

SPSO decision report

Case: 201407237, Fife Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

As Mrs C lived within a two-mile radius of her child's secondary school, her child was not entitled to free transport to school. Although she accepted this, she considered that the route her child had to walk was not safe because of the lack of lighting, the low priority the path had for gritting in the winter, and the volume of traffic on a fast road. She said that the council had not paid appropriate heed to guidance from the Scottish Government. When she complained to the council about the assessment of the walking route, she did not consider their response adequately addressed her complaints and the issues she raised.

We found that the council had applied an assessment methodology which was developed around English legislation, which did not consider street lighting to be significant. We also reviewed the Scottish Government guidance on this issue, and found that it allowed for significant flexibility in how councils consider various aspects of road safety. We therefore considered that it was reasonable for the council to use the assessment methodology as they did, and this was in line with the exercising of their professional judgement, and so we did not uphold this complaint. We also noted that neither set of guidance mentioned the need to take account of gritting of pavements in winter weather. However, we noted the lack of any internal policy at the time of the assessment in question. The council assured us they had since adopted a policy, but did not provide a copy.

In relation to complaints handling, we found that the council had not provided clear responses to the concerns which Mrs C raised. We therefore upheld this complaint. We also noted that the officer who investigated the complaint was the same one involved in earlier correspondence on this issue, which raised concerns about the independence of their investigation.

Recommendations

We recommended that the council:

- feed back the findings of this complaint to the relevant complaints handling staff; and
- apologise to Mrs C for not responding to her complaints in line with their complaints handling procedure.