

Scottish Parliament Region: Highlands and Islands

Case 200600176: The Highland Council

Summary of Investigation

Category

Local government: Education; Adult, community and further education

Overview

The complainant (Mrs C) was studying for an English language qualification and claimed that The Highland Council (the Council) had misinformed her about the status of the qualification and had delayed giving her the certificate for the qualification. She also claimed that a member of Council staff behaved inappropriately while on a visit to her home, and that the Council did not deal with her complaint about the matter satisfactorily.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) misleading information about a language qualification was provided to Mrs C by the Council and there was an unacceptable delay in her being given her certificate (*not upheld*);
- (b) a member of Council staff behaved inappropriately during a visit to Mrs C's home (*no finding*); and
- (c) the Council did not deal with Mrs C's complaint about the matter satisfactorily (*not upheld*).

Redress and recommendations

The Ombudsman has no recommendations to make.

Main Investigation Report

Introduction

1. On 18 April 2006 the Ombudsman received a complaint from a member of the public (Mrs C) against The Highland Council (the Council) alleging that the Council had misinformed her about the status of an English language qualification she had taken and had delayed giving her the certificate for the qualification. She also claimed that a member of Council staff behaved inappropriately while on a visit to her home, and that the Council did not deal with her complaint about the matter satisfactorily.

2. The complaints from Mrs C which I have investigated are that:

- (a) misleading information about a language qualification was provided to Mrs C by the Council and there was an unacceptable delay in her being given her certificate;
- (b) a member of Council staff behaved inappropriately during a visit to Mrs C's home; and
- (c) the Council did not deal with Mrs C's complaint about the matter satisfactorily.

Investigation

3. In investigating this complaint, I have looked at evidence provided by Mrs C and the Council. This included letters and emails, in particular those between Mrs C and the Council, as well as Council documents relating to the matter.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and the Council were given an opportunity to comment on a draft of this report.

(a) Misleading information about a language qualification was provided to Mrs C by the Council and there was an unacceptable delay in her being given her certificate

5. Mrs C was from outside the United Kingdom (UK) and had been living in Scotland with her family since late 2002. Her husband (Mr C) was a UK citizen who had been away from the UK for approximately 30 years. She had been granted indefinite leave to remain in the UK and wanted to apply for naturalisation as a UK citizen. Part of the requirement for her naturalisation application was a certain level of accredited competence in English language.

Mrs C approached (described by the Council as 'self-referred ') the Adult Basic Education (ABE) unit of the Council on 17 September 2003 for language study, was interviewed the following day, and was matched with a volunteer tutor on 11 November 2003. She worked with the tutor during 2004, took time off for a maternity break, and worked again with the tutor in June and July 2005.

6. Mr and Mrs C wrote to the Area Co-ordinator for ABE (Officer 1) on 25 January 2006 about:

'[English for Speakers of Other Languages (ESOL)] language tests with citizenship content to fulfil requirements for an application for British Citizenship for [Mrs C].'

Mr and Mrs C said that they were upset that Mrs C had not yet received a certificate for her ESOL qualification, in particular because of a change in the requirements for naturalisation applications from November 2005 requiring 'a citizenship component'. They also said that they had telephoned Officer 1 earlier in the month:

'... to confirm that the tests had included a citizenship component, and you assured me that they had. You sent us a letter for the application, saying that [Mrs C] had completed the tests. We were a bit concerned about the letter not specifying the citizenship test, but at this stage we had every confidence in you ...'

Mr and Mrs C went on to say that Mrs C's application for naturalisation had been rejected by the Home Office as she had not completed a citizenship component and that on contacting the Home Office to enquire why they had been told that the letter provided by Officer 1 was:

'... not adequately written, and as well, lacked the mention of the citizenship component.'

