

## SPSO decision report

**Case:** 201702616, Dumfries and Galloway Council  
**Sector:** local government  
**Subject:** policy / administration  
**Decision:** upheld, recommendations

### Summary

Mrs C complained that the council failed to deal with her complaint in line with their procedures and that they failed to address her concerns about the school place allocations policy. The council had responded to and upheld a number of her concerns, agreeing to conduct a review of their policies as a result. However, they had told her that they could not respond to legal concerns under their complaints procedure, nor could they consider complaints that amounted to disagreement with policy. Mrs C was unhappy with this response and brought her complaint to us.

We found that the council's complaints handling procedure (CHP) was not in line with the SPSO's model CHP for local authorities, which they have an obligation to ensure. This amounted to their CHP stating that disagreement with policy would not be considered through the complaints process, when the model CHP intends that these complaints, and legal complaints, should both be able to be responded to through the process. This had resulted in the council failing to respond appropriately to Mrs C's concerns. Therefore, we upheld both of her complaints.

### Recommendations

What we asked the organisation to do in this case:

- The council should ensure that Mrs C's concerns have been fully addressed and that she has received justification for their final position, with reference to the legislation in question.

In relation to complaints handling, we recommended:

- The council's CHP should not contradict the model CHP.

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.