



Northern Ireland

**Public Services**

Ombudsman

# **Investigation of a complaint against a Secondary School**

**Report Reference: 202002913**

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## **The Role of the Ombudsman**

The Northern Ireland Public Services Ombudsman (NIPSO) provides a free, independent and impartial service for investigating complaints about public service providers in Northern Ireland.

The role of the Ombudsman is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act). The Ombudsman can normally only accept a complaint after the complaints process of the public service provider has been exhausted.

The Ombudsman may investigate complaints about maladministration on the part of listed authorities, and on the merits of a decision taken by health and social care bodies, general health care providers and independent providers of health and social care. The purpose of an investigation is to ascertain if the matters alleged in the complaint properly warrant investigation and are in substance true.

Maladministration is not defined in the legislation, but is generally taken to include decisions made following improper consideration, action or inaction; delay; failure to follow procedures or the law; misleading or inaccurate statements; bias; or inadequate record keeping.

The Ombudsman must also consider whether maladministration has resulted in an injustice. Injustice is also not defined in legislation but can include upset, inconvenience, or frustration. A remedy may be recommended where injustice is found as a consequence of the failings identified in a report.

## **Reporting in the Public Interest**

This report is published pursuant to section 44 of the 2016 Act which allows the Ombudsman to publish an investigation report when it is in the public interest to do so.

The Ombudsman has taken into account the interests of the person aggrieved and other persons prior to publishing this report.

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**Case Reference:** 202002913

**Listed Authority:** A Secondary School

## **SUMMARY**

The complainant raised concerns on behalf of her son (the student) about the how the School managed a request to change an A-Level subject the student was struggling with.

The investigation established the following maladministration:

- The School failed to provide support to the student when he was struggling with A' Level Physics.
- The School failed to provide support to the student when he experienced ICT difficulties.
- The School failed to manage the student's attendance.
- The School failed to follow process when the student requested to change A' Level subjects.

I recommended the School provide the complainant a written apology for the injustice caused as a result of the maladministration identified in this report.

I made two further recommendations to bring about service improvement and to prevent future recurrence. I also recommended the School provide this Office with evidence of its compliance with these. The school accepted the findings and recommendations of my report.

## **THE COMPLAINT**

1. This complaint was about how the School managed a request to change an A-Level subject the complainant's son (the student) was struggling with.

### **Background**

2. The student commenced Year 13 in September 2021 to study 3 A-Levels; Construction, Technology and Physics. In late September 2021 the student told the complainant he was struggling with Physics. He then told his Physics Teacher (Teacher A) he was struggling in early October, but did not receive a response. The student approached the Head of Senior School (Teacher B) to tell her he was having difficulties with Physics and that he wanted to change to a different A level.
3. In mid-November 2021 the student had a meeting with Teacher B who advised him it was too late to change subjects. The student had already dropped Physics at this stage as he found it too difficult. Teacher B advised the student he could continue the rest of the year with two A Levels and take a new A Level the following year. Therefore, completing his A Levels over three years rather than two.
4. The student's Form Teacher (Teacher C) approached the student having heard of the difficulties he was facing. She invited him to join her Environmental Technology class. Teacher C explained there was room for him in her class and they had not covered too much of the course material so far and therefore he could easily catch up. However, Teacher B advised the student on 22 November 2021 he was not allowed to join the Environmental Technology class.
5. The student decided to leave the School in early 2022.

### **Issues of complaint**

6. I accepted the following issues of complaint for investigation:

**Issue 1: Whether the School provided appropriate support for the student in making his A' Level choices.**

**Issue 2: Whether the School's actions in relation to the student struggling with A' Level Physics was appropriate and reasonable.**

**Issue 3: Whether the support provided in relation to the student's ICT difficulties was appropriate and reasonable.**

**Issue 4: Whether the student's attendance was managed appropriately and in line with relevant guidance and procedures.**

**Issue 5: Whether the correct procedure was followed when the student requested to change A' Level subjects.**

### **INVESTIGATION METHODOLOGY**

7. In order to investigate this complaint, the Investigating Officer obtained from the School all relevant documentation together with its comments on the issues the complainant raised. This documentation included information relating to the School's complaints process.

### **Relevant Standards and Guidance**

8. In order to investigate complaints, I must establish a clear understanding of the standards, both of general application and those specific to the circumstances of the case. I also refer to relevant regulatory, professional, and statutory guidance.

