

Scottish Parliament Region: Central Scotland

Case 200601123: North Lanarkshire Council

Summary of Investigation

Category

Local government: Policy/administration

Overview

The complainant (Ms C) raised a number of concerns about an incident involving her son while he was at school.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) Ms C was not advised properly of the circumstances involved (*not upheld*);
- (b) insufficient information was obtained and the school failed to seek medical help (*not upheld*);
- (c) on his return to school, Ms C's son was unreasonably required to participate in PE (*not upheld*); and
- (d) although Ms C's son identified those involved, the school failed to report this to the police (*not upheld*).

Redress and recommendations

The Ombudsman has no recommendations to make.

Main Investigation Report

Introduction

1. On 28 August 2006, the Ombudsman received a complaint from Ms C concerning her son (Child C) while he was at school (the School). She said that during lunch break on 29 September 2005, Child C, then a first year pupil, was assaulted by two older boys who broke his nose and pushed him into a cupboard. She said that she was called to school because 'Child C had been in a fight and had a bloody nose'. She complained that she was not advised properly of the circumstances involved. She also complained that insufficient information was obtained from Child C about his condition and yet the school decided not to seek medical help. She believed that this was inappropriate and contrary to policy where possible head injuries are involved. Ms C said that when Child C returned to school he had been advised not to participate in PE but that, despite this, he was requested to do so. She further complained that notwithstanding the fact that her son later identified the boys involved, the school failed to follow this up with the police.

2. The complaints from Ms C which I have investigated are that:
- (a) Ms C was not advised properly of the circumstances involved;
 - (b) insufficient information was obtained and the school failed to seek medical help;
 - (c) on his return to school, Ms C's son was unreasonably required to participate in PE ; and
 - (d) although Ms C's son identified those involved, the school failed to report this to the police.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant documentation, including correspondence between Ms C, her solicitor and North Lanarkshire Council (the Council). I have also had sight of the School's handbook for 2005-2006 and an extract from the guidance contact sheets for Child C which make reference to the incident and subsequent follow-up. On 17 November 2006 I made a written enquiry of the Council and their formal response was sent on 11 December 2006.

4. While I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Ms C and the Council were given an opportunity to comment on a draft of this report.

(a) Ms C was not advised properly of the circumstances involved

5. Ms C said that on 29 September 2005, while her son was at school, he suffered an unprovoked attack by two older pupils. She said he was pushed into a cupboard and punched in the face which resulted in a deviated fracture of his nose, which required surgery, and a mild concussion. She said that although she was contacted by the School, she was told Child C had been in a fight and had a bloody nose. She was not told that he had a head injury.

6. In their response of 11 December 2006 (which provided a copy of the School handbook, see paragraph 3) the Council said that Child C had been brought to the School's office by an experienced pupil support teacher who was on lunchtime supervision in social areas. The support teacher found Child C on the School's lower ground floor in some distress, with a bleeding nose. One of the School's first aiders administered first aid and, said the Council, asked relevant questions and looked after him. The Council said that Child C then calmed fairly quickly after that. In accordance their stated policy (which amongst other things stated that, 'If a pupil has to be sent home, it will be ascertained first of all if a parent or older responsible relative is in the house...arrangements will be made for the child to go home' also, 'If, on the other hand, a serious accident at school requires an ambulance, one is sent for ... The school normally follows this this up by keeping in touch with the family to follow the progress of the pupil's recovery'), the first aider contacted Ms C by telephone advising that Child C had been involved in an incident, had a bloody nose and had received first aid. She asked Ms C to collect Child C as he may need medical advice and treatment.

7. The Council said that when Ms C arrived at the School she was met by the Duty Deputy Head Teacher. He told her Child C had been hit in the face and his nose had been bleeding and that as it could be broken, she should seek medical treatment for Child C. The Duty Deputy Head Teacher confirmed that the School would make great efforts to find the culprits. The Council made the point that at no time, despite questioning and observation, did Child C claim to have a headache, be dizzy or to have fainted. Until Ms C arrived to collect him, Child C was supervised by an adult at all times.

(a) Conclusion

8. Ms C was aggrieved that when the School called her, they did not sufficiently explain the serious nature of Child C's injuries. She said that her

son subsequently told her he had been knocked unconscious and had complained of a headache directly afterwards. However, the school have no record of this. The School's record of the incident noted that, '[Child C] assaulted by older pupils in toilet area – nose injury. [Duty Deputy Head Teacher] investigating'. The School said that a first aider looked after Child C and although she asked him, he did not mention having been unconscious or feeling dizzy. He did not say he had a headache. I note that Ms C disputed this but I am unable to adjudicate between the differing recollections of those involved. Child C presented to the School first aider as a child requiring attention; she gave him the treatment she considered appropriate. She called Ms C and told her about the incident. While Child C's injuries may have been greater than the first aider could have determined, Ms C was warned that she should seek medical advice, which she did. While I understand Ms C's concern and upset, I have seen no evidence to suggest, in the information available to me, that she received incorrect or improper advice. Accordingly, I do not uphold this aspect of the complaint.

