

SPSO decision report

Case: 201201734, A Higher Educational Establishment
Sector: further and higher education
Subject: complaints handling
Outcome: not upheld, no recommendations

Summary

Mr C complained that by investigating an allegation of gross misconduct against him, the organisation breached their regulations, codes of procedure and general rules, by creating rights beyond their statutory and common law obligations.

We explained to Mr C that our investigation of his complaint could only look at whether policies and procedures were followed and if appropriate advice was taken. We found that the organisation had taken legal advice. We could not compel them to provide this to us, and only a court could determine whether the legal advice was reasonably acted upon. We could not, therefore, determine whether they breached the regulations by investigating allegations against Mr C, and could not uphold his complaint.