The general standards are the Ombudsman's Principles<sup>1</sup>:

- The Principles of Good Administration

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<sup>1</sup> These principles were established through the collective experience of the public services ombudsmen affiliated to the Ombudsman Association.

9. The specific standards and guidance referred to are those which applied at the time the events occurred. These governed the exercise of the administrative functions of those individuals whose actions are the subject of this complaint.

The specific standards and guidance relevant to this complaint are:

- Academic Indiscipline Policy, 2019 (2019 Policy);
- Discipline and Pastoral Care in Senior School Policy 2021 (Discipline Policy); and
- Guidance on Changing Subjects.

I enclose relevant sections of the guidance considered at Appendix two to this report.

10. In investigating a complaint of maladministration, my role is concerned primarily with an examination of the School's administrative actions. It is not my role to question the merits of a discretionary decision. That is unless my investigation identifies maladministration in the School's process of making that decision.
11. I did not include all information obtained in the course of the investigation in this report. However, I am satisfied I took into account everything I considered relevant and important in reaching my findings.
12. A draft copy of this report was shared with the complainant and the School for comment on factual accuracy and the reasonableness of the findings and recommendations. In response to draft report comments were received from the complainant and the school. The complainant reiterated a number of challenges to the school's position. All comments received were fully considered.

## **THE INVESTIGATION**

**Issue 1: Whether the School provided appropriate support for the student in making his A 'Level choices.**

## **Detail of Complaint**

13. The complainant said as a result of the restrictions due to Covid-19 there were no face-face meetings between teachers, parents and students to finalise A level subject choices. On this basis, she believed the School failed to provide the student with appropriate support to make his subject choices. The complainant said the School was incorrect when it said the student had not submitted his options form at the correct time. The complainant also said the student submitted his A 'Level options in March 2021 and refuted the Board of Governors' response that the student did not submit any options forms.

## **Evidence Considered**

### **Legislation/Policies/Guidance**

14. I considered the following guidance:
- The Principles of Good Administration

## **The School's response to investigation enquiries**

15. The School stated: it was operating within Covid restrictions in August 2021 and no face-to-face meetings could take place between parents, students and teachers. It sent detailed information home to parents prior to the publication of results and during their Year 12 studies. There was a taught Careers Guidance Programme in Year 12, and a Subject Option Booklet created for discussion. As Schools were working online during Spring of the students' Year 12 studies, it posted the booklet on its website and sent letters home. It suspended online lessons for 26 February 2021 and devoted the School day to careers/subject choices. It explained both parents and students were able to participate in the day, and students used Google Classroom to complete and submit their options form.
16. The School stated: the student did not submit an options form and made it clear he would not be returning to School for A Levels. Following a discussion between Teacher B and the student on 21 November 2021 about not wanting to return to school Teacher B contacted the complainant to discuss her concerns and what the student had stated. However, in receipt of his GCSE's



in August 2021, the student arrived at Teacher B's office and explained his choices to her. Teacher B put these choices directly into a computerised format. At no stage did the student mention Environmental Science or BTEC ICT as a third choice. Teacher B raised a concern with the student regarding choosing Physics, but he insisted on continuing with it. The School stated it is possible the student verbally told a teacher in May or June 2021 about his choices, but that this was not a formal submission of his options form.

### **Relevant School records**

17. I completed a review of the copy documentation the complainant provided, and those records the School provided in response to my investigation enquiries. I enclose relevant extracts at Appendix four to this report.

### **Analysis and Findings**

#### *Concern about face-to-face meetings*

18. I note the School operated within Covid-19 restrictions in August 2021 and, as such, no face-to-face meetings could take place between parents, students and teachers. Schools worked online during Spring of the students' Year 12 studies. Upon review of relevant documentation I note the School sent a letter to parents on 17 November 2020 advising the children would receive a Year 12 Options Form. This was a trial run and the formal options selection took place in February 2021. The School issued further letters to parents on 12 February 2021 and 22 February 2021. The letter dated 12 February 2021 explained that after the half term break the focus would be on subject choices and that the School would devote the 26 February 2021 to careers/subject choices. The letter dated 22 February 2021 explained that due to the closure of Schools, it had prepared a presentation to explain the process.
19. I acknowledge the complainant's view that no face-to-face meetings took place with the student in relation to his A' Level choices. However, I accept that the School was operating under Covid restrictions at that time and had to adapt its approach during unprecedented times. All learning took place online at this time.

