



FOR IMMEDIATE RELEASE

14th October 2019

Labour councillors call for Conservative councillors to take responsibility for SEN transport failures

Bexley's Labour councillors have called for the Conservative Cabinet Member for Education to resign and the Leader of the Council to apologise, following the publication of a damning report from the Local Government Ombudsman (LGO) regarding cases where children with disabilities had their school transport withdrawn in breach of legal requirements. The report was issued on the same day (10th October) that the Council's Chief Executive replied to the Leader of the Labour Group's open letter of 30th July, which had outlined Labour Councillors' concerns regarding how the 2018/19 application process and subsequent LGO complaints had been dealt with.

The Chief Executive's reply to Cllr Daniel Francis, Leader of the Labour Group reveals:

- That in 6 out of 8 cases where the LGO had found the council at fault, that the subsequent apology from the council was issued outside of the timescales agreed with the LGO.
- That £13,470 has been paid to the 8 families in compensation due to fault found by the LGO into the council's actions.
- That the council updated its transport policy to ensure compliance with legal requirements outside of the timescales agreed with the LGO.
- That following the initial 8 cases raised with the LGO, a further 19 families have now had transport reinstated following the LGO's recommendations.

On the same day, the LGO issued a damning report highlighting that the council failed to act on the LGO recommendations agreed with three families earlier in the year. The LGO's report concludes that the council failed to comply with the agreements made earlier this year to carry out individual assessments of the cases in the way agreed with the LGO, has still failed to grasp the legal test on determining applications and was at fault by telling families they could not provide evidence until appeal stage.

Cllr Daniel Francis, Leader of the Labour Group said: "The Chief Executive's letter to me reveals that at application stage for 2018/19, the council rejected 105 applications for transport for children with disabilities. It then reversed its decision in 25 cases at appeal stage and following the intervention of the LGO and subsequent audit of cases, has reinstated transport to a further 26 children with disabilities. To have incorrectly rejected 51



BEXLEY LABOUR GROUP PRESS RELEASE

of the 105 cases refused at application stage and to have had the catalogue of failures within the department identified in the LGO report shows that the department was continually in breach of its legal requirements. By his own admission, the Cabinet Member for Education knew nothing of the LGO cases showing the department lacked any political leadership when resolving serial failures of an application and appeals process that had been implemented under his watch and the only honourable action that he can take is to resign.”

Cllr Wendy Perfect, Shadow Cabinet Member for Education said “It is unprecedented for the Local Government Ombudsman to issue such a report outlining that not only was the council initially found at fault by withdrawing transport from children with disabilities, but that it was then further at fault by failing to comply with its agreement with the Ombudsman on how the cases should be reviewed. The Ombudsman has today stated that the council has not been completely transparent with his office and their actions have eroded the trust of the families in the authorities’ capacity to get things right. I therefore am amazed that 12 weeks after Labour councillors revealed these serial failures that the Leader of the Council has not apologised for these serial failures, but instead allows comments on these matters to be issued in the name of a council spokesperson.”

Cllr Mabel Ogundayo, Shadow Cabinet Member for Communities said: “A special Communities scrutiny meeting will be held on 29th October following the request from Labour councillors to review these serial failures. This meeting is vital to ensure that members can clearly ascertain what has occurred, how we have failed so many vulnerable children and their families and how we ensure that in future the council fulfils its legal requirements to children with disabilities.”

-ENDS-

Notes to editors:

- The press release and ten page report issued by the Local Government Ombudsman which outlines fault with the council in how it implemented the agreed outcomes of cases where fault was found earlier this year can be found at <https://www.lgo.org.uk/information-centre/news/2019/oct/bexley-council-failed-to-learn-from-previous-school-transport-complaints>
- The initial 8 LGO cases found the council at fault for:
 - Failing to follow government guidance by failing to allow parents to make verbal representations to the independent appeal panel.



BEXLEY LABOUR GROUP PRESS RELEASE

- Failing to follow government guidelines, by not providing a tailored response with a detailed explanation of why the stage two appeal was rejected.
 - Not having any record on how it considered the individual needs of families or the supporting evidence submitted by the families.
 - That the council's policy did not comply with government guidance by not taking into account the age of the child or a parent's work or other caring commitments.
 - That cases were being decided on the wrong legal basis and that walking distance criteria (including for children who are wheelchair users) was being considered with regard to children who should have been considered on SEN / mobility grounds.
 - That individual assessments of applicants were not carried out as required by Government Guidance.
 - That the appeal officer and independent panel also refused applications for transport support on the wrong basis of statutory walking distance.
 - That the council alleged without evidence (and despite being repeatedly told to the contrary) that the parent of an applicant had a Motability car that should be used for school transport.
 - That there were no minutes or notes taken at a Stage 2 appeal panel hearing and because of this, there is no evidence that the appeal was heard by a panel of members independent of the process and suitably experienced; the Council considered all the supporting information when making its decision; of the reasons for the decision the panel made.
-
- For further information, please contact Councillor Wendy Perfect on wendy.perfect@bexley.gov.uk