

SPSO decision report



Case: 201900916, Perth and Kinross Council
Sector: Local Government
Subject: secondary school
Decision: upheld, recommendations

Summary

C and B complained about the council's communication with them when they were arranging a placement for their child (A) at an independent school. A has additional support needs and the placement was arranged and funded by the council at C and B's request. C and B later became aware that the council had previously raised concerns about the school when they managed to obtain information through a Freedom of Information request.

C and B had raised several concerns about A's placement. They complained that the council were aware there were problems with the school before placing A there. As such, they felt the council should have shared these concerns with them so they could have made an informed choice about whether A should have been placed at the school. C and B were also dissatisfied with the council's response to their complaint and how the complaint was handled.

We found that it was not clear that the concerns raised by the council directly contributed, or were replicated in, the difficulties described by C and B in their complaint. However, in our view, it was reasonable to conclude that the concerns raised could have impacted A or the placement. We took into account the nature of the concerns the council raised about the school, the previous difficulties in sustaining an appropriate placement for A, and the challenging nature of the placement. After considering these factors, we concluded that it would have been reasonable for the council to share their concerns about the school in some form with C and B at the outset of the process. Therefore, we upheld this complaint.

In relation to complaint handling, we found failings in respect of timescales, communication and how the council addressed information provided by C and B. We concluded that the complaint handling aspect of the stage 2 investigation was not of a reasonable standard. Therefore, we upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C and B for unreasonably failing to appropriately share concerns they held about the school with them and for failing to handle their complaint reasonably. 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:

- When there are concerns about an independent school that could reasonably be anticipated to impact a child's placement, then appropriate information about these concerns should be shared with relevant parties, including the child's parents.

In relation to complaints handling, we recommended:

- Staff dealing with complaints should be familiar with the council's Complaint Handling Procedure, understanding the importance of communication and the need to demonstrate thorough investigation of the points 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.