

**Case 200603730: Langside College**

**Summary of Investigation**

**Category**

Scottish Further Education: Policy/administration

**Overview**

A former student (Ms C) at Langside College (the College) complained about the way she had been removed from a course in social care following issues surrounding her placement.

**Specific complaints and conclusions**

The complaints which have been investigated are that:

- (a) the College did not respond appropriately to concerns about incidents witnessed while Ms C was on placement and safety issues relating to that placement (*not upheld*);
- (b) the College were incorrect in refusing to accept an alternative placement that had been arranged by Ms C (*not upheld*); and
- (c) the College acted disproportionately in removing Ms C from her course on the grounds of contravening College rules about placements (*upheld*).

**Redress and recommendations**

The Ombudsman recommends that the College:

- (i) draw up written guidance about work placements for students and staff which clarifies their respective responsibilities, ensures adequate preparation for challenging placements and sets out procedures for addressing issues that arise;
- (ii) apologise to Ms C for the way in which she was removed from her course; and
- (iii) review their guidance and practice on the removal of students from courses to ensure that it covers situations like Ms C's.

The College have accepted the recommendations and will act on them accordingly.

## **Main Investigation Report**

### **Introduction**

1. The complainant (Ms C) was studying full-time for a Higher National Certificate in social care (the HNC Course) at Langside College (the College) from August 2006 until February 2007. As an integral part of the HNC Course, students undertook a work placement at a social care facility. Ms C was assigned to a drug rehabilitation centre (the Centre) where she had concerns about the standard of care being provided and about her own safety. She left the placement and arranged for another one at a day care centre for older people (the Day Care Centre). The College considered that she had made these arrangements without appropriate consultation with them or with the Centre and finally removed her from the HNC Course in February 2007.

2. Before leaving the College, Ms C had made a complaint and, as she was not satisfied with their response, she made a complaint to the Ombudsman on 27 February 2007. Because of the unusual circumstances of this case, the College undertook a further review of Ms C's complaint, which was concluded on 11 July 2007.

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

- (a) the College did not respond appropriately to concerns about incidents witnessed while Ms C was on placement and safety issues relating to that placement;
- (b) the College were incorrect in refusing to accept an alternative placement that had been arranged by Ms C; and
- (c) the College acted disproportionately in removing Ms C from her course on the grounds of contravening College rules about placements.

4. It should be noted that the substance of Ms C's concerns about her work placement was not part of this investigation.

### **Investigation**

5. In order to investigate this complaint, I made inquiry of the College on 19 June 2007 and received their detailed response on 11 July 2007. This response included the findings of the College's review of Ms C's complaint and policies relevant to student conduct and public interest disclosure.

6. 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) The College did not respond appropriately to concerns about incidents witnessed while Ms C was on placement and safety issues relating to that placement**

7. The work placement at a relevant social care facility is a central part of the HNC Course as it allows the student to be assessed on the implementation of theoretical elements of the course. For some students, this placement is with their employer. As a full-time student, Ms C was assigned to a placement at the Centre, a centre for children and families affected by drug and alcohol misuse, and she began her placement on 27 November 2006. This area of work was one of those identified by Ms C when she indicated her preferences for a placement to the College.

8. By early January 2007, Ms C had concerns in a number of areas relating to her placement. Firstly, she felt that there was insufficient work for her to do, secondly, she felt that her personal safety was at risk, and finally, she believed that the safety of clients at the Centre was seriously compromised by poor practice. Ms C's concerns about her own safety included walking from the Centre to the bus stop through an area she considered unsafe after dark, and exposure to clients with infections of which she had not been informed. Her concerns about the safety of clients and their children were mostly related to what she perceived as a lack of supervision, tolerance of unsafe behaviour and an unhygienic environment.

9. Ms C raised her concerns about her workload and personal safety with staff at the College on 8 January 2007 and was advised that she should continue with the placement and address these issues with staff at the Centre. By 11 January 2007, Ms C had tried but not been able to speak to the Centre's manager. She decided to stop attending the placement at the Centre and arranged a new placement at the Day Care Centre.

10. Ms C then decided to tell staff at the College about all of her concerns about the Centre. She had been unwilling to speak with staff at the College about the safety of clients and the standard of care at the Centre while she was on placement there because she felt that she was in a vulnerable position. Instead, she intended to seek the College's support in informing the Scottish

Commission for the Regulation of Care (the Care Commission) about what she had witnessed after she had left the placement. On 12 January 2007, Ms C informed the College that she had left her placement. She felt that staying would compromise her own safety and make her complicit in what she considered to be malpractice.

