



**Standards and Constitutional
Oversight Committee**

13 June 2017

LGO TRANSPORT REPORT

Councillor Bernie Mooney, Cabinet Member for Children and Families, said:

“While the Ombudsman has not suggested our policy on eligibility for home to school transport is wrong, or that the decisions we made were not corrected, it is clear – and we accept – that the process we follow in the four cases this report refers to fell short of what was required.

“These mistakes occurred more than a year ago, during a time when the services involved were under considerable pressure – since this time, improvements have been made and the processes involved are much stronger. My job, as the new portfolio holder, is to make sure the improvements are sustained and problems like this do not occur again in the future.

“This clearly does not excuse the issues in these cases. We have written to the four families offering our sincere apologies, and we will be complying with the Ombudsman recommendations in full.”

REPORT SUMMARY

On 2nd February 2017, the Local Government Ombudsman (LGO) published a report on an investigation into complaints against Wirral Council relating to the provision of specialist home to school transport in the 2015-2016 academic year for some families whose children have special educational needs or disabilities (SEND). The Local Government Ombudsman found fault by the Council causing injustice and made a number of recommendations which the Council has agreed to, including the payment of compensation to the families involved.

While the Ombudsman did not find fault in the decisions made, or in the associated policies, they did find issues in the process for how decisions were arrived at, and made

a series of recommendations to both rectify the initial issues and make improvements in the future. All recommendations are accepted by the Council.

The LGO report is required to be considered by Cabinet or a delegated committee under Section 31(2) of the Local Government Act 1974.

RECOMMENDATION/S

That the LGO report is noted and that the Standards and Constitutional Oversight Committee note the actions taken to address the issues identified in the report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The LGO report is required to be considered by Cabinet or a delegated committee under Section 31(2) of the Local Government Act 1974.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not applicable.

3.0 BACKGROUND INFORMATION

- 3.1 The Council's home to school travel policy sets out eligibility criteria for free home to school travel for children and young people in Wirral. The policy in its current format came into force from September 2014. The 2017-2018 home to school transport policy is attached as an appendix.
- 3.2 The usual form of home to school travel which is provided, where young people are eligible under the policy, is 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 is able to utilise public transport.
- 3.3 Where a home to school travel application for any young person has been refused or the applicant disagrees with the mode of transport provided, it is open to the applicant to follow the Council's two stage appeal process. The first stage is for the original decision to be considered by a Senior Officer. The second stage appeal goes to a panel of Senior Officers. If applicants do not agree with the outcome of the Stage 2 appeal, they may then choose to make a complaint to the LGO.
- 3.4 The LGO report covers four applicants, A, B, C and D who made complaints in relation to their child's transport arrangements in the 2015-2016 academic year. The report does not find that the home to school transport policy itself is at fault or that the decisions themselves were incorrect, however the report identifies several areas for action in relation to the appeal process and the Council's actions in relation to the four families involved. The Council has agreed to the recommendations, the related actions for which are advised here to the Standards and Constitutional Oversight Committee for consideration.
- 3.5 Letters of apology were sent to all four families on 23rd February 2017 along with cheques for the amount set out by the LGO. 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 have been made in relation to A, B and D accordingly, as set out by the LGO. Any subsequent appeals resulting from these decisions are being dealt with under the improved appeal processes.

- 3.6 As agreed, transport application forms were also sent to the four other non-complainant families, identified by the Council during the LGO's investigation. For information, one child in this group is now not eligible for specialist transport as they no longer attend an SEN base; and another is now travelling independently following successful travel training. One parent has returned the transport application form and this application is being processed accordingly. The other has not submitted an application, but if they choose to do so in future, this will be considered under the policy and improved procedures in place.
- 3.7 Changes to the school transport application form relating to the identification of low income families had already been implemented prior to the LGO report. The form now requests the parent's date of birth and National Insurance number which enables the Council to establish whether or not the family may be eligible on the low income element of the home to school transport policy, if this is relevant to the application.
- 3.8 The appeal process recommendations identified, including improved note taking, more extensive feedback and changes to the appeal outcome letters to specifically state that Statements and/or Education Health and Care Plans (EHCPs) were considered, had already been implemented prior to the LGO report's publication and will continue.
- 3.9 The quality and content of decision and appeal outcome letters will continue to be monitored to ensure that parents whose child is not eligible under the policy are clear why their application or subsequent appeal has been turned down.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Council has agreed to pay the amounts set out by the LGO in their report. These payments have already been made to the families involved.

5.0 LEGAL

- 5.1 The LGO report is required to be considered by Cabinet or a delegated committee under Section 31(2) of the Local Government Act 1974.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 All new applications for specialist transport are considered for eligibility. The nature of the process by which children and young people are provided with a Statement or EHCP means that whilst transport applications are received and processed throughout the school year, the majority are received between April and August each year with a view to beginning or moving to a new special school, base or unit at the start of a new school year September of each year
- 6.2 The home to school transport policy also requires that all existing applicants in receipt of specialist transport are reviewed annually or sooner when the Council has been notified of a change of circumstances. This enables the Authority to consider the suitability of the mode of transport provided in relation to the young person's age and changing needs, whether independent travel training will be recommended and in some cases whether specialist transport should continue to

be provided. The assessment and review process involves officers from both Community Services and Adult and Disability Services.

- 6.3 The identification of young people with SEND who may benefit from independent travel training (ITT) is a vital part of the eligibility assessment and annual review process. The ability to travel independently on public transport, for those young people with SEND able to do so, is a valuable life-skill which enhances young people's confidence and independence and potentially optimises their life chances in the future. The Council employs independent travel trainers who provide personalised one to one training; this has been very successful and is valued by parents and schools.

7.0 RELEVANT RISKS

- 7.1 The application of the Council's home to school transport policy through annual reviews may result in a change in the provision, mode of transport provided or withdrawal of transport. Both mitigation and good practice necessitates schools, parents and the Council to work closely together to monitor pupil's attendance and punctuality and address any issues arising.
- 7.2 Wider implications in respect of risk of challenge would be financial or reputational.

8.0 ENGAGEMENT / CONSULTATION

- 8.1 As advised by the LGO, public notice announcements were made in the Wirral Globe and on the Liverpool Echo website within 2 weeks of receiving the report (22nd February 2017). Copies of the report were made available free of charge at the One Stop Shop at Wallasey Town Hall.

9.0 EQUALITY IMPLICATIONS

- 9.1 The Council's home to school transport policies are above the statutory requirement for the level of transport support provided and are in line with comparable Councils. The application the policy is being implemented on a phased basis. The policies seek to ensure that young people are encouraged, where appropriate, to progress to independent travelling in a phased supported way. This can increase the young person's confidence, participation in community life and help prepare the young person for life beyond school and college. The policies continue to target the Council's resources at those most in need.

REPORT AUTHOR: Sally Gibbs

Senior Manager Admissions and Place Planning

telephone: (0151) 666 4487

email: sallygibbs@wirral.gov.uk

APPENDICES

Final report of the Local Government Ombudsman

Public notice text

Home to school transport policy 2017-2018

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date