



Report to the Standards Committee

Date: 8 October 2020

Reference number: n/a

Title: Local Government and Social Care Ombudsman Report, 24 July 2020: Home to School Transport Progress Report

Relevant councillor(s): Cllr Anita Cranmer, Cllr David Martin.

Author and/or contact officer: Lucy Pike

Ward(s) affected: None specific

Recommendations:

- 1. The Standards Committee notes the report of the 24 July 2020 from the Local Government & Social Care Ombudsman.**
- 2. To note the progress in implementing the recommendations required by the Local Government and Social Care Ombudsman Report of 24 July 2020.**
- 3. To continue to progress the remaining recommendations that are required by 24 January 2021. The outstanding actions are:**
 - To continue to work with providers via the Dynamic Purchasing System to ensure a broad range of client needs can be accommodated (Action 6)**
 - To review and update the transport provision sections of the Local Offer (Action 8)**
 - To provide a report to the Ombudsman once all the actions are completed (by 24 January 2021) (Action 9)**
- 4. To suggest the Standards Committee accept this update report and agree that it fulfils the requirement for elected members to monitor progress. The Committee note the completed actions and those that will be completed in the coming months.**

Reason for decision: The Council is required to bring to the attention of Members the report of the Local Government and Social Care Ombudsman. The Standards Committee has

been identified as the most appropriate forum to consider the Report and this progress update. The Council is required to provide free home to school transport for children of compulsory school age. The actions being taken are to fulfil this requirement based on the Ombudsman's findings

Executive summary

This paper provides a summary of a recent Local Government and Social Care Ombudsman Report, published on 24 July 2020 that found the Council to be at fault for the way in which it provided home to school transport for 2 children with Special Educational Needs and Disabilities. It concluded that the Council, in this case, did not meet its statutory duty to provide free home to school transport for children of school age who were eligible. The Council has accepted the findings of the ombudsman. This paper details progress against implementing the recommendations identified in the Ombudsman's report.

Content of report

- 1.1 A parent of 2 children with Education, Health and Care Plans made a complaint to the Local Government and Social Care Ombudsman (LGO) in April 2019 about their home to school transport arrangements. The Council was unable to provide suitable transport for the 2 children who were eligible for free transport due to their Special Educational Needs and Disabilities. The parent was receiving 2-way mileage to transport them herself to a school 8 miles away. The parent argued that this did not amount to free transport as her return journey home was not covered by the mileage allowance and it was unreasonable to expect her to wait at the school all day.
- 1.2 The parent submitted an application to the Transport Exceptions Panel to consider 4-way mileage and when the Panel declined the request, the parent progressed to the Independent Appeal Panel. This Panel also declined her request. During this time there was some confusion around whether the Council could provide suitable transport, particularly for the younger child and therefore whether the parent was voluntarily transporting her children. There was also confusion about whether an assessment of needs had been conducted. Following a number of delays the Council confirmed it could not provide suitable transport for the eldest child. At the time of the Ombudsman's report, there remained uncertainty about whether the Council could provide transport for the younger sibling.

Local Government and Social Care Ombudsman (LGO) Decision

- 1.3 The Ombudsman upheld the parent's complaint, identifying that 2-way mileage does not equate to free transport provision. The confusion, poor communication, delays in decision-making and errors in administering process were felt to be of no fault of the parent, and had caused unnecessary hardship, anxiety, time and trouble.

- 1.4 The Council has accepted all the findings in the Ombudsman's report and have taken steps to complete the recommended actions.

Actions

The Council were required to complete a number of actions within 6 weeks of the report being published (24th July).

Action 1: Reimburse the parent for the additional journeys taken from September 2018 and pay 4-way mileage going forward. **Completed.**

A payment of £1,479.06 was made on 10 July to reimburse the outstanding mileage costs in 2018/19. A further payment of £2559.60 was processed on 23 September to cover the outstanding mileage costs in 2019/20. Due to Covid-19 the children did not attend school after 13 March and therefore no further mileage claims have been processed. The client transport profile has been adjusted to process 4-way mileage for this family for the academic year 2020/21 onwards.

