

SPSO decision report

Case: 202206940, Scottish Borders Council
Sector: Local Government
Subject: Secondary School
Decision: upheld, recommendations

Summary

C complained that the council unreasonably failed to investigate and respond appropriately to incidents of bullying behaviour towards their child (A). C raised concerns about an incident where A's private information was accessed by other pupils, and about the school's implementation of a plan to help support A. C also complained about the way the school had handled previous concerns of bullying behaviour directed towards A.

The council noted that A's information had been accessed and investigated the circumstances, but acknowledged that C did not accept the most likely explanation. However, the council recognised that the school had not supported A as they would have wished and upheld parts of the complaint regarding the support offered to A and the failure to implement an agreed support plan.

C was unhappy with the council's response and brought their complaint to our office. We found that, whilst the school had reasonably investigated incidents relating to the accessing of A's private information, the record keeping of the investigation and response to the incident was unreasonable. In addition, we found that the school had failed to record behaviours A experienced as bullying, failed to record incidents on the appropriate systems and did not appropriately record actions taken in response to bullying behaviour.

We found that the council could not adequately evidence the supports in place for A, or actions taken in response to bullying concerns. Therefore, we upheld C's complaint.

Under our general powers to investigate and consider complaints handling we determined that the council's investigation of C's complaint was unreasonable given that it had not identified the issues of unreasonable record keeping during the investigation. We made a recommendation to address this.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C and A for the failures we have found. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

In relation to complaints handling, we recommended:

- Individuals investigating complaints should be aware of the complaints handling process together with the importance of assessing the quality of the evidence available, the impact this has on the ability to respond to a complaint and the learning and improvements which should be identified.

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.