11. A meeting was then arranged between Ms C and staff from the College on 22 January 2007 at which all of these matters were addressed. Ms C said that she had asked questions about aspects of the Centre's practice as they arose but it was clear that she did not feel that these matters had been resolved. The College staff did not believe that Ms C had given staff at the Centre sufficient opportunity to respond to her concerns. Ms C agreed that she should have gone back to the Centre to address her concerns, and agreed to consider the suggestion of a meeting with staff from the College and the Centre. Ms C decided not to attend such a meeting and later contacted the Care Commission directly about her concerns.

12. Ms C considered that the practices and conditions she witnessed at the Centre were of a serious nature and that she was acting in the role of 'whistleblower' in taking her concerns further. The College's view was that it was essential to raise these concerns with staff at the Centre in the first instance. The College has a policy on Public Interest Disclosure which, although it has a primary focus on the governance and management of the College, also sets out principles which may be relevant for the reporting of concerns about external organisations such as those hosting work placements. Students are explicitly included in the scope of the policy. This policy states that 'the College would normally expect all concerns to be raised in an open and transparent way'. In the case of Ms C's concerns about the Centre, the College considered that the Centre should have a chance to respond to her serious allegations. They proposed to meet with her and staff from the Centre but Ms C did not believe that the College staff had taken her concerns seriously. The College asked Ms C to consider whether she was well-suited for a career in social care in the light of her response to these issues.

13. In their review of Ms C's complaint, the College said that they would 'have regard for any of [the Care Commission's] findings in any future relationship with this placement'.

*(a) Conclusion*

14. Ms C insists that she raised her concerns with the Centre when she witnessed incidents she considered to be compromising to the safety of clients and their children. However, she clearly did not consider that these matters had been resolved and decided to take things further. She did not tell staff at the Centre that her decision to leave was related to these concerns and alerted College staff to the issues after she had left the placement. The College said they could not assist Ms C in contacting the Care Commission on the basis of what she had told them alone, but did offer to meet with her and staff from the Centre to address the issues she had raised.

15. Given the sensitivity of the issues, I can understand why Ms C felt reluctant to confront staff at the Centre. However, the College suggested that dealing with issues like these was an integral part of the learning associated with a work placement of this sort. In the College's opinion, the challenges presented by Ms C's concerns about personal safety and the complexities associated with the Centre's client group were typical of the challenges faced by someone working in the social care sector.

16. Ms C considered it possible that the College were reluctant to take up the issues she had identified with the Centre for fear of jeopardising future relations with a provider of work placements. However, the College, in their own review of her complaint, showed a willingness to take into account any findings of an investigation into the Centre when considering future placements (see paragraph 13).

17. I consider that the College were reasonable in asking Ms C to address her concerns directly with the Centre. They offered to support Ms C in doing this and she seems to have accepted that this would be a reasonable course of action in the earlier part of the process. Furthermore, Ms C decided not to attend a meeting with college staff and staff at her placement. With all this in mind, I do not uphold this complaint.

*(a) Recommendation*

18. Although I do not uphold this complaint, I am concerned that the College has no written guidance on dealing with issues that arise in the course of a work placement. Similarly, the level of preparation offered to students about to undertake a challenging work placement does not appear to be adequate. I address this concern below in paragraph 27.

**(b) The College were incorrect in refusing to accept an alternative placement that had been arranged by Ms C**

19. When Ms C decided that she would be likely to leave her placement at the Centre, she took steps to identify another placement. She was concerned not to fall behind in the course work for the HNC Course and the placement was an integral part of that work. She approached the Day Care Centre and met with the manager of that facility on 11 January 2007 – the day before she informed the College of her decision to leave the placement.

20. The College were aware that Ms C had organised a placement for herself and, following a meeting with her on 6 February 2007, the Assistant Principal undertook to confirm whether the Day Care Centre would be a suitable host for a work placement for the HNC Course. Having raised this question with colleagues, the Assistant Principal wrote to Ms C of 7 February 2007 saying that the Day Care Centre 'fell short of our SQA requirements'. She urged Ms C to meet with her course senior lecturer to arrange a relevant placement at an approved centre.

21. There was a brief correspondence between the College and the Day Care Centre about the Day Care Centre's ability to offer relevant placement opportunities for the HNC Course. The Day Care Centre does offer placements to students of other colleges. However, it is not for the Ombudsman to question the academic judgement of the College in their assessment of the Day Care Centre's suitability for the HNC Course they are responsible for delivering.

22. In later correspondence over this issue, the College stressed the importance of addressing any problems that arise while on placement with staff at the placement and the College. They said that it is possible to change placements for a number of reasons, but this must be done with the agreement of staff at the College. Furthermore, they considered it inappropriate to begin a new placement while there continued to be unresolved matters relating to the previous one.

*(b) Conclusion*

23. Although the College had questions about the Day Care Centre's suitability as a placement, their primary concern about Ms C's decision to arrange a placement there for herself was that she had done this without

reference to staff at the College. They said that this was in contravention of 'substantial guidance and protocols' about work placements.

