

Scottish Parliament Region: North East Scotland

Case 201003198: The Robert Gordon University

Summary of Investigation

Category

Scottish Further and Higher Education: Higher Education, policy/administration; admissions; special needs - assessment and provision; complaints handling

Overview

The complainant (Ms C) raised a number of concerns about how The Robert Gordon University (the University) dealt with her admission to the University, examinations, assessment for a learning difficulty, and graduation. Ms C was also concerned about how the University had handled her complaint.

Specific complaints and conclusions

The complaints which have been investigated are that the University:

- (a) failed to consider Ms C for a place in second year in 2005 (*upheld*);
- (b) scheduled a sitting of final examinations: in August 2009, when they were aware Ms C could not sit them; and in January 2010, which was unreasonably late (*not upheld*);
- (c) failed to inform Ms C of the requirement to register for graduation prior to the deadline (*upheld*);
- (d) failed to assess Ms C for a learning difficulty (*upheld*);
- (e) failed to deal with Ms C's complaints appropriately (*not upheld*); and
- (f) between June and September 2010, delayed providing the documentation necessary to validate Ms C's qualification in her home country (*upheld*).

Redress and recommendations

The Ombudsman recommends that the University:

- (i) ensure there is formal administration and record-keeping for dealing with advanced entry applications across the institution, to prevent this situation from happening again;
- (ii) remind School Offices of the need to be proactive in assisting students who have exceptional examination arrangements, to ensure that

Completion date

21 March 2012

18 January 2012

- information on graduation registration is sent to them in good time;
- (iii) review the Disability and Dyslexia Office's (DDS) recording of, and follow-up to, requests from academic staff to contact students for assessment; 21 March 2012
 - (iv) in order to avoid confusion, formalise their practice on offering DDS screening to students in the final semester of their final year, incorporating the revised turnaround time for receiving assessment reports from Allied Health Professionals; 21 March 2012
 - (v) clarify their understanding of the documents to be provided, and the specific requirements for such documents, for validation of the BSc (Hons) Nutrition and Dietetics in Ms C's home country; and 18 January 2012
 - (vi) apologise to Ms C for the failings identified in this report. 18 January 2012

Main Investigation Report

Introduction

1. The complainant (Ms C) raised a number of concerns about how The Robert Gordon University (the University) dealt with her admission to the University, examinations, assessment for a learning difficulty, and graduation. Ms C was also concerned about how the University had handled her complaint.

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

- (a) failed to consider her for a place in second year in 2005;
- (b) scheduled a sitting of final examinations: in August 2009, when they were aware she could not sit them; and in January 2010, which was unreasonably late;
- (c) failed to inform Ms C of the requirement to register for graduation prior to the deadline;
- (d) failed to assess her for a learning difficulty;
- (e) failed to deal with her complaints appropriately; and
- (f) between June and September 2010, delayed providing the documentation necessary to validate Ms C's qualification in her home country.

Investigation

3. The investigation of Ms C's complaint involved reviewing the documentation provided by her, making enquiries of the University and reviewing the documentation provided by them.

4. There are some restrictions on what our office can do. Schedule 4 of the Scottish Public Services Ombudsman Act 2002 states that the Ombudsman must not investigate:

'Action taken by or on behalf of [an institution] in the exercise of academic judgement relating to an educational or training matter.'

This means that the Ombudsman must not investigate any matter relating to the quality of a student's work or the quality of the academic input by members of an institution's staff. The Ombudsman is not empowered to reach academic decisions, or to overturn academic decisions made by institutions.

5. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. An explanation of the

abbreviations used in this report is contained in Annex 1. Ms C and the University were given an opportunity to comment on a draft of this report.

Background

6. In September 2005, Ms C commenced studies on a BSc (Hons) Nutrition and Dietetics in the School of Pharmacy and Life Sciences (the School). Her award was confirmed in November 2009, and she graduated in July 2010.

