessons that could be learned from this have been learnt; and**
- (3) the Committee expresses regret that people using the service have been treated in this matter in a way which caused them distress and also their need to resort to contacting the Ombudsman to achieve a satisfactory outcome.**

**6 APPOINTMENT OF PANELS**

A report by the The Assistant Director: Law and Governance and Monitoring Officer proposed that the Committee establish the Standards Panel and Standards Appeal Panel in accordance with the paragraph 9.5 of Article 9 of the Council's Constitution and the Protocol for Dealing with Complaints against Members.

Appended to the report were the following appendices:

- Article 9 of the Council's Constitution;
- Members' Code of Conduct;
- Protocol for Dealing with Complaints against Members; and
- Procedure for dealing with matters before the Standards Panel and Standards Appeal Panel.

#### **Resolved - That**

- (1) a Standards Panel be formally established pursuant to paragraph 9.5 of Article 9 of the Council's Constitution;**
- (2) Membership of the Standards Panel comprise:**  
  
**Councillors M McLaughlin (Lab), C Blakeley (Con), P Gilchrist (Lib Dem) and Independent Member Prof RS Jones;**
- (3) nominations for the membership of the Standards Appeal Panel be sought from the Political Groups as and when there is a requirement to hold a meeting;**
- (4) where a representative Member, confirmed under paragraph (2) above, is unavailable to attend a proposed meeting of the Standards Panel or Standards Appeal Panel but that meeting can be attended by all other persons required, then the relevant political group through their Group Leader/Deputy Group Leader or Party Spokesperson shall promptly confirm another representative member who is able to attend that meeting; and**
- (5) the proposed procedure for dealing with a matter before either the Standards Panel or Standards Appeal Panel set out at Appendix 4 to the report be agreed.**

#### **7 ESTABLISHING THE STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE WORKING GROUP**

The Assistant Director: Law and Governance and Monitoring Officer presented a report to the Committee, which:

- (i) sought approval to establish the Standards and Constitutional Oversight Working Group for the current Municipal Year;**
- (ii) provided details of the work undertaken by the Working Group during the last Municipal Year; and**

(iii) subject to (i) proposed a Work Programme for the Working Group for the 2017/18 Municipal Year which included:

- Review of the Council's Constitution
- Review of the Members' Code of Conduct and Protocol
- Review of the Member/Officer Protocol
- Completion of the recruitment exercise for additional Independent Persons

The Terms of Reference for the Working Group were set out in an appendix to the report.

**Resolved – That, this Committee -**

- (1) agrees to establish a cross party Standards and Constitutional Oversight Working Group for the current Municipal Year;**
- (2) agrees the Terms of the Standards and Constitutional Oversight Working Group as set out at Appendix 1 to the report;**
- (3) Membership of the Working Group comprise:**  
  
**Councillors M McLaughlin (Lab), B Davies (Lab), P Stuart (Lab), C Blakeley (Con), G Ellis (Con), P Gilchrist (Lib Dem) and Independent Members; and**
- (4) agrees to the Work Programme of the Working Group for the 2017/18 Municipal Year as set out in the report.**