

Case 200503340: Glasgow City Council

Summary of Investigation

Category

Education: Complaints handling and complaint appeals procedure

Overview

The complainant, Ms C, raised a number of concerns about the Head Teacher (Head Teacher 1) of the primary school (the School) her daughter (Ms A) attended up to 20 December 2005. These regarded the manner in which Head Teacher 1 dealt with her complaint and her alleged failure in the duty of care the School had demonstrated towards Ms A. Ms C also raised concerns about Glasgow City Council, (the Council) in that they had not adequately followed their complaints procedures after Ms C and her partner (Mr B) complained to them about their dissatisfaction with the outcome and manner the School dealt with their complaint.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) Head Teacher 1, when Ms A was a pupil at the School, had not dealt adequately with Ms C's complaint that the School had failed in their duty of care towards her daughter (*not upheld*); and
- (b) the Council failed to follow satisfactorily their complaints procedure after Ms C complained to them about the way her complaint was handled by the School (*not upheld*).

Redress and recommendations

The Ombudsman recommends that the Council:

- (i) take action to ensure that, during the course of a formal complaints investigation, statements made as part of the investigation are dated and include, wherever possible, dates of the events recounted within the statements;
- (ii) that written records which form part of an investigation are retained for an agreed period of time; and
- (iii) give consideration to the inclusion of this within the procedures outlined in the relevant section of the School's Pastoral Care Policy.

The Council have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. The Ombudsman received a complaint from Ms C who stated that the Head Teacher (Head Teacher 1) of the primary school (the School) her daughter (Ms A) had attended up to December 2005 had not dealt satisfactorily with the complaint she and her partner (Mr B) made to the School, about the alleged bullying of their daughter. According to Ms C, they complained that the School had not demonstrated a duty of care towards Ms A between March 2005 and December 2005. Ms C also complained that the School was unwilling to take appropriate action following the complaint she and Mr B made and had failed to communicate with her adequately and in good time, regarding the progress of her complaint. Mr B and Ms C subsequently complained to the Council about the School in this regard. Thereafter, Ms C stated that Glasgow City Council (the Council) had conducted a poor investigation into her concerns that was neither accurate nor fair. According to Ms C, the alleged bullying of Ms A had affected Ms A's health and, as a result, Ms A's education had suffered.

2. The complaints from Ms C which I have investigated are that:
- (a) Head Teacher 1, when Ms A was a pupil at the School, had not dealt adequately with Ms C's complaint that the School had failed in their duty of care towards her daughter; and
 - (b) the Council failed to follow satisfactorily their complaints procedure after Ms C complained to them about the way her initial complaint was handled by the School.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant documentation, including correspondence between Ms C, the School and the Council. I made enquiries to the Council and received their reply, which included copies of the School and Council's complaint file and statements made by Head Teacher 1 and school staff. I have also examined the Council's Corporate Complaint's Process, the School's Pastoral Care Policy (this incorporated their anti-bullying strategy), the Complaints Leaflet operated by Educational Services at the time of Ms C's complaint and the School Handbook that operated in 2005, the year the complaint against Head Teacher 1 was made.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Ms C and the Council were given an opportunity to comment on a draft of this report.

(a) Head Teacher 1, when Ms A was a pupil at the School, had not dealt adequately with Ms C's complaint that the School had failed in their duty of care towards her daughter

5. Ms C told me that she had complained to Head Teacher 1 from March 2005 onwards, regarding her allegations that Ms A had been bullied, and stated that Head Teacher 1 had not dealt with her complaint satisfactorily. Ms C alleged that she experienced delays, a lack of communication, administrative inaccuracies and a lack of paperwork from the School regarding her concerns. In addition, Ms C stated she received a lack of information regarding the possible involvement of a school psychologist. In Ms C's view she felt that the School provided a poor service, had offered her conflicting information and did not follow their complaints procedures (see paragraph 1).

