

DECISION TO AWARD COMPENSATION AS RECOMMENDED BY THE LOCAL GOVERNMENT OMBUDSMAN

COUNCILLOR LYNNE AYRES - CABINET MEMBER FOR EDUCATION, SKILLS AND THE UNIVERSITY

MAY 2019

Deadline date: N/A

Cabinet portfolio holder: Responsible Director:	Cllr Lynne Ayres – Cabinet Member for Education, Skills and the University Wendi Ogle-Welbourn - Executive Director: People and Communities
Is this a Key Decision?	NO
Is this decision eligible for call-in?	NO
Does this Public report have any annex that contains exempt information?	YES Exempt Annex 1 is NOT FOR PUBLICATION in accordance with paragraphs 1, 2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972 in that it contains information relating to an individual and information which is likely to reveal the identity of an individual. The public interest test has been applied to the information that is contained in the Exempt Annex to this Decision Notice and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it because it would reveal details around the personal circumstances of individuals.
Is this a project and if so has it been registered on Verto?	NO

R E C O M M E N D A T I O N S

The Cabinet Member is recommended to authorise the payment of £11,500 in line with the settlement amount recommended by the Local Government Ombudsman.

1. PURPOSE OF THIS REPORT

1.1 This report is for the Cabinet Member for Education, Skills and the University to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (a) to award compensation at the recommended level as detailed in the ombudsman’s report attached as Annex 1.

Authority is required for settlements over £1,000. Under Part 3, Delegations, Section 3, Executive Functions, para 3.13.5 (g) the Chief Executive/Director of People and Communities can only pay such settlements up to a value of £1,000.

- 1.2 The attached report/background information is NOT FOR PUBLICATION in accordance with paragraphs 1, 2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972 in that it contains information relating to an individual, information which is likely to reveal the identity an individual and information relating to the financial affairs of an individual. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it as to do so would reveal details around the personal and financial circumstances of individuals.

2. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. **BACKGROUND AND KEY ISSUES**

- 3.1 The Cabinet Member is requested to approve the award of compensation as recommended by the Local Government Ombudsman.

4. **CONSULTATION**

- 4.1 This decision does not require any public consultation.

5. **ANTICIPATED OUTCOMES OR IMPACT**

- 5.1 It is anticipated that the Cabinet Member will approve or reject award of the recommended level of compensation as recommended by the Local Government Ombudsman.

6. **REASON FOR THE RECOMMENDATION**

- 6.1 The Local Government Obundsman (LGO) investigated a complaint from a family who were allocated place in a mainstream school but the school refused admission as they could not meet the child's special educational needs. The child was out of school for a significant period as the council did not identify immediately the child as missing from education. There was no documented communication coming from the parent to the Local Authority during this time about finding a school place. Had the child been identified as missing, an appropriate alternative placement would have been delivered and the LGO felt that as a result there was injustice to the child.
- 6.2 The LGO also felt that the Council had not dealt with parental complaint over this situation in a timely manner. As a result, the LGO has decided that compensation would be payable over the education lost to the child but also the anxiety this has caused the family. The LGO also recognised in this compensation, the financial difficulty faced by the parent and the time and trouble in pursuing the matter. This request is therefore for authority to make a payment in the sum of £11,500 in accordance with the LGO's recommendations.
- 6.3 Following this case, we have reviewed our processes around children missing from education. There has been significant improvement in our capacity and approach to dealing with these issues since this case occurred.

7. **ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 The Local Government Ombudsman cannot make the Council do what is recommended in their Notice of Decision , however if the Council were to disagree with the recommended remedy the Ombudsman may be required to write a formal report in

response to this. Where a formal report against a Council is issued the Ombudsman will make this public unless there are special reasons not to.

- 7.2 The complainants made a complaint to the Local Government Ombudsman about the Council's decision and the subsequent investigation has identified evidence of fault and recommended the Council take steps to remedy the injustice. The Council agrees with the recommendation proposed by the Ombudsman.

8. IMPLICATIONS

Financial Implications

- 8.1 The amount recommended by the LGO will be paid from the 2019/20 financial year.

Legal Implications

- 8.2 There are no legal implications arising from this decision.

Equalities Implications

- 8.3 There are no equalities implications arising from this decision.

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 9.1 None.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 10.1 None.

11. APPENDICES

- 11.1 Exempt Appendix 1 - Complaints Reference CS17/013