

Case 200702229: Edinburgh's Telford College

Summary of Investigation

Category

Scottish Higher and Further Education: Further Education; teaching and supervision

Overview

The complainant Ms C was concerned that Edinburgh's Telford College (the College) did not provide her with appropriate support while she was a student in 2006/2007. In particular, Ms C said that tutorial provision was inadequate; she was unhappy with circumstances surrounding her audition for a higher-level course; and the way she had been told she was not successful in this application. Ms C was also unhappy with the way the College dealt with her subsequent complaint.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) the College did not provide Ms C with appropriate support (*partially upheld, to the extent that information provided to students was inaccurate*);
- (b) the College did not deal appropriately with Ms C's audition process and communication about this (*partially upheld, to the extent that there was inconsistency in the way students were informed about the outcome of their auditions*); and
- (c) the College mishandled their response to Ms C's complaint (*upheld*).

Redress and recommendations

The Ombudsman recommends that the College:

- (i) ensure the information provided to students about tutorials and the role of the Course Tutor is in line with current practice;
- (ii) apologise to Ms C for the failure to ensure that the course handbook explained clearly the role of the Course Tutor for her course;
- (iii) review their policy surrounding the methods used to inform applicants of the results of auditions;

- (iv) apologise to Ms C for the inconsistency which occurred in the way applicants were informed;
- (v) review the support and guidance given to staff investigating complaints;
and
- (vi) apologise to Ms C for the failings identified in their handling of her complaint.

The College have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. Ms C was a student on the NC Performing Arts course in 2006/2007. At the end of the year she applied for a place on the related HNC and attended an audition. She was confused when she did not obtain a place and unhappy that some students had been informed at the audition they had been successful. She said she had had to approach Edinburgh's Telford College (the College) for this information, when she was told by a tutor she was unsuccessful.

2. Following confirmation she had not been given a place on the HNC course, Ms C made a formal complaint. She raised a number of issues about the support given to her throughout the year and concerns about the audition process, including how she was informed of the result. The College responded and said that they accepted there had been problems with the tutorials but that they considered she had not been adversely affected by this.

3. The complaints from Ms C which I have investigated are that:

- (a) the College did not provide Ms C with appropriate support;
- (b) the College did not deal appropriately with Ms C's audition process and communication about this; and
- (c) the College mishandled their response to Ms C's complaint.

Investigation

4. In investigating this complaint, I reviewed correspondence, made written enquiries of the College and interviewed relevant College staff.

5. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Ms C and the College were given an opportunity to comment on a draft of this report. Abbreviations are set out in Annex 1.

Background

6. The Ombudsman's office can not review matters of academic judgement. This report, therefore, does not deal with such matters, in particular, the decision not to offer Ms C a place on their HNC course following her audition.¹

¹ Ms C also attended auditions at other Colleges and commenced an HNC in 2007/2008.

7. The student course guide (the Guide) details the roles of members of staff and the student's own responsibilities for the NC Performing Arts Course. In explaining the role of the Course Tutor², the guide states:

'Each class will have a course tutor (normally one of the lecturers) whose job it is to deal with student problems. You'll be able to meet your course tutor regularly – usually once a week at tutorials. These tutorials are used:

- to help you settle in to College life
- to arrange your individual learning plan
- to review your attendance
- to monitor and review your achievements
- to let you know about any activities that may be of interest – exhibitions etc
- to give you pre-exit guidance before you complete the course.

If you ever feel that you're not coping with any part of the course, then please tell your tutor. Your tutor can arrange for you to have the support you need to **help** your learning. Remember the staff in college are here to help you to achieve.³

8. In her complaint to the College, Ms C raised a number of concerns about the support given throughout the year. These included her concerns about the lack of such tutorials. Ms C said she had had one tutorial with the original named Course Tutor. He had been replaced by the Curriculum Manager but Ms C said they had had no tutorials with him. Ms C also raised concerns about the support given for audition preparation and said she had only been told about the result of her audition after going into College and asking to speak to the Curriculum Manager. He had not come out to speak to her and another tutor had told her this was a 'negative'. She said she was shocked by how she was informed and that other students had been told they were accepted during their audition.

9. The College responded by saying there had been issues with tutorials and that these would be rectified in the coming academic year. They thanked Ms C for drawing this to their attention. They also said that, while they felt they had the appropriate experience for assisting preparation for auditions, a decision

² The Course Tutor undertook a particular guidance and support role. Other tutors on the course would be involved in providing tuition.

³ Emphasis is as set out in the original text.

had been made to add a new unit for the next academic year specifically for preparation for audition⁴. Ms C was also told that the Curriculum Manager had reported that Ms C had not brought any issues about members of staff, rehearsals or productions to him. She was told that students had only been informed that they 'may' be able to tell students on the day.

