

SPSO decision report

Case: 201507806, Dumfries and Galloway Council

Sector: local government

Subject: secondary school

Decision: not upheld, recommendations

Summary

Miss C complained that staff had unreasonably carried out a hold on her son (Mr A) at his school. The council explained that the decision to carry out the hold was appropriate in terms of the staff's duty of care to keep Mr A safe, and had been carried out by appropriately trained and qualified staff.

Miss C was also concerned that Mr A's leg had been hurt as a result of the hold. During our investigation we were satisfied that the evidence demonstrated this matter had been investigated. While the council explained they were unable to establish if Mr A had been hurt during the hold, they felt this was unlikely. We found no evidence that the council had failed to handle the incident in line with their de-escalation policy. We therefore did not uphold the complaint.

However, we were concerned that a written statement had not been taken from Mr A after the incident. The views of Miss C and the staff involved had been obtained and while the council had explained why the views of Mr A had not been obtained, we considered that the council should have recorded their reasoning for not obtaining a statement.

Recommendations

We recommended that the council:

- record the reasoning for not obtaining a written record of the views of the pupil after a physical intervention has been used.