Mr and Mrs C said that they had also contacted the ESOL qualification awarding body, the Scottish Qualifications Authority (SQA), who had told them that there was no reason why the certificate should not have been issued in August 2005 and that the length of time they had waited so far was 'absurd'. They asked Officer 1 if she would now help Mrs C with the citizenship component and who would take responsibility for the situation.

7. Officer 1 visited Mr and Mrs C's home on 25 January 2006, the same day as the complaint letter (see paragraph 6) was written. The meeting was difficult,

and this is dealt with in more detail in section (b) of this report. The next day, Mr and Mrs C wrote to Officer 1's superior, the Community Learning and Leisure Officer (Officer 2) to complain about the visit and the delay in getting the certificate. Officer 2 replied to Mr C on 3 February 2006 and said that she understood his and Mrs C's frustration with the delay but that it was out of the Council's control as it was an SQA matter that Officer 1 had been working to resolve. Officer 2 also said that Officer 1 had written to the Home Office:

'... on your wife's behalf confirming that she has achieved the level in English required for naturalisation and that you have received confirmation that this has been accepted as appropriate proof.'

Mrs C wrote to Officer 2 on 7 February 2006 wanting a clearer explanation of why there was a delay in issuing the certificate, why she had not been registered with the SQA and why she did not have a Scottish Candidate Number. Officer 2 responded on 1 March 2006 and advised Mrs C that she had investigated the delay and found that it:

'... was the result of a problem with respect to the SQA modules which the Council was registered to deliver'

and that as soon as the problem was discovered Officer 1 and the Council's Adult Literacy Strategy Officer (Officer 3) had been working with the SQA to resolve it. Officer 2 also apologised that Mrs C had to wait for the certificate and expressed the hope that she would not have to wait for much longer.

8. Mrs C was not satisfied with the response from Officer 2 and so wrote to her superior, the Area Learning and Leisure Manager (Officer 4) on 8 March 2006. She complained about the delay in receiving her certificate and that she had not yet received a satisfactory explanation for the delay, as well as her treatment by Council staff, in particular Officer 1. She said that she 'had to start again' with her application for naturalisation as a UK citizen, and studied for, and took, the Life in the UK Test in January and February 2006. She advised Officer 4 that when she had completed the Life in the UK Test she received her certificate on the same day, unlike her ESOL qualification with the Council. Mrs C also alleged that, in her view, she had '... been treated this awful way because I am an immigrant and foreigner'.

9. The Council's Lifelong Learning Manager (Officer 5) wrote to Mrs C on 23 March 2006. He apologised for the problems that had happened and explained that although ABE was registered as an SQA centre, the problem had

arisen because local staff did not realise that ABE did not have approval to deliver all SQA units including the ones that Mrs C took. He said that the Council had applied to the SQA for approval to deliver the ESOL units, which would take a few weeks to complete, and that once this was resolved the Council would apply to the SQA for Mrs C's certificate. Officer 5 also advised Mrs C that Officer 1 was due to retire and so contact would be with Officer 3, and also advised Mrs C of her Scottish Candidate Number. Officer 5 also explained that from now on all candidates would be dealt with and tracked centrally rather than by local officers, to try to make sure that this problem would not happen again.

10. Mrs C was not satisfied with Officer 5's explanation and apology and so she wrote to the Council's Chief Executive on 28 March 2006, reiterating her complaint about the delay and lack of explanation, and said that Officer 5 did not take into account Officer 1's alleged behaviour (see section (b)), that she felt she had been misinformed by the Council in relation to the ESOL course, and the time and costs spent by Mrs C in taking both the Council's ESOL course and the Life in the UK Test, as well as in making her complaint to the Council. The Council's Director of Education, Culture and Sport Service (Officer 6) responded to Mrs C on the Chief Executive's behalf on 4 April 2006, and reiterated the Council's apology and acknowledged that:

'... actions taken locally were not appropriate and that the information given was neither accurate nor complete.'

Mrs C remained dissatisfied and complained to the Ombudsman on 13 April 2006.

