

Complaint reference:
17 008 410

Complaint against:
Kent County Council

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Mr A's complaint that the Council has refused his application and appeal for school transport assistance for his daughter. 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 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. I have also considered Mr A's response to my draft decision.

What I found

4. Mr A obtained a Year 7 school place for his daughter for September 2017 transfer. The school is not the closest school to the home address. But, as Mr A's elder daughter attends the school and is provided by the Council with a free bus pass, he expected his younger daughter to qualify. Closer schools are denominational and Mr A does not want his daughter to attend them.
5. The Council refused Mr A's application for a bus pass. It explained that its decision was based on the fact that Mr A had not chosen the nearest appropriate school for his daughter. Mr A disagrees with the decision and used his right to appeal against it.
6. The Council has shown that Mr A's daughter did not qualify for a free bus pass under its school transport policy. It was entitled to make this decision and the Ombudsman will not criticise it for doing so. However, councils have the

discretion to consider exceptional circumstances and must have a review or appeal process by which to do so.

7. Mr A did not attend his appeal hearing and the appeal panel considered the matter in his absence. His written grounds of appeal were available to the panel members. The record of the appeal hearing shows that the panel considered his grounds but decided that they did not justify awarding a bus pass.
8. Mr A disagrees with the Council's decision but that is not, in itself, grounds for the Ombudsman to intervene. 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.
9. Mr A has identified what he sees as an inaccuracy in the record of the appeal hearing. He says the Council officer gave inaccurate information about the 2014 decision to award his older daughter school transport. He points out that transport assistance was awarded on appeal. I attach no significance to this. The question for the panel was whether there were grounds to award Mr A's younger daughter transport assistance. There is no indication of fault in the way they made this decision.
10. Mr A also points out that, if he had sent his daughter to a closer school, she would have been entitled to transport assistance due to the walking distance. This is not directly relevant to the questions before the panel and does not bring their decision into question.

Final decision

11. 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