

SPSO decision report

Case: 201405810, Scottish Borders Council
Sector: local government
Subject: primary school
Outcome: upheld, recommendations

Summary

Mr and Mrs C complained to the council about the treatment their child received from the head teacher and another teacher at their school. Their child has attention deficit hyperactivity disorder (ADHD) and has additional support needs. Mr and Mrs C were concerned that this was not being properly taken into account by the school. The council investigated but concluded there was no evidence to support Mr and Mrs C's concerns about unfair treatment or bullying by staff. Mr and Mrs C said the investigation was not impartial and complained about how it had been carried out. The council did not respond to this complaint.

During our consideration of these complaints, the council wrote to us and acknowledged a number of issues with their original investigation and response to Mr and Mrs C's complaints. They identified five recommendations that they were taking forward as a result of their review of the case. The council also advised that Mr and Mrs C's later complaint about how the council's investigation was carried out had not been responded to appropriately. We considered that the failings identified in the council's investigation amounted to maladministration and we upheld both of Mr and Mrs C's complaints. We made a number of our own recommendations to address the issues identified.

Recommendations

We recommended that the council:

- issue Mr and Mrs C with a written apology for the failings identified during our investigation;
- provide us with an update on the outcome of the five recommendations identified by the council following their own review of the investigation;
- carry out checks at the school to ensure that appropriate support strategy records are being maintained for pupils with ADHD; and
- make staff aware of the importance of their tone and use of language in case notes and correspondence.