11. In response to my enquiries, the Council explained that the reason for the delay in issuing Mrs C with a certificate for her ESOL course was a misunderstanding between the Council and the SQA. They said that when Mrs C and other candidates had completed their ESOL work in July 2005, Officer 1 sent their paperwork to the SQA but that when she had not had a response from the SQA she contacted them in August 2005 to find out if there was a problem. The Council said that Officer 1 had several telephone calls with the SQA but that it was not until a meeting with the SQA's local representative that the problem became clear:

'... that [the Council] was not registered as a centre for these particular units, something which had not been realised before the units were offered

to the students. (ABE had been registered previously to offer one ESOL unit, but was not automatically registered to offer the others.)'

Council staff began the registration/approval process on 9 January 2006 and it was completed on 17 May 2006. Mrs C received her SQA ESOL certificate dated 22 June 2006, which the Council said was:

'... almost a year after she had completed the units and approximately some 10 months later than she could have expected ... It is regrettable that the ABE staff did not discover until December 2005 what was wrong, but after that they did work hard with the SQA to resolve the problem and action has been taken since ... to avoid such a situation happening again.'

The Council also advised me that the referral and tutor forms for Mrs C's ESOL course:

'... show that citizenship qualification was not identified as an aim or requirement of the learner at the time of her referral.'

The Council also explained that following the change to Home Office rules for naturalisation applications (see paragraph 13):

'... now, if a student expresses an interest in Citizenship, Council staff refer them to the Workers' Education Association (WEA) which provides citizenship classes and had piloted units for the SQA.'

12. The Council supplied me with copies of documents relevant to Mrs C's complaint. In an email of 20 December 2005 from Officer 1 to Officer 3, Officer 1 said:

'It would seem that the problems we have had have just been the result of a lack of the right information. I, for one, had assumed that for the new ESOL modules we just carried out the same procedures as for the others we have always used, especially as these included an ESOL one. However, it appears that, as a centre, ABE has to seek approval for any new units we want to assess.'

The email also made clear that the SQA online system would only allow for central processing of data and sending it to the SQA and, therefore, the area co-ordinators would not be able to do it, on paper, as had happened previously. An email from Officer 3 to Officer 2 on 13 February 2006 also made clear that neither Officer 2 nor Officer 1 realised that ABE was not registered to deliver the ESOL as they thought that, as a registered SQA centre, they were entitled to

deliver all that the SQA offered. Officer 2 also said that whoever Mrs C spoke to at the SQA:

'... obviously did not know we were not registered to provide the units ... I'm sorry that this lady is unhappy but it was an unfortunate misunderstanding with the SQA that everyone is working to put right.'

In an email of 8 May 2006 from Officer 3 to Officer 5, Officer 3 said that she was trying to fast-track the certification of the ESOL students, including Mrs C, with the SQA. The SQA wrote to the Council on 18 May 2006 to confirm that as of 17 May 2006 ABE was accredited to deliver the ESOL units. The copy documents also include an SQA Candidate Registration/Entry Creation Form, signed and dated by Officer 1 on 21 November 2005, for Mrs C's ESOL course, as well as Mrs C's ABE Student Referral Form which stated that the student's aim was 'To improve English'.

13. Officer 1 wrote a statement for Officer 2 in late January/early February 2005 in relation to Mrs C's complaint. Officer 1 stated that:

'As I am not an agent for the Home Office there is no reason why I should know, since they do not inform me, that further requirements for applicants for naturalisation include – from November 2005 – a test for citizenship (in addition to the language requirements). It is the responsibility of applicants to deal with this and [Mr C's] claim that I had assured him that [Mrs C] did not need to meet these requirements is false. At no time did I give him any such assurance and indeed, until he accused me of lying about it I was not even aware of the new requirements.'

