

Scottish Parliament Region: North East Scotland

Case 200502939: Aberdeen College of Further Education

Summary of Investigation

Category

Scottish Further Education: Policy/administration

Overview

The complainant (Mrs C) was of the view that unclear course information from Aberdeen College (the College) regarding eligibility for Individual Learning Account (ILA) funding resulted in her being £58 worse off than other students.

Specific complaint and conclusion

The complaint which has been investigated is that there was a lack of clear information from the College about eligibility for ILA funding of a computer course, PC Passport Plus (*not upheld*).

Redress and recommendation

While noting that the College has no role in approving or vetting material produced by partner organisations, the Ombudsman recommends that the College work with partners with a view to ensuring that information about College courses produced by partners is clear and correct at the time of publication.

The College has accepted the recommendation.

Main Investigation Report

Introduction

1. On 27 January 2006 the Ombudsman received a complaint from a person who is referred to in this report as Mrs C. Mrs C wanted to take the PC Passport Plus course provided by Aberdeen College (the College).

2. The complaint from Mrs C which has been investigated is that there was a lack of clear information from the College about eligibility for Individual Learning Account (ILA) funding of a computer course, PC Passport Plus.

Investigation

3. In writing this report I have had access to evidence provided by Mrs C as well as a comprehensive response to my enquiries from the College.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and the College were given an opportunity to comment on a draft of this report.

Complaint: There was a lack of clear information from the College about eligibility for ILA funding of a computer course, PC Passport Plus

5. In early July 2005 Mrs C contacted ILA Scotland regarding ILA funding, and was sent an information and application pack. Mrs C completed and returned the application form but did not receive a response and so telephoned ILA Scotland in early August 2005. She was told that an ILA account for £100 had been opened, but that this was an error as she should have an account for £200. She was informed that this error would be rectified and she would receive her ILA card in a few days. In the event, Mrs C received her ILA card on 21 September 2005.

6. Mrs C was a student undertaking a computing course at her local community centre during the academic year 2004/2005. She said that at the last teaching session their tutor told them that enrolment for the PC Passport Plus course for 2005/2006 would be on 25 August 2005 at the community centre. As Mrs C was on holiday at that time she asked her daughter, Ms D, to attend on her behalf. Mrs C said that Ms D was told by staff at the community centre that she would have to telephone the College to pre-register her mother. During the telephone conversation Ms D was told that the College were not

accepting ILA funding for the PC Passport Plus course, although Ms D had been given a leaflet for the course at the community centre which stated:

'All students wishing to use ILAs for the [PC Passport Plus] course must pre book through [the College] booking centre prior to the course commencing'.

The leaflet also stated that the course start date was 7 September 2005, and that the total fee was £68. In addition, Mrs C had previously obtained a leaflet produced by the community centre which stated that the course would be acceptable for ILA funding, and that students must have their ILA in place before starting on a course and that they must pre-book through the College booking centre. Ms D decided to pay the £68 course fee to the College over the telephone on 25 August 2005, and wrote a note to Mrs C relating what had happened.

7. Mrs C completed a booking form for the course on the first day, 7 September 2005. On this form she provided her ILA account number and paid by cheque a £10 contribution to the total fee (as under ILA rules she had to pay a minimum £10 personal contribution, in the expectation that ILA Scotland would pay the remainder). Mrs C was told that she could not use her ILA funding for the course, and complained to the College that some other students had been able to use their ILA funding and she had not, and she was now £58 worse off than them.

8. Mrs C telephoned the College on 29 September 2005 and spoke to the Manager of the College's Community and Lifelong Learning team (Officer 1), and followed this with a letter to Officer 1 on 2 October 2005. In her letter she related information about her application to ILA Scotland for funding, as well as information provided by the community centre to her and Ms D's attempt to register Mrs C for the course, which resulted in payment of the fee. Mrs C also related that, during the telephone conversation of 29 September 2005, Officer 1 had told her that the College could not refund the fee. On 19 October 2005 the College's Customer Service Consultant (Officer 2) wrote to Mrs C advising that he would look into the matter and enclosing a copy of the College's Complaints Policy.

9. Officer 2 wrote to Mrs C on 31 October 2005 with his formal response to the complaint. He stated that the PC Passport Plus course was approved as eligible for ILA funding with effect from 1 September 2005 and, therefore,

because Ms D had booked the course before this date (see paragraph 5), Mrs C was not able to use her ILA funding. Officer 2 acknowledged that the information Mrs C had received from the community centre was inaccurate, but that he could not comment on the actions of community centre staff as they were not College employees. Officer 2 confirmed that the £10 contribution payment would be returned to Mrs C. Mrs C spoke to Officer 2 by telephone on 3 November 2005 and asked him to send her evidence to confirm that the PC Passport Plus course was not eligible for ILA funding. The College's Assistant Principal (Officer 3) wrote to Mrs C on 21 November 2005 with a copy of an email from ILA Scotland to the College confirming that ILA Scotland records showed the eligibility date as 1 September 2005. However, Mrs C telephoned Officer 3 to tell her that she did not consider the email to be sufficient proof. As part of the College's quality assurance of complaints, the Head of Quality and Staff Development (Officer 4) wrote to Mrs C on 25 November 2005 to ask if she had any outstanding concerns. Mrs C did not respond to Officer 4's letter.

10. I made enquiries of the College and the next seven paragraphs deal with the College's response to specific issues I raised.