(a) The University failed to consider Ms C for a place in second year in 2005

7. Ms C said she was eligible for an advanced entry place directly into the second year of the degree in 2005/06, but the lecturer (Lecturer 1) responsible for making the decision admitted at the time that she had forgotten to consider Ms C for the place. Ms C said that another student was given the place, and so she complained about this in a meeting with the Programme Leader (Lecturer 2) on 10 October 2005. However, Ms C said Lecturer 2 deliberately told her a 'colossal lie' by leading her to believe she had no grounds to complain, that all standard selection procedures were followed, and that all direct entry students were selected randomly. Subsequent events led Ms C to doubt what she had been told, therefore, she complained about this matter in a formal Stage 2 complaint to the University in June 2010. In making that complaint, Ms C said she did not hold Lecturer 1 accountable for her error, as mistakes could happen. Ms C said that, in their response to her complaint on 4 August 2010, the University confirmed they had made a mistake by not considering her for this place. Ms C referred to paragraph 1.2 of University Academic Regulation A2: Admission, which said that the admissions policy of the University sought to ensure equality of opportunity for all applicants.

8. In responding to Ms C's complaint at Stage 2, the University said there was no formal policy for selecting students for advanced entry to second year of the degree. They said Lecturer 1 confirmed that an advanced entry place did become available in September 2005, but she did not consider Ms C for the place as she had forgotten that Ms C had expressed an interest. The University said this was extremely unfortunate, although they pointed out that whilst Ms C may have been eligible for advanced entry, acceptance was not automatic, and that any advanced entry admission was at the discretion of the Course Management Team. The University also said Lecturer 2 acknowledged he did not appreciate that, at Ms C's meeting with him on 10 October 2005, she was complaining informally. The University acknowledged the need for a formalised

selection process and said this would be addressed. In responding to Ms C's complaint at Stage 3, the University said they were satisfied with the Stage 2 investigation, and endorsed the action recommended to address the lack of a formal selection process for advanced entry.

9. In responding to our office's enquiries, the University said that, in academic year 2005/06, there was no formal procedure for recording the details of applicants who had expressed an interest in advanced entry into second year. The University also said that once a student entered the course, the School had no formal mechanism for recording or monitoring that they had previously applied for advanced entry. The University added that, although an outcome of the Stage 2 complaint was for the lack of a formalised advanced entry selection process to be addressed, the School had not introduced such a procedure because advanced entry to the course was no longer granted. The University concluded that, while they may consider applications for advanced entry, there was no guarantee the application would be successful, and it was certainly not automatic, as each case was considered on an individual basis.

10. Ms C commented that, as there was no formal procedure, she could not understand how University staff had told her that standard procedures had been followed.

(a) Conclusion

11. The University have confirmed that, at the time Ms C applied, there was no formal policy for selecting students for advanced entry to second year of the BSc (Hons) Nutrition and Dietetics. Neither did they have a formal procedure for recording the details of applicants who had expressed an interest in advanced entry. They also confirmed that Lecturer 1 did forget Ms C wanted to be considered for advanced entry. In responding to Ms C's Stage 2 complaint, the University acknowledged the need for a formalised selection process, however, this matter was not addressed as advanced entry was no longer granted. Given the lack of a formal process for dealing with advanced entry to the degree programme at the time of Ms C's application, which appeared to result in ad hoc and arbitrary practice, and given that Lecturer 1 did forget about Ms C's interest in advanced entry, I uphold this complaint.

(a) Recommendation

12. I recommend that the University:

Completion date

- (i) ensure there is formal administration and record-keeping for dealing with advanced entry applications across the institution, to prevent this situation happening again.

21 March 2012

(b) The University scheduled a sitting of final examinations: in August 2009, when they were aware Ms C could not sit them; and in January 2010, which was unreasonably late

13. Ms C said that, due to a shortage of placements, she had to do half of her placement in the summer of 2009. This meant she was not eligible to sit her examinations in May 2009. Ms C said the University scheduled a second sitting of the examinations for a date in August 2009, despite being aware that she would still be on placement and, therefore, could not sit the examinations. At that time, Ms C was informed that, as she was on placement during the examination diet, she would have to wait until January 2010 to sit the examinations. Ms C complained to the Head of School (Lecturer 3) and, as a result, the examinations were brought forward to November 2009. Ms C said that whilst this situation had been rectified, she was still wary that future students may face the same problem. In Ms C's view, it was completely inappropriate to schedule examinations for a date when the University was aware that she, through no fault of her own, was unavailable to sit them. Ms C said it was also inappropriate to delay scheduling of examinations by five months. Ms C felt there should be a more flexible approach to scheduling the examinations.