24. The College does not have written policies or guidance about work placements, but it seems reasonable to assume that a student seeking to rearrange a placement would do so in consultation with teaching staff. Ms C took steps to ensure that the staff of the Day Care Centre were able to supervise students on placement and felt that a facility caring for older people would add to the breadth of areas covered by class members. She also cited another occasion when a classmate organised his own change of placement and informed the College after the event. The College denied that placements had ever been arranged in this way and it is clear that it would always be preferable for students to organise such changes in consultation with staff.

25. When changing placements, it would also be reasonable to hope that this is done with the full awareness and understanding of staff at the original placement. However, it is likely that there will be exceptional circumstances where a tidy transition is not possible and Ms C considered that her own circumstances were unusual because of her safety concerns. It was the College's judgment that these circumstances did not justify Ms C's actions in organising a new placement independently.

26. On balance, I do not uphold this complaint because I consider that it was reasonable to expect Ms C to involve the College in her change of placement. However, I am concerned at the College's lack of written protocols governing placements. These would clarify the respective responsibilities of students, placement providers and College staff in handling placement concerns.

*(b) Recommendation*

27. I recommend that the College draw up written guidance about work placements for students and staff which clarifies their respective responsibilities, ensures adequate preparation for challenging placements and sets out procedures for addressing issues that arise.

**(c) The College acted disproportionately in removing Ms C from her course on the grounds of contravening College rules about placements**

28. By mid-February 2007, the issues surrounding Ms C's placement had reached the point where the College considered that a formal decision should be made regarding her ongoing participation in the HNC Course. The senior

course lecturer set out the grounds on which he believed Ms C should be removed from the HNC Course, and these mostly concerned her 'unprofessional' manner in dealing with the placement, including her alleged refusal to address issues when invited to do so. He also cited 'false, malicious and derogatory allegations against two members of the Social Care Section that make her attendance on this course untenable'. It does not seem that this serious concern was raised formally with Ms C.

29. On 26 February 2007, Ms C was summoned out of her class to a meeting with senior College staff and was asked to withdraw from the class with immediate effect. Ms C was reluctant to do this as she did not consider that she had acted improperly. The Head of Faculty wrote to Ms C on 1 March 2007 confirming that she had been removed from the HNC Course. This letter said that she would be unable to complete the HNC Course due to her 'failure to resolve an ongoing issue regarding the placement element of the course'. The Head of Faculty also said that this 'singular failure ... is the reason that your withdrawal from the course is the only reasonable option that you leave me with'.

30. Ms C was concerned that there appeared to be no way to appeal this decision to a senior member of staff outwith the faculty. The letter of 1 March 2007 made no reference to such a right of appeal. The College's Code of Student Discipline has detailed provision for an appeal process but it is not clear that the College's disciplinary process was in use in this case. I have not been able to establish the process under which Ms C was removed from the HNC Course.

*(c) Conclusion*

31. The College felt that Ms C's response to her concerns about her placement left them no option but to remove her from the HNC Course. Ms C considered that there were other options available, including the acceptance of the placement she had organised for herself.

32. The College said that they had given Ms C a number of opportunities to address the unfinished business of her original placement. However, I have not seen evidence to suggest that they had warned her that a refusal to do so may result in her being removed from the HNC Course. Furthermore, although Ms C had met with College staff to discuss matters relating to her placement, she was not given an opportunity to have the faculty's decision to remove her from the

HNC Course reviewed internally or to have her perspective considered at such a review.

33. I have concerns about the way that the serious decision to remove Ms C from the HNC Course was reached. Firstly, it is not clear that a formal written procedure was followed in this decision. Such procedures ensure due process when difficult issues are being addressed. If the College regarded this removal as coming under the provisions of the Code of Student Discipline, these provisions were not followed in this case. If this was not the process used to remove Ms C from the HNC Course, an appropriate formal warning and a right of appeal would be basic elements of a fair process for such a significant decision and I have not seen evidence that these were in place for Ms C. Furthermore, the reasons given for Ms C's removal from the HNC Course included non-adherence to College guidance on placements. As noted above, this guidance did not exist in a clear written form. For these reasons, I uphold this complaint.

*(c) Recommendation*

34. I recommend that the College apologise to Ms C for the way in which she was removed from her course and review their guidance and practice on the removal of students from courses to ensure that it covers situations like Ms C's.

35. The College have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the College notify her when the recommendations have been implemented.

**Explanation of abbreviations used**

Ms C	The complainant
The HNC Course	The Higher National Certificate course in social care for which Ms C was studying
The College	Langside College
The Centre	A residential centre run by a voluntary agency for children and families affected by drug and alcohol misuse where Ms C had a work placement
The Day Care Centre	A centre for older people run by a voluntary agency where Ms C arranged a new placement for herself
The Care Commission	The Scottish Commission for the Regulation of Care