20. I note the School corresponded with parents on three separate occasions and dedicated a full day on 26 February 2021 to A' Level choices. I am satisfied the School's communication was sufficiently informative and appropriately explained the process. The School provided advice and guidance, links to explain the process, and contact details of teachers who could address any issues or concerns for parents and students.
21. I refer to the First Principle of Good Administration, Getting it Right, which states public bodies should follow established good practice and provide an effective service to its customers. I also refer to the Second Principle, Being Customer Focused. This states public bodies should provide services that are easily accessible to their customers. Policies and procedures should be clear and there must be accurate, complete and understandable information about the service. Public bodies should aim to ensure that customers are clear about their entitlements; about what they can and cannot expect from the public body; and about their own responsibilities.
22. On the basis of the information provided I am satisfied the School acted in accordance with the first and second principles of good administration in fulfilling their duties during a difficult time for Schools, parents and students. I therefore do not uphold this element of the complaint.

*Concern about the Student's submission of his options form*

23. The complainant stated the student submitted his A 'Level options in March 2021. The BoG response states the student did not submit any options forms as he had made it clear he would not be returning to School for A Levels. However, on receipt of his GCSE results, the student attended Teacher B's office and explained his choices to her. The complainant provided a form that lists three subject choices for A 'Level which she believes demonstrates the student did submit his A 'Level subject choices as the School assigned him classes and blocks to attend. The form is dated Tuesday 15 June 2021.
24. The form details three subjects Construction, Technology and Maths. The School assigned blocks and classes to the Construction and Technology but

nothing beside Maths. The complainant stated the student was always unsure of his third choice.

25. Following further enquiries with the School, it stated the form shows it had not assigned the student a class for Maths. He was in Block C for Construction and Block D for Technology. It explained had the student returned his option form in February 2021, there would have been a discussion to find a third subject as Maths was clashing with either Construction or Technology in the timetable model. The School was unable to account for why there were blocks in the form. The School stated it is potentially possible the student indicated choices by verbally telling a member of staff in May or June. However, this was not formal submission of the options form. It explained this is the only explanation as to why only two of the subjects would have classes assigned. This meant the School could not finalise the student's timetable and it would use the results in August 2021 to choose subjects that fitted in the blocks.
26. The School stated the procedure was that at the beginning of results week in August 2021 it posted each student's selection to remind them what they had chosen. The date of 15 June 2021 might be the date the student printed the options form, but the School only received it in August 2021.
27. As set out above, I am satisfied the School complied with the first and second Principles of Good Administration, in the manner in which it explained the subject choices process to students and parents. From the evidence provided it appears the student did submit subject choices prior to commencing Year 13. However, having reviewed all relevant documentation it is unclear exactly when he submitted these. I am satisfied there is no evidence to demonstrate the student submitted an options form in March 2021. I note the date of 15 June 2021 appearing on the options form the complainant provided, but also note the School's position that it never received this.
28. I have been unable to determine whether the School received this. However, I can determine the student spoke with Teacher B in August 2021 and verbally selected three subjects. The student then commenced Year 13, studying those subjects. On this basis, I am satisfied there is no evidence of maladministration

on the School's part regarding its handling of the student's subject choices. I therefore do not uphold this element of the complaint.

29. On foot of the above findings, I do not uphold issue one of the complaint.

## **Issue 2: Whether the School's actions in relation to the student struggling with A' Level Physics was appropriate and reasonable.**

### **Detail of Complaint**

30. The complainant said in early October 2021 the student expressed that he was struggling with Physics to Teacher A. Teacher A did not follow this up with the student - even when he noticed the student dropped out of his Physics class, but not his Construction Maths class. She said the student expressed to Teacher B he was struggling with Physics in mid-October 2021. Teacher B did not take any action at that time. In mid-November 2021 the student had a meeting with Teacher B, who advised him it was too late to change subjects.

### **Evidence Considered**

#### **Legislation/Policies/Guidance**

31. I considered the following policy:

- 2019 Policy; and
- Discipline Policy 2021.

### **The School's response to investigation enquiries**

32. The School stated: Teacher A advised at no stage did the student express to him that he was struggling with Physics. Had he done so Teacher A would have worked closely with him to ascertain what the issues were.

33. The School stated: the student's work in September 2021 was on course and the only issue in September was a homework not presented on time, and then presented as work copied directly from another student. In a class test in early October 2021 the student obtained 80%. In mid-October the student was off due to Covid, and, thereafter his attendance appeared to drop off as there were high levels of Covid prevalent at the time. The student was absent for the

October assessment. He completed it on his return, but received a U grade. The School explained the student wrote '*was forced into the subject*', when it asked him to complete an individual self-assessment for the piece of work.

