

Case 200602837: Cardonald College

Summary of Investigation

Category

Scottish Further and Higher Education: Further Education, Complaints handling

Overview

A student (Ms C) at Cardonald College (the College) complained about the way the College handled her application to progress from one course to another.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) inappropriate questions relating to social skills were asked at Ms C's interview for admission to the Higher National Certificate in Learning and Development (the HNC) course (*not upheld*);
- (b) the assessment of inter-personal skills for the purpose of admission to the HNC course was not based on clear criteria (*not upheld*);
- (c) inadequate provision was made for undertaking a unit of the HNC course for someone not in employment (*not upheld*); and
- (d) a formal complaint was not properly handled: the substantive issue reflected in (a) above was not addressed and there was a potential conflict of interest in relation to the route of appeal offered (*not upheld*).

Redress and recommendations

The Ombudsman has no recommendations to make.

Main Investigation Report

Introduction

1. From January to June 2006, the complainant (Ms C) was a part-time student on a course leading to a Professional Development Award in Training and Development (the PDA) in Cardonald College (the College). After completing the PDA, she applied to study for the Higher National Certificate in Learning and Development (the HNC), which builds on the PDA. She was interviewed for the HNC in September 2006 and was not admitted to the course. Ms C then complained to the College about the way the interview was conducted. After completing the College's complaints procedure, she referred her complaints to the Ombudsman on 7 February 2007.

2. The complaints from Ms C which I have investigated are that:

- (a) inappropriate questions relating to social skills were asked at Ms C's interview for admission to the HNC course;
- (b) the assessment of inter-personal skills for the purpose of admission to the HNC course was not based on clear criteria;
- (c) inadequate provision was made for undertaking a unit of the HNC course for someone not in employment; and
- (d) a formal complaint was not properly handled: the substantive issue reflected in (a) above was not addressed and there was a potential conflict of interest in relation to the route of appeal offered.

Investigation

3. In order to investigate this complaint, I reviewed the correspondence between Ms C and the College, papers and policies relevant to her complaint and documentation from the Scottish Qualifications Authority (the SQA) which outlines course requirements. I made inquiry of the College on 30 April 2007 and received their detailed response on 18 May 2007. I also interviewed Ms C on 6 September 2007 to discuss the issues she had raised.

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

(a) Inappropriate questions relating to social skills were asked at Ms C's interview for admission to the HNC course; and (b) the assessment of inter-personal skills for the purpose of admission to the HNC course was not based on clear criteria

5. The PDA course and the HNC course had overlapping units which were delivered to students on each course in a single group from January to June 2006. Ms C completed her PDA in June 2006 and in August 2006 the College wrote to her to invite her, along with the PDA students who had completed the course, to apply for the HNC. Four other students had been interviewed for, and had been on the HNC course from January 2006 and they were in the same group as Ms C and the other PDA students.

6. Ms C was the only PDA student who expressed an interest in the HNC and was interviewed on 11 September 2006 by two members of staff who had teaching responsibility in this area. At the interview, the members of staff raised concerns about Ms C's social and group-working skills, which they considered to be important requirements for a course focussing on the design and delivery of training courses. There was also discussion about the options for undertaking one element of the course, which will be addressed under (c) in this report. The interviewers decided not to admit Ms C to the HNC course on the grounds that they did not consider that she would benefit from this course and informed of this formally by letter on 14 September 2006.

7. Ms C was unhappy with the outcome and conduct of her interview and complained to the College on 21 September 2006. She had assumed that she would be able to progress to the HNC after the successful completion of her PDA and noted that she had a good attendance record and had always completed her work on time. Indeed, she said that it had not been clear to her that an interview or any further assessment would be required to allow her to progress to the HNC. The College apologised for this and undertook to ensure that future course documentation was explicit about this requirement.

8. In relation to the conduct of the interview, Ms C said that she had felt 'humiliated' and that 'she had done something terribly wrong'. She did not consider the interviewers' line of questioning about her social skills to be appropriate and was aggrieved that examples were cited about interaction with other students outside of formal learning situations. She also contested other examples given of difficulties experienced between her and other students during training sessions carried out as part of the course work.

9. Ms C requested a copy of her interview form on 26 October 2006 and, when she received it, was further aggrieved that it recorded that she had been 'extremely manipulative' in the course of the interview.

10. In their response to Ms C's complaint about this, the College said that the HNC demanded good communication and inter-personal skills, and that the interview process was 'the appropriate place to explore these personal qualities'. They 'regretted any distress' caused by the interview situation but considered, on the available evidence, that the staff had made 'a professional judgement based on genuine beliefs about your suitability for the course'. The College upheld the decision not to offer a place. In a further letter of 23 January 2007 following a meeting with Ms C, the College said that they had expressed regret to Ms C verbally and in writing about the upset caused and about some of the 'lines of questioning followed'. This reflects comments made by the interviewers during the investigation of Ms C's complaints when they acknowledged that some of the examples used during the interview of Ms C's social skills may not have been the best examples to explain their views.

