

Complaint reference:
17 009 324

Complaint against:
Kent County Council

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Mr A's complaint about the Council's refusal to grant free school transport for his daughter because it is unlikely he would find fault on the Council's part.

The complaint

1. The complainant, who I will refer to as Mr A, complains that the Council has refused his application and appeal for free school transport assistance for his daughter.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I 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. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe it is unlikely we would find fault. (*Local Government Act 1974, section 24A(6), as amended*)

How I considered this complaint

3. I have considered what Mr A has said in support of his complaint and the application and appeal documents provided by the Council.

What I found

4. Mr A's daughter started secondary school in September 2017. He brother attends the same school and the Council provides him with free transport to school. Mr A assumed that his daughter would also qualify.
5. The Council refused Mr A's application for free school transport because his daughter does not attend the closest appropriate school to her home address. Mr A believes Council's decision is flawed because it already provides free school transport for his son and other local children who attend the school.
6. Councils must to apply their school transport policy when deciding entitlement to transport assistance. However, they also have the discretion to consider exceptional circumstances and must have a review or appeal process by which to do so. Mr A appealed against the Council's decision.
7. The Council's Home to School Transport Appeal Panel heard Mr A's appeal. He attended to make his case in person and set out the difficulties an adverse

decision would cause his family. The written record of the appeal hearing shows that the Council's representative clarified why Mr A's son had been awarded free transport and his daughter had not. The appeal panel decided not to use its discretion to award free transport and refused the appeal.

8. The Ombudsman will not investigate Mr A's complaint because it is unlikely he would identify fault on the Council's part. The Council has applied its school transport policy and there is no indication of fault in the way in it did so. Appeal panels are entitled to make their own judgements on the evidence before them. The Ombudsman cannot criticise a decision which is properly made or intervene to substitute an alternative view.

Final decision

9. The Ombudsman will not investigate Mr A's complaint because it is unlikely he would find fault on the Council's part.

Investigator's decision on behalf of the Ombudsman