

## **PE1769/H**

Petitioners submission of 30 November 2020

Again, I would like to thank the Committee for considering this petition and the Scottish Funding Council and Minister for Higher Education for their responses.

The Minister for Higher Education states that “students (as consumers)... can refer the matter to the SPSO”. The SPSO has no power whatsoever to award financial remedy and has no power to enforce any remedy even if the complaint is upheld. Therefore the ‘consumer’ has no choice but to go to the Court for satisfaction which students cannot do until they meet certain criteria and pay. This then pushes cases out into the court system which is inappropriate and extremely undesirable for the student.

In comparison, the English Ombudsman is able to consider a wider range of complaints and award financial compensation. The English Ombudsman did, in fact, award financial compensation for lessons missed during the lecturers strikes in England. The SPSO is actually unable to, and does not have the power to, fully address complaints. I was only able to present a smaller portion of my complaint to the SPSO, thereby having no venue for my entire complaint.

The first way suggested to address complaints is through the “institutions own complaints procedure” which the SPSO has indicated repeatedly, at Glasgow University, is not fit for purpose (but cannot enforce). Numerous complaints of this nature have been upheld. Postgraduate complaints have been highlighted in the University of Glasgow ELIR’s. The next avenue is the SPSO. The next is Judiciary.

Legally speaking the Judiciary can only deal with matters of procedure and so could not overturn an unfit for purpose SPSO decision not based on policy. The final avenue proposed is the QAA which considers the quality of of the qualification, which should come into play if lessons and feedback are cut and should be addressed by the University contacting the QAA to inform them under the ‘no surprises’ protocol. In my case this did not happen, and the QAA is not able to address individual complaints. The complaints process is challenging for students, and each recourse mentioned is not able to provide a full hearing for complaints with realistic outcomes.

“There is no compelling evidence that SPSO is unduly restricted by the limitation on academic judgement”. In dealing with complaints the SPSO should refer to academic bodies such as the QAA where appropriate. The lack of reference to this sort of guidance was evident during my complaint, where without reference to the QAA or Benchmark Statements, the SPSO passed judgments (based on the university’s Judgement) on the content of a course without addressing the standards that regulate it. Despite clear shortcomings in the SPSOs handling of complaints, there appears to be no recourse for the complainant to raise these types of issues.

I would argue that the Government should potentially follow up with complainants. I personally have been through the SPSO, received an unfit judgement which then pushed me out to the court system for redress as QAA does not consider individual complaints and the Judiciary only considers matters concerning process.

“The total number of complaints...a very small proportion”. Can we be sure what this is indicative of and does this dismiss the importance of when complaints are raised, even if infrequent? It may be indicative of students not knowing their rights, or in the case of my fellow classmates, being scared of retribution or being seen to be ‘causing trouble’ or just unable to deal with the paperwork burden as they need to work to support themselves and/or their family. In terms of complaints the SPSO is not fit for purpose either in its powers to investigate, to supply redress or to analyse a complaint with the level of knowledge required to hold an Institution accountable to policy or law.

The Scottish Funding Council raises the ‘covid pandemic’, but the issue I have raised predates this, and came to my attention during the lecturer strikes in 2018. The statement ‘which suggests that their right to raise their complaint through the SPSO is not always well understood’. Having spoken to classmates and other students they had no confidence their complaint would be dealt with or that they would not suffer retribution. I, personally, found it very difficult to get to a point where I could have my complaint even partially heard by the SPSO and this was after I had been through the Institution’s process, which took over a year and involved behaviour which some officials subsequently apologised for. It was an experience which may have successfully deterred many others.

The sheer burden of paperwork (my complaint stands around 30 pages with an appeal of around 60) and the inclination of the SPSO to take the Institutions side and not have the knowledge to execute a complaint using policy and law really does render the process futile.