

SPSO decision report

Case: 201201461, Student Awards Agency for Scotland
Sector: Scottish Government and devolved administration
Subject: handling of application
Outcome: some upheld, recommendations

Summary

Mr C complained about the way in which the Student Awards Agency for Scotland (SAAS) handled his appeal against their decision to not accept a late application from his son for tuition fee support for his university course for 2011/2012. Mr C made four separate complaints about the SAAS handling of the matter.

The evidence we obtained during our investigation showed that the SAAS should have fully compared Mr C's initial letter of appeal and follow-up letter and had they done so, it would have become apparent that he was requesting a further appeal to the chief executive. Although there was evidence that the SAAS failed to recognise Mr C's further appeal, there was no evidence to support his view that the SAAS chief executive personally failed to follow the correct process, and we did not uphold this complaint.

We upheld his second complaint. The evidence showed that the SAAS acknowledged that they failed to deal with Mr C's stage three appeal letter correctly. It was clear that the same person dealt with Mr C's stage two and three appeals, contrary to the requirement of the procedure. On the third complaint, the evidence showed that in response to Mr C's stage three appeal letter the SAAS's compliance manager wrote a covering letter and sent this to Mr C along with a copy of his stage two response. There was no evidence that the compliance manager considered the additional information Mr C supplied in his stage three appeal letter and for this reason, we upheld this complaint.

We also upheld Mr C's fourth complaint. In response to our enquiry, the SAAS told us that they relied on the integrity of information provided by institutions, such as the university, when considering appeals. This appeared to include reliance on statements about actions that institutions said they had taken. In Mr C's case, the evidence obtained showed that the SAAS made statements in their stage two and three responses for which they did not have supporting documentary evidence. As well as requesting such statements, therefore, we considered it would be reasonable for the SAAS to require institutions to provide documentary evidence of the actions they claim to have taken, particularly where a complainant says that the actions did not take place and provides documentary evidence to suggest that this may be the case.

Recommendations

We recommended that SAAS:

- provide Mr C with a written apology for failing to escalate his stage two appeal to the chief executive;
- provide SPSO with documentary evidence that the SAAS raised the failing with the staff involved;
- provide Mr C with a written apology for failing to request full documentary evidence of the university's actions when dealing with Mr C's stage one and stage three responses which were not supported by appropriate evidence;
- take steps to obtain copies of the reminder emails sent by the university and then review their decision on Mr C's son's case, ensuring that the decision they reach is supported by appropriate documentary evidence; and

- put procedures in place to ensure that in future, staff obtain appropriate evidence when considering student appeals.