

SPSO decision report

Case: 201500231, Dumfries and Galloway Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mrs C's son (Mr A) went to a school that was not in the council's area. Mr A attended the school seven days a week, coming home only at the end of term. Mrs C wanted the council to pay for transport costs for visits during term time. The council would only pay costs to take Mr A to school at the start of term, and return him home at the end of term. Mrs C complained to us that it was unreasonable of the council to pay only these transport costs, that the council did not include her or Mr A when making the decision, and that the council failed to keep records about the decision. Mrs C was also unhappy with the council's response to her complaint.

It is clear that the situation was very difficult for Mr A and Mrs C. However, we had to explain to Mrs C that complaining to us was not a route to appeal the council's decision. Instead, our role was to determine whether the council acted in line with relevant policy and procedure.

We looked at the council's policy and found that they had discretion to pay costs they determined were appropriate. Although Mrs C disagreed with the council's decision, there was no evidence that they had acted outwith their policy. We considered that the council's communication with Mrs C could have been better. However, there was no requirement for the council to include Mrs C and Mr A in the decision-making process. We also found that the council had investigated Mrs C's complaint thoroughly and provided a reasonable response. We did not uphold these aspects of Mrs C's complaint.

The council were aware that, other than letters to Mrs C about their decision on transport costs, there were no records. The council acknowledged that it was best practice to keep records, and they were looking into how they could do this from now on. We concluded that it was good practice to keep records, for example, making even a brief file note of important conversations which relate to the decision-making process. This would ensure there was an audit trail of how and why important decisions were made. We upheld this aspect of Mrs C's complaint.

Recommendations

We recommended that the council:

- provide us with a copy of their consideration of, and plan for, record-keeping.