On 24 May 2006, Officer 3 wrote to Mrs C confirming the SQA approval to deliver the ESOL course and that the units Mrs C had taken had been submitted to the SQA for certification. Officer 3 also apologised for the delay in certification, and advised that Mrs C should receive her certificate by the end of June 2006.

14. The Nationality, Immigration and Asylum Act 2002 at Section 1(1) required that people applying for naturalisation as a UK citizen had to have:

'sufficient knowledge about life in the [UK].'

In September 2002 the then UK Home Secretary set up an advisory group on nationality and citizenship at the Home Office. This 'Life in the UK' advisory group had the remit to develop proposals for language and citizenship courses

and tests for immigrants applying for naturalisation as a UK citizen. This led to the introduction, from 1 November 2005, of the Life in the UK Test. The Life in the UK Test website stated that:

'You should take the test if you are applying for naturalisation as a British citizen or indefinite leave to remain (settlement) and your level of English is ESOL Entry 3 or above. If your level of English is lower than ESOL Entry 3 and you wish to apply for naturalisation or indefinite leave to remain, you will need to attend combined English language (ESOL) and citizenship classes instead. Most local further education or community colleges run these courses. If you are unsure about whether you need to take the test, you can contact the Immigration and Nationality Enquiry Bureau ...'

(a) *Conclusion*

15. It is clear that there was a long delay in Mrs C receiving her certification for the ESOL units that she completed in July 2005, given that she did not receive it until June 2006. It is also clear that Mrs C was not satisfied with the Council's explanation for the delay and that she felt she had been misinformed, indeed lied to, by Council staff, in particular Officer 1. Mrs C also made the allegation that she was misinformed and the delay allowed to happen because she was an immigrant applying for naturalisation as a UK citizen.

16. I understand that this situation was upsetting for Mrs C, but I have seen no evidence to support her allegation that she might have been misinformed and her certificate delayed because she was an immigrant. In addition, there is no evidence to confirm Mr C's claim that he was told by Officer 1 that the ESOL course undertaken by Mrs C would satisfy the Home Office citizenship test requirements from 1 November 2005. Therefore, I can reach no finding on these two specific aspects of Mrs C's complaint.

17. In commenting on a draft of this report, Mrs C sent me some new evidence which, she said, proved that Officer 1 had demonstrated to her:

'... a professional knowledge of the English requirements for citizenship applications'

and contrasted this with the comments from Officer 1 in paragraph 13 that Officer 1 was:

'... disclaiming all responsibility for knowledge of the application for Naturalisation ...'

It is important to distinguish between the language requirements for naturalisation and the citizenship component of the naturalisation process that was introduced in November 2005. Officer 1 did know about the language requirements; that has not been in dispute. The issue with the language requirements was the problem with SQA registration, as is dealt with in this report. As the comments from Officer 1 in paragraph 13 show, she was not aware of the new citizenship component and it was not her responsibility to be aware of this development. The reason that Officer 1's letter of 5 January 2006 was unacceptable to the Home Office was that, while it did satisfy the language requirements, it did not satisfy the citizenship requirements as it was based on guidance that had recently been superseded because of the introduction of the citizenship component. Therefore, the new information supplied by Mrs C does not change my finding (see paragraph 16) in relation to Mr C's claim that that he was told by Officer 1 that the ESOL course undertaken by Mrs C would satisfy the Home Office citizenship test requirements from 1 November 2005.

