

## Scottish Parliament Region: South of Scotland

### Case 200402038: Dumfries and Galloway Council

#### Summary of Investigation

##### ***Category***

Council: Education

##### ***Overview***

The complainant (Mr C) complained about the way Dumfries and Galloway Council (the Council) responded to concerns a group of parents had raised about the running of a secondary school (the School).

##### ***Specific complaint and conclusion***

The complaint which has been investigated is that the Council did not adequately investigate complaints brought by 30 parents about the School (*not upheld*).

##### ***Redress and recommendations***

The Ombudsman has no recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. The complainant (Mr C) was one of a group of parents who raised a number of significant concerns about the running of a secondary school (the School). These included matters related to curriculum, teaching, discipline and general administration. The parents were not satisfied with Dumfries and Galloway Council (the Council)'s initial response to their complaints and, subsequently, Mr C pursued these issues and a number of related matters with the Council.

2. The complaint from Mr C which I have investigated is that the Council did not adequately investigate complaints brought by 30 parents about the School.

### **Investigation**

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

### **Complaint: The Council did not adequately investigate complaints brought by 30 parents about the School**

4. On 25 February 2004 a letter was written to the Council's Director of Education raising a number of concerns about the School. This letter was from a group of concerned parents. It raised concerns about communication between the Head Teacher and the teaching staff, communication with pupils and communications with parents. It questioned discipline within the School. It also raised questions about the standard of organisation within the School. The letter asked that these matters be investigated further, and suggested that such an investigation would have to involve consultation with all parents.

5. In response, two officers of the Council, an Education Officer and a former secondary school Head Teacher, conducted an investigation. They interviewed all members of the School's Senior Management Team, a selection of Principal Teachers, two members of the Pupil Council, and the Chair of the School Board. One of them also attended a meeting of the School Board at which the complaint was discussed. Mr C has pointed out that they did not, at this stage, meet with the parents who raised their concerns in the letter of 25 February 2004.

6. Following the investigation a report was written, and a synopsis provided to the parents. The report gave responses to the issues that had been raised. It identified the key recommendation as being 'a fundamental review of the school's consultation and communication processes, with staff at all levels, pupils and parents involved in that review'.

7. A meeting was held between the parents and a Council officer at which the investigation and report were discussed. The investigation was criticised for not interviewing a sufficiently wide range of staff, pupils and parents. The parents also criticised it for being too scripted and not allowing interviewees to 'express their true views'. The parents indicated that they believed that the Head Teacher was an integral part of the problems, and called on the School Board to find out the views of parents and staff.

8. Mr C wrote to the Council's Director of Education on 26 June 2004. He said that he did not consider the original letter to have been properly addressed and said that he now wished to raise these issues through the Council's formal complaints procedure.

9. There followed further correspondence between the Council's Director of Education and Mr C. Although Mr C had said that his letter was a complaint, he said that he wished the Director of Education to deal with him personally and did not want his complaint referred to the Council's Operations Manager as would be done under the first step of the Council's complaints procedure. Mr C and the Director of Education met, and on 28 July 2004 the Director of Education wrote to Mr C indicating further steps he proposed to take, and referred Mr C to the Council's complaints process.

10. On 1 August 2004 Mr C raised his concerns with the Council's Operations Manager under the Council complaints procedure. There then followed a number of exchanges between Mr C and the Council and discussions within the Council. Eventually, on 3 February 2005, the Operations Manger wrote to Mr C summarising the issues that had been raised and proposing a course of action to address them:

'... it is considered that the most effective and objective way of dealing with your complaint would be to continue with the current actions being taken within the school and also to arrange for officers of the Council to meet with the parents concerned in order to discuss their current issues ... and to address these as necessary and appropriate.

In order to ensure that all the parents who have complained are given the opportunity of airing their views and to ensure that they are considered fully it is proposed that the Group Manager School Services will arrange a series of 'focus group' meetings ...'

11. Following a further brief exchange, Mr C complained to the Ombudsman on 6 February 2005. The particular issues he raised in that letter concerned personnel issues, the giving of instruction, and discipline, and so I was not able to consider the complaint. However, I explained to Mr C that I might be able to consider a complaint about the way the Council dealt with the issues that he had raised with them.

12. Following this Mr C pursued his concerns about the handling of his complaints with the Council. The Council also continued its actions which were outlined in the letter of 3 February 2005, and there were also ongoing exchanges between Mr C and the Council about these issues and others which had arisen.

