

THE HIGHLAND COUNCIL
AUDIT AND SCRUTINY COMMITTEE
26 March 2015

Agenda Item	5
Report No	AS/3/15

Scottish Public Service Ombudsman Cases received by the Council
Report by the Chief Executive

Summary

This report sets out the number and types of complaint about the Council that have been determined by the Office of the Scottish Public Services Ombudsman (SPSO) in the period since the last report to Audit and Scrutiny Committee.

1. Background

The Scottish Public Services Ombudsman (SPSO) was set up in 2002 to investigate complaints about organisations providing public services in Scotland, including local authorities. The SPSO looks into complaints where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure and only investigates cases when the complainant has exhausted the formal complaints procedure of the organisation concerned.

2. Period Covered by the report.

At the meeting of the Audit and Scrutiny Committee in December 2012 members agreed that upheld SPSO cases received by the Council should become a standing item on the Committee agenda. The period covered by this report is from September 2014 to February 2015.

3. Statistics September 2014 – February 2015

3.1 There were 17 cases initiated by the Ombudsman in the period covered by this report of which, 1 was not upheld, 2 complaints were upheld and 3 cases have yet to be determined. 13 were determined by the SPSO to be 'not competent'.

4. Summary

4.1 Complaint 1: Education (Annex A)

The Ombudsman upheld a complaint that the Council had failed to follow Scottish Qualifications Authority (SQA) guidance in investigating a case of examination malpractice.

The Council has given an apology and actioned all of the SPSO's recommendations.

A full transcript of the Decision Report can be accessed from the SPSO website www.spsso.org.uk by searching on Decision Reports, case reference 201303999.

Or by clicking on:

http://www.spsso.org.uk/sites/spsso/files/investigation_reports/2014.12.19%20201303999%20The%20Highland%20Council.pdf

- 4.2 Complaint 2 : Education. The Ombudsman upheld a complaint that the Council had not provided adequate support for a pupil with undiagnosed additional support needs and that the Council had not responded to the parent's concerns reasonably.

The Council has given an apology and actioned the SPSO's recommendations.

A full transcript of the Investigation Report will be accessible from the SPSO website www.spsso.org.uk in due course. However, it has not been published by the SPSO at the point at which this report has been written.

5. **Implications**

There are no Resource; Legal; Equalities; Climate Change/Carbon Clever; Gaelic or Rural implications arising from this report.

Risk: the risks arising from the Ombudsman's rulings have been considered and appropriate action is being taken to ensure similar issues do not arise in future. The Council is currently working with the SPSO to improve procedures in dealing with complex education complaints to ensure the appropriate channels are used and that updated and guidance is made available to all schools.

6. **Recommendation**

Members are asked to consider the details of this report.

Signature: Steve Barron

Designation: Chief Executive

Date: 12 March 2014

Author: Kate Lackie, Business Manager

Report number: 201303999

Determination Date: December 2014

Keywords: Education: secondary school pupil; policy/administration

Overview

The complainant (Mr C) raised a number of concerns about the way in which The Highland Council (the Council) dealt with an allegation of examination malpractice against his son (Mr A). In particular, he said that they failed to follow Scottish Qualifications Authority (SQA) guidance.

Specific complaint and conclusions

The complaint which has been investigated is that the Council failed unreasonably to follow SQA guidance on candidate malpractice when dealing with an allegation involving Mr A (*upheld*).

Redress and recommendations

The Ombudsman recommends that the Council:

- provide Mr A with a letter of apology for the failures identified;
- make their secondary schools aware of the outcome of this complaint and of the importance of following available guidance; and
- liaise with SQA about the means by which they should document their procedures for dealing with such matters.

The Council have accepted and implemented all of the recommendations.

A full transcript of the Decision Report can be accessed here:

http://www.spsa.org.uk/sites/spsa/files/investigation_reports/2014.12.19%20201303999%20The%20Highland%20Council.pdf