

## SPSO decision report

**Case:** 201400946, Midlothian Council  
**Sector:** local government  
**Subject:** primary school  
**Outcome:** some upheld, recommendations

### Summary

Mrs C complained about the council's decision not to allow her child to delay starting primary school. Mrs C was concerned that her original application for this had not been considered and that the council were unaware of this error until she raised it with them. Mrs C did not consider that the council had provided her with accurate information about delaying entry to primary one, or that they had shown that a proper assessment of her child's needs had been carried out. Mrs C also complained that the council had not followed their complaints handling procedure.

Following our investigation, we upheld Mrs C's complaint that the council had not dealt with her application properly and noted that they had already provided her with an apology for this. We found that there was no system in place to confirm that all applications submitted via schools had been logged at the council's central pupil placement department. We upheld Mrs C's complaint about the information she was provided with as we found that this was confusing and lacked clarity. The complaint about the handling of her concerns was also upheld. We found that the council had already acknowledged this failing and apologised to Mrs C.

After considering her concerns about the assessment of her child's needs, we found that there was evidence that this had taken place and, although this could have been better communicated to Mrs C by the council, we did not uphold this part of her complaint.

### Recommendations

We recommended that the council:

- consider the introduction of a system to confirm with schools that all submitted applications have been logged by the pupil placement department;
- confirm that the difference between deferment and a retained year will be clearly explained in the next revision of their guidance;
- consider the benefits of separating the deferment and retained year application process to avoid confusion in future;
- ensure that accurate information about routes for resolution is provided at an early stage;
- ensure that the reasoning and final decisions reached on such applications are formally recorded; and
- raise awareness amongst staff in the education department of the definition of a complaint and when their complaints handling procedure should be used.