

Audit Committee Home to School Transport Ombudsman Report

Birmingham City Council

Monday 26th July 2021



Summary of LGSCO Report

- Ombudsman's report issued 7th May.
- Fault found against the Council's handling and consideration of applications and subsequent appeals for home to school transport dating back to 2018/19.
- As the Ombudsman has found fault causing injustice and have made recommendations to remedy the injustice caused, it should be considered by the Committee on behalf of the City Council.
- The two families complaints within the report are similar in nature so the LGSCO has produced a report covering both complaints.
- Mrs C and Mrs G complained about the Council's handling and consideration of their applications and subsequent appeals for home to school transport.
- The LGSCO expressed concern that the very similar faults which occurred in both of these cases mean it is possible other families have been similarly affected in that other parents and carers may have incurred costs to access the home to school transport to access the transport their children are entitled to.

LGSCO Recommendations

- BCC to make apologies to both families
- BCC to pay financial compensation to both families to repay costs incurred, recognise the time and trouble taken to make the complaint, recognise the stress and inconvenience caused, recognise the impact on access to education.
- BCC to review the application for Mrs G and offer an alternative means of transport, not requiring parental accompaniment.
- BCC to pay reasonable travel expenses from March 2019.

LGSCO Service Improvement

The Ombudsman advised the Council:

- The Council cannot insist parents and carers accompany children who live beyond statutory walking distance on the journey to school. For all other children, decisions about accompaniment should be made on a case-by-case basis.
- Where the child is eligible for free transport, parents and carers should not incur costs to use home to school transport offered to their child.
- Decisions made about home to school transport must take account of the individual needs of the child and consider whether the journey is “safe and reasonably stress free, to enable the child to arrive at school ready for a day of study”.
- If the Council requires further evidence to decide if a child is eligible for home to school transport, it should consult relevant professionals already involved with the child.
- When making decisions about transport for children with special educational needs, the Council should show how it has considered the content of the child’s education, health and care plan.
- Reasons for decisions must be recorded.
- Decision letters following appeals must set out how the Council carried out the review, who they consulted, what they considered and how the parent can escalate their case.

Council response to LGSCO recommendations

- The Council agreed to all of the Ombudsman's service improvement recommendations.

The Council also agreed to:

- Revise its home to school transport policy to ensure its approach to accompaniment reflects the statutory guidance.
 - Review all decisions to issue a travel pass made since September 2018 to ensure;
 - it considered the individual needs of each child.
 - It has not required parents and carers of children living beyond reasonable walking distance to accompany their child on the journey to and from school; and
 - no parent has been expected to incur costs to use the home to school transport where the child is eligible for free transport. Where costs have been incurred, the Council should repay these.
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Council response to date

- The Council has subsequently carried out the following actions:
 - • Appointment of an Interim Eligibility Review Manager. This Manager is reviewing existing processes and procedures to reassure that they are compliant with statutory requirements.
 - • Recruitment of interim additional capacity in relation to Eligibility Officers, as well as establishment of a specialised eligibility team, to both provide capacity for timely review of cases as well as to support the Ombudsman review of cases.
 - • Legal services to review all revised processes and procedures for compliance as well as to arrange further training.
 - • Payments have been made to both families in line with the Ombudsman's recommendations.
 - • Written and verbal apologies have been made to both families.
 - • All potentially impacted cases going back to 2018 have been identified to be reviewed by end of October 2021, as agreed with the LGSCO.

Questions?

