

Case 200700760: University of Glasgow

Summary of Investigation

Category

Scottish Further and Higher Education: Higher Education, complaints handling

Overview

The complainant (Mr C) was a post/graduate student at the University of Glasgow (the University) studying for a doctorate in a science subject. He complained about aspects of the supervision of his study and about the way his appeal and complaint were handled.

Specific complaints and conclusions

The complaints which have been investigated are that the University:

- (a) did not provide adequate supervision for Mr C's PhD (*not upheld*);
- (b) did not provide an agreed placement (*not upheld*);
- (c) did not appropriately consider concerns about a key reagent (*not upheld*);
- (d) did not handle an academic appeal properly (*not upheld*);
- (e) did not handle a complaint properly (*upheld*); and
- (f) did not maintain adequate records in relation to Mr C's progress (*upheld*).

Redress and recommendations

The Ombudsman recommends that the University:

- (i) reinforce the good practice of maintaining a written record of significant events, such as decisions about a student's placement;
- (ii) apologise to Mr C for shortcomings in their handling of his complaint;
- (iii) take steps to ensure that complainants are given clear and accurate advice about the status of their complaints; and
- (iv) considers whether there are situations where it should be obligatory that accurate records are kept of meetings when supervisors are discussing serious concerns about the progress of a student.

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

Main Investigation Report

Introduction

1. Mr C began his PhD at the University of Glasgow (the University) in October 2001. He was undertaking a piece of laboratory based research under a studentship scheme, which involved collaboration with an industrial sponsor. In the course of his research, staff began to report concerns about Mr C's progress and Mr C reported concerns about a protein reagent he was working with. By mid 2004, the University concluded that Mr C was not making sufficient progress and did not allow him to conclude his degree. His period of study ended on 30 September 2004. Mr C appealed this decision, seeking more time to complete his research, on the basis that his supervision had been inadequate. The University advised him that his concerns about the quality of his supervision should be addressed by means of the complaints procedure and that any academic appeal should concern matters of alleged faulty procedure. Mr C's appeal was never formally heard as the University did not consider that he had submitted an acceptable appeal. Communications continued between Mr C and the University about the issues he raised until he referred the matter to the Ombudsman on 11 June 2007.

2. The complaints from Mr C which I have investigated are that the University:

- (a) did not provide adequate supervision for Mr C's PhD
- (b) did not provide an agreed placement;
- (c) did not appropriately consider concerns about a key reagent;
- (d) did not handle an academic appeal properly;
- (e) did not handle a complaint properly; and
- (f) did not maintain adequate records in relation to Mr C's progress.

Investigation

3. To investigate this complaint, I reviewed correspondence between Mr C and the University, including letters from his legal representatives (the Lawyers), considered relevant policies and procedures, and met with senior members of the University staff to clarify issues surrounding the supervising of research students. In addition, the University provided me with a written statement of the provisions for students who wish to raise concerns about their supervision.

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

Background

5. Faculties within the University produce guidance for research degrees which sets out, among other things, the respective responsibilities of students and supervisors. A supervisor's responsibilities include giving feedback and guidance, and a student's responsibilities include raising issues that arise and maintaining the progress of their work. Although a research degree is not formally examined until the final thesis is submitted, the guidance also sets out the framework for giving formal feedback on progress at annual review meetings. All research degrees require students to take the initiative in producing work that makes a significant contribution to knowledge. The introduction to the Scottish Credit and Qualifications Framework states that, to attain the standard appropriate for a doctorate, a student should 'exercise a high level of autonomy' and 'take full responsibility for their own work'. In addition to a supervisor, students in the faculty where Mr C was undertaking his research are provided with an assessor, whose role is 'to provide an additional layer of advice and support, but also to act in a monitoring capacity to help the student's progress' throughout their research programme.

6. The relevant guidance note for research students states, on page 18, that 'the responsibilities of the supervisor should include: 'a) Giving guidance on the nature of research and the standard expected, the planning of the research programme ...'