11. The College advised me that Learndirect Scotland and the Student Awards Agency for Scotland, the bodies that administer the ILA Scotland scheme, are responsible for establishing the conditions under which ILA funding is granted to individual students and the conditions under which ILA Scotland will reimburse colleges. In turn, ILA Scotland determines individual students' eligibility for funding and the amount of that funding. The College provided me with a copy of an ILA Scotland leaflet, produced by Learndirect Scotland, which clearly stated:

'Remember that before you book a course you must have received your ILA Scotland account card and account number'.

As for the eligibility of courses to accept payment by ILA funding, colleges apply to ILA Scotland for this to be considered, and it is ILA Scotland that make the decision on eligibility based on their criteria.

12. The College initially treated Mrs C's complaint as a request for a refund. The request was refused as the College viewed the payment made by Ms D as payment in full made under the College's terms and conditions. On taking Mrs C's complaint further, the College noted that her letter focused on problems Mrs C had experienced with ILA Scotland.

13. The College's position was that Mrs C:
'was keen to ensure she could join the College class of her choice (she was going on holiday at the time). She decided, of her own volition, to pay the course fee in advance of using her ILA. The fee was paid to the College for her by her daughter. The formalities were completed and her contract with the College was concluded. The College duly performed its role in striking the contract and subsequently duly performed its part in it.'

The College also stated that the PC Passport Plus course was not eligible for ILA Scotland purposes, as Ms D was informed on 25 August 2005.

14. The College stated that other students in Mrs C's class were able to use their ILA funding because the course became eligible on 1 September 2005 and they entered into their contract with the College on 7 September 2005, at the first meeting of the class. Unlike Mrs C, they had not already paid for the course as Ms D did on 25 August 2005. The College also noted that the other students also had their ILA cards at that time, whereas Mrs C did not receive her ILA card until 21 September 2005.

15. The leaflets Mrs C provided (see paragraph 6) were 'neither authored nor authorised by staff of [the College]'. The College explained that it uses rooms at the community centre as part of a partnership arrangement to provide community-based courses. The College also said that it had no role or responsibility to approve or vet material produced by partner organisations.

16. The College said that the computer course tutor (see paragraph 6) cannot recall exactly what she said at the last class meeting of 2004/2005, but she believed that she would have referred to an 'event' being held on 25 August 2005. The event in question was an enrolment session for community centre classes and an information session for College courses. At the information session prospective students could indicate their interest in specific College courses to community centre staff by adding their name to a list.

17. The College also provided me with a copy of *ILA Scotland's Operational Rules and Supplementary Guidance for Learning Providers*. This stated in Annex B, paragraph 1c that:

'Learners can only benefit from ILA support if their ILA membership is valid on or before the course start date and they have not already paid the full price of the course.'

It also stated at paragraph 6a of Annex B that:

'ILA-eligible learning is limited to courses which are ... included in the ILA Scotland database.'

It also stated at paragraph 31 of the main document that:

'ILA Scotland grants cannot be claimed retrospectively where a learner has already paid in full for their course of learning.'

Conclusion

18. The written information Mrs C obtained from the community centre did give her the idea that the PC Passport Plus course would be eligible for ILA funding. However, this information was not produced or vetted by the College and, therefore, they are not responsible for it. In addition, Mrs C said that she was told to enrol for the course on 25 August 2005. However, the College is of the view that the tutor was referring to an information session about College courses and that enrolment was only for community centre classes. As there is no record of what was said and no independent corroboration, what was or was not said cannot be proved. While I understand it is not the College's responsibility to vet publications produced by partner organisations, nor is the College responsible for community centre staff, the fact remains that misleading information about College courses was put into the public domain by a partner organisation. It may be that the College should address how to resolve this with their partners.

19. ILA funding for individual students is a matter between the student and ILA Scotland, and not the student and the College. Any problems or delays with ILA Scotland are not the responsibility of the College.

20. Ms D, based on her own note to Mrs C, was told on 25 August 2005 that ILA funding could not be used for the PC Passport Plus course and, because she knew her mother wanted to do it, Ms D paid the fee on her behalf. The College cannot be held responsible for this action. In terms of the contract between Mrs C and the College, as referred to by the College in their response to me, it is not the role of the Ombudsman to adjudicate on contract disputes as that is a legal matter.

21. It is clear from the ILA Scotland guidance that Mrs C could not use her ILA funding retrospectively and, therefore, would not have been entitled to do so as she tried on completing the booking form on 7 September 2005. This is overshadowed by the fact that Mrs C did not receive her ILA card until 21 September 2005, after the course had started, and so was not entitled to use ILA funding (see paragraph 17).

22. It was unfortunate that Mrs C was provided with misleading information by the community centre, and that, due to Mrs C's absence on holiday, Ms D decided to pay the full fee on finding out that ILA funding could not be used. On the basis of the evidence, which demonstrates that the information upon which Mrs C relied was not provided by the College, I do not uphold this complaint.

Recommendation

23. While noting that the College has no role in approving or vetting material produced by partner organisations, the Ombudsman recommends that the College work with partners with a view to ensuring that information about College courses produced by partners is clear and correct at the time of publication.

24. The College has accepted the recommendation.

24 October 2007

Explanation of abbreviations and terms used

Mrs C	The complainant
PC	Personal Computer
The College	Aberdeen College
ILA	Individual Learning Account
Ms D	The complainant's daughter
Officer 1	The College's Community and Lifelong Learning Team Manager
Officer 2	The College's Customer Service Consultant
Officer 3	The College's Assistant Principal (Data Management and Student Administration)
Officer 4	The College's Head of Quality and Staff Development

List of legislation and policies considered

ILA Scotland's Operational Rules and Supplementary Guidance for Learning Providers