

SPSO decision report

Case: 201205187, A Council
Sector: local government
Subject: complaints handling (including appeals procedures)
Outcome: some upheld, recommendations

Summary

Mr and Mrs A's daughter (Miss A) has severe and complex additional support needs. Her enrolment in a school and experiences there presented challenges for all parties involved. Mrs C, an advocacy worker, complained to the council on Mr and Mrs A's behalf about various actions by the school in relation to their daughter's enrolment. At the end of the council's complaints procedure, the chief executive accepted that some actions had been unreasonable, and upheld parts of the complaints. However, the chief executive did not accept that these actions represented discrimination, as Mr and Mrs A had alleged. Mr and Mrs A were dissatisfied with aspects of the council's handling of their complaints and raised this with us.

We found that the council had taken an unreasonable length of time to respond, failed to apologise to Mr and Mrs A for the elements that were upheld and failed to advise Mr and Mrs A of the actions taken as a result of their complaints. Mrs C also complained that the council had unreasonably failed to respond to a particular part of the correspondence, but we did not uphold that complaint.

Recommendations

We recommended that the council:

- apologise to Mr and Mrs A - that they were not reasonably updated about the progress of their complaints during the final stage of the council's complaints procedure; that a letter was not responded to within a reasonable time; for those parts of their complaints that were previously upheld; and for failing to advise them of the actions taken to address those parts of their complaints that were upheld;
- review their complaints handling processes to ensure that updates are provided without complainants having to approach the council, and that the provision of verbal updates is recorded;
- review their complaints handling processes to ensure consideration is given in each case as to whether apologies are appropriate;
- review their handling of Mr and Mrs A's complaints to find out why such serious issues were not upheld at the first stage of their complaints process, and consider whether all relevant learning has been identified;
- review their complaints handling practice to ensure that the requirements of sections 7.11 and 8.6 of their complaints handling process are undertaken in all appropriate cases; and
- consider whether appropriate learning is identified and available for staff regarding equality and diversity.