

## SPSO decision report



**Case:** 201905247, Scottish Government  
**Sector:** Scottish Government and Devolved Administration  
**Subject:** policy / administration  
**Decision:** upheld, recommendations

### Summary

C joined the Fair Start Scotland programme (an employment support service which aims to help voluntary participants find work). Fair Start Scotland is delivered on behalf of the Scottish Government. C complained about the service they received while on the programme.

We noted that there were gaps in the records (particularly regarding the offer of opportunities and placements and the qualifications requested by C), and that the service C received under the Fair Start Scotland programme was not in line with the standards of the programme (specifically the requirement to ensure the records detail the level of support offered and outcome of discussions). Therefore we upheld C's complaint. As the Scottish Government had already apologised to C for the failings and had taken appropriate action to address the failings identified, we did not make any further recommendations regarding this particular complaint.

C also complained that the Scottish Government (and their providers) did not take into account their legal requirements under health and safety and equalities legislation. We did not find any failings regarding the health and safety legislation. However, we found that there was no evidence that C was offered IT adjustments to support their job searching activities. The Equality Act 2010 places a legal duty on service providers and public authorities to make reasonable adjustments. This duty is anticipatory and organisations should proactively offer adjustments (rather than waiting for the individual to request an adjustment). We noted that the Scottish Government acknowledged that Fair Start Scotland should have offered to make IT adjustments to support C's job searching activities and there was no record this happened. We considered that, where appropriate, participants on the Fair Start Scotland programme should be proactively offered reasonable adjustments to enable them to participate in the programme and this offer should be recorded. We upheld C's complaint in this regard.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for not proactively offering them IT adjustments to support their job searching activities. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

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

- Where appropriate, participants on the Fair Start Scotland programme should be proactively offered reasonable adjustments to enable them to participate in the programme and this offer should be recorded.

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.