

SPSO decision report

Case: 201607695, South Ayrshire Council
Sector: local government
Subject: primary school
Outcome: not upheld, no recommendations

Summary

Mr C was unhappy with the council's handling of an incident involving his daughter (Miss A) and another pupil, in which Miss A ended up with facial and eye injuries and was off school for a week. Mr C did not accept that what happened was an unintentional clash of heads and he was dissatisfied with the help and support his daughter was offered at school following the incident.

We found that the school took reasonable steps to find out what happened, by speaking to the staff involved, the other pupil, and to Mr C. It was clear that there were differing accounts of what had happened. The school did not formally interview Miss A, although they did put on record what she told a teacher immediately after the incident. By the time Miss A returned to school the matter had been referred to the police by Mr C and Miss A had been interviewed by them.

We found that the council took a careful approach after the matter was reported to the police and did not do anything which might jeopardise any ongoing investigation. The evidence showed that both Mr C and the council placed importance on the investigation by the police. There was evidence that Mr C told the council on more than one occasion that a decision or conclusion had been reached by the police. We found no evidence that such a decision or conclusion was ever conveyed to the council.

Mr C felt that the council did not take Miss A's account of the events into consideration fully. We found that the evidence did not show that Miss A's account was not believed, or that the other pupil's account was considered more reliable, but rather that a definitive account of events could not be substantiated because there were no witnesses.

Mr C was dissatisfied that the council failed to take into account medical evidence of Miss A's injury. We found that the council's position, which was that such evidence should be evaluated by the police, was not unreasonable. Council officers would not have been in a position to evaluate the significance of the medical evidence. In the circumstances we decided the kind of basic investigation carried out by the council, in terms of recording the accounts of the children, was the kind of investigation we would expect.

We did not find evidence that requests for help or support for Miss A on her return to school had been ignored or denied. We found that there were support measures in place to allow Miss A to discreetly alert the teacher if feeling anxious, or to exit the class if feeling threatened. Measures were also put in place for Miss A and the other pupil to be kept apart, both in the class and out of it. A process for Miss A to check in with a trusted teacher was arranged, and school staff were asked to be vigilant. There is evidence that Miss A was referred to the school nursing service after Mr C met with the council. We did not uphold Mr C's complaint.