

## SPSO decision report

**Case:** 201402445, Scottish Borders Council  
**Sector:** local government  
**Subject:** primary school  
**Outcome:** not upheld, recommendations

### Summary

Mr C's child went missing while using the school bus service. Mr C complained that his child was put at risk because the driver did not know which children were travelling on the bus that day and did not check when asked by Mr C's wife (Mrs C) to make sure that her child was not on the bus. Mr C complained to the council that the bus driver had not followed procedures. The council had investigated his complaint, and although they made recommendations to improve their school bus service, they found that the driver had followed the procedures in place at the time of the incident. Mr C said that he was not confident in his child using the bus service to and from school because he did not believe that the council had investigated the matter properly. He complained also that the council's recommendations had not been implemented, and he did not believe, therefore, that adequate controls had been put in place to ensure that a similar situation did not occur.

Our investigation found no evidence that the council's investigation into Mr C's complaint had not been conducted in accordance with the council's complaints procedure, so we did not uphold Mr C's complaint. However, the council had told Mr C that as part of their investigation, they would interview him and this did not happen. The council told us that there had been sufficient information in a statement made by Mrs C at the time of the incident to uphold Mr C's complaint without further interview. The council had failed to make this clear to him and we made recommendations for an apology to be given to Mr C about this.

We understood Mr C's concern that there should not be a recurrence of what had clearly been a serious and distressing incident involving his child. Our investigation found that the council had not given Mr C and his wife sufficient advice about the changes being made, or provided him with clear and consistent advice about the progress and timescale of the implementation of the recommendations. However, we did not uphold the complaint because there was evidence of the changes which had been recommended in the council's findings having been implemented, and no further problems had been reported to the council.

### Recommendations

We recommended that the council:

- formally apologise to Mr C and his wife for the failure in the decision letter issued to them to be more empathetic, and the failure to explain to them before, or in the decision letter the reason why it was not considered necessary to interview Mr C's family; and
- formally apologise to Mr C and his wife for not giving fuller advice, at the time of the decision, about implementation of the recommendations.