6. Ms C and Mr B stated that they moved Ms A from the School during December 2005 to attend another primary school.

7. I have seen from the School records and timeline of contacts with Ms C and Mr B that, from March 2005 to May 2005, Ms C complained mainly by personal contact with Head Teacher 1 regarding the alleged bullying of Ms A by another pupil. Mr B also complained to Head Teacher 1 about this when he met with her on 5 December 2005.

8. Within their response to my enquiries, the Council provided a statement made by Head Teacher 1 on 16 May 2006 that she 'spoke with [Ms A]'s mother on several occasions regarding [Ms A]'s unwillingness to come to school and subsequent allegation of bullying by another child in her class. We followed [the Council] procedures and the Principal Teacher (with responsibility for the early stages and Deputy Head) [Principal 1], investigated each allegation thoroughly and impartially'. Thereafter, Head Teacher 1 stated that there was no evidence of systematic intimidation of Ms A by another child and that, despite efforts to reassure Ms C about this, '[Ms C] was unhappy about our findings'.

9. I have seen in the School Handbook for 2005, under the anti-bullying-policy, that 'Any allegation of bullying is taken seriously and investigated thoroughly by the Head Teacher in collaboration with Principal Teachers'.

Furthermore, in the Pastoral Care Policy Section 11, Anti- Bullying Procedures – the investigation of allegations of bullying, that in accordance with Council Policy all allegations of bullying must be treated seriously and 'will be carried out using the following procedures:

- Staff must inform the Head Teacher of all allegations of bullying
- Principal Teachers will carry out investigations without delay
- Notes re important details must be made
- Verbal report to Head Teacher using notes as an aide memoir
- Head Teacher will open file on computer detailing investigation
- Head Teacher will decide on course of action
- Parents must be informed
- Confidentiality must be respected at all times'

10. Head Teacher 1 observed that, between March 2005 and May 2005, Ms C continued to be concerned about Ms A's welfare and stated she told Ms C that the class teacher (the Teacher), senior members of staff and the pupil support assistant (the Assistant) would monitor the situation very carefully and keep her (Head Teacher 1) informed. Furthermore, Head Teacher 1 told Ms C that Principal 1 monitored the infant playground and Head Teacher 1, Principal 1 and the principal teacher of the upper school (Principal 2) were also present in the dining hall each day. In addition, as one of the allegations made against the other child had been 'Drawing [Ms A] dirty looks in class', Head Teacher 1 stated she had reclassified Ms A and the other child to ensure they were no longer in the same class for sessions 2006-2007.

11. Despite this action, Head Teacher 1 reiterated within her statement that it was clear to her that Ms C remained unhappy.

12. Head Teacher 1 noted that Ms C attended a parent interview in October 2005 and was informed that Ms A was happy and doing well. Head Teacher 1 also recorded that, during November 2005, the Assistant had informed her that Ms C had recently approached her in the playground and enquired about Ms A. According to Head Teacher 1, the Assistant had responded to Ms C and told her that Ms A was fine and there were no problems in the playground or in class. Head Teacher 1 stated she discussed this incident with Ms A's teacher, who said that Ms A was doing well and appeared to be happy in class and was enjoying school.

13. Thereafter, Head Teacher 1 recorded that 'in early December, [Mr B] came into [the School] to see me [see paragraph 7]. As this was the first time I had met [Mr B] I shook hands and welcomed him. He was with me for 45 minutes and spoke at length about [Ms A] being bullied. I assured him the latest alleged incident would be investigated'. According to Head Teacher 1, however, communications between Mr B and Ms C broke down and she informed Legal Services. Head Teacher 1 stated that the incident reported to her by Mr B was investigated by Principal 2 and she followed Legal Services' advice and wrote to Ms C and Mr B regarding the outcome. Thereafter, Ms A did not attend the School and Head Teacher 1 considered that, due to the tense relationship between home and school, she felt it was unwise to pursue Ms A's parents regarding Ms A's absence at that time. She did not involve the Education Liaison Officer. In this connection, Head Teacher 1 stated, 'In general [Ms A]'s attendance did not give cause for concern as [Ms C] telephoned [the School] explaining [Ms A]'s absence and almost always spoke to me personally. I was aware that [Ms A] had health issues which [Ms C] stated, in the presence of [the Assistant], she did not blame [the School].' Head Teacher 1 reiterated her view that there was no reason at that stage to involve the Education Liaison Officer.

