

## SPSO decision report

**Case:** 201102379, City of Glasgow College  
**Sector:** further and higher education  
**Subject:** complaints handling  
**Outcome:** some upheld, recommendations

### Summary

Mr C was an advocate representing eight former students at the college. Mr C complained that the college unreasonably failed to deliver timetabled teaching hours or provide necessary additional support, given the students' circumstances and needs. Mr C also complained that the college unreasonably failed to address or listen to the students' informal complaints, and did not reasonably handle two formal complaints and an appeal. We found that there were no college records of the teaching or support provided, so we could not uphold the complaints. There was also no evidence available to prove that the students had made informal complaints, or that they submitted the first formal complaint. We found that the college handled the second formal complaint reasonably. However, we upheld the complaint that the appeal was not reasonably handled. The senior college staff member responsible for the appeal should not have been involved, as they had previously been responsible for dealing with the students' second complaint. To avoid either a real or a perceived conflict of interest, it would have been good practice for another member of staff to have handled the appeal from the outset. In addition, there was no minute or note of the appeal hearing and its outcomes.

Although there was insufficient evidence for us to be able to uphold most of Mr C's complaints, we were concerned that the college had destroyed records before the students had an opportunity to complain to us. We had accepted the students' complaints as being in time in terms of the law that set up our office, which says they can do so within a year of the date of whatever they are complaining about. While we would always encourage people to approach us soon after they have completed the complaints process of an organisation, it does not matter whether they approach us in the first month or the twelfth month – they have a right to complain during that time. We would, therefore, have expected the college to have kept important records relating to these students and their complaint for this period of time. As the college no longer had the records, and given the apparent discrepancies in some of the destroyed and the remaining records, we were concerned that natural justice may not have been served in this matter. In our view, the college gave weight and credibility to the anecdotal evidence of staff, while dismissing and discrediting the anecdotal evidence of the students without having retained evidence of the records considered during the complaint. We, therefore, made a number of recommendations to address this.

### Recommendations

We recommended that the college:

- include a statement in the complaints procedure that where a senior member of college staff responsible for dealing with a complaint has already been involved (in either the substance of the complaint or in considering the complaint at an earlier stage) they should immediately stand aside and allow another senior member of staff to deal with the complaint;
- ensure that complaint meetings and appeal hearings are minuted, and the outcome of the meeting or hearing is communicated in writing to the complainant(s);
- contact the eight students to offer a further date for the appeal hearing originally set for 20 September 2010; and

- provide the Ombudsman with evidence that they now maintain complete student records, including all relevant correspondence, records of contact, communications and complaints documentation, and have a policy that ensures records will be maintained for an appropriate period and in particular when complaints are extant.