

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Lead Member for Children's Services
<b>Date:</b>	12 January 2023
<b>Title:</b>	Section 30 Local Government and Social Care Ombudsman Determination
<b>Report From:</b>	Monitoring Officer

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### Purpose of this Report

1. The purpose of this report is to bring to the attention of the Executive Lead Member for Children's Services the report of the Local Government and Social Care Ombudsman (LGSCO) issued under Section 30 of the Local Government Act 1974 (Act) regarding determination of an investigation against the County Council, its recommendations and confirm the action taken in response.

### Recommendations

2. To formally note the recommendations made by the LGSCO, and that the recommendations of the LGSCO in respect to the complainant have been completed by the County Council.

### Contextual information

3. On 26 June 2022 the LGSCO issued a report under Section 30 of the Local Government Act 1974 (Act) regarding determination of an investigation against the County Council. A copy of the report is attached as an Appendix. The report sets out details of the complaint, findings, conclusions and recommendations of the LGSCO.
4. Where a report is issued by the LGSCO under Section 30 of the Act, the County Council is required to formally consider the recommendations and confirm to the LGSCO the action it has taken or proposes to take. The LGSCO has indicated the reasons behind the issuing of a report under

Section 30 of the Act and the County Council accepts that it did get aspects of this case wrong. Lessons have been learned and actions undertaken.

5. The recommendations of the LGSCO in respect to the complainant have been completed. The County Council has issued an apology to the complainant and paid a financial redress amount in consideration of the time and trouble taken to make the complaint and to cover the cost of journeys until suitable transport was in place, in accordance with the LGSCO's recommendations.
6. In response to paragraph 41, which recommended the Council review its school transport offer letters to ensure it provides families with details of the statutory guidance, its policy and appeals process, the following text has been added to the template letter;

*For more information on statutory and Hampshire County Council Home to School Transport guidance, policy and appeals process please visit;  
<https://www.gov.uk/government/publications/home-to-school-travel-andtransport-guidance>*

7. The LGSCO, having seen the new added text, have advised the action is completed to their satisfaction.

### **Climate Change Impact Assessment**

8. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
9. This report does not detail specific projects or initiatives that can be assessed using the County Council's climate impact assessment tools but is a compliance report to meet statutory requirements. Consequently, a Climate Change assessment has not been undertaken.

## CORPORATE AND LEGAL INFORMATION:

### Links to the Strategic Plan

This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because where a report is issued by the LGSCO under Section 30 of the Act, the County Council is required to formally consider the recommendations and confirm to the LGSCO the action it has taken or proposes to take. Section 100 D - Local Government.

### Other Significant Links

Links to previous Member decisions:	
None	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u> Local Government Act	<u>Date</u> 1974

### Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

No equality impacts have been identified arising from this Report.