

SPSO decision report



Case: 201801381, East Dunbartonshire Council
Sector: local government
Subject: secondary school
Decision: some upheld, recommendations

Summary

Mrs C's child (Child A) was injured by another child while at school. Mrs C said that she was not contacted until around two hours after the incident and complained that the school failed to act in an appropriate and reasonable manner. Mrs C was also unhappy that the school had recorded Child A as being a participant in a fight rather than being assaulted and that the level of support provided to Child A after their return to school was unreasonable.

In their responses to Mrs C, the council indicated that the priority after the incident was to establish what had happened. Their responses were unclear, however, in terms of whether they understood Child A to have been displaying signs of a head injury after the incident. The council stated that the school followed NHS advice on head injuries and provided us with a copy of this. However, we noted that there was no direct reference to the NHS advice in staff statements, incident reports or the council's response to Mrs C. In their response to Mrs C, the council acknowledged that they should have handled things differently and did not contact her soon enough. They also stated that they had a new procedure in place in respect of head injuries at school. However, the evidence we reviewed showed a confused account of events and, as a result, we upheld this aspect of Mrs C's complaint.

In respect of the school recording the incident as a fight, we considered this reasonable. We found that the school accepted that Child A had been assaulted and made clear that the reference to a fight was in relation to what led up to the assault. The account recorded by the school was based on multiple accounts of what happened. In addition to this, we saw nothing in the evidence provided to us that indicated that the school held the view that Child A was partially or wholly at fault for the way the incident escalated. Finally, the council indicated that they were happy for additional information Mrs C wanted to record to be appended, if appropriate. We concluded that the school and council provided a reasonable justification for why the incident was recorded this way and did not uphold this aspect of Mrs C's complaint.

In relation to the support Child A received after their return to school, we found that the school had made appropriate arrangements and that Child A did not take up everything that was offered. We acknowledged that a laptop had not been made immediately available for Child A but noted that this was addressed in a phone call with Mrs C and one was provided the next day. Finally, we considered that a risk assessment had been completed and reviewed appropriately. Therefore, we did not uphold this aspect of Mrs C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for not taking reasonable action following reports that Child A had sustained a head injury, clearly acknowledging where there has been fault. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leafletsand-guidance.