

SPSO decision report

Case: 201809611, Live Borders
Sector: Local Government
Subject: Policy / administration
Decision: upheld, recommendations

Summary

C complained that they were unreasonably banned from Live Borders museum premises, services and events. We found that while Live Borders were entitled to impose the ban as a discretionary decision, we considered that there were failings in their handling of the ban. We found that while Live Borders' Health and Safety Policy outlines a zero tolerance approach to unacceptable behaviour, we considered that a clearer procedure should have been in place in line with the Model Complaints Handling Procedure (MCHP). Additionally, we found that the record-keeping and communication around the decision to ban C could have been clearer. We found that there was no record of the initial decision to impose a ban or the communication of this to C. We also found that more consideration could have been given to including specific examples of C's offending behaviour in the complaint response letter, given the decision to impose an immediate ban. C should have been advised of their right to appeal the decision at the time it was imposed; instead, the earliest documentation of the reasons for the ban was the complaint response letter (which also served as the response to C's request for an appeal). As a result, we upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failings in handling the decision to ban them from Live Borders' services. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- In line with the MCHP, Live Borders should ensure they have an appropriately detailed procedure for dealing with problem behaviour, and staff are supported in using this. The revised MCHP (found at <https://www.spsso.org.uk/the-model-complaints-handling-procedures>) published on 31 January 2020 provides additional information under the section 'Expected behaviour'.

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.