

## SPSO decision report

**Case:** 201204677, A Council  
**Sector:** local government  
**Subject:** primary school  
**Outcome:** some upheld, recommendations

### Summary

Ms C alleged that while her son was in his first year at primary school he suffered repeated physical assaults from another child. She complained that, despite her formal complaint, the council failed to take appropriate action and she had to move her son to another school.

To investigate the complaint, we took all the available information from Ms C and the council into account, including the complaints file and correspondence, and the relevant council policies. Our investigation confirmed that over a period of almost six months there had been numerous incidents. However, Ms C's child was not always the victim - on occasion he had been the perpetrator; or the incidents were accidents or involved numerous children. Each time, there was evidence to show that the council took the matter seriously and took appropriate action with reference to the sanctions and advice in their policy. From the next five months there were no incidents reported, but then an event involving a number of children took place. Ms C's son then made a statement to a teacher that resulted in child protection procedures being invoked. Almost immediately afterwards, Ms C removed her son from the school, and he was later transferred to another. As the evidence showed that the council did act on each reported incident, we did not uphold this complaint.

Ms C had also complained to the council about the way they had handled her concerns. We upheld her complaint to us about this, as our investigation showed that the procedures applied in responding did not clearly reflect the council's policy. One reply was inconclusive and other letters appeared to show that the council had investigated matters outwith their control. Similarly, a complaint of bullying was only partially upheld despite clear evidence that it had taken place.

### Recommendations

We recommended that the council:

- make a formal apology to Ms C for failing to handle her complaint appropriately.