Action 2: Send a letter of apology to the parent with a payment of £50 per week for each week she transported her children to school from Sept 2018 – 13 March 2020 in recognition of the time, trouble and anxiety caused. **Completed.**

A letter of apology was sent on 2 July and a payment of £3050 was made on 10 July.

Action 3: Assess the younger sibling to see if the Council can provide suitable transport, and pay 4-way mileage to the parent if transport cannot be provided. **Completed.**

The assessment was completed on 20 July and it was agreed that the parent would continue to transport her children to school and claim 4-way mileage. The client transport profile has been adjusted to process 4-way mileage claims.

- 1.5 The Ombudsman made a number of recommendations to be actioned within 6 months of the report being published (by 24 January 2021). Progress against these is described below.

Action 4: Review the school transport policy and guidance to ensure that it reflects the Council's statutory duty to provide free transport and that it states the Council will pay the full costs of transport to parents where it is unable to provide suitable transport. Where the Council can provide suitable transport and the parent voluntarily agrees a mileage arrangement, this will cover two legs of the journey. **Completed.**

This review was completed immediately and the Transport Improvement Board of 23 June 2020 approved the move to 4-way mileage in cases where the Council is unable to provide transport. 4-way mileage had already been put in place from 23 March 2020 due to Covid-19, for those vulnerable pupils (and/or children of key workers) who were still attending education during the lockdown period.

Action 5: Review other parents' and carers' mileage arrangements. Where the Council finds it is unable to provide suitable alternative transport, and as identified in this case, the arrangement is not voluntary, it should pay the mileage costs of four legs of the journey where relevant. **Completed.**

The Council identified all parents/carers who were in receipt of 2-way mileage payments and wrote to them on 19 August 2020 to make an offer of paying 4-way mileage from September 2020 onwards if they wished to continue with the mileage arrangement. For new eligible transport applicants the offer of 4-way mileage is also now in place and the website and communications information has been updated accordingly.

Action 6: Take action to address the Council's apparent lack of suitable transport provision to ensure other children who require home to school transport are not adversely affected.

The Council have continued with an existing review of transport provision to ensure suitable transport can be provided to more children. This includes increasing the number of providers registered on the Dynamic Purchasing System (DPS) so more companies can bid for work. It is anticipated that over time this will enable a range of provision to be available to cater for a broader range of needs.

The Transport Application and Assessment process has been reviewed and updated. This ensures that the most up to date and relevant details are captured to enable better informed decision making on suitable transport provision for each child.

The Home to School Transport Policy and associated Post 16 Transport Policy Statement have been recently viewed and a public consultation on the refreshed content is scheduled for 12 October, closing on 7 December 2020. A key part of this proposed Policy and associated Statement is an improved offer relating to the use of Personal Transport Budgets. These enable parents/carers to exercise greater control, flexibility and choice about how their child travels to school/education. It is anticipated that the offer of Personal Transport Budgets will further support families to secure the most appropriate transport provision for their child.

Action 7: The Council should report its progress to the relevant committee to ensure that elected members can monitor this. This report fulfils this requirement. **Completed.**

Action 8: The Council should update its Local Offer on the Bucks Family Information Service to reflect the transport provision available.

The Council is currently reviewing all its website content on transport provision and has updated the Council transport pages to ensure clarity:

[\(https://www.buckinghamshire.gov.uk/schools-and-learning/schools-index/school-transport/\)](https://www.buckinghamshire.gov.uk/schools-and-learning/schools-index/school-transport/). The Local Offer is also being reviewed to ensure all information is

accessible to families. The planned consultation on our Home to School Transport Policy and associated Statement referred to above also aims to make information clearer and more accessible for families.

Action 9: The Council should provide the Ombudsman with a report confirming the actions it has taken.

On 22 September 2020 the Council updated the Ombudsman with details regarding the completion of Actions 1 to 3, mentioned above, enclosing the relevant evidence of such. Included in that response was clarification as to how the Council has calculated the sums paid to the complainant (addressed in Actions 1 and 2 above). A final report will be provide to the Ombudsman once all the actions are completed, in line with the timescales set out.

Other options considered

1.6 n/a.