14. In responding to Ms C's complaint at Stage 2, the University said Lecturer 2 explained that the rationale for proposing January 2010 was to retain all examinations within the normal University assessment periods. However, as a result of Ms C's complaint to Lecturer 3, the examinations were rescheduled to November 2009. The University said future examinations for the degree would be held in September of each year rather than August, to help address issues with placement dates, which were not always within the University's control. In responding to Ms C's complaint at Stage 3, the University said the Stage 2 response was thorough.

15. In responding to our office's enquiries, the University said their Academic Regulations gave them some flexibility in the scheduling of examinations in appropriate circumstances. However, this would always be regarded as the

exception rather than the norm. The University confirmed that the main scheduled assessment periods were in January, May and August of each year.

(b) Conclusion

16. I consider that the University's response to this matter was reasonable. Once they were aware that Ms C could not sit the examinations in August 2009, they scheduled them for the next main assessment period in January 2010. Thereafter, in response to Ms C's complaint to Lecturer 3, they moved the date of her examinations. Subsequently, the University changed the scheduled date for final examinations for the degree for students who would be unable, due to shortages of placements, to take the May/August diets of examinations. They also explained that their Academic Regulations allowed for flexibility in the scheduling of examinations. Therefore, I do not uphold this complaint.

(c) The University failed to inform Ms C of the requirement to register for graduation prior to the deadline

17. Ms C said the University's online registration system for the 3 December 2009 graduation was open from 22 October 2009 to 9 November 2009. Ms C said that, unfortunately, she was not aware of this at the time. Ms C's final examinations were scheduled for 9 and 11 November 2009. Ms C said she received a message from a fellow student, sent on 13 November 2009 via a social networking website, informing her of the need to register by the end of that day in order to graduate in December 2009. However, Ms C said she did not check her social networking account that day and did not get the message in time. In addition, Ms C understood that Lecturer 1 had tried to contact her by telephone, however, as she was back in her home country, she did not have her UK mobile turned on. Ms C said she contacted the School Office on 17 November 2009, but was told it was too late to register for graduation in December 2009. Ms C said she received no official information from the University prior to 13 November 2009 regarding the need to register for the December graduation, and no letters were sent to her home address. Ms C was of the view that this happened because of the unusual timing of her examinations outside the normal examination period. However, she did not believe this justified the University failing to inform her in time of the need to register.

18. In responding to Ms C's complaint at Stage 2, the University said she was issued with formal correspondence via email, on 13 November 2009, advising of the need to register to graduate. They acknowledged that this

correspondence did refer to a closing date for registration of 9 November 2009. They also said that Lecturer 1 and other staff from the School attempted to contact her that week, either by text or telephone, as well as asking fellow students to contact her via her social networking account. The University understood that by the time Ms C contacted the School the following week, registration for the December 2009 graduation had formally closed.

19. In responding to Ms C's complaint at Stage 3, the University said the Stage 2 investigation was thorough, although the School Office should have been 'more facilitatory' in directing [her] to the Student Administration Department, who would have accommodated a late graduation registration'. The University apologised for this.

20. In responding to our office's enquiries, the University said it was their standard practice to issue graduation invitations by email and by letter to students. However, as graduation approached, and it was known that a student was expecting an email as they were going to be registering late, the University normally only sent an email. The University confirmed that an automated letter, issued by email on 13 November 2009, was sent to Ms C, which contained the username and password for online graduation.

21. Ms C commented that she did not know that she would not be registering late, as she had not been informed of the registration deadline.

