

SPSO decision report

Case: 201700352, A Council
Sector: local government
Subject: complaints handling (including appeals procedures)
Decision: some upheld, recommendations

Summary

Ms C complained about matters at her school. Ms C's mother had complained to the council about a number of issues on Ms C's behalf, including alleged bullying and the way the council investigated this matter. Ms C's mother was unhappy with the council's response to her complaint and Ms C then complained to us.

Ms C complained to us that the council failed to conduct their investigation of the complaint to a reasonable standard. We found that the council had taken the step of taking Ms C out of a class in which she had made allegations of racial discrimination against the teachers. We found that this was reasonable as, in taking this step, the council had regard for both Ms C and the teachers against whom the allegations were made. We found that the relevant people had been interviewed and that measures had been taken to try to resolve matters by way of offering mediation and counselling. As such, we did not uphold this aspect of Ms C's complaint.

Ms C also complained that the council had failed to communicate appropriately with herself and her family in relation to her complaint. We found failings in the way the council had communicated with Ms C and her family. English is not Ms C's first language, or the first language of her family. We found that the council had, on some occasions when a translator was not available, allowed Ms C to translate for her family. However, we found that this is in breach of their policy on interpreting and translation. We found that the council could have considered other options when a translator was not available, such as using a phone translation service. We also considered that the council's communication in their stage two complaint response was poor. We found that they did not explain the steps taken to investigate the complaint in order to justify their decision. We also found that they should have been clearer about the steps they were taking to resolve matters. We upheld this aspect of Ms C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise for the failings in communication. This apology should be in line with the SPSO guidelines on making an apology.

What we said should change to put things right in future:

- Council staff should ensure that they comply with the terms of the interpreting and translation policy. Consideration should be given to the use of phone translation services on occasions when there is an immediate, unexpected need for translation.

In relation to complaints handling, we recommended:

- Stage two complaint responses should be detailed, setting out information about the investigation and showing clear reasoning for the decisions reached.

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.