

SPSO decision report

Case: 201608046, The Moray Council
Sector: local government
Subject: secondary school
Decision: some upheld, recommendations

Summary

Mrs C complained about the council after her child (child A) returned from a school trip abroad badly sunburned, requiring a hospital stay. She complained that the council had failed to take reasonable steps to ensure that her child would not get sunburned, that reasonable action was not taken when the severity of child A's condition was established, and that her complaint had been handled unreasonably.

We found that a full risk assessment had been carried out and that pupils were reminded several times a day to administer sun protection. We considered that the council's actions aimed at preventing pupils from getting sunburned were reasonable, even though they were not effective in preventing child A from becoming sunburned. We were critical of a decision to allow the child to wear shorts and no sun protection when their legs were uncomfortable. The council said child A was only exposed to 30 minutes of sunlight on that occasion. With hindsight, we considered this to have been a poor decision, but we noted that sunburn was not yet suspected at that point and the main concern was the child's comfort. On balance, we did not uphold this aspect of Mrs C's complaint.

We found failings in the council's actions once the severity of the child's condition was known. Staff initially took advice from a pharmacist then later took the child to a local hospital. They took the advice of doctors at the hospital and also kept Mrs C and her husband informed until the group returned to the UK. We considered these steps to have been reasonable. However, the child was bandaged from thigh to toe and was unable to mobilise independently and in need of a wheelchair. The return journey home was 36 hours by coach. We considered that staff, who could see the condition child A was in, ought to have explored with Mrs C and her husband other options for getting child A home more quickly, taking into account the child's dignity, privacy and comfort. We upheld this aspect of the complaint.

We were critical of the council's complaints handling. We found that they failed to treat Mrs C's complaint as a formal complaint, and failed to advise her of their complaints process. We also considered that their response to her was lacking in empathy. We upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for the poor handling of her complaint. The apology should meet the standards set out in the SPSO guidelines on apology, available at www.spsso.org.uk/leaflets-and-guidance.
- Apologise to Mrs C, her husband and child A for failing to explore other options for child A to travel home once the severity of their condition was established.

In relation to complaints handling, we recommended:

- The relevant staff should be reminded of the council's complaints handling procedure and re-familiarise

themselves with how to apply it.

- Staff should be aware of the importance of providing an empathetic response to complaints.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.