(c) Conclusion

22. In an effort to assist Ms C, the School re-scheduled her final examinations from January 2010 to November 2009. However, it appears they did not make allowance for the impact this would have on the administrative arrangements for Ms C's graduation registration. While the University have stressed their attempts to contact Ms C, albeit unsuccessfully, they did acknowledge that the School Office should have done more to direct her to the Student Administration Department, who would have accommodated a late graduation registration. Therefore, I uphold this complaint.

(c) Recommendation

23. I recommend that the University:	<i>Completion date</i>
(i) remind School Offices of the need to be proactive in assisting students who have exceptional	18 January 2012

examination arrangements, to ensure that information on graduation registration is sent to them in good time.

(d) The University failed to assess Ms C for a learning difficulty

24. Ms C said that during her placement, her supervisor became suspicious that she might have a learning difficulty such as dyslexia or dyspraxia. Therefore, the supervisor contacted Lecturer 1 on 28 August 2009. Ms C said Lecturer 1 assured her that the University would provide her with the appropriate tests prior to her examinations in November 2009. The examinations were scheduled in emails from Lecturer 2 on 18 and 19 August 2009. Ms C said the University's Disability and Dyslexia Service (DDS) admitted that they failed to follow up with assessment arrangements after she contacted them in August 2009. Ms C said she contacted the DDS in October 2009, and was informed that they did not have services available to test for dyspraxia, and she was not eligible for dyslexia screening because they did not provide this service to students in the final semester of fourth year. Ms C said she was told that she would require a specific recommendation from academic staff in the School in order to be screened, despite already having been told by Lecturer 1 that she should be seen by the DDS. Ms C said she had to fight to get screened for dyslexia and was not tested until February 2010, six months from when she first contacted the DDS, and after her examinations were over. Ms C said she was diagnosed with dyspraxia in September 2010 through an assessment in her home country. Ms C said that no action was taken by the DDS, in response to requests made by Lecturer 1, prior to her November 2009 examinations. Ms C felt that, if she had been diagnosed in time, she would have been afforded special concessions for her examinations which, in her view, may have affected the level of degree she was awarded.

25. In responding to Ms C's complaint at Stage 2, the University said students in the final semester of fourth year would be screened, and any needs identified would be actioned. However, students would not normally be sent to an Educational Psychologist for assessment due to the timescales involved. The University said it was unclear and concerning as to why Ms C was advised that she could not gain access to the DDS when she contacted them in October 2009, as this was not standard practice. The University also said the fact that she gained access to the DDS and was screened was testament to the fact that the DDS was accessible, although they said it was highly unusual that Ms C received access to the DDS when she was no longer a student.

26. In responding to Ms C's complaint at Stage 3, the University said the DDS did not follow up on Lecturer 1's enquiry in September 2009 about her potential testing, and this information should have been detailed in the Stage 2 response. The University said that, although it was not a reflection of University practice, there was a failure of the DDS to make contact with Ms C. The University apologised for this.

27. In responding to our office's enquiries, the University said their Procedures for Students coming for Dyslexia Screening did not make any statement about final year students. However, it had been practice over the years not to send students in the final semester of fourth year for assessment by an Educational Psychologist, mainly because it could take eight weeks for the report to come through, by which time students had completed. The only exceptions to this practice would be where a school made a specific request for a student to be assessed, usually in the case of an appeal. This was an extremely rare occurrence. The University explained that, following an award decision, and allowing 20 working days for the submission of an academic appeal, they would no longer classify a person as a student as their studies were complete. In Ms C's case, the award decision was made in November 2009, and she was assessed by the DDS in February 2010, after she was no longer considered to be a student. The assessment showed that Ms C was not at risk of dyslexia. The University commented that they had no record of Ms C contacting them in August 2009.

(d) Conclusion

28. In responding to Ms C's Stage 3 complaint, the University said the DDS did not follow up on Lecturer 1's enquiry in September 2009. Further, in responding to Ms C's Stage 2 complaint, the University appeared to accept that she had been advised that she could not gain access to the DDS when she contacted them in October 2009. Although the University highlighted the fact that Ms C was assessed by the DDS in February 2010, when they no longer considered her to be a student, it is clear that there was a failure by the DDS to deal with Ms C in line with their standard practice, before her examinations in November 2009. Therefore, I uphold this complaint.