18. In terms of the delay, the evidence I have seen makes clear that members of ABE staff were not aware that to deliver ESOL units accredited by the SQA, and then for ABE students to receive SQA certification for their work, the ABE centre needed to apply to the SQA for approval to deliver each unit. They had the mistaken understanding, built apparently on no more than assumption, that as an SQA approved centre they could deliver any SQA unit. This assumption, with hindsight, was wrong. This meant that when ABE staff sent Mrs C's completed units to the SQA for certification in July 2005, nothing happened. Officer 1 did apparently pursue this with the SQA by telephone from August 2005 to December 2005, but it was not until her meeting with a local SQA representative on 19 December 2005 that ABE staff became aware of the problem. It is also clear that, as soon as the problem was discovered, ABE staff took urgent steps to address the situation. However, it is equally clear that it was not until Officer 5's letter of 23 March 2006 that Mrs C received a reasonable explanation of why there had been a delay. However, Officer 5 and Officer 6 both acknowledged that Mrs C did not receive accurate or complete information from local ABE staff, and both apologised to Mrs C for this. The Council have provided me with a clear explanation that the changes to candidate registration, brought in as a result of the introduction of the SQA online system, mean that this situation should be avoided in future.

19. Given that, prior to our involvement, the Council eventually provided Mrs C with a reasonable explanation for the delay, did apologise to her for the delay and the inaccurate and incomplete information she received from local ABE staff, and have put in place measures to avoid this situation from happening again, I do not uphold this complaint. Had the Council not taken these steps, I would have upheld the complaint.

(b) A member of Council staff behaved inappropriately during a visit to Mrs C's home

20. As noted in paragraph 7, Officer 1 visited Mr and Mrs C in their home on 25 January 2006. They wrote to Officer 2 the following day to complain that Officer 1 came to their home, unannounced (rather than in a planned visit on 26 January 2006), and that she:

'... started talking loudly, shouting and telling us to be quiet, when we were complaining about the delay of the certificates ... we received no clear answers to any of our questions. She appeared to be gathering information to defend herself rather than see what could be done ... she then threatened that if we continued complaining she would seek legal advice ...'

Officer 2 wrote to Mr C on 3 February 2006 advising that she had investigated the matter and apologising if Officer 1's visit had been inconvenient, but that she had come a day early because telephone calls Mr C had made to Council offices in recent days seemed to indicate that they had concerns that needed to be dealt with urgently. Officer 2 said that Officer 1 asked on arrival if her visit was inconvenient, and she was not told that it was inconvenient. Officer 2 went on to say that Officer 1:

'... has also told me that she did try to answer your queries and explain why the delay with the SQA certificate was not the reason for the rejection of your wife's application for naturalisation, but that you were unwilling to listen and called her a liar ... If she responded in an inappropriate way last week, it was because she was intimidated by your behaviour, believed herself to be vulnerable and felt the need to defend herself.'

21. Mrs C was not satisfied with Officer 2's response on this matter and so wrote to Officer 4 on 8 March 2006 (see paragraph 8). She gave another account of how she felt Officer 1 had behaved in her home, saying:

'We did complain to her about the certificates, but we did not shout or act in a threatening manner. I asked her to stop screaming. We tried to listen

to what she had to say. She treated me as if I was an ignorant foreigner with no education.'

Mrs C wanted to know from Officer 4:

'Why can nobody account for the arrogant and denigrating behaviour and threats of [Officer 1] ... in my own home.'

In his response to this letter, Officer 5 did not directly address the alleged confrontation during Officer 1's visit, and so Mrs C raised it in her letter to the Chief Executive of 28 March 2006 (see paragraph 9). Officer 6, in his response to Mrs C, said that he was '... sorry that you were distressed by [Officer 1]'s visit' and confirmed that she was to retire shortly.

22. In their response to my enquiries, the Council said that following the receipt of Mrs C's complaint of 26 January 2006, Officer 2 informally interviewed Officer 1, but there are no records of the interview. A formal investigation into the allegations was not carried out as Officer 4 was on sick leave and Officer 1 was on holiday leave before retirement, and then subsequently retired from Council service. The Council advised me that:

'[Officer 4] understood that [Officer 1] had informally admitted that her actions were inappropriate in visiting [Mrs C] at home.'

However, Officer 1 later denied this. The Council also informed me that:

'Following the concerns about home visits which this case raised, [Officer 3] verbally instructed ABE Co-ordinators not to visit learners' homes to meet with them. This instruction was re-emphasised at the next six monthly network meeting held in May 2006.'