7. It is also worth setting out some of the constraints within which the Ombudsman must investigate matters relating to universities. The Scottish Public Services Ombudsman Act 2002, Schedule 4, paragraph 10A, prohibits the Ombudsman from investigating 'action taken by or on behalf of [a university] in the exercise of academic judgement relating to an educational or training matter'. This means that I must not investigate any matter relating to the quality of a student's work or the quality of the academic input by members of university staff.

(a) The University did not provide adequate supervision for Mr C's PhD

8. Academic staff supervising research degrees submit an annual report which outlines the student's progress. The student's assessor also makes

comments in the report. Similarly, students complete an annual report, which asks for details of contact with their supervisor and invites the student to report any difficulties. In the reports for the first two years of Mr C's study (2001/02 and 2002/03), he did not report any difficulties with his supervision. However, his supervisor (the Supervisor) noted significant concerns about Mr C's progress in his report for 2002/03.

9. I have seen the reports for the three years Mr C was a PhD student, and they are all completed and signed. These forms indicate no problems for the year 2001/02.

10. For the year 2002/03, the Supervisor said he had 'considerable concerns' about Mr C's progress and identifies his progress as weak. The Supervisor also said 'We have recently modified the project but it remains to be seen if this will solve the problems. I have discussed this with the Divisional graduate school representative on a number of occasions'.

11. Mr C's assessor (the Assessor) in his comments in the 2002/03 progress report said: 'I have recommended that [Mr C] produce a set of 'aims and objectives' for the next year, and a precise experimental plan and a set of achievable targets as a basis for consultation with his supervisor'.

12. For the year 2003/04 the Supervisor identified Mr C's progress as 'unsatisfactory', and said 'I cannot envisage a thesis suitable for the degree of PhD being submitted'. When signing the Supervisor's report Mr C noted 'I have seen this form but I don't agree the comments'. Mr C's student report for that year expressed a high degree of dissatisfaction with the support he was receiving, and in signing the report the Supervisor said 'I have seen the form but I am not in full agreement with the comments'.

13. Mr C, in his report for the year 2003/04, noted a number of concerns about the Supervisor. Specifically, he reported difficulties in communication, problems with some of the processes he was undertaking in the laboratory, requests by the Supervisor for him to do work that was not related to his research, and the absence of a plan of experiments.

14. Mr C has said to me in a letter of 6 May 2009 'that it was the sole responsibility of my academic supervisor and not the student's to make a plan of experiments'. In the same letter he said that 'the guidance notes for research

students clearly show that under the responsibilities of the student there is no requirement to do any planning of the research programme'.

15. In 2003 and 2004 Mr C raised concerns about the way the Supervisor managed the completion of the reports. There are number of emails about this between Mr C and the Assessor, and between University staff. An internal University email of 13 September 2004, from the Director of the Graduate School said:

'[Mr C] came to see me today. I agreed with him that it is not appropriate for [the Supervisor] to withhold his report or to 'titrate' his own remarks in response to [Mr C's] ... I note exactly the same scenario unfolded last year (you emailed about it – 11 Sept 03!). I reinforced then the advantage of keeping the report open. However, either party has the possibility of lodging a separate, confidential report directly with the graduate school. The mutually open, countersigned annual report represents a minimum requirement.'

(a) *Conclusion*

16. It is difficult to gain a clear picture of the interactions between research students and their supervisors. In a laboratory context, these interactions are frequent, even daily. Progress reports offer some indication of issues that have arisen and provide students with an opportunity to raise concerns. There are further opportunities for students to express concern about supervision, or any other aspect of their research. They are free to contact the Students' Representative Council, the Director or Administrator of the Graduate School, the Divisional Post/graduate Co/ordinator and a number of other University staff. Most significantly, research students have a second supervisor or assessor with whom they can raise issues.

17. Mr C did express his concerns about the way the Supervisor managed completion of the annual reports in both 2003 and 2004. However, I have seen no evidence that Mr C raised concerns about the adequacy of the supervision he was receiving before 2004. Mr C has said to me that he did not raise concerns about the quality of supervision earlier was because of the way the Supervisor managed the completion of the annual reports.

18. Mr C raised issues about supervision in his 2003/04 progress report. He was concerned about the Supervisor 'diverting' him onto tasks which were not relevant to his research. It is not possible for me to comment directly on this

matter of academic judgement, but I am satisfied that Mr C made use of the opportunity to raise his concerns and that the University took them seriously. However, I have not seen evidence that this concern was raised formally earlier in the period of study.