34. The School stated: the student's non-attendance became more frequent. Teacher A spoke with Teacher C who confirmed the student had presented notes for absence to her to account for absences. Teacher A then assumed through continual non-attendance that the student had in fact left his class. Teacher A was aware from Teacher C the Student wished to change his subject as he had felt he did not wish to be in Physics.
35. The School stated: Construction Maths took place twice per week again with class absence where the student was not present. In hindsight Teacher A should have followed up with the student, Teacher C and Teacher B to find out what the situation was. It explained other students had informed Teacher A the student had left Physics.
36. The School stated: when a student is struggling academically, this is apparent from performance in class tasks and homework tasks at designated points in the year through Assessment. Some subjects also use end of topic tests. For a student whose underperformance (struggling) is a consequence of academic indiscipline (failure to complete work, poor attendance, failure to remain on task in class) the School will address the issue addressed through the steps outlined in the 2019 Policy.
37. The School stated records demonstrate concerns relating to the student's ability to study Physics. However, I note there is no evidence to demonstrate it provided support to the student or held meetings to discuss his struggles with the subject.

#### **Relevant School records**

38. I completed a review of the copy documentation the complainant provided, and those the School provided in response to my investigation enquiries. I enclose relevant extracts at Appendix four to this report.

## Analysis and Findings

39. The complainant was concerned that the School failed to appropriately address the student's struggles with Physics.
40. The School stated the student had missed classes, missed tests and failed assignments. However, having reviewed all relevant documentation, there is no evidence in the records to demonstrate the school addressed these issues with the student at the time.
41. The 2019 Policy lists patterns of behaviour that constitute academic indiscipline that can impact academic performance:
  - i. Not doing homework;
  - ii. Attempting but not completing homework;
  - iii. Not meeting deadlines for work;
  - iv. Being absent from School on the day work is due;
  - v. Failing class tests/assessments;
  - vi. Absent from School/class when tests are on;
  - vii. Not completing coursework on time;
  - viii. Not preparing/studying for exams;
  - ix. Failing to give your best in class;
  - x. Not completing work to the standard required;
  - xi. Not having homework planners signed;
  - xii. Not having the books required/materials to class; and
  - xiii. Copying work from the internet or another student and passing it on as your own.
42. The policy details specific roles and responsibilities for the relevant teaching staff;  
*Class Teacher (Teacher A in this respect)*
  - i. Discuss problems with the student;
  - ii. Offer assistance;
  - iii. Give extra work (revision notes – NOT lines);

- iv. Comment in homework planner;
- v. Phone/write to parents;
- vi. Place student on detention (4<sup>th</sup> – 7<sup>th</sup> year);
- vii. Discuss with HoD;<sup>2</sup> and
- viii. Refer student to their form teacher.

*HoD (Teacher B in this respect)*

- i. Discuss problems with the class teacher;
- ii. Offer assistance / meet student; and
- iii. Monitor academic indiscipline in their department.

*Form Teacher (Teacher C in this respect)*

- i. Discuss the issues with the student;
- ii. Place the student on report;
- iii. Place the student on detention;
- iv. Refer to study skills/SENCO;
- v. Contact parents;
- vi. Meet parents; and
- vii. Refer student to their year tutor.

43. Having reviewed all relevant records I note the complainant and the school provided conflicting accounts of whether the student spoke with Teacher A about struggling with Physics. Neither party were able to provide sufficient evidence to support their respective version of events. As a result I am unable to conclude on this point. However, it is apparent from the relevant records that Teachers A, B and C discussed that the student had significant absences from Physics classes in October and November 2021 onwards. I note the student missed 17 out of 20 Physics classes during this period. Despite this, there is no evidence the School took any steps to address this non-attendance with the student, to discuss the reasons behind it, or explore its impact on his performance in physics.

