

SPSO decision report



Case: 201904255, Edinburgh College
Sector: Colleges
Subject: Providing Learning Support and Guidance (by curriculum staff)
Decision: some upheld, recommendations

Summary

Ms C brought a complaint to us on Ms A's behalf about Edinburgh College. Ms A was a student at the college with a diagnosis of Asperger syndrome and is on the autism spectrum. Ms A was suspended from the college following concerns about her behaviour. Ms A was subsequently withdrawn from the course.

Ms C raised concerns that the college had failed to provide Ms A with reasonable adjustments during her studies. We sought independent advice from an equalities adviser. We found that the college did make reasonable adjustments to support Ms A in accordance with their obligations. We did not uphold this aspect of Ms C's complaint.

Ms C complained that the college did not reasonably follow their own policies and procedures regarding complaints that had been made about Ms A. We found that the college had failed to follow their own policies and procedures. In particular, we found that:

the college did not give Ms A the full details of the reason for her suspension

Ms A was not given five working days' notice of the investigatory meeting

Ms A was not made aware that she could bring representation to the investigatory meeting

there was no record or minutes of the investigatory meeting

Ms A was not made aware of the outcome of the investigatory meeting within five working days

there is no evidence that the college responded to Ms A's appeal against the decision to withdraw her from the course.

We upheld this aspect of Ms C's complaint.

Ms C also complained about the way the college handled the complaint. We found that:

Ms C's complaint was not acknowledged within three working days of the college receiving the complaint

there was a delay in responding to Ms C's complaint and she was not kept updated on the progress of the complaint or provided with a revised timescale for the response.

We upheld this aspect of Ms C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms A for failing to follow the college's Positive Behaviour and Anti-bullying and Harassment Policy and the Positive Behaviour and Anti-bullying & Harassment Guidance and Procedures for Students. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

What we said should change to put things right in future:

- Records should be kept to explain the reasons for changes in approach.
- When the college decide to suspend a student and a call an investigatory meeting they should follow their Positive Behaviour and Anti-bullying and Harassment Policy and the Positive Behaviour and Anti-bullying and Harassment Guidance and Procedures for Students. If a decision is taken not to follow the relevant policies, this should be clearly documented and reasons provided.

In relation to complaints handling, we recommended:

- Complaints should be handled in line with the Model Complaints Handling Procedure (MCHP). The MCHP and guidance can be found here: <https://www.spsso.org.uk/the-model-complaints-handling-procedures>

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.