10. Ms C was unhappy with this response and wrote to the College again. She provided the College with copies of emails to members of staff, including the Curriculum Manager, which showed that she had raised issues previously. In their response, the College noted that the letter informing her of the result of her audition had been posted within seven days and that this was within an acceptable time frame. They also said that it was not unusual for students to be informed verbally of the outcome of an audition in advance of receiving formal notification. They said that, while they had accepted the issues with tutorials, course team leaders and tutors would have been available to deal with issues. The College stressed they took their responsibilities to students very seriously.

(a) The College did not provide Ms C with appropriate support

11. In my enquiries to the College, I asked them to confirm that there had been only one tutorial, given the Guide had referred to weekly contact with the Course Tutor. They said that, in addition to induction at the start of the course, Ms C had access to one timetabled tutorial session in the first term and a pre-exit tutorial.⁵ They added that the Curriculum Manager had joined regular timetabled classes to give students the opportunity to raise issues with him informally. They could not confirm how often this occurred. An email to the Curriculum Manager dated 22 March 2007 referred to his attending class recently. The email also said the students had bumped into the original Course Tutor that day and only then became aware he had not been in this role since December.

⁴ In commenting on a draft of this report, the College explained that this change had been in response to general feedback from students.

⁵ In her comments on a draft of this report, Ms C has said she did not attend an exit tutorial. She said she was not directly offered one but remembered a notice on the student notice board in the last days of term which may have referred to this. She did not attend the last two days because of the problems she had had following the audition.

12. I interviewed the Head of School⁶ and Curriculum Manager separately. I asked them both in general terms about the way the course tutorial system operates; support offered to students; and the specific problems that arose during 2006/2007. They both gave similar responses and in the following I draw on both interviews.

13. They confirmed that the Guide was a standard document and that practice relating to tutorials differed between courses. They had previously had weekly tutorials and students had not found these to be useful. The timetable provision given was one and a half hours each week for the duration of the course. Individual Course Tutors had the responsibility for allocating this time but, in practice, there would be full group tutorials at the start of the first term; each student would be allotted an individual one-to-one during the middle of the course; and there would be an exit interview at the end. They also described the other support mechanisms available to students. A support centre was located opposite the cafeteria and Extended Learning Support was available.

14. The Head of School confirmed that while the practice of this specific course was not in line with the Guide, he had no concerns about the way this operated and felt that this was a process that worked well and considered that students were provided with appropriate and adequate support.

15. During the interviews, it was accepted there had been problems with this particular course in academic year 2006/2007. Timetabling issues had meant it was not possible for a tutor already directly providing tuition to the group to take on the role of Course Tutor. While there had not been a problem with induction, the original Course Tutor was, as the term progressed, located off the central campus at the performance space. They said it became clear in the run up to the Christmas break that this was not working and tutorial provision was not operating. This had been raised by the students. The problem was discussed and, as it was not possible to find a replacement, the Curriculum Manager had said he would go to classes to let them know that they could contact him direct. Some tutorials were timetabled but it was not possible to ensure every student was allocated one. It was also accepted that the timing of the Christmas holidays and the Christmas performances associated with the course would have delayed this decision. It was confirmed that it was not envisaged this

⁶ This member of staff changed title during the course of 2006/2007 from Head of School to Associate Principal. To ensure clarity, I use only the first title.

problem would arise in the future, as the course now had additional staff resource.

16. I also asked whether they could have used other methods of communication with the students. 2006/2007 saw the move of the College to a new campus.⁷ During this time, there was no dedicated notice board for the course. The Head of School said they had found students often did not check their emails. This was changing and students were now actively encouraged to regularly check their College email accounts. However, he said they found then and often still found that direct communication was often the best route for passing on information to students.

17. In my enquiries to the College, I also asked whether specific support had been provided to Ms C. The College said that staff had met with Ms C informally, in response to issues raised, and that course work support was offered. Ms C said that she had met with staff informally on occasion; this was in part because of her role as class student representative. However, she said she had never been offered specific course work support and that her course work was always up to standard. I asked whether they had evidence of response to the emails Ms C had provided to them as part of the complaints process. These emails raised concerns she had about the standard of some of the tuition she was receiving. The College explained that their system showed one email had received a reply but the way they currently stored emails did not allow them to retrieve this or any other response as emails would only be backed up for a month. They said they were in the process of developing an archiving system.

(a) Conclusion

18. In my interviews with College staff, it was clear that they had a good understanding of the role of the Course Tutor and the ways students could access additional help and support where required. The College had also responded to student feedback by providing an additional unit to the course to help with audition preparation (see paragraph 9).

19. The College have also accepted that there were genuine problems with providing tutorials for this specific course in 2006/2007; explained the actions

⁷ In comments on the draft report, the College noted that they were experiencing a significant volume of change during this academic year.

taken to mitigate this at the time; and provided reassurance that this will not occur again.

