

SPSO decision report

Case: 201302903, Scottish Children's Reporter Administration
Sector: Scottish Government and devolved administration
Subject: communication staff attitude and confidentiality
Outcome: upheld, recommendations

Summary

Ms C complained that in documents held by the Scottish Children's Reporter Administration (SCRA) she was referred to as male, after they had agreed to refer to her as female. She described this reference as a hate incident. Ms C also complained that the SCRA failed to follow their procedures in dealing with her complaint about this.

We looked at the documents that Ms C and the SCRA provided, and found that male pronouns had been used in a note on the file. The SCRA had agreed to refer to Miss C as female and, in our view, once that agreement was made all subsequent references to her should have been female.

We also found that the SCRA investigating officer did not contact Ms C to agree her complaint and what she was looking for as a result of it, and did not keep a record of the investigation, as required by their complaints handling procedure. Neither was it clear, from their responses to Ms C's complaint and to our enquiry, how they had learned from her complaint and how SCRA staff would benefit from that learning. These are also requirements of their complaints handling procedure. We upheld Ms C's complaints.

Recommendations

We recommended that the SCRA:

- ensure SCRA staff are made aware of the need to refer to transgender customers appropriately and consistently;
- remind SCRA staff of the need to follow the complaints handling procedure in dealing with complainants;
- remind SCRA staff to keep records of complaint investigations; and
- inform the Ombudsman of what learning was taken from the investigation into this complaint, and how it has been or will be incorporated into training and guidance for staff.