(b) Insufficient information was obtained and the school failed to seek medical help

9. Ms C was of the view that the school did not enquire deeply enough about the nature of her son's injuries and she contended that they should have sought medical help. However, the Council maintained that when the School's first aider spoke to Child C after the incident (see paragraphs 6 and 8), he did not present with any symptoms of a loss of consciousness and/or have a head injury. When questioned, he did not say that he had been unconscious or that he felt dizzy or had a headache. Prior to making her complaint to the Ombudsman, Ms C had complained to the School's Head Teacher on this matter and amongst other things the reply, dated 13 October 2005, said that the first aider concerned was satisfied that Child C did not present as a medical emergency and that given all the circumstances, it was appropriate to contact his parent or guardian. When Ms C arrived to collect her son she was advised to seek medical help.

(b) Conclusion

10. I recognise Ms C's concern about her son but after reviewing the information available to me I cannot conclude that the school were remiss in the way they dealt with the incident. Child C was looked at and treated by a first aider who questioned him and kept him close by to observe (see paragraph 7), however, he displayed no symptoms to make her think that he needed

immediate medical attention. This was her professional judgement of the circumstances at the time and I can see no evidence to suggest that this judgement was flawed in any way. She gave the advice she considered to be appropriate. This being the case, I do not uphold this complaint.

(c) On his return to school, Ms C's son was unreasonably required to participate in PE

11. After the incident, Ms C took her son to hospital where his head was scanned. He was allowed home with the instructions that Ms C had to observe him closely. Ms C was also told that he would need surgery for a deviated fracture of his nose and that over the next few weeks her son should take things easy and refrain from PE for three weeks. On his return to school, Ms C said that she passed this information on. She was, therefore, very shocked to learn that he was made to take part. She said the School's action was unreasonable and that they were failing in their duty to care for her son when he was at school.

12. When Ms C wrote to the School complaining about how the entire incident was handled, she raised this particular matter. The School's Head Teacher replied to her on 13 October 2005 saying that her son's class teacher was aware of the letter and medical card that Ms C had sent with Child C when he reported for PE class, and she accepted this, but, she had nevertheless asked him to bring his PE kit in future so that he could join his class mates in the gym even while not participating. The Head Teacher reported that this was in accordance with the School Handbook, a copy of which had been sent to Ms C prior to her son's enrolment at the School. I have read the appropriate section of the Handbook which said that, 'It is our aim to develop all pupils' ability in PE, and if a child is unable to take part fully in a PE lesson through injury, they are asked to bring a note from their parents. It is our experience that, when pupils have a minor injury that has not prevented them from attending school, they can continue to be involved with the lesson in an alternative role (for example, coaching, refereeing, scoring or measuring). We, therefore, ask pupils to bring their PE kit at all times ... Alternative arrangements will be made for pupils who are unable to take part in PE because of a serious injury and whose parents notify the school in advance'.

13. The circumstances surrounding Child C's attendance at PE class were, according to the Head Teacher, that although he had turned up twice without his kit, on the second occasion he was asked to participate as a 'feeder' for a

classmate by throwing a soft sponge-like ball to him. She said that this was being carried out in the full size games hall where there was little chance of contact and, in the PE teacher's professional opinion, there had been little threat posed to Child C.

(c) Conclusion

14. Ms C was understandably concerned for her son's safety particularly after the incident. She asked that he be excused from PE but she said that he was required to participate despite her wishes. However, the School's Handbook asks that even although children were not going to participate, they nonetheless attend the lesson in their kit. On one occasion Child C was asked to throw a soft ball to his friend in an environment where, his PE teacher considered, there was no threat to his safety. It is clear that Ms C disagreed with this and, while I understand that she feels that her right to decide what was best for her child was removed. There is no doubt that Child C had suffered an injury, but, this was not of such a serious nature to prevent him returning to school. Taking all the circumstances of this case into account, I am not of the opinion that the School's actions were unreasonable and I do not uphold the complaint. Nevertheless, it is important in circumstances such as this that the opinions of parents are always fully taken into consideration when deciding how far the pupil should be involved in a lesson in an alternative capacity (see paragraph 12).

(d) Although Ms C's son identified those involved, the school failed to report this to the police

15. The Duty Deputy Head Teacher told Ms C that the School would make great efforts to find the culprits involved (see paragraph 7). Ms C does not believe that this was the case, she said that although Child C was able to identify the boys concerned to the School, they took no action.

16. In their formal response to me of 11 December 2006, the Council said that the School had acted to identify the boys. Child C had been given some photographs to look at and his friend was interviewed. They said the School had tried to help and when Child C approached staff with names or stated that 'they are down there.' this was followed-up but without success. Although the School spoke with Child C and his friends, despite their best efforts to assist, none of the younger boys could confirm the identity of those involved.

17. On a general point, the Council said that while the area concerned was out of bounds and the pupils were frequently told about this, teachers and janitorial staff presence there has been increased. The School have also worked closely with the Community Police Officer since the incident. They informed her of the accident and the action they were taking. Nevertheless, the Council said that staff were extremely unhappy that they had not been able to identify and deal with the boys concerned.

(d) Conclusion

18. Ms C said that her son had identified the culprits and no action had been taken. The Council disagree and said that identification had not been possible and regrettably, they had been unable to deal with those concerned. I am satisfied from the evidence available to me that they School and the Council have taken all necessary action to try to identify the boys who attacked Child C. They have not been able to do so and hence have not been able to pass names to the police. They have worked in close association with the Community Police Officer. Accordingly in these circumstances, I am unable to uphold the complaint.

20 June 2007

Explanation of abbreviations used

Ms C	The complainant
Child C	Ms C's son
The School	The School where Child C attended as a first year pupil
The Council	North Lanarkshire Council