

## SPSO decision report

**Case:** 201302996, The Highland Council  
**Sector:** local government  
**Subject:** primary school  
**Outcome:** upheld, recommendations

### Summary

Mrs C complained that the council did not meet her child's additional support needs at school. She was also unhappy about how they handled her complaint.

Our investigation found that while the school recognised that Mrs C's child had additional support needs and that support was provided, there had been a complete breakdown in the relationship between Mrs C and the school. Because of this, the issue of whether appropriate support was being provided was never going to be resolved. Mrs C had clearly lost confidence in the service and support provided by the school, and had a genuine belief that it was failing to meet her child's needs.

Mrs C, therefore, had a right to be made aware of the alternative dispute resolution provision available under the Education (Additional Support for Learning) (Scotland) Act 2004, where there is a complaint that a school is not meeting a pupil's additional support needs. This includes access to independent mediation and adjudication, and an appeal to the Additional Support Needs Tribunal for Scotland. The council did eventually offer Mrs C access to mediation (which they should have offered sooner) but we found no evidence that they made her aware of her rights under the legislation as they should have done.

We also found that there were occasions when Mrs C's child went home from school during the day but these were not recorded as an exclusion from school as they should have been (in accordance with the council's school exclusion policy). Accounts of incidents at the school involving Mrs C's child were also not recorded at the time they occurred.

The council had acknowledged delay in responding to Mrs C's complaint, for which they had apologised and advised her what they had done as a result of this. We were satisfied that they had taken appropriate action to address this part of the complaint. However, Mrs C had also raised concerns about her child being bullied. Given the seriousness of Mrs C's allegations, in particular that her child had been assaulted, we considered that the council had not carried out appropriate investigations to address the allegations of bullying.

### Recommendations

We recommended that the council:

- issue a written apology to Mrs C for the failings identified;
- ensure that all relevant staff are made aware of the alternative dispute resolution avenue available for complaints about schools failing to meet additional support needs;
- ensure that all relevant staff are made aware of the council's Management of Exclusion on Schools policy and what constitutes an 'exclusion' from school; and
- ensure that all relevant staff are made aware of the requirement to complete incident report forms, where appropriate.