

SPSO decision report

Case: 202102318, Fife Council
Sector: Local Government
Subject: Primary School
Decision: upheld, recommendations

Summary

C complained about Fife council's handling of a complaint that they made regarding an incident involving their child (A) at their school.

C said that A was a victim of sexual assault and harassment during a playground game in which another child forced A to kiss them, touched A inappropriately and encouraged other children to chase and catch A. C said that, as a result of this, A felt unsafe and was unable to return to the school.

C complained that the council's staff failed to carry out a reasonable investigation, including that A's teacher's account of events was accepted without any further scrutiny.

We found that the council's initial investigation of concerns raised verbally by C was reasonable and highlighted the school staff's conclusion at that time that this had been a matter that could be dealt with in the classroom. When new information became available indicating that the events may have been more serious, the council left the investigation to the police. Following completion of the police's investigation, the council issued their response to the complaint, which reflected the situation as they understood it.

However, C's complaint clearly included mention of their concern that a few weeks before the specific incident complained of they had reported to the teacher that a similar incident had occurred. Due to the lack of records available of the council's investigation it is unclear whether, or to what extent, that these concerns were taken into account or investigated. These concerns were not responded to by the council. It is unclear, therefore, whether the council reasonably considered the implications of the teacher having been aware of potentially inappropriate behaviour taking place among the children for a few weeks before the reports that led to action being taken. These implications may have included what weight the school and council gave to the teacher's statements, whether evidence or corroboration should have been sought for when the teacher or other staff first became aware of the children's actions in the playground, and whether the outcome of the investigations would have been the same. Therefore, we upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for their failure to investigate and respond to C's concern that they had reported to the teacher. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

In relation to complaints handling, we recommended:

- Complaints are properly investigated and responded to in line with the Model Complaints Handling Procedure for Local Authorities.

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.