14. I have seen the letter from Head Teacher 1 to Mr B dated 6 December 2005, following their meeting of 5 December 2005. She stated that a full investigation of his allegations of bullying against Ms A by another pupil had been investigated by Principal 2 and no evidence to substantiate them was found (see paragraph 13). Head Teacher 1 outlined that the School had at all times followed the Council's procedures and investigated thoroughly and impartially 'each allegation of bullying you have made against the same child'. In addition, Head Teacher 1 detailed the support strategies put in place for Ms A (see paragraph 10). Alongside the address section on this letter I observed that Ms C had written, 'wrong name and wrong postcode'. I have noted that, within the address, Mr B's initial was wrongly entered as was the last two entries of the postcode, however, I understood that the letter had been correctly delivered and received by Mr B.

15. I have seen a summarised account of Principal 1's investigation and the action that was taken into Ms C's allegations (see paragraphs 8). According to Principal 1, following a meeting between Head Teacher 1 and Ms C, Head Teacher 1 'immediately asked myself to speak to the children, [the Assistant] and [the Teacher] to ensure Ms A was happy and had no fears of anyone. I investigated the matter. I interviewed Ms A, her sister and the child

involved. All agreed that they had to be careful playing with each other and had to be friends with everyone. They were all happy and content and there appeared to be no cause for concern. Neither [the Assistant] nor [the Teacher] were aware of Ms A having any fears in the playground or in the classroom. I monitored her behaviour in the school playground and dinner hall and she appeared to be happy and at ease'. Principal 1 stated she reported all the information she had gathered to Head Teacher 1 (see paragraph 8).

16. I have seen from the School records that Principal 2 investigated a further allegation and found no grounds to endorse the complaint (see paragraph 13). In addition, Principal 2 discussed this issue on 31 March 2006 with the newly appointed Head Teacher (Head Teacher 2) and also told her there were no grounds to endorse the complaint and stated 'She [Principal 2] had investigated the complaint, but no written records were kept of the informal investigation'.

17. Within their response to my enquiries, the Council provided a timeline of Ms C's contacts with the School, compiled by Head Teacher 1 and the School (see paragraph 7). This commenced on 14 March 2005 and detailed entries of events dated: 15 March 2005, 11 May 2005, 12 May 2005, 2 June 2005, October 2005, and 22 November 2005, up to Mr B's meeting with Head Teacher 1 on the 5 December 2005 (see paragraph 13). Contacts between Ms C, Head Teacher 1, the Teacher and the Assistant, regarding the alleged bullying of Ms A, the actions Ms C wished Head Teacher 1 to take and Head Teacher 1's reactions to and actions that followed Ms C's allegations, were also recorded. Thereafter, entries dated 12, 19 and 20 December 2005 related to Ms A and her sister's pending transfer to another primary school. The final entry on 20 December 2005 recorded that Ms A's sister had told her teacher that she and Ms A would not return to the School as they were moving to another primary school (see paragraph 6).

18. In their response to my enquiries, the Council outlined that when the complaint was first made by Ms C it concerned Head Teacher 1 and that, subsequently, Ms C and Mr B had moved Ms A to another primary school on 20 December 2005 (see paragraph 6). The Council told me that Head Teacher 1 left the School on 27 January 2006 to take up post of Head Teacher in another primary school.

