

SPSO decision report

Case: 201500612, Scottish Funding Council
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C complained that the Scottish Funding Council (SFC) had produced guidelines for allocating bursary funding which were discriminatory. Mr C received an occupational pension following early retirement due to ill health and believed this should be considered as a disability benefit and not included in the calculation of his household income. Mr C said he believed the SFC had not drafted their bursary guidelines in keeping with the relevant equality legislation. Mr C also complained that his complaint to the SFC had not been properly handled.

The SFC stated that different areas of income were taken into account in the guidance on student support assessments. They had provided a detailed explanation of the various types of income and the way they were assessed. The SFC said they had not initially considered Mr C's correspondence as a complaint, but they accepted this could have been handled more proactively and they had taken steps to address this.

We took independent advice from an equalities adviser. The adviser said that the SFC had fulfilled their obligation under equalities legislation to consider the impact of their bursary policy and guidelines on individuals who were in receipt of occupational pensions. In light of this, we did not uphold this aspect of Mr C's complaint.

We upheld Mr C's complaint about the way SFC had dealt with his complaint. However, the SFC had provided evidence that they had taken proportionate and robust steps to address this failing, so we did not make any recommendations about their complaints process, though we did ask them to apologise to Mr C.

Recommendations

We recommended that the council:

- apologise for the failure to respond appropriately to the complaint.