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<sup>2</sup> The Head of Department is in charge of a managing their team and ensuring their department is running smoothly

44. The records provided by the School demonstrate concerns relating to the student's ability to study Physics. However, there is no evidence to demonstrate any support the School provided to the student, or of any meetings to discuss his struggles. The 2019 Policy states '*A student who displays a pattern of any of the above will fall into the category of academic indiscipline and can expect the Abbey to respond in a way that will both be supportive and firm.*' I am satisfied the student's non-attendance qualifies as academic indiscipline under this policy, and am satisfied Teachers A, B and C each had a responsibility to address this with the student. I consider that in failing to address the student's non-attendance in Physics, the School failed to provide him with reasonable and appropriate support with his Physics studies. It therefore failed to meaningfully address the concerns it had identified with his ability to study the subject. I therefore find the School failed to act in accordance with this policy.
45. The First Principle of Good Administration, 'getting it right', requires a public body to act in accordance with both published and internal relevant guidance and to take proper account of established good practice. It also requires public bodies to provide an effective service. The Second Principle of Good Administration, 'being customer focused', requires public bodies to keep to its commitments, including its published standards, and respond to customer's needs. I find the School failed to adhere to these principles when it failed to correctly apply the 2019 Policy.
46. I consider this failure constitutes maladministration. I therefore uphold this element of complaint. I consider the identified failing caused the student to sustain the injustice of frustration, as well as a loss of opportunity to receive support and guidance to help him improve and progress in his A' level's generally, and in Physics in particular.

**Issue 3: Whether the support provided in relation to the student's ICT difficulties was appropriate and reasonable.**



## **Detail of Complaint**

47. The complainant said in Junior School the student borrowed Chrome Books from the School office without any issue. However in mid-late September 2021 the student requested the use of a chrome book from the Head of Construction (Teacher F). Teacher F refused his request and would not allow him to borrow one. This left the student with no alternative other than doing his homework on his mobile phone, which she said was not ideal.

## **Evidence Considered**

### **Legislation/Policies/Guidance**

48. I considered the following policy:
- The Principles of Good Administration

## **The School's response to investigation enquiries**

49. The School stated it has three ICT suites - access to ICT in the study hall for independent study and Google Chromebooks on a whole class or individual basis. Students who study Technology or Construction also have access in study periods to ICT provision within the suite of rooms. The School also has a Bring Your Own Device Policy allowing pupils to bring in a device from home. If a student has an identified need, the School, on occasion, will loan devices to pupils.
50. The School stated it is not School practice to give Chromebooks to pupils to take home unless there is a Statement of Special Educational Needs that identifies access to ICT as a requirement in the IEP/PLP. The School also stated that Chromebooks are not appropriate for construction as Chromebooks lack the functionality to run software used (Revit). It is for this reason the School allows students who study construction to spend free periods/study periods in construction rather than in the Sixth Form Study.
51. The School stated it may be Teacher F refused the request because it would have been more beneficial for the student to have attended study periods in the construction department rather than take a device home that would not run the software.

52. The School stated during Covid, students on Free School Meals were told to contact the School if they needed a chrome book to access online learning. This was the only time Chromebooks were allocated to pupils at home. It keeps a trolley of Chromebooks in the study hall for students to use during the School day.
53. The School stated it *'can find no record in the documentation relating to support given to the student regarding ICT provision aside from the email from Construction stating that a device was not needed in home.'*

### **Relevant School records**

54. I completed a review of the copy documentation the School provided in response to my investigation enquiries. I enclose relevant extracts at Appendix four to this report.

### **Analysis and Findings**

55. I note the complainant's concern that the school failed to support the student's ICT needs. I also note the School confirmed it had not provided a Chromebook at that time.
56. I reviewed the School's records. I note that on 6 December 2021, the student's Construction Teacher (Teacher E) emailed Teacher B to raise concerns about the student completing work on his mobile phone. Teacher E stated *'We had a discussion at the end of September regarding him getting a chrome book'*. The next day Teacher C met with the School principal and discussed being *'aware'* of the student's *'laptop issue in term'*. I further note in the Vice-Principal's report to the complainant dated 16 December 2021, they stated *'for the rest of the School year the School should be mindful that the student has had ICT difficulties and should set up a Chromebook (if still needed)'*.
57. I consider the three instances above clearly document the student had ICT difficulties and that the School was aware of them. I appreciate the School's position regarding its rules on letting students borrow Chromebooks, and the limits the device might have for construction projects. However, I would have

expected the School to take reasonable and appropriate steps to provide support to the student to assist in his ICT difficulties – particularly where his teacher, and senior staff at the School identified the impact ICT issues were having on his schoolwork. There are no records to evidence the School providing any support to the student in this respect. Taking into consideration the School’s response on this matter it *‘can find no record in the documentation relating to support given to the student regarding ICT provision’* I am satisfied it did not provide support to the student. I appreciate the schools position on borrowing chrome books and that it did not have a policy at that time. However, the VP made a commitment to provide a chrome book if it was still needed. This commitment was not honoured.

