

SPSO decision report

Case: 201604163, Renfrewshire Council
Sector: local government
Subject: primary school
Outcome: upheld, recommendations

Summary

Mrs C complained about the council's handling of the decision to change her son (child A)'s school class for the following academic year. Child A had been informed of his class before the school summer holidays. However, very shortly before the beginning of the school term, Mrs C was told that he would not be going into the class of which he had been previously informed.

Mrs C was unhappy with the way the council handled this decision. Specifically, she felt that they had failed to take into account the provisions of the Scottish Government's 'Getting it Right for Every Child' (GIRFEC) approach by not consulting with her, her husband or child A about the decision and that they had failed to provide her with details of the information on which the council's decision had been based.

Mrs C also felt that the council had failed to give a reasonable explanation for their decision, delayed unreasonably in informing her and child A about the decision, and failed to consider the effect the decision would have on child A.

As part of our investigation, we received further information from the council about the complaint. Although we could not provide Mrs C with the confidential information received which had led to the council's decision, we were satisfied that the council's explanation for reaching their decision was reasonable and was in line with their policy on the selection of pupils for classes.

We also considered the provisions of GIRFEC in relation to children, young people and their families understanding what is happening and having their wishes heard and understood. In this case, child A and his family were not adequately informed about what was happening and why, or given the opportunity to have their wishes heard and understood before the decision was reached. We thought that, had the council contacted child A and his family, this would have also prepared them for the possibility that child A may have to change classes, rather than this decision coming without warning so close to the beginning of term.

We also had concerns that, contrary to the joint working approach set out by GIRFEC, it did not appear that the school was involved in the discussions about the decision, which took place over the summer holiday period. We also concluded that there was an unreasonable delay between the decision being made and this being communicated to child A.

Given that the council did not keep Mrs C's family properly informed and involved and that there was an unreasonable delay in informing them of the decision, we considered that the council did not take appropriate action to limit the upset caused to child A.

Although it did not form part of Mrs C's complaint to us, we identified concerns with record-keeping at the school and the council. The council acknowledged that there was very little physical evidence in relation to this complaint. Our view was that it would be good practice for the school and council to keep a record of discussions where

important matters which could have an impact on a child's well-being are discussed. In this case, it was difficult to establish exactly what had happened as there was no record of the relevant discussions within the school and the council.

In light of the above, we upheld Mrs C's complaint and made recommendations.

Recommendations

We recommended that the council:

- share the findings of this investigation with staff within the education department and remind them of the provisions of GIRFEC in relation to: children, young people and their families being kept informed about what is happening and why, and being listened to and having their wishes heard and understood; and the importance of joint working when making decisions which will impact on a child's well-being;
- apologise to child A and his family for failing to keep them informed about what was happening and why and not giving them the opportunity to have their wishes heard and understood before the decision was reached, and for the delay in informing them of the decision;
- remind staff involved in this complaint (including the school) of the importance of recording discussions (including with parents, carers, children, young people and other staff) where important matters which could have an impact on a child's well-being are discussed; and
- reflect more broadly on the failings identified in this investigation and take any necessary improvement action to prevent a similar situation occurring again, and inform us of any improvements.