23. Copy documents supplied by the Council provided additional evidence. Officer 3, in an email to Officer 2 of 13 February 2006 (see paragraph 11) said:

'I understand that when [Officer 1] went to this learner's home to explain [the situation with the SQA registration] to her she was met with a very negative response from her and her husband, which was unnecessary and upsetting. Nobody could be more caring and concerned about her learners than [Officer 1], as proved by the action she took as soon as the problem came to light.'

Officer 1's statement in relation to Mrs C's complaint (see paragraph 12) gave her account of the visit, saying that she went to their home a day early as she

was in the area and wanted to be certain about why Mr C had recently made several telephone calls to the Council. She said that her:

'... understanding was that [Mrs C's] application for citizenship had been rejected and [Mr C] has some questions so I went to see if I could help to clarify matters. I was surprised by [Mr and Mrs C's] hostility and accusations, particularly as our previous conversation on the [tele]phone had been friendly. At no time during the visit did I threaten [Mr and Mrs C]. [Mr C's] manner was very belligerent ... I was actually trying to calm and reassure them. [Mr C] accused me of lying and said he would make a complaint about me. I pointed out that he was perfectly entitled to do so and that complaints about staff were taken very seriously by my employer. Because I had begun to feel seriously threatened by the pair, I mentioned ... that I would take legal advice myself. If necessary. This was not a threat, but self defence against a man whose behaviour was worrying.'

(b) Conclusion

24. Both Mrs C and Officer 1 have given differing accounts of what happened, suggesting that it was the other party who was aggressive and it was they who were put in a vulnerable position and distressed. What is certain is that, regrettably, this was an unpleasant encounter for all concerned. However, in the absence of any independent corroboration to prove what did happen during the visit and which party was responsible for the alleged aggressive and inappropriate behaviour, I can reach no finding on this aspect of Mrs C's complaint.

(c) The Council did not deal with Mrs C's complaint about the matter satisfactorily

25. Mrs C first made a complaint in writing to Officer 1 on 25 January 2006 about the delay in getting her certificate and related matter (see paragraph 6) but this was superseded the following day by a complaint to Officer 2 about Officer 1's visit in addition to the delay (see paragraph 7). Officer 2 responded to Mrs C on 3 February 2006 mostly about the visit, but also in brief that the delay was beyond the Council's control but was being worked on. Not satisfied with this response, Mrs C wrote to Officer 4 on 8 March 2006 saying that although Officer 2's letter was polite, it failed to address her concerns and she disputed Officer 1's account of the visit as reported by Officer 2. Mrs C set out the questions she wanted answers to in bullet point form, relating to the delay, lack of information or updates, why she had not been registered with the SQA and about Officer 1's alleged behaviour during the visit.

26. In his letter to Mrs C of 23 March 2006 (see paragraph 8) on behalf of Officer 4, Officer 5 began by saying:

'I apologise and express [the Council's] unreserved regret that you have not yet received accreditation for the SQA units you undertook with [ABE].'

Officer 5 explained what the problem was, what was being done to resolve it, and what would happen to try to make sure it did not happen again. He gave his view that he believed:

'... that the initial failure was a genuine mistake. However the subsequent actions were not appropriate and the information you were given locally was neither accurate nor complete. The problem was not brought to the attention of managers until you spoke with [Officer 2]. I am sorry that [the Council] has fallen short of the high standards of service I would normally expect ... It is clear that we have caused you worry and distress and I apologise for this unreservedly and for the inconvenience and disappointment you have experienced.'

However, Officer 5's letter did not deal with Mrs C's allegations about Officer 1's visit to her home. As she was not satisfied with Officer 5's letter, Mrs C wrote to the Chief Executive on 28 March 2006. She said that the replies she had to date:

'... try to avoid responsibility for the delays of my ESOL level 3 certificate, and the treatment I have received.'