(d) Recommendations

29. I recommend that the University:

Completion date

- (i) review the DDS's recording of, and follow-up to, requests from academic staff to contact students for assessment; and 21 March 2012
- (ii) in order to avoid confusion, formalise their practice on offering DDS screening to students in the final semester of their final year, incorporating the revised turnaround time for receiving assessment reports from Allied Health Professionals. 21 March 2012

(e) The University failed to deal with Ms C's complaints appropriately

30. Ms C said that Lecturer 2 did not deal with her complaint in line with the Student Complaints Procedure in 2005. Ms C also said an Associate Head of School (Lecturer 4) did not respond to her after she met with him on 26 February 2010 to discuss her complaints about examinations and graduation. Ms C submitted a Stage 2 complaint form in June 2010, and a Stage 3 complaint form in August 2010. Ms C said the University did not support their reasoning in their response to her complaint with appropriate evidence, and failed to supply such evidence when she subsequently requested it. Ms C said the University did not investigate all of the matters she raised in her complaint, and failed to provide the answers she wanted. In Ms C's view, there was a complete unwillingness on the part of the University to investigate aspects of her complaint, and/or provide her with the outcomes of any investigations conducted that may be harmful to the University's standing. Ms C felt the Stage 2 investigation of her complaint was not thorough or unbiased, it produced a report which was defamatory to her character and placed the blame on her, and was a damage-control exercise to protect the University's interests.

31. As noted, the University said Lecturer 2 acknowledged he did not appreciate that, at Ms C's meeting with him on 10 October 2005, she was complaining informally. In response to a Subject Access request from Ms C, Lecturer 2 wrote, in a letter of 26 October 2010, that he recalled her enquiring about the possibility of advanced entry at the meeting on 10 October 2005. Lecturer 2 said he dealt with Ms C's enquiry by indicating that the option was not available to her at that time as there were no places. Lecturer 2 added that at no time did Ms C indicate that she was complaining informally or formally.

32. In acknowledging receipt of Ms C's Stage 2 complaint form, the University said that, although Ms C was no longer a student, given that she had been one until recently, and that her complaint was initiated whilst a student, the most

sensible course of action was to deal with her complaint under the Student Complaints Procedure, and not the complaints procedure for members of the public.

33. In responding to Ms C's complaint at Stage 2, the University accepted there were issues with the handling of her complaint. They said they would ensure that staff were reminded of the need to be more vigilant in recognising a complaint, and that complaints were handled in accordance with the University's Academic Regulations. There would also be a review of the informal Stage 1 of the complaints process by the University's Academic Regulations Sub-Committee.

34. In responding to Ms C's complaint at Stage 3, the University said while it was not a requirement of the Student Complaints Process to meet the remedies a student sought, it could be considered good practice that a response would address each of the remedies sought. Therefore, this would form a key part of the structure and findings of the Stage 3 response. The University also said they were not obliged to provide documentary support in cases of complaint. The University considered that the Stage 2 response was not an attempt to discredit Ms C, or belittle her experiences, but highlighted the responsibilities of students. Overall, the University found that each of Ms C's complaints was considered in detail and all of the concerns she raised were addressed in the Stage 2 response.

(e) Conclusion

35. In terms of Ms C's meeting with Lecturer 2 in October 2005, it appears that the University accepted this could have been handled better, given the recommendation in the Stage 2 response that there would be a review of the informal stage of the process, and that staff would be reminded of their responsibilities. However, as there are contradictory accounts of this meeting, and there is no direct objective evidence of what took place, I cannot reach a finding on what happened. It is clear that Lecturer 4 failed to follow up on Ms C's meeting with him in February 2010. It was reasonable of the University to consider Ms C's formal complaint under the Student Complaints Process, despite no longer considering her to be a student at the time she submitted it. Having considered the evidence from the Stage 2 and Stage 3 formal complaint, I am of the view that the University did conduct a thorough investigation and did act in keeping with the Student Complaints Procedure. Therefore, on balance, I do not uphold this complaint.

