

SPSO decision report

Case: 201600309, Midlothian Council
Sector: local government
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mrs C complained about the council's handling of her concerns about alleged bullying at her son's school. Mrs C raised concerns that the council failed to formally record her concerns about bullying, failed to investigate these concerns, and failed to handle her complaint appropriately.

The council advised that the school did not consider the behaviour complained about to be bullying, so it had not been recorded as such. They considered that this had been appropriately investigated. The council acknowledged there had been some confusion in the complaints process surrounding the appropriate procedure.

After reviewing the council's complaints file and reviewing the relevant policies, we upheld Mrs C's complaint that there had been failures in recording the alleged bullying. In particular, the council's guidance suggested alleged incidents of bullying needed to be recorded on the Bullying Concern Initial Referral Form as such, not only cases where bullying was found to occur.

In relation to Mrs C's concerns about investigating bullying, we found that there was evidence that the school had investigated the incidents and considered that they did not amount to bullying. Therefore, we did not uphold this aspect of Mrs C's complaint.

Regarding the handling of Mrs C's complaint, we noted there were a number of issues, including confusion regarding the appropriate policy and delays in responding. Therefore, we considered the council had not adhered to their complaints handling policy, and we found the handling of the complaint to have been unreasonable.

Recommendations

We recommended that the council:

- apologise for the failings in complaints handling identified in this investigation;
- feed back to relevant staff the failings identified in the handling of Mrs C's complaint;
- apologise for the failings in recording alleged bullying incidents identified in this investigation;
- take steps to ensure the Bullying Concern Initial Referral Form is appropriately completed; and
- provide us with evidence that the council's policy guidance has been reflected in the school's anti-bullying policy.