

## SPSO decision report



**Case:** 202109163, Aberdeenshire Council  
**Sector:** Local Government  
**Subject:** Secondary School  
**Decision:** some upheld, no recommendations

### Summary

C's child (A), was a pupil at a school in the council's area. C said that A experienced bullying and a sexual assault by another pupil at the school, resulting in changes to A's behaviour, anxiety and distress to the extent that A could no longer attend. Following discussions with the council, it was agreed that C could apply for A to attend a new school, outside of their local area.

C complained about school 1's handling of A's support needs and their response to A's disclosure about the alleged sexual assault and events stemming from this. C also complained about the council's failure to arrange transport for A to the new school, which C said had been discussed as part of the decision to apply for a place there.

C raised a number of complaints with the council regarding their concerns, including that the council had unreasonably contacted Police Scotland regarding the actions of C's partner (B). C did not consider that the council responded reasonably to the points that they raised.

We accepted the council's position that MAAP (Multi-agency assurance panel) meetings would not have been required over the relevant period. We also found that there was clear evidence of the school assessing A's needs and putting in place reasonable measures to support them. We did not uphold this aspect of C's complaint.

Overall, we found that the school appropriately recorded A's disclosure of sexual assault, instigated the involvement of relevant third parties to ensure that the matter was investigated properly, communicated and collaborated well with A and their family to arrange support for A and to explain why there were limitations to the action that they were able to take. Given the circumstances the school had to work with, we are satisfied that they proposed a range of supports that gave A options for safe places to go should they feel threatened. Whilst we acknowledge C's view that these arrangements did not eliminate the risk to A, overall, we found that the school's support plans were reasonable and appropriate. We did not uphold this aspect of C's complaint.

We found that the available evidence supported the council's account of events related to the contacting of Police Scotland in connection with B's actions and that the school's actions on the day reflected the situation as it unfolded in a number of physical locations and involving different staff members being approached by different individuals with information. We did not uphold C's complaint in this respect.

Whilst we have no cause to doubt C's recollection of events, we found that there was no evidence to support C's recollection that the council had agreed that door-to-door transport for A to the new school was required or would be provided. We are satisfied that the council considered A's specific circumstances in reaching their decision on the request for transportation. We did not uphold this aspect of C's complaint.

Overall, we found that the council took C's complaints seriously, conducted reasonable investigations, responded fully to the points C raised and that these responses were supported by the council's policies and the

contemporaneous records that they held. However, there was a clear and unreasonable delay to the council's handling of one of C's complaints, as the council had accepted and apologised for. Given the length of this delay, on balance, we upheld C's complaint about the council's complaints handling.