

Meeting:	Cabinet
Date:	17 September 2009
Subject:	Complaint against Harrow Council in respect of the amalgamation of West Lodge First School and West Lodge Middle School
Key Decision:	No
Responsible Officer:	Corporate Director of Children's Services, Paul Clark
Portfolio Holder:	Portfolio Holder for Children's Services, Councillor Christine Bednell
Exempt:	No
Enclosures:	Annexe A Letter from the Local Government Ombudsman to Harrow Council with copy of letter to the complainants. Annexe B Action Plan to implement Recommendations from Stage 2 and Stage 3 Complaint Investigations Annexe C Response to the Ombudsman Settlement Proposal

Section 1 – Summary and Recommendations

This report presents Cabinet with the Local Government Ombudsman's consideration of the complaint against the Council regarding the amalgamation of West Lodge First School and West Lodge Middle School.

Recommendations:

Cabinet is requested to note:

1. The recommendations of the Local Government Ombudsman and the implementation of their settlement proposal;
2. The improvements made to managing Complaints and Amalgamations (see Annexe C).

Reason: (For recommendation)

To fulfil the Local Government Ombudsman's recommendations.

Section 2 – Report

Introductory paragraph

West Lodge First School and West Lodge Middle School amalgamated with effect from 1 January 2009.

The amalgamation was a successful outcome in a challenging context and was the outcome that the majority of the school stakeholders had supported throughout the consultation. It also demonstrated the local authority responding to parental representations in accordance with the Education and Inspections Act 2006.

The school communities worked hard to implement the amalgamation, and in a short time period the governing body prepared and implemented an action plan. By the end of the summer term the governing body had been reconstituted and appointments to the new staffing structure were completed. The local authority has not received any parental concerns regarding the process other than those raised by the complainants who referred their case to the Ombudsman.

During the processes leading up to the decision to amalgamate, there were a number of complaints against the Council. These were investigated in accordance with the three stages of the Council's Complaints Procedure. As a result of the complexity of the complaint and the extensive investigations undertaken by the Council, it was not possible for Cabinet to determine the statutory proposals within the prescribed timescale. In accordance with the regulations, the statutory proposals to effect the amalgamation were determined by the Office of the Schools Adjudicator (OSA) on 24 November 2008. The OSA's decision was up-held by the High Court on 15 December 2008.

Following the High Court ruling, three of the original complainants referred their case to the Local Government Ombudsman in January 2009.

The local authority did make errors during the process and has acted to rectify its short-comings through its responses to the complaint investigation process. These are detailed in Annexes B and C. The Ombudsman decided not to uphold any further points of complaint and officers consider that this is in part recognition of the Council's actions to improve its amalgamation policy and also its complaints process.

This report presents Cabinet with the outcomes of the Ombudsman's findings and agreement to settle the complaint without a Public Report.

Current situation

A copy of the letter from the Ombudsman to the Council dated 24 June 2009, with an anonymised copy of the letter to the complainants, is at Annexe A. The Ombudsman has found that there were failings in the process and that there was maladministration. The Ombudsman considered that the greatest failing was the Council informing the school and the parents that the Governing Body could effectively veto the proposals.

However, the crucial point is that the Ombudsman recognises that the courts have decided the outcome of the statutory proposals and that, even with the

Council's failings, the amalgamation outcome would have been the same. So those opposed to the amalgamation, including the complainants, suffered no injustice.

The Ombudsman decided that further investigation would not be undertaken and a local settlement was proposed if the Council accepted the following recommendations.

- An apology
- Confirmation that the policy has been changed in the light of this case
- Review of amalgamation policy
- Mediation to repair relationships if requested
- Review how the amalgamation policy has worked on other similar cases
- Give reasons for not accepting the Review Panel's Recommendations
- Report to Members the Ombudsman's view of the complaint
- A payment in recognition of the time and inconvenience caused in making the complaint.

Implications of the Recommendation

The Council has completed a series of actions in respect of this complaint. An Action Plan arising from the Council's Complaint Procedure investigations at Stage 2 and Stage 3 is at Annexe B. The Council's response to the Ombudsman's Settlement Proposal Recommendations is at Annexe C.

Financial Implications

A payment of £250 to each of the three complainants will be made in accordance with the Ombudsman's recommendation.

Performance Issues

There is no direct effect on any national or local performance indicators. There are also no direct implications for CAA, although the way in which the council responds to the Ombudsman's recommendations could be taken into consideration

Environmental Impact

Not applicable.

Risk Management Implications

Not applicable.

Section 3 - Statutory Officer Clearance

Name: Emma Stabler..... on behalf of the
Chief Financial Officer

Date: ...24 August 2009.....

Name: ...George Curran, Interim
Head of Legal and Governance
Service on behalf of the
Monitoring Officer

Date: ...23 August 2009.

Section 4 – Performance Officer Clearance

Name: David Harrington.... on behalf of the*
Divisional Director
(Strategy and
Improvement)

Date: 25 August 2009.....

Section 5 – Environmental Impact Officer Clearance

Name: Gemma Moore..... on behalf of the*
Divisional Director
(Environmental
Services)

Date: 25 August 2009.....

*Delete the words “on behalf of the” if the report is cleared directly by John Edwards

Section 6 - Contact Details and Background Papers

Contact:

Johanna Morgan, Head of School Organisation Strategy, Children's Services.
Tel: 020 8736 6841 e-mail: Johanna.morgan@harrow.gov.uk

Background Papers:

Report to Cabinet October 2008 Amalgamation Policy and Implementation
Guidance

Chief Executive's Letter to Complainants (anonymised) in response to Stage
3 Complaint Report.

Harrow Council Press Release 3 August 2009