Legal and financial implications

1.7 A total of £7088.66 has been paid to the family concerned.

1.8 Paying 4-way mileage remains a cost effective option for the Council where it is unable to source suitable transport for a child with specific needs that make it difficult to transport them safely.

1.9 The matters raised in the complaint presented to the Ombudsman are those which the Council has an obligation to address and resolve. It is clear that the Council is tackling the issues that led to the complaint, which in turn will meet the needs of other similar parents presented with child transport difficulties.

Corporate implications

1.10 n/a

Consultation and communication

1.11 A cabinet member briefing was held with Cllr Anita Cranmer to discuss the Ombudsman's findings and recommendations.

Next steps and review

1.12 The actions described in Section 1.5 will continue to be progressed and an update will be shared with the ombudsman on their conclusion.

1.13 The overarching Home to School Transport Policy and associated Statement will be refreshed following consideration of the feedback from the public consultation (12

October – 7 Dec 2020). The revised Policy and Statement will be presented to Cabinet for approval on 30 March 2021 and will apply to children attending school from September 2021 onwards. The learning from the ombudsman’s findings have informed the draft Policy.

Background papers

LGO report.

Your questions and views (for key decisions)

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by lucy.pike@buckinghamshire.gov.uk



**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
Buckinghamshire County Council
(reference number: 19 001 498)**

24 July 2020

The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Mrs X The complainant

Report summary

School transport

Mrs X complains the Council has not provided free home to school transport despite agreeing her children are eligible. The Council pays her mileage for two journeys but does not pay for her return home and outward journey. The Council did not properly consider her appeal.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council has accepted our recommendations to apologise, pay Mrs X's mileage and a financial remedy. The Council should also revise its policy and review other parents' and carers' home to school transport applications where it pays mileage, who may be similarly affected by the fault identified.

The complaint

1. Mrs X complains the Council has failed to provide free transport to the school named in her children's Education, Health and Care Plans. She says it is not free because the Council is paying mileage for only two journeys a day when she makes four journeys. She says it has delayed dealing with her appeals. She complains this has caused her hardship, anxiety and time and trouble.

What we have investigated

2. We have considered the matters raised in Mrs X's complaint from October 2018. We have not considered matters from January 2017 to September 2018 for the reasons explained in paragraphs 48-49.

The law relevant to this complaint

The Ombudsman's role

3. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
4. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
5. We may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E, as amended*)

School transport legal background and guidance

6. The Education Act 1996 defines local authorities' duties with regard to provision of home to school transport at sections 508B, 508C and Schedule 35B and 35C (as inserted by the Education and Inspections Act 2006).
7. The law says local authorities must make 'suitable travel arrangements', 'as they consider necessary', for 'eligible children' to attend their 'qualifying school'. This transport must be provided free of charge.
8. Schedule 35C School Travel Schemes, paragraph 3 (5) states that:
"Travel arrangements', in relation to an eligible child, include travel arrangements of any description made by any parent of the child only if those arrangements are made by the parent voluntarily."
9. The law and guidance say on condition the relevant parental consent has been obtained by the council (annually or, if a child moves school), as an alternative arrangement to meet its duty relating to make travel arrangements, it may pay the parent a mileage allowance to drive their eligible child to school. This would be in place of the council making arrangements for a taxi to transport the child.
10. 'Home to school travel and transport' issued by the Department for Education in July 2014 provides statutory guidance by the government (the Guidance).

How we considered this complaint

11. We discussed the complaint with the complainant and made enquiries of the Council. We considered the comments and documents the Council provided. We also invited the complainant and the Council to comment on our draft report. The comments received were taken into account before the report was finalised.

What we found

Background

12. Mrs X has two children with a disability, both have significant sensory processing needs and high levels of anxiety. The Council has agreed they are both eligible children, entitled to free home to school transport due to special educational needs and disability.
13. The Council is paying mileage for Mrs X to take her children to school eight miles away and to take them home. But it has refused to pay mileage for Mrs X to return home after dropping her children off at school and for the journey back to pick them up. Mrs X says that this is not “free school transport”.

