

## SPSO decision report



**Case:** 201802716, Fife Council  
**Sector:** local government  
**Subject:** primary school  
**Decision:** some upheld, recommendations

### Summary

Mrs C complained about the actions of her child's (Child A) school following reports of bullying. She explained that her child had been bullied most of their school life and that the bullying had mostly been carried out by one other child. Mrs C acknowledged that the school had taken some actions and the situation had started to improve. However, incidents later continued, leaving her child increasingly upset and anxious. In light of this, Mrs C felt the school had not done enough to prevent the bullying incidents and provide support to her child. Mrs C also complained about whether the incidents of bullying had been recorded appropriately by the school. Finally, Mrs C complained about how the council had communicated with her during and after the complaints process.

In respect of the first complaint, we concluded that the school had taken reasonable and appropriate steps to address incidents of bullying experienced by Child A. We noted that the school had appeared to have taken a number of steps to prevent interactions between Child A and the other child, provide support to Child A and put in place measures to address the other child's behaviours. The approach taken by the school appeared to be tailored to the individual circumstances of Child A and the type of bullying they were experiencing. We acknowledged that there were times where the other child had interacted with Child A in an upsetting way despite these measures being in place. However, we recognised that it can be very difficult to prevent such incidents from happening completely. Overall, we concluded that the school took the reports of bullying seriously and made reasonable efforts to assist Child A and prevent further incidents from happening. Therefore, we did not uphold this aspect of the complaint.

The second complaint related to how the school recorded incidents of bullying. Mrs C had submitted a freedom of information (FOI) request to determine what incidents involving Child A had been recorded on the SEEMiS system used by schools in the council area. The FOI revealed that one incident had been recorded on the SEEMiS system. Mrs C understood this to mean that only one incident of bullying had been recorded by the school. The council explained that, at the time of their complaint response, bullying incidents were recorded by the school in SEEMiS. However, previous incidents had been recorded in paper format.

The council's anti-bullying policy stated that schools should ensure that bullying incidents are recorded and monitored using SEEMiS. From the information we reviewed, it is apparent that the school was not using the SEEMiS system for a significant period of time while this policy was in place. The council advised us that the Scottish Government Supplementary Guidance did not place a statutory duty on councils to record incidents using SEEMiS. They also highlighted that there would be a period of transition towards using SEEMiS in schools and this would take time. We recognised the council's perspective but measured the school's actions against the specific council policy in place at the time. This policy appeared to be clear that SEEMiS should be used by schools at that point in time, not that there was an intention to move towards its use. Therefore, we upheld this aspect of the complaint.

Mrs C also complained about how her complaint to the council and subsequent correspondence was handled. We concluded that the council's handling of the actual complaint itself was reasonable. However, we noted that Mrs C

had contacted the council to query some of the contents of their Stage 2 (investigation stage) response. The council did not respond to this for 27 days, during which time Mrs C had approached the executive director of education and children's services. As a result of this delayed response, the school term had ended and the head teacher could not be reached due to being on annual leave. This led to a delay in Mrs C receiving clarification on the issues she had raised. We considered that the council's communication after their Stage 2 response was issued to be unreasonable. Therefore, we upheld this aspect of the complaint.

### **Recommendations**

What we asked the organisation to do in this case:

- Apologise to Mrs C for failing to record bullying incidents on the SEEMiS system, in line with the relevant council policy and for not acting on or responding to post-complaint correspondence within a reasonable timeframe. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsos.org.uk/information-leaflets](http://www.spsos.org.uk/information-leaflets).

What we said should change to put things right in future:

- Correspondence received after a Stage 2 response has been issued should be acted on and responded to within a reasonable timeframe.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.