

24 June 2009

Mr D Markland
Governance Services
Legal & Governance Services Department
London Borough of Harrow
DX 30450
Harrow 3

Our ref:

Direct Dial: 01572 823945
Direct Fax: 01572 821593
Email: p.warren@lgo.org.uk

Dear Mr Markland

Complaints in respect of the West Lodge School Merger

Thank you for your assistance in providing information on this complaint and in reaching a settlement.

I enclose a copy of the letters sent to the complainants explaining our decision not to pursue the matter further.

Please arrange for the £250 cheque to be sent to each of the complainants and provide both the complainants and us with information on when Members will receive and consider the report into the complaints.

A copy of the report and the minutes of the meeting at which Members consider that report would be appreciated for our records. Please send copies out to the complainants to demonstrate you have complied with the requirements of the settlement.

Yours sincerely

P E Warren
Investigator

Enc: Copy letters dated 15 April and 24 June 2009
(Note for Cabinet Members – the letter dated 15 April 2009 is not included in this Annexe because it is the Investigator’s letter of provisional conclusions)

The Commission will include this complaint in the published figures for the year ending 31 March 2010. We will record the category as: Education and the decision as: local settlement

/...

24 June 2009

Private and Confidential

Direct Dial: 01572 823945
Direct Fax: 01572 821593
Email: p.warren@lgo.org.uk

Dear

Complaint against London Borough of Harrow

Thank you for your response to Mr Warren's provisional view letter.

I have reviewed the complaint file and considered what you and the Council have said about the facts of the case and I have noted the Council's offer of a local settlement.

Jurisdiction

As you know from Mr Warren's previous letters, my jurisdiction in this matter is very limited because the question at the heart of the dispute with the Council, that of the amalgamation of West Lodge First and Middle Schools, has been decided by the courts.

Given that the court has decided that on its merits the correct decision has been taken to amalgamate the two schools I cannot now decide that, but for the failings in the process, you would have had a different outcome.

I recognise that is a very disappointing response to your complaint.

Failings in the Process

There were however failings in the process that did have some impact on you. In my view the greatest of these was for the Council to erroneously inform the schools and parents that the Governing Body had an effective veto on the proposal. It could not exercise such a veto in law and that information was wrong.

The administrative failings of greatest concern to me were set out in Mr Warren's letter of 15 April 2009.

The Settlement Proposal

In seeking to remedy this complaint Mr Warren put the following recommendations to the Council:

/...

- An apology
- Confirmation that the policy had 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 my view of the complaint
- A payment in recognition of the time and inconvenience caused in making the complaint

The Council has accepted these recommendations and has acted to review policies and will report the outcome of this investigation to Members. Initially it offered you the sum of £100.

The Council's Offer

I understand the Council's distinction between a parent's experience of the process and that of a governor. But governors and their Governing Body's relationship with the Council is not a relationship on which I can comment or into which I can intervene. I am viewing the complaint as complaints from parents with children at the School. As parents you were so concerned about what you considered to be poor handling of the amalgamation process that you brought complaints to the Council and ultimately to me.

The Council has now accepted my recommendation, in line with similar recommendations in broadly comparable cases, that it should pay you £250 in recognition of the frustration, time and inconvenience you have been caused in bringing your complaint to it and to me.

I cannot recommend a greater remedy because my role is to try to put a complainant in the position she or he would have been in but for the maladministration. As has been explained in previous letters the court's decision to uphold the amalgamation means that but for these failings the outcome for you and others would have been the same, and so I cannot offer a remedy for the outrage or disappointment caused by that.

I recognise from all that you have said that this was a deeply divisive episode in the School's life and that as a result you feel far less inclined to offer assistance or become involved in the management or support of schools in the future. Unfortunately I cannot offer any remedy for that.

Conclusion

I uphold your complaint of maladministration by the Council.

The decision of the court to uphold the amalgamation means that I must accept that but for this maladministration the decision and outcome for you and the School would have been the same. But, had there not been such maladministration you may not have had to engage at such length and in such depth with the Council's complaints procedure or felt it necessary to make a complaint to me and to have engaged in this investigation.

As a remedy for that inconvenience and time the Council has agreed to pay £250 together with accepting the other recommendations which I hope will improve procedures in the future. I believe that is a fair remedy and so I am discontinuing my investigation.

In line with legal requirements I am writing to the Council to inform it of this decision and recommending that it now takes a report in confidence to Members on this matter so that Members may now review how the Council deals with such proposals in the future and that it pay to you as soon as possible the sum of £250.

The Commission's policy on retaining records is that after twelve months the papers on file will be destroyed. Therefore, if there are any papers which you wish to be returned to you and which have not been enclosed with this letter, please contact Mr Warren's secretary immediately and she will arrange for those documents to be sent to you.

Yours sincerely

J R White
Local Government Ombudsman