13. The focus group meetings were held in March 2005 and a report was written by the Council officers who attended them. Responses to this report were sought from Mr C and others who had attended, and three responses were received. As a result of this exercise the Council decided to employ an independent consultant (a former Head Teacher and Inspector of Education) to explore the operation of the School with a focus on administration, discipline, and communication and consultation. Mr C was informed of this decision in a letter of 23 May 2005. Mr C was also told in a letter of 5 July 2005 that the independent consultant had been told of concerns about misogyny and sectarianism in the School although he did not refer to them in his report. In this letter it also states that as a result of the allegations of sectarianism and misogyny the officers within the Department have '... examined appointments made to the School over the last few years and are satisfied that these have been made in accordance with our procedures whereby (i) these are made with input from officers as well as the Head teacher (ii) equal opportunities legislation is adhered to (iii) no information on candidates' religion is asked for or revealed.' The letter goes on to state: 'However, if you have information to support your allegations, I would be pleased to receive this from you and we will make further enquiries.'

14. The independent consultant's report was completed in June 2005, and a summary circulated to parents (the full version was made available upon request). At the meeting the parents expressed their dissatisfaction with the investigation. They criticised on two particular points: for not interviewing sufficient staff, parents or pupils; and because specific questions were asked and interviewees could not stray from these to express their own views.

15. On 21 July 2005 the Council sent its final response to Mr C's complaints about the way they had dealt with the issues he had raised with them. This was over four months after Mr C had written to the Council's Chief Executive on 10 March 2005.

16. The response apologised for the delay in replying to Mr C. It said that the Council's understanding was that the group of parents who had written the letter of 25 February 2004 had wished to remain anonymous, and so the Council had chosen to work with the School Board as an elected body representing parents. The letter also noted the actions which had been taken as a result of the issues being raised.

17. Mr C wrote to me on 7 July 2005. He said that his allegations of sectarianism and misogyny had not been responded to; that the independent consultant's report was welcome but should have happened sooner; and also questioned why a particular Council officer he had complained about had told him that they were seeking legal advice. He said the original complaints from the parents group appeared to have been covered up and was concerned about 'what happens the next time'. He also said that he was looking for an apology.

### *Conclusion*

18. I have to decide whether the Council adequately investigated the complaints made by the group of parents in their letter of 25 February 2004.

19. The Council's actions in response to this complaint are outlined in paragraphs 5, 6 and 7 above. This did not include the consultation with all parents envisaged in the letter of complaint. However, the parents who had written the letter were informed of how the investigation had been carried out and of its conclusions.

20. Mr C told me that the group of parents were advised that meetings of the School Board were dominated by the Head Teacher and, therefore, concerns

would not be properly addressed through that channel, and this concern was why they chose to raise their concerns through the Council's Education Department. I have, however, seen no evidence that this concern was made clear to the Council at the time. Furthermore, the Council officers involved did meet separately with the Chair of the School Board and others. I have also noted that the writers of the letter later sought to involve the School Board in seeking the views of staff and parents.

21. The Council had to decide what was a proportionate response to the concerns raised with them. They conducted an investigation which responded to what they considered to be the major issues raised, which did identify problems in the School, and which made a clear recommendation for further consultation with parents, staff and pupils.

22. Mr C became involved in personal correspondence with the Council in June 2004. He said that he believes that subsequent actions (the focus groups and the independent consultant's report) came about because of his intervention. He also said that these were very belated responses to the issues raised.

23. The Council's letter to Mr C of 4 February 2005 does give the impression that the focus group exercise was a response to his pursuit of the issues. These were held in March 2005, over nine months after the original investigation. However, I note that consultation exercises are not simple to undertake effectively and that during this time there were ongoing exchanges with Mr C about the issues involved.

24. One outcome of the focus group exercise was the report by the independent consultant which was completed in June 2005.

25. I fully accept that concerns raised by parents in the letter of 24 January 2004, and subsequently pursued by Mr C, were serious. The Council has also acknowledged this. It did take a long time for Mr C's formal complaints to be fully responded to, but it is also clear that the Council did at that time recognise that there were problems in the School which needed addressed. There was also a year and a half between the original letter and the completion of the independent consultant's report. However, there was a gradually escalated response to the issues which did seek to ascertain the views of parents, staff and pupils. It is difficult to tell how far Mr C's personal

involvement affected the Council's actions, however, the report on the original investigation did not envisage that matters had been concluded at that point and throughout there was ongoing discussion within the Council about how to take matters forward. On balance I do not uphold the complaint.

*Recommendations*

26. The Ombudsman has no recommendations to make.

**Explanation of abbreviations used**

|             |  |
|-------------|--|
| Mr C        | The complainant  |
| The School  | The secondary school which Mr C and other parents were complaining about |
| The Council | Dumfries and Galloway Council  |