What happened

14. Mrs X was receiving the two-way mileage payment from the Council to transport her older child. At the beginning of October 2018 Mrs X called the Council and wrote to ask it to pay mileage for four legs of the journey. She said that the Council was paying her mileage because it had no suitable transport that would meet her child’s needs. She had agreed to drive her child to school as there was no alternative. She pointed out that the Council would have to pay considerably more for a taxi and a passenger assistant to transport her child than the mileage payment. She also asked the Council to assess her younger child for free school transport.
15. Mrs X chased the Council for a response after four weeks. The Council replied sending her a form to appeal to the Council’s Transport Exceptions Panel (TEP).
16. Mrs X sent the completed appeal form on 1 November 2018. The children’s school supported Mrs X’s appeal. The Council replied advising it would consider the appeal on 12 November 2018. On 28 November 2018 Mrs X requested an update. The Council advised Mrs X that the panel had requested further information from the children’s school.
17. In January 2019 the Council told Mrs X it was in the process of contacting the children’s school. However, Mrs X told the Council it had contacted the wrong school.
18. Mrs X also chased the Council in January about her request for the Council to assess her younger child for school transport.
19. The Council’s assessment officer met Mrs X in January. She says he assessed her younger child and completed an assessment form which she signed. Mrs X says the officer agreed that neither child could share or use the Council’s transport provision due to their complex needs. The officer also noted that Mrs X had asked for reimbursement of the full cost of her mileage.
20. In its response to our enquiries the Council says the transport assessment officer did not complete an assessment form but advised the transport officer by telephone and email that neither child could access the Council’s transport. The

Council has not provided evidence that it advised Mrs X that this assessment was not sufficient.

21. In mid January the Council's TEP considered Mrs X's request for mileage to cover four legs of the journey. The TEP is the first stage of the Council's appeals procedure. It rejected her request. It says this was pending further evidence and clarification of the child's needs. We have not seen evidence that the Council explained to Mrs X either in writing or verbally what further evidence or clarification it required. We have not seen evidence that the Council sought further clarification or evidence itself.
22. In early February 2019 Mrs X appealed to an independent appeal panel at the second stage of the Council's procedure. She appealed on the grounds that the Council should consider her exceptional circumstances. She said her children were entitled to free school transport but the Council did not pay the full costs. She said she was providing transport as the Council had admitted it did not have suitable transport. Therefore, the Council should pay actual mileage for the four legs of the journey as it was not reasonable to expect her to wait at school all day.
23. On 11 March 2019 the Council wrote to Mrs X regarding transport provision for her younger child. It said the Council had no suitable taxi transport on which her child could travel. Therefore, Mrs X could claim mileage reimbursement for transporting her child. It further explained Mrs X could claim for two trips a day taking her child to school and home from school. In its response to our enquiries the Council has confirmed that this letter was not "strictly aligned" to the case and the Council should have carried out a more thorough investigation regarding the child's level of special needs to make a better informed decision.
24. Mrs X attended the appeal hearing on 15 March 2019. The panel adjourned on the basis that the case the Council had submitted was contradictory as it said the parents "voluntarily" provided transport, while at the same time the Council said in its letter of 11 March 2019, it did not have suitable transport for the children. The panel asked the Council's school transport team to review its decision within 14 days. If Mrs X disagreed with the decision, she could go back to the panel.
25. Mrs X did not receive the outcome within 14 days, so she chased the Council several times, asking why there was a delay. On 23 April 2019 the Council's Special Educational Needs manager told Mrs X that she was seeking advice from the transport team and had been told that the Council could provide transport for the children. Six weeks after the panel adjourned, Mrs X complained to us.
26. In its response to our enquiries the Council says that between the hearing of 15 March 2019 and 24 May 2019 its transport and special educational needs departments discussed assessing the children's current needs and investigated transport solutions. The Council said it needed to get up to date information including professional reports and assessments and transport costings. It said it would arrange an independent transport assessment to consider specifically whether the children could access Council transport.
27. However, we have not seen sufficient evidence of the actions the Council says it took between mid March and late May 2019. The only evidence the Council has provided is an email dated 13 May 2019 showing transport costings of between £50 a day without a passenger assistant, and £125 a day with a passenger assistant. The Council also provided a copy of an email from the children's school which it received in late May. The school repeated its advice that the children could not access the Council's transport. The Council says this was the

information on which it based its decision. The Council did not carry out an independent transport assessment.

