

SPSO decision report

Case: 201204132, The City of Edinburgh Council
Sector: local government
Subject: complaints handling (including appeals procedures)
Outcome: some upheld, recommendations

Summary

Mr and Mrs C made several complaints to the council about the way their child, who has autism, was dealt with at school, in particular where physical intervention had been used. The council investigated and fully or partially upheld many of their complaints. Mr and Mrs C were not, however, satisfied with how the investigation was conducted or the outcome. They complained to us about the investigation and the remedial action taken by the council as a result of the complaints.

Our investigation found that the handling of their complaints was unsatisfactory, in that the council should have taken control more promptly, there were matters that could have been agreed and investigated (as outlined in the council's complaints procedure) at a much earlier stage, and it appeared that the council took no action on the complaints during a period of some eight months. We upheld Mr and Mrs C's complaint, noting that much of the delay was due to the complexity of the issues involved, the large volume of documents that needed to be reviewed and the fact that additional complaints were added during the process.

We also noted that it was originally agreed that an internal investigation would take place as an initial fact-finding exercise, followed by an external investigation. However, after some 250 hours of work, the internal investigation had identified failings in several areas and the majority of Mr and Mrs C's complaints had been either fully or partially upheld. The council, therefore, decided to concentrate on addressing the issues this raised, rather than expending further resources on an additional external investigation. Our view was that this decision was reasonable and proportionate, although it was obviously disappointing for Mr and Mrs C.

On the issue of the remedial action, Mr and Mrs C complained that they had only been provided with a copy of an action plan. Our investigation found, however, that they had been kept updated on the progress of the plan through meetings with the director of the relevant service and a letter from the council's chief executive. We found that the majority of the action points had been implemented but that a few (with city-wide implications) are still ongoing, which we considered reasonable.

Recommendations

We recommended that the council:

- in line with the requirements of the model complaints handling procedure they adopted, demonstrate they have learned how to take responsibility for establishing and managing complaints successfully;
- confirm the learning and improvement measures identified as a result of the findings in relation to two of Mr and Mrs C's complaints, and how these have been implemented;
- provide Mr and Mrs C with a copy of the arrangements for the council's co-ordinated support plans;
- contact Mr and Mrs C to arrange a meeting to share new documents relating to the council's physical intervention policy; and
- issue a written apology to the family for not handling one of their complaints appropriately.