

APPENDIX B

Local Government
OMBUDSMAN

11 June 2009

Mr Stuart Dalton
Complaints Manager
London Borough of Harrow
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Harrow 3

Our ref: 08 015 021 B2 PEW/pw
08 016 022 B2 PEW/pw
08 006 696 B2 PEW/pw

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Dear Mr Dalton

Complaints

The complainants have now responded to our provisional view on the matter, and I am reviewing the file ready to make a recommendation on the settlement to the Ombudsman.

Distinction between Parent and Parent Governors

In reviewing the papers and as you say this has been a very complex case, I am drawn to the conclusion that the Ombudsman is unlikely to be happy with the distinction drawn between the complainants.

It is very clear that the Ombudsman will uphold the complaints, and he is likely to uphold the Review Panel's view that there was at least the impression of bias against the Governing Body. But when reaching a view on the complaint he will want to treat all complainants in the same way.

Governors have a quasi legal relationship with the Council and it is not one in which we would seek to interfere. The Ombudsman is likely to take the view that we should consider all three complaints from the viewpoint of parents, two of whom happen to be governors.

Much has been said in correspondence with you and the complainants as well as in the papers now before me about the merits of the Governing Body's actions what it did and did not do. The remedy we seek is for the fact that all the complainants felt that they had to bring their concerns to the Council and then to the Ombudsman about the way the decision to amalgamate the two schools was handled.

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Mr Dalton

The Settlement

There is no doubt taking a very broad view that there was maladministration in that process, and the Ombudsman will be very pleased to see the Council accepted all ten recommendations for a remedy that I put forward. He will want to acknowledge that in his final letter to the complainants.

But, as you clearly realise while the Ombudsman has limited injustice he can remedy given the court's decision to uphold the amalgamation, there is sufficient concern about the maladministration here for him to consider if it is in the public interest to issue a report. I believe your arguments against that are valid and I believe that from my earlier discussion with the Ombudsman he will accept a recommendation for a settlement on the terms of the ten recommendations in particular putting the matter to Members (ensuring anonymity for the complainants) so they can consider if further action needs to be taken to prevent recurrence.

Looking at it from a broad perspective we are trying to place these three parents in the position they would have been but for the maladministration. And that leave us with the injustice of having to bring the concerns to the Council as a complaint and to us and to engage with that process.

I recognise that one complainant is considered to have verged on becoming a vexatious complainant during that process and I fully appreciate why the Council may feel that both as that and as a governor they have contributed to their own inconvenience.

From our viewpoint had we moved this on to a report which in all other circumstances I think we would have done, we would have pursued with the Council a remedy of £250 per complainant for the time and inconvenience in participating in the complaint process which but for the maladministration would have been unnecessary. I would be more confident that my recommendation to the Ombudsman would be successful if the Council would agree to a payment to all three complainants of £250. It seems to me that we are in an analogous situation to one where I would now be preparing a draft key facts for comment and while there is not that stage for the complainants to engage in, given the nature of the concerns and the number of incidences of maladministration on which they have wished to comment, the figure seems reasonable to me.

If you can agree that, I will put it to the Ombudsman with my recommendation that we accept this settlement. If the Council cannot agree it I will put the original offer to him with my recommendation that we should be seeking £250 and he will have to decide. I know the Ombudsman is anxious to review this so your prompt response would be very much appreciated.

Yours sincerely

P E Warren
Investigator