11. The College noted that the conduct of Ms C's interview had been considered as part of her overall concerns about not progressing onto the HNC course, but that if she wanted to pursue the matter further internally, she would be able to do so using the complaints procedure. They also offered her the option of referring her complaint to the Ombudsman's office, which is what she chose to do.

(a) Conclusion

12. Ms C's complaint to the Ombudsman's office was that she had been treated unfairly in her interview and wished for this to be acknowledged. The College have acknowledged that Ms C felt distressed by the interview and that the best examples may not have been used. Although it is not possible to come to a clear and independent view of events of this sort, all parties are agreed that there were difficulties in the interview and that Ms C felt uncomfortable.

13. It was the judgment of the interviewers that the assessment of Ms C's inter-personal skills was appropriate for the kind of course for which she was being interviewed. They explained that these skills had not been addressed with Ms C before the interview because they were not as important for the PDA course. The merits of the academic judgment of Ms C's interviewers are

beyond the Ombudsman's remit, but Ms C raised legitimate concerns about the conduct of the interview and there is evidence that aspects of the interview could have been handled better. It should be acknowledged that, although discussions of a student's social skills with that student may be appropriate in the context of a course requiring group work, such conversations are likely to be uncomfortable. It is very difficult to judge objectively the extent to which the distress Ms C felt at her interview resulted from the inevitable sensitivity of the area of questioning or from the kind of approaches taken by her interviewers. In these circumstances, I consider that the College's acknowledgement that Ms C felt distressed by their line of questioning is a reasonable recognition of her experience of the interview and they have expressed their regret for this. In these circumstances, I do not uphold this complaint.

14. However, I understand Ms C's concern about the subjective statement about her behaviour recorded in the interview form. In response to this concern, the College have agreed to keep a file note referring to this complaint alongside the interview form, and have already undertaken training with staff to underline good practice in written records of this sort.

(b) Conclusion

15. Ms C was also concerned that the assessment of her inter-personal skills was not based on clearly stated criteria. However, the SQA specifications for units of the HNC course make it clear that access to these units is at the discretion of the learning centre. Furthermore, the specifications for the 'facilitating group learning' unit of the course recommends that applicants should be able to demonstrate competence in communications skills. I see no grounds to question the College's use of its discretion in the way it assessed Ms C's suitability for this course and the SQA clearly indicate the kind of skills needed for this course. I do not, therefore, uphold this complaint.

(c) Inadequate provision was made for undertaking a unit of the HNC course for someone not in employment

16. One of the main issues discussed at Ms C's interview on 11 September 2006 was whether it would be possible for her to undertake a Graded Unit which had a work-based project as its major focus. The SQA specification for this unit states that 'Candidates will be encouraged to investigate the learning and development activities in an organisation they are familiar with' and this organisation would 'ideally' be the student's employer.

Ms C's employment at the time was not an appropriate context for a suitable project.

17. In the absence of a placement based at Ms C's workplace, college staff discussed with Ms C the possibility of undertaking this requirement in another way. An option which was explored during the interview was that it may have been possible to source a placement by using the networks of the Chartered Institute of Personnel and Development, but this did not prove fruitful. Ms C expressed concerns about the practical aspects of undertaking a placement elsewhere, including potential cost and the uncertainty of whether a suitable placement could be found for her.

18. After the interview, Ms C drew attention to the SQA specification for the Graded Unit, which states that 'In exceptional circumstances a case study can be used but this is not recommended as a normal course of action'. She felt that her circumstances were exceptional.

19. The College's response to this latter suggestion was that they were not in a position to offer a case study as an alternative for this course but would look into the viability of this option for the future. They said that they had explored options with Ms C for delivering the HNC in a way that departed from their existing framework, but that this had not proved possible without undermining the integrity of the course.

20. In addition, Ms C felt aggrieved that correspondence from the College referred to her being unwilling to undertake the Graded Unit. She said that she had not been unwilling, but that no satisfactory means of completing the unit had been identified.

(c) Conclusion

21. In their submission to the Ombudsmen's office, the College pointed out that the course for which Ms C had been interviewed was primarily designed for people who were currently employed in a training and development role and this is made clear in the course literature. For the avoidance of doubt, this has been made clearer in the current College Prospectus. They also said that it is not always possible to offer all possible options for the delivery of a course.