Officer 6's response to this letter, on 4 April 2006, reiterated Officer 5's apologies and the steps being taken to rectify the situation. He made a passing reference to the effect that Mrs C was distressed by Officer 1 and apologised for this.

27. In her complaint to the Ombudsman Mrs C said that there may have been apologies from the Council but that there was insufficient explanation of why things had gone wrong, and that they had made no mention of financial redress for her time and trouble for delay and anxiety and for sitting the Life in the UK test. She also said that she felt that the Council's apologies were 'lip service'. Mrs C said she still wanted an explanation of Officer 1's alleged behaviour during the visit, an acknowledgement from the Council that she had been misled over the ESOL course, and compensation for time, costs and anxiety.

28. In response to my enquiries the Council said that when the complaint was escalated to management:

'A review of the previous correspondence revealed that full explanation had not been given ... The Council acknowledge that with hindsight, the complaints from [Mr and Mrs C] could have been handled better by the local staff in the early stages. They should have escalated the problems they were having with the SQA between August and December 2005 in finding out why the students were not receiving their certificates ... Once the complaints were escalated to Education Management and [Officer 5] wrote to [Mrs C] on 23 March 2006 and [Officer 6] wrote on 4 April 2006 ... [Mrs C] was given an explanation of what had gone wrong, a fulsome apology and regularly kept in the picture until the certificate was issued in June 2006.'

(c) Conclusion

29. In their response to my enquiries and in the letters to Mrs C of 23 March 2006 and 4 April 2006, the Council acknowledged that the complaints handling locally was not good. However, I cannot agree with Mrs C's view that all the replies she received before her complaint to the Chief Executive of 28 March 2006 tried to avoid responsibility. Officer 5's letter of 23 March 2006 clearly acknowledged that the Council had fallen below their expected standards of service and that local staff had not provided Mrs C with accurate and complete information, and offered apologies for this. This was echoed in Officer 6's letter of 4 April 2006.

30. The Council's responses to Mrs C could have dealt with the issue of Officer 1's alleged behaviour during the visit in some more detail, simply to state that as Officer 1's account differed from Mr and Mrs C's account, and with no corroborating evidence, it would not be possible to prove what took place. However, in his letter to Mrs C, Officer 6 did apologise that the visit distressed her. In terms of compensation, as the Council view was that the initial error was a genuine mistake and that upon its discovery urgent steps were taken to address the matter, they did not feel that compensation was appropriate and, therefore, did not refer to it in their correspondence. It might have been helpful if this had been said explicitly.

31. It is clear that the initial responses to Mrs C's complaint at a local level were inadequate. However, as this was acknowledged by the Council and they apologised for it, and as the responses of 23 March 2006 and 4 April 2006 did

deal more effectively with the matter, I do not uphold this aspect of Mrs C's complaint.

Explanation of abbreviations used

Mrs C	The complainant
The Council	The Highland Council
UK	United Kingdom
Mr C	The complainant's husband
ABE	Adult Basic Education
Officer 1	Area Co-ordinator for ABE
ESOL	English for Speakers of Other Languages
SQA	Scottish Qualifications Authority
Officer 2	Community Learning and Leisure Officer
Officer 3	Adult Literacy Strategy Officer
Officer 4	Area Learning and Leisure Manager
Officer 5	Lifelong Learning Manager
Officer 6	Director of Education, Culture and Sport Service
WEA	Workers' Education Association

Glossary of terms

Adult Basic Education (ABE) Provides dedicated literacies learning for adults by way of free, confidential tuition on a one-to-one or small group basis. All tuition is undertaken on a voluntary basis. If learners wish to work towards accreditation they may do so. This is also free. ABE students work at their own pace, as a learner-centred approach is adopted

List of legislation and policies considered

Scottish Public Services Ombudsman Act 2002

Nationality, Immigration and Asylum Act 2002