19. The Council stated that it had proved challenging for them to comment on Ms C's complaint issues that alleged delays, lack of communication,

administration inaccuracies and contrary explanations being offered to Ms C by Head Teacher 1, as according to the Council, they 'had never dealt with [Ms C] directly on these issues' and these issues did not form part of Mr B's formal complaint to the Council (see paragraphs 1 and 5). However, the Council stated they were aware of Ms C and Mr B's concerns over 'our activity in involving Attendance Officers and Psychological Services. This was raised as a formal third stage complaint to us on 13 March 2006'. I have reviewed these letters and fully considered this aspect of the complaint within complaint heading (b), paragraphs 24, 25 and 30.

(a) Conclusion

20. According to Ms C and Mr B, they did not feel that Head Teacher 1 had appropriately addressed their complaint regarding the concerns they had raised about Ms A's care while she was a pupil at the School. I have reviewed carefully the paperwork provided to me and, from all the documentation I have seen, it is clear that Ms C and Mr B were upset by how the School dealt with their allegations that Ms A was bullied and how the School dealt with their complaint about this. Whilst I can understand the distress this issue generated, I have not seen evidence to support Ms C and Mr B's view that Head Teacher 1 did not deal adequately or appropriately with their complaint, nor that the School's set guidelines and procedures were not followed. The paperwork and statements I have seen, coupled with the timeline of contacts involving Ms C and Mr B, supports my view that Head Teacher 1 took Ms C and Mr B's allegations and complaint regarding Ms A seriously; she acted upon their complaints in good time and ensured the complaint issues were investigated and that all those involved were interviewed (see paragraphs 8, 9, 10 and 12 to 16). It was based on the results of these investigations that Head Teacher 1 concluded that Ms A had not been bullied, nevertheless she took additional steps to ensure that Ms A would be monitored and that, as Head Teacher, she would be kept informed of the result of this monitoring (see paragraphs 14 and 15).

21. Although it is evident that Ms C and Mr B did not agree with Head Teacher 1's conclusions, I am satisfied that Head Teacher 1 took appropriate action and correctly followed the School's guidelines, procedures and policies in dealing with Ms C and Mr B's complaints (see paragraphs 8, 9 and 16). I have also considered carefully Ms C allegations that she experienced delays, a lack of communication and information from the School and experienced administrative inaccuracies in her dealings with the School but

I have not seen evidence to support this view. While I have seen an error in the address section of the letter to Mr B dated 6 December 2005, in my view this was a straightforward error and Mr B did not suffer any injustice as a result of the error (see paragraph 14). Taking all these circumstances into account, I do not uphold this aspect of the complaint.

22. Nevertheless, in my review of the statements made by Principal 1 and Principal 2, neither statement referred to either the dates of the alleged incidents they investigated (although I was able to establish these from the School records) or dates when these statements were recorded. Furthermore, Principal 2 stated that no written records were kept of her 'informal investigation' (see paragraphs 15 and 16). I am concerned that as Ms C's complaint regarding Ms A was made formally to Head Teacher 1 on 14 March 2005, thereafter, statements made regarding other allegations of bullying failed to include information such as dates (see paragraphs 5 and 16). I am also concerned that, although Principal 2 stated she had investigated a further complaint regarding Ms A, she had also stated that no written records were kept of the investigation which she had classed as 'informal'. The Ombudsman, therefore, makes the following recommendation.

(a) Recommendation

23. The Ombudsman recommends that the Council take action to ensure that, during the course of a formal complaints investigation, statements made as part of the investigation are dated and include, wherever possible, dates of the events recounted within the statements. She also recommends that written records which formed part of an investigation are retained for an agreed period of time. Furthermore, the Ombudsman recommends that the Council give consideration to include this within the procedures outlined in the relevant section of the School's Pastoral Care Policy.

(b) The Council failed to follow satisfactorily their complaints procedure after Ms C's complained to them about the way her initial complaint was handled by the School

24. It was Ms C's view that the Council conducted a poor investigation about her complaint against the School that was not accurate or fair.