(f) The University, between June and September 2010, delayed providing the documentation necessary to validate Ms C's qualification in her home country

36. Ms C said that, in making her Stage 2 complaint to the University, she requested they send her, as a matter of urgency, the necessary documents required for the validation of her qualification in her country. Ms C said she included a checklist from the validation authority of the documents required for this process. As Ms C had not received the documents, she emailed the University on 13 July 2010. The Dean of the Faculty of Health and Social Care (Lecturer 5) emailed Ms C on the same day, saying that as she graduated that day, her degree certificate was now available to her. However, Ms C said her degree certificate was sent separately to her father's address on 13 July 2010, and the documents she had requested were not sent with it. Ms C emailed Lecturer 5 again on 21 July 2010, who confirmed that the rest of the documents had been sent to Ms C on 19 July 2010.

37. Ms C received an email from Lecturer 5's Personal Assistant on 21 July 2010, stating that the courier delivering the additional documents required more information in order to locate Ms C's home as, even though the address she supplied was correct, there were no postcodes in her country. Ms C said the University had failed to supply the courier with her telephone number and, therefore, the courier was unable to contact her for directions to her house. When Ms C did receive the documents, they were not what she had specified, as some documents were provisional, and others were incomplete. When Ms C received a replacement package from the University, Lecturer 2 had signed and stamped each of the module pages, which Ms C said rendered them unusable. Ms C submitted another request for the validation documents with her Stage 3 complaint on 3 September 2010. Ms C received the correct documents in the second week of September 2010, despite making the initial request in June 2010, which she said delayed her ability to validate her qualification in her home country.

38. In responding to Ms C's complaint at Stage 3, the University said they had provided her, at no cost, with documentation to assist in the validation of her qualification in her home country. They acknowledged that the documents were delayed reaching her in July 2010 as the courier could not find her address. They also acknowledged that further documentation sent in August 2010 did not

fulfil the validation process requirements. However, the University said they would continue to support Ms C in this matter.

39. In responding to our office's enquiries, the University said the module descriptors sent to Ms C stated 'this Module Revision is not Validated' because they were not the live current versions of the module descriptors; they were in development and had not yet been approved. The University officer who responded to Ms C's request was not aware of the context and the need to print the live, rather than the most recent versions. As a consequence, the wrong versions were printed and sent in error.

(f) Conclusion

40. I consider that the first set of documents were sent to Ms C within a reasonable time from her request in the Stage 2 complaint form. However, the documents were not correct. The replacement documents sent to Ms C in August 2010, according to the University's Stage 3 response to Ms C, did not fulfil the validation process requirements. Ms C received the correct documents in September 2010, nearly three months after she had first requested them. While I acknowledge that the University supplied this information at no cost, they failed to supply the required information on the first two occasions which led to unnecessary delay and, therefore, I uphold this complaint.

(f) Recommendations

	<i>Completion date</i>
41. I recommend that the University:	
(i) clarify their understanding of the documents to be provided, and the specific requirements for such documents, for validation of the BSc (Hons) Nutrition and Dietetics in Ms C's home country; and	18 January 2012
(ii) apologise to Ms C for the failings identified in this report.	18 January 2012

42. The Ombudsman asks that the University notify him when the recommendations have been implemented.

Explanation of abbreviations used

Ms C	The complainant
The University	The Robert Gordon University, Aberdeen
The School	The University's School of Pharmacy and Life Sciences
Lecturer 1	A member of academic staff in the School
Lecturer 2	The Programme Leader for the BSc (Hons) Nutrition and Dietetics
Lecturer 3	The Head of School
DDS	The University's Disability and Dyslexia Service
Lecturer 4	An Associate Head of School
Lecturer 5	Dean of the Faculty of Health and Social Care

List of legislation and policies considered

The University's Academic Regulation A2: Admission

The University's Academic Regulation A4: Assessment and Recommendations of Assessment Boards