

## SPSO decision report

**Case:** 201606223, Perth and Kinross Council  
**Sector:** local government  
**Subject:** secondary school  
**Decision:** upheld, recommendations

### Summary

Ms C, who is an MSP, complained on behalf of her constituent (Mrs B) about the decision made by Mrs B's daughter (Miss A)'s school to exclude Miss A from attending an overseas trip. Miss A has a condition which is a disability under the Equalities Act 2010. The school understood Miss A's health to be particularly poor and had concerns about safely managing her condition during the trip. The school carried out an additional risk assessment and sought advice from the council, who advised that a parent or guardian should accompany Miss A, otherwise she should be excluded for safety reasons. Ultimately, a parent or guardian could not attend, and Miss A did not go on the trip. Ms C complained that the school failed to take all relevant information into account when they decided to remove Miss A from the trip. Ms C also raised concerns about how the school communicated the decision to exclude Miss A to Mrs B and Miss A.

We found that, due to their concerns about her health, it was reasonable that the school carried out an additional risk assessment about Miss A's attendance on the trip. However, we found that the school should have given Mrs B a timescale to provide medical documents, which they did not. We also found that, during the decision making process, the school should have discussed Miss A's health and the support she may need during the trip with her. We also considered that the decision to remove Miss A from the trip should have been communicated to her directly by the school, and it was not. We therefore upheld these two aspects of Ms C's complaint.

Ms C also complained that the council did not take their responsibilities under the Equalities Act 2010 into account in their handling of the matter. We took independent advice from an equalities adviser. The adviser considered that the school had made a reasonable adjustment by organising medical training for staff attending the trip. However, we found that this should have been organised at an earlier stage in planning the trip. The equalities adviser also considered that the council should have advised the school about their responsibilities under the Equalities Act 2010 and their need to make reasonable adjustments. We found that the council did not advise the school of this. In addition, the equalities adviser said that the council's advice should have been tailored specifically to Miss A and her condition, which it was not. Therefore, we upheld this aspect of Ms C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs B and Miss A for:
- failing to obtain all relevant information in deciding whether to remove Miss A from the trip
- the shortcomings in how the decision was communicated to Miss A
- not taking their responsibilities under the Equality Act 2010 into account.
- The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

What we said should change to put things right in future:

- Young people should be allowed an opportunity to express their opinions and contribute in the decision making process for decisions which affect them.
- Staff training about managing pupil's health conditions should take place as early as is practical in organising a trip.
- The council's excursion policy should refer to the Equalities Act 2010 and give guidance on making reasonable adjustments to avoid discriminating against pupils with a disability.
- Council staff should be aware of their responsibilities under the Equalities Act 2010 and the need to make reasonable adjustments for pupils with a disability.
- Decisions about reasonable adjustments should be tailored to the individual concerned and how their condition specifically affects them.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.