25. From the complaint correspondence provided to me by Ms C and the Council, I observed that Mr B initially complained to the Council's Educational Services on 7 December 2005. Ms C and Mr B then jointly complained to the

Chief Executive of the Council on 13 March 2006, regarding their dissatisfaction with the manner Head Teacher 1 dealt with their complaint (see paragraph 1). The complaint included allegations that Head Teacher 1 had not extended a duty of care to Ms A; had denied Ms A assistance from the School's psychological services; and had not informed Ms C or Ms A of special strategies set up by Head Teacher 1 between March and December 2005. Other allegations included accusations made against Head Teacher 1 of being manipulative with the truth in complaint correspondence; of trivialising both Ms A's concerns and Ms C's and Mr B's complaint; and of failing to make enquiries about Ms A's attendance between August 2005 and December 2005 (according to Ms C it was 75.3 percent). Ms C and Mr B also accused Head Teacher 1 of 'not providing the opportunity to resolve this matter by mediation with all parties involved' and 'being unprofessional with her bullying procedure'. Thereafter, Mr B and Ms C complained to the Council, regarding their dissatisfaction with the Council's replies and the manner the Council dealt with their complaint (see paragraphs 19 and 26).

26. Following Ms C and Mr B's complaint to the Council, the Council wrote on 8 December 2005, 10 January 2006 and 23 January 2006 (from the Senior Administrative Officer in Common Services), 17 February 2006 (from the Adviser in Parent Partnership), 7 March 2006, 20 March 2006 and 5 April 2006 (from the Customer Relations Officer) and 24 May 2006 from the Customer Relationship Manager and I have had sight of this documentation. The final letter included an explanation for the Council's delay in responding. The Council further addressed what they regarded as the key aspect of the complaint that, according to Ms C and Mr B, 'the former Head Teacher of [the School] did not provide a duty of care for [Ms A] whilst she attended [the School]' and said that this had arisen as a result of their dissatisfaction with Head Teacher 1's investigation. Furthermore, the Council provided a detailed account of how, in their view, Head Teacher 1 had correctly followed Council procedures. The Council stated that 'In no way was [Head Teacher 1] trying to discredit or trivialise either Ms A's concerns or your complaint. By carrying out this investigation in accordance with laid down procedures, [Head Teacher 1] has demonstrated that this was not the case. Given that it was not [Head Teacher 1], but two other teachers, who took the lead in these investigations, I am unable to agree with your questioning of [Head Teacher 1]'s impartiality in this matter' (see paragraphs 9, 10 and 15). With their letter, the Council provided Ms C and Mr B with a copy of the School handbook for 2005 and highlighted the school discipline and regulations, as well as the anti-bullying

policy. They also enclosed Head Teacher 1's process for investigating bullying, which the Council confirmed was in accordance with the Council's procedures. Furthermore, the Council reiterated that, by appointing two principal teachers in the School to investigate the alleged bullying of Ms A and pass their findings back to Head Teacher 1, this demonstrated that Head Teacher 1 had followed Council procedures in such matters (see paragraphs 9, 15 and 16). The Council concluded that that they could not find any evidence to support Mr B and Ms C's view that correct procedures were not followed by the School in handling their complaint.