58. The Second Principle of Good Administration, Being Customer Focused, states public bodies should treat people with sensitivity, bearing in mind their individual needs, and respond flexibly to the circumstances of the case. Where appropriate, they should deal with customers in a co-ordinated way with other providers to ensure their needs are met; and, if they are unable to help, refer them to any other sources of help. I consider the School failed to adhere to this principle, and that this failure constitutes maladministration.
59. I consider the identified maladministration caused the complainant to sustain the injustice of uncertainty and frustration. It also caused the student to sustain the injustice of loss of opportunity, frustration and uncertainty. Due to the ICT difficulties the student faced he was unable to complete, produce and present his work in an appropriate format.

**Issue 4: Whether the student’s attendance was managed appropriately and in line with relevant guidance and procedures.**

**Detail of Complaint**

60. The complainant stated the student was going home from School when he had no class (he dropped Physics at this stage and had 24 free classes per week) he had no access to a computer and due to Covid the complainant preferred him to be at home. She was concerned the School failed to manage the student’s absence.

## **Evidence Considered**

### **Legislation/Policies/Guidance**

61. I considered the following policy:

- Discipline Policy

### **The School's response to investigation enquiries**

62. The School stated it should follow the steps outlined in its Attendance Policy. Where attendance falls below 85%, it informs the Education Welfare Office. However, the Education Welfare Service does not engage with pupils after GCSE level as education post-16 is a choice. The School stated the student's attendance was poor but it would appear to be backed up with parental notes to leave School. There are a number of absences which have not been covered by notes.

63. The School stated that in preparation for the submission to this complaint it was difficult to align a student's absences with notes the Form Teacher received. In some cases the student presented notes in different handwriting with dates not aligning to School records, with some notes missing.

### **Relevant School records**

64. I completed a review of the copy documentation the School provided in response to my investigation enquiries. I enclose relevant extracts at Appendix four to this report.

### **Analysis and Findings**

65. The Discipline Policy was the policy applicable for managing a student's attendance in 2021. Academic Indiscipline can be broken down into six elements, one being attendance. Within the element of attendance there are six examples of problems together with the procedure to be followed for each noted problem. Three problems are relevant in this case, namely, failure to attend school, failure to attend taught classes and failure to register with a teacher if late arriving at school. I include details relating to how the School should handle each of these areas in Appendix three of the report.

66. Under the Discipline Policy the school should impose sanctions for attendance matters to include :
- Detention
  - Meeting with parents
  - Suspension
67. I reviewed the School's records, which show the student had 12 authorised absences, 10 unauthorised absences, nine unexplained absences and six occasions of lateness during his Year 13. They also evidence the student missed a number of classes in both Physics and Maths. In Physics in particular, he missed 17 out of 20 classes during October and November of his Year 13. The records also evidence a number of internal emails between Teachers A, B and C about the student's non-attendance to classes and leaving early, citing this was concerning. I am satisfied, therefore, the School was aware of the student's attendance issues, and the potential impact of it on his schoolwork.
68. Under the Discipline Policy, if a student returns to School from absence without providing a note from his parents or guardians they have one more day to provide the note. If the student does not do so, he should receive a Friday Detention. Having reviewed all relevant records, I note the School did not impose any Friday Detentions on the student, or address these absences at all with him or his parents - despite his 19 unauthorised or unexplained absences.
69. Under the Discipline Policy, if a student misses a class without authorisation, or fails to report a late arrival at School, he should receive a detention and the School contacts his parents. Subsequent class absences should result in the further detentions, a meeting between the School and the parents, and ultimately suspension from School. The same applies where a student adopts a pattern of arriving late to School. Having reviewed all relevant records, I note the School did not take any of these actions to address the student missing classes and failing to report lateness, despite emails between Teachers A, B and C showing the School was aware of these matters.

