

SPSO decision report

Case: 201203390, East Lothian Council
Sector: local government
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained about school admission arrangements. He said that the council had failed to acknowledge the disruption caused by a change to established admission arrangements, failed to consult with directly affected families or other relevant parties about the changes; and had relied on flawed catchment map evidence. He said that the council had previously admitted children from neighbouring houses to a particular school but that when he applied for a place there for his child, he was told that his home was in fact in the catchment area for another school. Mr C claimed that the previous admissions constituted an 'arrangement' as defined by the Schools (Consultation) (Scotland) Act 2010 (the Act), and that by altering it, the council were required to consult on it, or to recognise that Mr C's child should have been granted a place.

Defining whether or not the actions of the council constituted an admission arrangement as defined by the Act is a role that can only be performed by a court of law. We did not uphold Mr C's complaint, as our investigation found that children from Mr C's area had in fact previously been allocated there in error, and that Mr C's home had correctly been identified as in the catchment area for a different school. Mr C also complained that the council had been relying on faulty catchment area maps, and that they could not be certain that his property was not in the catchment area for the school of his choice. In support of this argument he said that the original maps defining catchment areas were damaged. We did not uphold this complaint, after visiting the council and viewing the maps showing catchment areas. We confirmed that the relevant maps did not show Mr A's property to be in the catchment area for his preferred school.