20. It is not possible to say whether the provision of these tutorials would have affected the outcome of Ms C's audition. Ms C has said her course work was always up to standard but that she did feel the additional support of the tutorials should have been provided. The Head of School has said he felt the current system provided adequate and appropriate support, within a context where other support mechanisms are available. The appropriate level of support for this course was, broadly speaking, a matter of academic judgement and I do not comment further. However, I consider that Ms C's expectation was reasonable given the Guide. In the circumstances, I partially uphold this complaint, to the extent that the information provided about this aspect of the course was inaccurate.

21. The way emails are archived mean it is not possible for the College to demonstrate that Ms C had received appropriate responses to concerns she raised about the quality of tuition. It is not the role of this office to lay guidance on archiving policies and I do not do so here, however, comment is made below on the failure of the College to consider these emails as part of their investigation of the complaint.

(a) Recommendation

22. The Ombudsman recommends that the College:

- (i) ensure the information provided to students about tutorials and the role of the Course Tutor is in line with current practice; and
- (ii) apologise to Ms C for the failure to ensure that the course handbook explained clearly the role of the Course Tutor for her course.

(b) The College did not deal appropriately with Ms C's audition process and communication about this

23. Ms C attended for audition on 7 June 2007⁸. She said that she had a positive response during the audition and, shortly afterwards, approached the Curriculum Manager to ask about the result. He advised her she would receive a letter in due course and that if she wished more information she should

⁸ This is the date given on the audition form. Ms C has said she attended on 30 May. While I have used the date given on the form in the report, it should be noted that the conclusions would remain the same if the date 30 May had been used.

contact the members of staff involved in the audition. Ms C was unable to do so and, some days later, not having received a letter, asked a tutor (the Tutor) to approach the Curriculum Manager who was then in the staff area. She said the Tutor returned and told her that it was a 'negative'. A letter was sent on 14 June 2007, confirming she was not going to be allocated a place. Following a Freedom of Information request, she became aware that a note had been placed on her application form to delay the sending of the letter until after 12 June. She was informed this was because the College had not wanted to release the letters until they knew that none of those who had been offered a place had refused.

24. In responding to a written enquiry, the Tutor was asked for his recollection of events, he said he had indicated to Ms C that they could not confirm the position and she should wait to receive a letter.

25. In their response to Ms C's complaint, the College accepted that students were sometimes informed at audition that they had been accepted. They did not deal with her specific concerns about the way she said she had been informed by the Tutor. In my interviews with the Curriculum Manager and the Head of School, they accepted that it would have been more appropriate not to inform anyone. They said that they felt it was important to ensure all applicants, including those who were not currently students of the College, received feedback and this was, in part, the reason why this practice occurred. However, this could be done through the offer of a follow-up meeting, which was already standard practice.

(b) Conclusion

26. The letter confirming Ms C had not been successful was sent on 14 June 2007. This was not a significant period of time after the audition and I do not find this unreasonable. Nor do I have concerns about the decision to delay sending letters until it was clear that there were no additional places which could be offered because students had refused places. However, Ms C was aware following the audition that some of her fellow students who had also applied had been informed they were successful. It is understandable that she also sought confirmation of the position.

27. The Tutor and Ms C have different recollections of the conversation which occurred as a result. Ms C clearly left the College with the impression she was told that she was not successful and this was subsequently confirmed. In the

absence of direct evidence of the conversation, it is not possible to say what was said precisely. However, the real issue is that Ms C was concerned because she knew other students had been informed of the result. The College accepted in their response to her that students were sometimes informed at audition they were successful. If the College had a policy that no one was informed either on the day or later of the outcome informally in advance of other students, then this anxiety and this meeting would not have occurred. I understand the College do wish to support their students but this inconsistency in practice clearly causes concern and, at interview, it was accepted by College staff that it would be more appropriate not to inform students of the outcome in this way. In the circumstances, I partially uphold this complaint, to the extent that there was inconsistency in the way students were informed about the outcome of their auditions.

28. The College also delayed informing Ms C until they were certain all places had been allocated. I understand the reasons for this and, as there is no evidence this was applied inconsistently to students in this position, I do not criticise them for this. However, any delay will cause concern to students and I know the College wish to avoid this. I, therefore, suggest that the College consider whether they could adopt the practice of informing students that they were unsuccessful but there was a waiting list if anyone chose not to take a place.

(b) Recommendation

29. The Ombudsman recommends that the College:

- (i) review their policy surrounding the methods used to inform applicants of the results of auditions; and
- (ii) apologise to Ms C for the inconsistency which occurred in the way applicants were informed.

(c) The College mishandled their response to Ms C's complaint

30. Ms C first wrote to the College on 15 June 2007. She also submitted a complaint form. The College said they responded on 12 July. Ms C did not receive this response and contacted her MSP, who wrote on 26 July 2007. She also contacted the College again.

