

SPSO decision report

Case: 201403970, West Lothian Council
Sector: local government
Subject: policy/administration
Outcome: upheld, recommendations

Summary

Mr C complained that his son's school had introduced a new policy on excursions that impacted unfairly on his son, who had a disability. Mr C said the school failed to consult him about the new policy and failed to take into account his son's needs and the Equality Act in developing the policy. Mr C also said the school applied the policy to his son in an unreasonable way, as they did not take into account his son's individual needs or ask his son's opinion when deciding whether an excursion would be suitable for him.

The council agreed that the school did not consult properly with parents of disabled pupils before they introduced the policy, but they said the school had now taken measures to improve their communication. However, the council said the school had taken the Equality Act and the needs of disabled pupils into account in developing the policy, and they had considered Mr C's son's individual needs when they applied the policy to him.

After investigating Mr C's concerns and taking independent equalities advice, we upheld the complaints. We found there was no evidence that the school had complied with their own Equality Policy or guidance from the Equality and Human Rights Commission, which sets out how organisations should take into account the public sector equality duty in developing new policies and making decisions. While the council said the policy complied with the Equality Act, there was no evidence that staff had actively considered the public sector equality duty or the impact of the policy on disabled students during the decision-making process. We also found there was no evidence the school took Mr C's son's individual needs into account when they applied the policy to him.

While we also found the school did not consult properly with parents before they introduced the policy, we accepted that the measures the school took to improve their communication were effective, as there was evidence that the school consulted parents appropriately when they later amended the policy.

Recommendations

We recommended that the council:

- apologise to Mr C for the failings our investigation found;
- remind school staff of the requirements of the public sector equality duty and the council's equality policy in relation to considering the equality impact of new policies and practices; and
- reconsider the excursion policy, taking into account the requirements of the Equality Act and the council's equality policy.