

SPSO decision report

Case: 201705731, South Lanarkshire Council
Sector: local government
Subject: policy / administration
Decision: upheld, recommendations

Summary

Ms C complained that the council failed to appropriately investigate an incident that caused injury to her child at school. Ms C also said that they failed to handle her complaint reasonably.

We found a number of failures by the council in following their internal health and safety policy. They had failed to take witness statements at the time of the incident, sections of the forms in question had not been completed and there was a delay of a number of weeks in completing the form. There was also insufficient contemporaneous evidence to support what was recorded on the forms and on further investigations that the council told us were carried out; this meant that they were unable to demonstrate they had drawn fully formed conclusions.

We also found that the council had made errors in escalating Ms C's complaints, and failed to consistently acknowledge the seriousness of the injury. Therefore, we upheld Ms C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C for failing to carry out an adequate investigation in line with relevant guidance. 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 Ms C for failing to provide a reasonable response to 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.

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

- Investigations of any future incidents should be carried out in line with relevant guidelines.
- Documentary evidence should be kept.
- An incident report form, and relevant guidance, appropriate to schools should be developed.

In relation to complaints handling, we recommended:

- Complaint responses should respond to all relevant concerns raised.

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.