

SPSO decision report

Case: 201902610, East Lothian Council
Sector: Local Government
Subject: primary school
Decision: some upheld, recommendations

Summary

C requested that their child (A) defer their entry to primary school. C also requested an additional year of early years funding for the nursery school A was attending. When C's application for funding was denied, they submitted an appeal which was also refused. C complained about the actions of the council in relation to the matter.

In relation to the consideration of the initial application for deferral and early years funding, we found that while there were elements of communication that could have been better, overall the actions of the council were reasonable. The deferral application process had an emphasis on the parent and nursery providing information and evidence to support the application. The council reasonably followed the appropriate process when considering the deferral application. We did not uphold the complaint.

On considering the complaint about the process regarding the appeal, we found that when the initial application for early years funding was denied there was no clear route of appeal. It would have been reasonable, and more in keeping with relevant guidance, to have a clear process set out for parents, at least from the point in time when they become aware their application was unsuccessful, including information about the evidence required to support their request.

In addition we found that the council's explanation of their decision lacked detail. To ensure the council were exercising their discretion appropriately, they should have clearly articulated what evidence they considered, their view on it and how they reached the conclusion they did. Therefore, we upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to follow an appropriate process when considering the appeal. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- Ensure current active information is available to parents both online and via nurseries about the deferral process and appeals process.

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.