31. The College replied to Ms C on 20 August 2007 and said they had no record of the letter from the MSP. They provided details of the information which they said they had sent in July. Ms C had also made an information

request to the College. She was concerned by aspects of the information she received and was also unhappy with the response. Ms C wrote again to the College on 3 December 2007. It was at this stage that Ms C submitted additional material (see paragraph 10). The final response was dated 18 December 2007.

32. The College had a four stage complaints process (see Annex 2). Ms C said she was not aware of the details of this at any stage during her complaint. She wrote initially to the Head of School and, as she remained unhappy, the Principal. She received replies from the Head of School⁹ and the Assistant Principal. After undertaking a websearch she became aware she could complain to the Ombudsman's office. In her complaint to the Ombudsman, she said she was concerned about delays in the process and the responses received.

33. I interviewed the Assistant Principal who had been responsible for the second stage response and had general oversight responsibility for the complaints procedure. Previously, she had informed this office that the complaints procedure had been exhausted even although this had not gone to the third stage. At interview, she explained that she could exercise discretion to allow for some flexibility in the process. This allowed some complaints which made very serious allegations to be effectively fast-tracked so they would go to her and then the Principal. These often involved disciplinary issues. Other complaints did not go to the Principal as they would have been reviewed twice and if she felt that the position was unlikely to change this would simply have delayed the final response for the student. In a written response to a question about why the second stage letter did not contain information about Ms C's right to come to our office, the Assistant Principal had said that in her second stage letter, she had suggested a meeting as a way forward. She added she understood we could not review decisions relating to academic judgement. Information about our office was contained in a leaflet available to all students.

34. During the interviews, I asked all staff if they were aware of the complaints process. All had a good working knowledge of this or knew where to go for further information. I was informed all managers received training on the procedures.

⁹ Job title had changed as structural changes occurred throughout the year.

35. In the course of my investigation, the College provided copies of their completed complaint report documents, which detailed actions taken in response to both the first and second stage of this complaint. These said that at both stages 1 and 2 this matter was discussed with named colleagues. They also provided me with copies of the correspondence received, which included emails sent by Ms C in support of her complaint (see paragraph 10).

(c) Conclusion

36. The complaints procedure and guidance developed by the College, awareness amongst staff of the process and the recording of complaints were all of a good standard. I would commend the College for this. It is not clear why the letter of 12 July did not reach Ms C or the letter from the MSP reach the College. However, there is no evidence that this was anything other than a postal matter and I do not comment further on this. I would, though, suggest that the flexibility in the process referred to by the Assistant Principal be included in the process itself.

37. Nevertheless, I was concerned at some aspects of the communication and implementation of the complaint process in connection with this specific complaint.

38. The information given to students by leaflet is clear and positive. However, it does not explain the stages of the process or when it would be appropriate to come to this office. No information was given to Ms C in either response about how she could progress her concerns through the complaint process, although I note that she was offered a meeting with staff. In commenting on the reason why no mention was made of Ms C's right to come to this office, the Assistant Principal has said she understood we would not be able to review the decision not to offer Ms C a place on the course and that she had suggested a way forward. However, ultimately whether or not we can take action is a matter for this office to consider and there is a statutory obligation to inform students of their right to complain to us.

39. The report of the investigations showed matters were discussed with key staff at both stages. This is good practice. However, staff did not appear to fully appreciate that new evidence was being produced – the emails (see paragraphs 10 and 17) - and no response made to these. As has been noted above, the time passed since this complaint was made now makes it difficult to establish evidence around these. It also appears that the Tutor was not

contacted and the response on this concern was, therefore, general rather than specific (see paragraph 25). Both of these matters may well have been clarified if they had been dealt with during the College investigation and, in all the circumstances. I, therefore, uphold this complaint.

(c) Recommendations

40. The Ombudsman recommends that the College:

- (i) review the support and guidance given to staff investigating complaints; and
- (ii) apologise to Ms C for the failings identified in their handling of her complaint.

41. The College have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the College notify her when the recommendations have been implemented.

Explanation of abbreviations used

Ms C	The complainant
NC	National Certificate
HNC	Higher National Certificate
The College	Edinburgh's Telford College
The Guide	The Student Course Handbook
The Tutor	The tutor who Ms C approached to ask about the result of her audition

Telford College Complaint process¹⁰

Stage 1 - Complaint reviewed by Head of Department who works with the Associate Principal for that area who reviews the completed investigation report, drafts the letter and signs off the response.

Stage 2 – Complaint reviewed by an Assistant Principal who would pass to the Associate Principal of Learning to investigate if required.

Stage 3 – Appeal stage – Reviewed by Principal whose view is final

Stage 4 – External stage – complainant can come to the SPSO.

¹⁰ My summary based on the College's internal procedure documentation.