

## SPSO decision report

**Case:** 201901235, Fife Council  
**Sector:** Local Government  
**Subject:** primary school  
**Decision:** some upheld, recommendations

### Summary

Mr and Mrs C complained about the actions taken by the council following their child's (Child A) disclosure that they had been inappropriately touched by another pupil. Mr and Mrs C complained that the council's education service had not reasonably followed their own procedures to safeguard their child.

We found that the education service had acted in accordance with their policy and guidance by discussing the matter with Child A and making a referral to social work. In the circumstances, we found that the steps taken by the school to safeguard Child A were a discretionary matter for the council's education service to determine and we were satisfied that the matter was appropriately considered and a number of measures were put in place. We did not consider that there was an obligation for the council to exclude the other child involved from school. In light of this, we did not uphold Mr and Mrs C's complaint about the council's education service.

Mr and Mrs C also complained that the council's social work service failed to provide them with reasonable support. We took independent advice from a social worker. We found that reasonable action had been taken by social work, including an assessment of the situation and contact with the school, the police and the families involved. We did not uphold Mr and Mrs C's complaint regarding the action taken by social work.

Lastly, Mr and Mrs C complained about how the council had handled their complaints. We found that there was a delay in responding to the complaint made on their behalf by an MSP and that they were not kept updated on the progress of their complaint or provided with a revised timescale for the response. We also found that the council's responses did not address all the concerns Mr and Mrs C raised. Therefore, we upheld this aspect of Mr and Mrs C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr and Mrs C for the delay in responding to the complaint made on their behalf by an MSP and that they were not kept updated on the progress of their complaint or provided with a revised timescale for the response. The council should also apologise for their responses not addressing all the concerns raised. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

In relation to complaints handling, we recommended:

- Complaints should be handled in line with the Model Complaints Handling Procedure (MCHP). The MCHP and guidance can be found here: <https://www.spsso.org.uk/how-to-handle-complaints>.

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.