

SPSO decision report

Case: 201603064, Edinburgh Napier University
Sector: further and higher education
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C complained on behalf of his daughter (Miss A), a student at the university. Mr C's complaints were about the university's handling of the Fitness to Practise (FtP) process in relation to Miss A, and the university's handling of his complaint.

We found that, in general terms, the FtP regulations were followed by the university. However, we had to consider whether the university's handling of this matter was reasonable. We had specific concerns about the introduction of new evidence at an investigatory meeting and an apparent lack of contemporaneous documentary evidence in relation to concerns about Miss A's fitness to practise. We also had concerns about Miss A and her student adviser not being given a copy of the investigatory meeting notes to check for accuracy and an apparent failure to provide an FtP panel hearing with information from Mr C.

Given these concerns, we concluded that the university's handling of the FtP process in relation to Miss A was unreasonable and, therefore, we upheld Mr C's complaint.

We had some minor concerns about the university's handling of Mr C's complaint, in particular that the university did not provide us with a complaint file of all evidence considered in respect of the complaint. Nevertheless, the university's written response to Mr C dealt with each of the points he made. Having considered the complaint correspondence between Mr C and the university, overall we regarded the response Mr C received as reasonable in the circumstances, as it sought to outline the facts relevant to the points made in his complaint and to provide a proportionate response giving the university's definitive position. We did not see evidence to conclude that the university's handling of Mr C's complaint was unreasonable and therefore we did not uphold this aspect of Mr C's complaint.

Recommendations

We recommended that the university:

- ensure that the nature of all alleged causes for concern are notified to students before an investigatory meeting takes place as part of the FtP process;
- ensure that the FtP file includes copies of evidence relevant to all alleged causes for concern, such as contemporaneous documentary evidence from placement records;
- ensure that, where alleged causes for concern are based on anecdotal evidence, the anecdotal evidence is tested, for example by obtaining corroborating documentary evidence or by interviewing relevant people;
- ensure that all evidence considered by an investigating officer and submitted by a student is forwarded to FtP panel hearings;
- consider revising the FtP regulations to allow a student, and the person supporting or representing them, an opportunity to review the content of investigatory meeting notes for accuracy; and
- ensure they keep a copy of all evidence considered in respect of complaints.