28. The Council wrote to Mrs X on 30 May with the outcome of its review. It apologised for the delay and the confusion caused by its previous communications. The Council stated that two transport options were available in an existing shared vehicle and solo vehicle, but due to the level of the children's needs "it would be extremely difficult for them to access either form of transport". Therefore, it maintained that "the only other transport option we can offer you is mileage payment...and which remains allowed at two journeys per day".
29. In early June 2019 Mrs X disagreed with the Council's decision and said she wanted to take her appeal back to the panel which had adjourned in March.
30. The Council replied on 28 June 2019. It said it made its decision because Mrs X had advised it that her children could not access Council transport. It also said it had made appointments to carry out a formal assessment but was unable to do this as Mrs X had informed the Council that neither child could access Council transport. It also stated that "the decision to offer mileage payment was not to confirm there wasn't transport available, but due to agreement being made our transport would not be suitable." The Council accepted its communication had been confusing and said it had reviewed the case again from the beginning to ensure that it clarified the transport requirement and the availability of travel provision. The Council said that its mileage payment was in replacement of free home to school transport and was in accordance with its policy and guidance section 4, Exceptional Circumstances, Appeals and Complaints. It said it had adhered to the relevant legislation. It explained that if it had provided transport for Mrs X's children it would be covering the costs of transport in relation to the child. Therefore, it covered only the costs of the journey to and from the school.
31. Mrs X disagrees with the Council's claim regarding assessment appointments. She says the Council did contact her in late April 2019 to conduct an assessment over the telephone which she was told was satisfactory. She says the Council did not contact her again to make any further appointments.
32. The Council said that Mrs X could take her appeal to the independent appeal panel again if she disagreed with its decision. However, Mrs X says she is not willing to appeal further as the Council and the panel have not in her view properly considered the matter previously. She says it would also cost her time and money to attend another hearing.

The Council's school transport policy

33. The Council's policy is provided in section 2 of the document "School transport policy and guidance" issued in 2017. The policy does not state what free transport covers or whether it covers the four legs of a journey when the parent is providing home to school transport via a mileage payment. The guidance section 7 in response to "general queries" states in answer to the question "Is the service between school and home only?":

Free school transport covers transport to school or home only (e.g. it does not cover transport to work experience, to relatives or child minders). It is home to school transport only in line with the statutory requirements.
34. The "general queries" guidance section 7, in response to the question "at what times is transport available?" states:

Transport is only provided at the beginning and the end of the normal school day...It is not possible to provide transport to and from extra curricular activities or work experience later or earlier in the day.

35. Section 4 of the Council's policy and guidance explains how a parent can appeal the Council's decision regarding transport arrangements and how a parent can appeal on the grounds of exceptional circumstances. There are two stages to the Council's appeals procedure, the Transport Exceptions Panel and the independent appeal panel. At each stage, the panel considers the application of the Council's policy and any exceptional circumstances.
36. In its response to our enquiries the Council said its Transport Exceptions Panel did not consider there were exceptional circumstances in Mrs X's case. The Council has not provided evidence how it considered exceptional circumstances.
37. Mrs X's circumstances have recently changed because one of the children attends a different school. Mr X drives the child to school and the Council pays mileage for two legs of the journey only.

