

SPSO decision report

Case: 202503012, West Dunbartonshire Council
Sector: Local Government
Subject: Secondary School
Decision: upheld, recommendations

Summary

C complained about events at their child (A)'s school, in relation to suspected candidate malpractice and subsequent investigations into the school's handling of the matters.

C queried whether the council followed the correct process when C raised their concerns, as C was of the view the council should have followed the Scottish Qualifications Authority (SQA)'s Centre Malpractice Procedure, rather than the complaint procedure.

C also raised concern that the investigating officer had shown bias in the process, that the child friendly complaint process had not been followed, and that the Stage 2 complaint response downplayed or omitted serious breaches, contained inaccuracies and misrepresentations, and directly contradicted the SQA's findings.

We found that while it was reasonable for the council to use the complaint handling process as opposed to the SQA's centre malpractice process, they appeared to be uncertain about the correct procedures. We also found that the council failed to address legitimate concerns about bias in the appointment of the investigating officer or respond to these issues.

We found that the council failed to follow child friendly complaint handling procedures, as they did not seek consent and views from the young person at the appropriate stage, and did not clearly consider and take into account the young person's views when making their decision. Finally, we found that there were incompatibilities in outcome of the council's investigation. We upheld the complaint.

The council had begun to take action to address these failings including developing a Malpractice Policy, building steps into their processes to ensure the views of young people are included in investigations, and committing to refresher complaint handling training, so we asked for evidence of these actions.

Recommendations

What we asked the organisation to do in this case:

- Apologise to A and C for the failure to reasonably investigate and respond to the complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.

In relation to complaints handling, we recommended:

- Where concerns about impartiality are raised, these should be appropriately acknowledged and addressed. We offer SPSO accredited Complaints Handling training. Details and registration forms for our online self-guided Good Complaints Handling course (Stage 1) and our online trainer-led Complaints Investigation Skills course (Stage 2) are available at <https://www.spsso.org.uk/training-courses>.

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.