

SPSO decision report

Case: 201508164, East Dunbartonshire Council
Sector: local government
Subject: nursery and pre-school
Outcome: upheld, recommendations

Summary

Mrs C and her husband decided to defer their child, who has a February birthday, starting Primary One. They wanted their child to spend a further year at nursery. Mrs C said that in terms of the Scottish Government statutory guidance, The Children and Young People (Scotland) Act 2014, children born in January or February have the right to have the deferred year funded by a local authority.

Mrs C and her husband secured a place for their child at a partnership nursery school within the council area and applied for funding. The council initially refused the application because in terms of their early years admissions policy deferred funding was only provided for the nursery the child had attended in their pre-school year. In the case of this child, the nursery was in another local authority where the family resided. The council then wrote to Mrs C stating they would fund her child's place but shortly thereafter withdrew their funding offer. The council said the letter offering to fund the child's place had been sent as a result of human error and because their database had not been updated.

Mrs C complained to us about the council's handling of her application. In terms of the statutory guidance, we were satisfied that the council were entitled to set their own local admissions policy and at the time Mrs C made her application, her child did not meet the criteria for funding. Nevertheless, we accepted that the failings in the handling of Mrs C's application had left her in a difficult situation and had caused her concern and distress. For this reason, we upheld the complaint. We also made a recommendation to the council in relation to their computer system in respect of funding applications.

The council subsequently reviewed their admissions policy and agreed to fund the child's deferred year place.

Recommendations

We recommended that the council:

- provide evidence of the process review and adjustments made to their computer system in respect of funding applications.