

## SPSO decision report

**Case:** 201403677, East Dunbartonshire Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** some upheld, recommendations

### Summary

Mrs C's son, who had previously been educated elsewhere, wished to enter sixth year at the local council-run secondary school. The council said they would not allow this as Mrs C's son was of an age where, according to their view of relevant law, her son was an adult. Mrs C complained about the council's decision, and about their handling of her complaint.

We looked at the council's response to Mrs C's complaint and although she disagreed with their position, which was based on their interpretation of relevant law, the council had consistently explained to her that her son was considered to be an adult and, therefore, there was no duty on them to provide him with a place at the school. It was not our role to resolve differing interpretations of the law, or to interpret it ourselves. Therefore, we would not give a view on the correctness, or otherwise, in law of the council's position. We could not uphold Mrs C's complaint just because she disagreed with the council.

In terms of the council's administration of the complaint, we found they should have explained to Mrs C earlier what stage her complaint was at, and they should have proactively provided her with updates. This would have helped Mrs C know when to expect a reply from the council. In addition, the same council officer made the decision not to allow Mrs C's son to enrol in the school, and dealt with Mrs C's complaint at both stages of the complaints process. This was inappropriate, and the council accepted this and had a different officer review the complaint. We upheld this part of Mrs C's complaint.

### Recommendations

We recommended that the council:

- remind staff responding to enquiries and complaints not to refer to procedures where no such procedures exist;
- remind relevant secondary school staff of the council's position on dealing with applications from adults wishing to return to secondary school;
- apologise for their failure to explain to Mrs C early in the process at what stage her complaint was being dealt with, and their failure to proactively update her on progress;
- remind their complaints handlers to explain to complainants early in the process what stage their complaint is at, and the relevant timescales that apply; and
- remind their complaints handlers that staff who were involved in the matter complained about, or involved at a previous stage of the complaints process, should not respond to (later stage) complaints.