70. On this basis, I consider there is no evidence to demonstrate any teacher took any action to manage the student's attendance in Year 13 in accordance with the Discipline Policy. The First Principle of Good Administration, 'getting it right', requires a public body to act in accordance with both published and internal relevant guidance and to take proper account of established good practice. It also requires public bodies to provide an effective service. The Second Principle of Good Administration, 'being customer focused', requires public bodies to keep to its commitments, including its published standards, and respond to customer's needs. I find the School failed to adhere to these principles when it failed to correctly apply the Discipline Policy.
71. I consider this failure constitutes maladministration and therefore I uphold this element of complaint.
72. I consider the maladministration identified caused the student to experience an injustice for the loss of opportunity to improve his attendance in class, and therefore his schoolwork. I consider the complainant also sustained the injustice of worry and frustration for the lack of support from the School to encourage the student to attend School.
73. During the consideration of this complaint I was pleased to note the School has implemented a new attendance system using the School information system which enables texts to be sent home automatically in cases of absence. The School has provided further instruction on the use of this to teachers and parents to enable a more accurate and immediate attendance system.

**Issue 5: Whether the correct procedure was followed when the student requested to change A 'Level subjects.**

**Detail of Complaint**

74. The complainant stated in mid-October 2021 the student contacted Teacher B telling her he was having difficulties with Physics and that he would like to change to a different A Level. The student did not hear back from Teacher B until mid-November 2021. During a meeting Teacher B advised the student it was too late to change subjects. Teacher C offered the student a place in her

Environmental Technology class. There was room for him and she explained they had not covered too much of the course material and therefore he could easily catch up. Teacher B advised the student on 22 November 2021 he was not allowed to join the Environmental Technology class. The complainant was concerned the School did not handle this correctly.

### **Evidence Considered**

#### **Legislation/Policies/Guidance**

75. I considered the following guidance:
- Guidance on changing subjects; and
  - The Principles of Good Administration.

#### **The School's response to investigation enquiries**

76. The BoG stated: Environmental Technology was at capacity. Some students joining the School from other Schools were not able to access it. The student had not communicated an interest in environmental technology in August 2021 when he chose Physics, BTEC Construction and Technology.
77. The BoG stated it is clear in this case while the student's Form Teacher (Teacher C) acted for pastoral reasons in making an unofficial offer to the student, initial contact should have been made with the Year Tutor or Head of Senior School before any communication with the student. As a result the family and the student received mixed messages, which should not have happened.

#### **Relevant School records**

78. I completed a review of the copy documentation the School provided in response to my investigation enquiries. I enclose relevant extracts at Appendix four to this report.

## Analysis and Findings

79. The BoG stated: the system in place for this academic year is different from that followed during the period under investigation. The following was the process at the relevant time:

- Student informs the class teacher of their desire/intention to drop a subject;
- Teacher communicates with Year Head and Head of School;
- Subjects can only be dropped until end of September (if a student is only taking 3 subjects and therefore wishes to begin a new subject);
- A student studying 4 subjects may drop an AS subject at any stage in the School year with permission of Head of KS 5;
- For a September change in Year 13, the Head of Key Stage facilitates this with the permission of the principal. but is dependent on places available etc.

80. Having reviewed all relevant records, I have established the following series of events regarding the student's request to change subjects:

- On or about 18 October 2021 the student informed Teacher B he wanted to drop Physics and change to Digital Technology;
- Teacher B advised the student to contact the subject teacher (Teacher G). He did so, but Teacher G declined his request on the basis the student had not completed the necessary GCSE in the subject;
- The student spoke with Teacher C, who offered the student a place in her Environmental Technology class;
- After mid-term the student again met with Teacher B to discuss changing subjects and Teacher C's offer. Teacher B informed the student it was too late into the school year to change subjects. There is no evidence to show Teachers B and C spoke before making this decision;
- The Vice Principal had a discussion with the complainant on 10 December 2021 and a meeting on 14 December 2021 about this matter;
- The Vice Principal issued a response to the complainant explain the School's decision not to allow the student to change to AS Environmental Technology on 19 December 2021;



- On 18 January 2022 the complainant wrote to the Board of Governors (BoG) requesting an emergency meeting;
- The BoG responded on 24 January 2022 and refused the meeting;
- On 25 January 2022 the complainant again wrote to the BoG outlining her concern;
- The BoG responded on 28 January 2022 advising it could instruct a sub-committee to investigate or arrange a meeting with the then Principal;
- The complainant met with the then Principal on 31 January 2022. At this stage the School decided, for pastoral reasons and to keep the door open for the student with his studies, to allow the student into the Environmental Technology class in January 2022, as had been previously offered by Teacher C.

