

SPSO decision report

Case: 201508667, South Lanarkshire Leisure and Culture
Sector: local government
Subject: policy/administration
Outcome: upheld, recommendations

Summary

Miss C complained that she was excluded from South Lanarkshire Leisure and Culture (SLLC)'s library premises and placed on their violent marker system following a verbal exchange with staff. She complained that her exclusion was unreasonable. Our investigation focused on whether the relevant process and procedures were followed in taking the decision to exclude Miss C.

We noted that SLLC's management rules and founding legislation states that an exclusion order can be issued where someone has persistently contravened management rules and is considered likely to do so again. However, SLLC confirmed that their decision to issue the exclusion order in Miss C's case was based on a single contravention. We also noted that Miss C should have been formally informed of her right to make representations against the exclusion and this did not happen. In addition, we noted that a phone call and a meeting between senior staff and Miss C, which were cited by SLLC as features of the exclusion process, were not documented.

While we identified that Miss C was notified in writing of her placement on the violent marker system, SLLC advised us that this letter was sent in error and that the template had since been removed. We therefore did not consider that they had provision in place to meet their future obligations in this regard. However, we noted that they were still in the process of reviewing their procedures. We considered that it was appropriate for this review to be completed, taking account of the failings our investigation identified, and that it would be beneficial for the relationship between the exclusion and violent marker procedures to be clarified. We noted that Miss C had subsequently been informed that her exclusion had been lifted following review, but she did not receive any confirmation of the outcome of a review of her position as it relates to the violent marker system. In light of the identified failings, we upheld this complaint.

Recommendations

We recommended that SLLC:

- complete a review of their management rules and violent marker procedure (and the relationship between the two) and inform this office of the steps taken to ensure future compliance with their statutory and procedural obligations;
- remind staff of the importance of documenting the content of meetings and phone calls, particularly where they will be relied upon to support future actions;
- apologise to Miss C for their failure to follow the appropriate procedure when taking action to exclude her from using their facilities; and
- write to Miss C to confirm the position as it relates to information held about her on their violent marker system.