22. Because of her employment situation, Ms C was not ideally placed to undertake a key element of the HNC. The College did explore with her some

possibilities for completing this Graded Unit, but none of these proved possible. I am satisfied that the College took reasonable steps to accommodate Ms C's needs and that they were not obliged to offer the case study as an alternative. I do not, therefore, uphold this complaint.

(d) A formal complaint was not properly handled: the substantive issue reflected in (a) above was not addressed and there was a potential conflict of interest in relation to the route of appeal offered

23. On 21 September 2006, Ms C complained to the College that their decision not to admit her to the HNC course was unfair. The head of the relevant faculty responded to this letter on 2 October 2006. Ms C was not satisfied with this response and her complaint was escalated to the next stage of the College's complaints procedure. A depute principal undertook to investigate the complaint and arranged to meet with Ms C on 14 November 2006. The College wrote to Ms C on 11 December 2006 to follow-up on what was discussed at that meeting. A further meeting was arranged for 11 January 2007 to clarify issues addressed in that letter. Ms C referred her complaint to the Ombudsman on 7 February 2007.

24. In her complaint form to the Ombudsman's office, Ms C said that she felt a number of her concerns had not been addressed by the College in the course of her complaint. Specifically, she did not consider the College's response to her concerns about the interview to have been adequate. She wanted the College to state whether they believed that she had been treated unfairly and to address her concerns about what was written on her interview record form.

25. At their meeting with Ms C on 11 January 2007, the College had explored options with Ms C for addressing these issues. They said that they would be prepared to consider these matters as a separate complaint, rather than as a component of a complaint about the overall admission process. They confirmed that a member of staff with no previous involvement in the issues would investigate these matters and that if Ms C remained dissatisfied, the depute principal would consider her complaint. Ms C felt that it was not appropriate for the depute principal to be involved, because of her previous involvement with Ms C's initial complaint.

26. Ms C recalls that the College advised her that, as it was not likely that any new evidence about the conduct of the interview would become available, it was

unlikely that a fresh investigation of her complaint would yield a different outcome.

(d) Conclusion

27. The College dealt with Ms C's initial approach to them about the admission process as an appeal against the decision not to admit her to the HNC course. As the investigation of her concerns progressed, further issues were identified which were more of the character of a complaint than an appeal against a decision. The College chose to respond to the issues that arose using a single process, so it was not always clear whether it was the appeals or the complaints procedure that was being used. In general, it is important to differentiate these approaches as different criteria are used to assess grounds for an appeal, which relate to the specific circumstances in which a decision may be challenged, and complaints, which arise from dissatisfaction with the way a service has been delivered. However, in this case, I consider that the College adopted a pragmatic approach to the issues Ms C raised in the course of presenting her appeal and it may have been confusing to introduce a parallel complaints process at that stage.

28. From the documentation I have reviewed, it is clear that the College investigated Ms C's complaint diligently. Interviews were conducted with members of staff who had been involved with the decision about Ms C's admission to the HNC course and meetings were arranged with Ms C to discuss her concerns. As noted above in paragraph 12, the College acknowledged the distress Ms C felt at her interview and I am satisfied that, although Ms C was unhappy with the outcome, the College did address these issues directly. Although I have seen no evidence that the College responded to Ms C's complaint about what was written on her interview form at the time of her complaint, I have noted their subsequent corrective action in paragraph 14.

29. Ms C was also concerned about the role of the depute principal in any further complaint about this matter, as she considered that this would present a conflict of interest. While it is always desirable that a person investigating a complaint internally has a measure of distance from the events complained about, I do not consider that the College acted improperly in suggesting this way to proceed. I note that the College proposed that the complaint would be investigated in the first instance by someone who had not taken part in the original events. The College said that, as their designated officer for considering all appeals against the resolution of complaints, the depute principal

would be involved again if Ms C remained dissatisfied 'unless an exception to procedures was made'. As Ms C chose not to pursue her complaint in this way, it is not possible to say whether the College would have decided to make an exception in her case.

30. Ms C considered that the College's advice that a new investigation would be unlikely to change the outcome was intended to discourage her from pursuing her complaint further internally. However, the College correctly advised Ms C of her right of appeal to the Ombudsman at that stage and, given the absence of new evidence relating to the interview, I am satisfied that the College acted responsibly by advising Ms C that the overturning of their original findings was not a realistic expectation. With all this in mind, and acknowledging that the offer to reconsider parts of Ms C's complaint was not one they were obliged to make, I do not uphold this complaint.

Explanation of abbreviations used

Ms C	The complainant
The PDA	The Professional Development Award in Training and Development
The College	Cardonald College
The HNC	The Higher National Certificate in Learning and Development
The SQA	The Scottish Qualifications Authority