81. I note the School's concerns about the student's motivation to his current studies. I also note its concerns that the student's progress in his other two subjects wasn't strong enough to suggest he could '*catch up*' in a new subject. Whilst I acknowledge these positions, I refer to my findings above that the School failed to take appropriate action, in line with its policies, to address these concerns when they arose. Nonetheless, I acknowledge the School offered the student the opportunity to follow a hybrid model over three years which it said would have been the preferred option for the student to offer academic success. I also acknowledge the student declined this offer. The complainant stated the student's peers would have left and he did not want this.
82. Upon review of these events, I consider it is unclear why the School refused the request in October/November 2021 and then allowed the student to join the class some three months later, having noted the concerns raised about the student's progress in his subjects. I consider this to have been an unreasonable delay in resolving this matter, which impacted on the student's schoolwork. Furthermore, the decision to allow the student to join Environmental Technology in January 2022 does not appear to have been in the best interests of the student. The School have acknowledged Teacher C did not follow the correct procedure when she permitted the student to join her class, albeit for

pastoral reasons. However, the decision the Principal took in January 2022 that the student could join Teacher C's class is confusing and lacks rationale.

83. I refer to the First Principle of Good Administration, 'getting it right' which states public bodies must act in accordance with the body's policy and guidance (published or internal). The second Principle, 'being customer focused', requires public bodies to deal with people helpfully, promptly and sensitively, bearing in mind their individual circumstances. It also requires them to respond to customers' needs flexibly. The Third Principle, 'being open and accountable', requires public bodies to given a rationale for its decision. I also refer to the Fourth Principle, 'acting fairly and proportionately', which states people should be treated fairly and consistently. When taking decisions bodies should behave reasonably and ensure the measures taken are proportionate to the objectives pursued and fair to the individual concerned.
84. I consider the School failed to adhere to these principles in the manner in which it handled the student's request to change a subject, and that this failure constitutes maladministration. I therefore uphold this element of complaint.
85. I consider the maladministration identified caused the student to experience an injustice for the loss of opportunity to continue his A' Levels, as well as frustration and uncertainty regarding his schooling. I consider the complainant also sustained the injustice of uncertainty and frustration in pursuing this issue with the School.
86. The School advised traditionally students were allowed the change subject during September in certain circumstances - wrong choice or struggling in that subject. This would only be facilitated by the Head of School with permission of the Principal and would depend on places available. I consider this was not previously highlighted strongly enough in the Year 13 Options Booklet. During the consideration of this complaint I am pleased to note the School has now highlighted this in the booklet with a reminder throughout induction meetings to both students and parents. This has also been explained to all staff with the protocols for changes courses clarified.

## CONCLUSION

87. The complainant raised concerns on behalf of her son (the student) about the how the School managed a request to change an A-Level subject the student was struggling with. I upheld elements of the complaint for the reasons outlined in this report. I consider these failures constituted maladministration.
88. I recognise the impact the failures caused the complainant and the student, and the injustice they sustained, as discussed in this report. I hope the findings and recommendations address their outstanding concerns.

## Recommendations

89. I recommend the School provides to the complainant and the student a written apology in accordance with NIPSO's 'Guidance on issuing an apology' (July 2019), for the injustice caused as a result of the maladministration identified within **one month** of the date of this report.
90. I further recommend for service improvement and to prevent future recurrence that the School:
- Discuss the findings of this report with all staff and governors involved and ask them to reflect on the failings identified.
  - Implement training to all staff in respect of the policies on
    - Managing attendance
    - Supporting students with access to appropriate ICT resources
    - Managing a Request to Change A 'Level subjects
  - Provide evidence of its compliance of the above within **six months** from the date of this report.

**MARGARET KELLY**  
Ombudsman

**December 2024**

## Appendix 1

### PRINCIPLES OF GOOD ADMINISTRATION

**Good administration by public service providers means:**

#### **1. Getting it right**

- Acting in accordance with the law and relevant guidance, with regard for the rights of those concerned.
- Acting in accordance with the public body's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

#### **2. Being customer focused**

- Ensuring people can access services easily.
- Informing customers what they can expect and what the public body expects of them.
- Keeping to its commitments, including any published service standards.
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

#### **3. Being open and accountable**

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions
- Handling information properly and appropriately.
- Keeping proper and appropriate records.
- Taking responsibility for its actions.

#### **4. Acting fairly and proportionately**

- Treating people impartially, with respect and courtesy.
- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.
- Dealing with people and issues objectively and consistently.
- Ensuring that decisions and actions are proportionate, appropriate and fair.

#### **5. Putting things right**

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

#### **6. Seeking continuous improvement**

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the public body learns lessons from complaints and uses these to improve services and performance.