Analysis

38. The Council accepts Mrs X's children are eligible for free school transport. But in our view, the Council does not appear to have properly considered its statutory duty to provide free school transport. We consider there is fault in the Council's decision making. The costs incurred by the parents for the return journey during the day mean they have additional costs to take the children to school which the Council is not paying. Therefore, in our view it does not appear to have considered whether its arrangements are "free transport". Mrs X had no choice but to take her children to school and home from September 2018. She has had to pay the extra costs of returning home during the day and she has had to spend time taking her children to school. Mrs X could have used this time as respite from her caring responsibilities.
39. The Council stated that Mrs X's arrangement to transport the children was voluntary. The independent appeal panel considered the arrangement was not voluntary and adjourned, directing the Council to review its "voluntary" decision. However, the Council has maintained its decision that while it cannot provide transport for the children, the mileage arrangement is voluntary. It stated that "Parent's mileage arrangements are a voluntary arrangement. Currently the Council's policy/procedure is that in all but very exceptional cases (which is not the case in this instance) mileage is refunded for two journeys per day." The Council has referred to its policy, but we do not consider the policy is clear, or that it can rely on this.
40. Mrs X has clearly stated that she had only agreed to provide transport herself because the Council was unable to provide its own transport. She felt she had no option but to drive the children to school. The Council has estimated the costs if it were able to provide transport, but it has not at any point shown that it has identified or offered any alternative suitable transport provision.
41. It is not clear how the Council has determined the arrangement is voluntary in view of its failure to identify suitable provision. We consider there is fault here. The children are eligible for free transport, but the Council has not provided this. It has instead relied on Mrs X, who had to spend considerable time driving the children to school and has had to pay half the petrol costs.
42. The Council has stated that its policy explains that it only pays a contribution to parents' mileage costs, and therefore has no obligation to pay the full costs. We

do not consider that the Council's policy is clear, and in our view, it does not apply where the arrangement is involuntary as in this case. We consider this is fault and that other parents or carers may be affected. We have made recommendations to remedy the potential injustice to others.

43. If Mrs X were unable to continue to take her children to school the Council would have a duty to provide suitable transport and so it concerns us that the Council states it does not have the necessary provision. This may affect other eligible children. We asked the Council to comment on this and say what action it has taken or is taking to address this potential lack of provision. The Council replied that it is working on expanding its transport provision. Therefore, it does not appear that the Council currently has the capability to provide transport in cases where this is required. We are concerned that the Council does not have suitable provision when this is a statutory duty.
44. We consider there was unacceptable delay in dealing with this matter as Mrs X requested reimbursement for her mileage at the start of October 2018 but did not receive a decision until 30 May 2019. We consider the Council's communication with Mrs X was poor. The Council says it did not carry out an assessment and appears to have accepted Mrs X's view about whether Council provision was suitable. We do not consider the apparent lack of an assessment document was due to a fault by the complainant. It was for the Council to explain what other information or assessment it required, if this was necessary. The Council has not provided evidence that it took appropriate action to progress the matter between March and 30 May 2019. This delay by the Council was significant and it appears it was avoidable. This was fault.

Recommendations

45. The Council has accepted our recommendations. Within six weeks of the date of this report it will:
- reimburse the mileage for Mrs X's additional journeys (covering all four legs) from home to school from September 2018 and pay four legs of the journey going forward;
 - apologise to Mrs X and pay her £50 for each week she took the children to school from September 2018, in recognition of her time and trouble and the anxiety caused. The Council should pay this until it can provide suitable alternative transport or, if at that point, Mrs X confirms she is happy to cover the additional cost of two legs; and
 - assess Mr and Mrs X's second child to consider whether it can provide suitable alternative transport. If it cannot do so, the Council should pay all four legs of Mr X's journeys.

Within six months of the date of this report it will:

- review its school transport policy and guidance to ensure that it reflects its statutory duty to provide free transport and that it states the Council will pay the full costs of transport to parents where it is unable to provide suitable transport. Where the Council can provide suitable transport and the parent voluntarily agrees a mileage arrangement, this will cover two legs of the journey;
- review other parents' and carers' mileage arrangements. Where the Council finds it is unable to provide suitable alternative transport, and as identified in this case, the arrangement is not voluntary, it should pay the mileage costs of

four legs of the journey where relevant. The Council should provide us with a report confirming its findings and the action taken; and

- take action to address its apparent lack of suitable transport provision to ensure other children who require home to school transport are not adversely affected. The Council should report its progress to the relevant committee to ensure that elected members can monitor this. The Council should update its Local Offer to reflect the transport provision available. The Council should provide us with a report confirming the actions it has taken.
46. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

Decision

47. We have completed our investigation as we have found fault causing injustice. The action we have recommended is a suitable remedy.

Parts of the complaint that we did not investigate

48. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*)
49. Mrs X says that she first raised the matter to the Council in early 2017. We have not seen evidence of this. Mrs X raised her complaint with us in April 2019. Therefore, her complaint is late. We do not consider there are good reasons to investigate matters before September 2018.