

SPSO decision report

Case: 201400741, Fife Council
Sector: local government
Subject: primary school
Outcome: upheld, recommendations

Summary

Miss C complained to us that the council did not respond reasonably to her complaint about the transition arrangements for transferring her child from nursery to primary school and that her child's educational needs were not being appropriately met at the school. Miss C's child has additional educational needs and, at the time she complained to us, was being assessed for autistic spectrum disorder.

We were satisfied that the council took Miss C's complaint seriously. They appointed a council education officer to investigate, who met with Miss C to discuss the complaint and the proposed investigation. The findings and proposed recommendations of that investigation were discussed with Miss C at a second meeting during which the council accepted that there were failings in the service Miss C had received. They said that lessons had been learned and they apologised.

However, we were of the view that the council's final decision letter, issued after the second meeting, was premature. This was because Miss C's comments on the minutes of the meeting had not at that time been received and because the officer had told Miss C that she was postponing sending the final decision letter as her involvement was ongoing and a further meeting had been scheduled for a later date. Also, as the decision letter was the council's final response on Miss C's complaint, we considered that the council should have informed Miss C of her right to independent mediation and adjudication under the Education (Additional Support for Learning) (Scotland) Act 2004, if she was dissatisfied with the outcome of the investigation of her complaint. There was no evidence the council did so at that time and this alternative avenue did not appear to have been raised until two months later when Miss C made a request for independent mediation after she had removed her child from the school. We were critical of the council for their failure to do so.

Recommendations

We recommended that the council:

- issue a written apology to Miss C for the failings identified in the handling of her complaint; and
- take steps to ensure that parents of children with additional support needs are appropriately advised of their rights under the Act to access independent adjudication and mediation.