27. Thereafter, the Council addressed the concerns Ms C and Mr B raised regarding the non-involvement of Education Liaison Officers from August 2005 to December 2005; the non-receipt of Ms A's attendance records for January 2005; and the allegation that Head Teacher 1 denied Ms A access to the School's psychological services. Turning to the allegation that Head Teacher 1 had not informed Ms C or Mr B of the strategies she had put in place to meet their concerns regarding Ms A, the Council stated Head Teacher 1 had tried during May 2005 and June 2005 to communicate with Ms C about the strategies she had put in place but that her attempts had been unsuccessful. They said that 'It was only in early December 2005, when [Mr B] approached [Head Teacher 1] for the first time, that she was able to let you know what she had done'. In addition, the Council stated their reasons why it had not been appropriate for the matter to be resolved by mediation, as had been previously suggested by Ms C and Mr B (namely that 'no evidence of systematic intimidation of [Ms A] by the other child involved' could be found). Regarding the issues of the non-involvement of Attendance Officers and the allegation that Head Teacher 1 denied Ms A access to the School Psychological Services; the Council told me they responded to these points in their letter to Ms C and Mr B dated 30 May 2006. However, they received no further contact and stated that they never sought further clarification (see paragraph 5). I have reviewed this letter and observed that the Council told Mr B and Ms C that no record of a request for Ms A to access psychological services was held on her file, although the Council suggested where it was possible to obtain appropriate support and advice in this regard. The Council also explained why Ms A's attendance records for the January 2005 period had not been sent. However, they had arranged for a special attendance report to be produced at Education Headquarters covering the January 2005 period Ms C had requested. I observed that the Council had stated they had enclosed a copy of this with their letter.

28. The Council confirmed to me that Mr B contacted Educational Services Headquarters on 7 December 2005 and asked to have the complaint against the School's handling of Ms A's case investigated (see paragraphs 5, 24 and 25). According to the Council, this letter focussed on the alleged bullying incident and this was what was investigated by a senior member of Education Services (see paragraph 26). I have reviewed this letter and agree but, in addition, Mr B stated he was dissatisfied with Head Teacher 1's actions and attitude. Mr B remained unhappy with the response he received from Educational Services, dated 20 February 2006, and a formal complaint was made to the Council's Chief Executive on 13 March 2006. A response was sent by the Customer Relationship Manager on 30 May 2006. This was in accordance with the Council's Corporate Complaints process (see paragraphs 3 and 21).

29. The Council are of the view that their published complaints process (the Council's Corporate Complaints Process that applied to Educational Services at the time of this complaint) was followed correctly. However, they pointed out that an issue arose during their investigation (caused by staff availability owing to sickness, maternity leave and school holiday arrangements) which made timescales challenging. I reviewed a copy of the Council's complaints procedure for Educational Services and examined the process the Council followed after they received Mr B's complaint and, thereafter, the complaint from Mr B and Ms C against the School (see paragraphs 3, 26 and 27).

(b) Conclusion

30. According to Ms C and Mr B the Council did not satisfactorily follow their complaints procedure, after receiving their representations of dissatisfaction with the way their complaint was handled by the School. I have given very careful consideration to all the documentation provided to me and I have seen no evidence to support their view. I acknowledge that Ms C and Mr B remained upset with the outcome of the allegations they made against Head Teacher 1 (see paragraph 20) but, from all the paperwork and correspondence I have seen, in my view the Council acknowledged and appropriately addressed each of Mr B and Ms C's concerns in accordance with their published complaints procedure (see paragraph 29). Having taken all these factors into account, I do not uphold this complaint.

31. The Council have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Council notify her when the recommendations have been implemented.

Explanation of abbreviations used

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| Ms C | The complainant |
| Head Teacher 1 | Head Teacher 1 of the School at the time Ms A was a pupil |
| The School | The Primary School attended by Ms A up to 20 December 2005 |
| Ms A | Ms C's daughter |
| Mr B | Ms A's father and Ms C's partner |
| The Council | Glasgow City Council |
| Principal 1 | The Principal Teacher and Deputy Head of the School with responsibility for the early stages |
| The Teacher | Ms A's class teacher |
| The Assistant | The pupil support assistant |
| Principal 2 | The Principal Teacher of the School with responsibility for the upper school |
| Head Teacher 2 | The newly appointed Head Teacher |

List of legislation and policies considered

Glasgow City Council Corporate Complaints Process for Educational Services

The School's Pastoral Care Policy (incorporating anti-bullying procedures)

The Complaints Leaflet operated by Educational Services at the time of Ms C's complaint

The School Handbook which operated in 2005

