

SPSO decision report

Case: 201301678, A Council
Sector: local government
Subject: secondary school
Outcome: upheld, recommendations

Summary

Mrs C complained that a school had unreasonably excluded her child. She also complained that they offered a mediation session to allow her to discuss this but, when she went to it staff refused to listen to her side of the story or to allow her child to attend. She was also unhappy about the way the council dealt with her complaint about this.

The council said that they had offered the mediation session to ensure that appropriate support was in place to allow her child to return to school and that they had made clear to Mrs C that the meeting was not held to discuss the exclusion. They also said that they had dealt with her subsequent complaint in line with their complaints procedure.

We found that, although the council offered the mediation meeting in order to try and ensure that Mrs C's child returned to school as quickly as possible and were trying to help resolve this, they incorrectly told Mrs C that the mediation meeting and complaint were an alternative to the appeals process. This was not the case, and there is a separate statutory process that considers appeals against school exclusions. We concluded that the council provided Mrs C with misleading information. In terms of her complaint, we found no evidence to suggest that the school failed to take her concerns seriously or failed to investigate every allegation she made. We did, however, conclude that they failed to address all her complaints as they had said that they could not look at new issues she raised with them after concluding her original complaints. As a result of these failings, we upheld her complaints.

Recommendations

We recommended that the council:

- apologise to Mrs C for the misleading advice;
- ensure that they respond to all points of complaint and that any new and separate issues are duly investigated; and
- inform Mrs C of the steps she should take if she still wishes to formally appeal against her child's exclusion, making sure they fully explain what this process will involve.