19. Mr C has argued that it was the responsibility of his supervisor to draw up a plan of experiments. He has also said that 'under the rules and regulations the student does not have any responsibility to do any panning of the research programme'. I do not accept this. In my view there is a clear difference between the Supervisor's responsibility, set out in University guidance, 'to give guidance on the nature of research and the standard expected, the planning of the research programme ...' and the drawing up of a plan of experiments. The Assessor's comments on the second year report are clear in saying that Mr C, not the Supervisor, should 'produce a set of 'aims and objectives' for the next year, and a precise experimental plan and a set of achievable targets as a basis for consultation with his supervisor'. I do not accept Mr C's argument that the Supervisor had a responsibility to draw up any detailed plan of work. Moreover, the guidance notes for students, which Mr C has copied to me, states in section 7.1 'Don't expect your supervisor to be expert in all aspects of the work'.

20. In his statement of complaint to the University, Mr C cited as evidence of poor supervision the fact that the Supervisor had asked post/doctoral staff at the laboratory to assist him in his project. The University regard this as an acceptable arrangement and Mr C reported that this support was, in itself, satisfactory. I see no reason to criticise this approach.

21. The evidence suggests that there was strain in the relationship between Mr C and the Supervisor towards the end of his period of study. The systems in place allowed Mr C to raise his concerns about this and the University responded reasonably. Although it is credible that this strain could have had an adverse impact on Mr C's work, I have not found evidence to conclude that the supervision was inadequate. The appropriate progress reports were completed, albeit with some difficulty. Given that Mr C raised his concerns about these difficulties with other members of staff in 2003, I do not accept that these difficulties need have prevented him raising other concerns about supervision at that time. It is not possible for me to conclude that the disappointing outcome for Mr C's was the result of poor supervision. For all of these reasons, I do not uphold this complaint.

(b) The University did not provide an agreed placement

22. As noted above, Mr C's research was set up in collaboration with an industrial sponsor. As part of this arrangement, a three month placement with an industrial sponsor is normally offered. Such a placement was not arranged for Mr C and he cited this as a 'procedural failure' in his letter to the University outlining his grounds for appeal. He has said to me that in not arranging a placement, the University was in 'breach of contract'.

23. In response to this concern, the University said that the reason they did not arrange a placement for Mr C was that they did not consider that he had made sufficient progress in his research and that there would be nothing to be gained from such a placement.

(b) Conclusion

24. There is nothing in writing to confirm the University's decision about Mr C's placement and this is of concern. However, I see no reason to question a decision which was theirs to make within the exercise of their academic judgement. Therefore, I do not uphold this complaint.

(b) Recommendation

25. Although I do not uphold this complaint, I recommend that the University reinforce the good practice of maintaining a written record of significant events, such as decisions about a student's placement.

(c) The University did not appropriately consider concerns about a key reagent

26. In his annual progress report for 2003/04, Mr C reported concerns about a protein reagent he was using, which was not behaving as it should have. He considered that this was having a significant adverse impact on his research and that the Supervisor had not responded adequately to his concerns. In his letter outlining the grounds for his academic appeal, Mr C stated that the problems with this reagent became obvious to him in February 2003. He believed that the problems existed before he began his research. He said that the Supervisor had denied that there was any problem with the reagent. Mr C said that he then referred his concerns to the Assessor who investigated the issue over 'a period of several months'.

27. In their response to me, the University offered a different perspective on this issue, which was that the exploration of issues such as that raised by Mr C

was a normal part of the research process and that there are often errors in protein reagents which then need to be re/examined. They also said that they considered this issue to be peripheral to the academic process.

(c) Conclusion

28. I am not in a position to make any comment about the substance of Mr C's concerns about the reagent. My conclusion must, rather, be based on the adequacy of the University's response to problems that arose, and the reasonableness of their explanation of their conclusions. The evidence is clear that Mr C did use the avenues open to him to raise his concerns and that the University responded conscientiously. Their explanation that issues of this sort are integral to the research process is not unreasonable.

29. I have noted that the progress report for 2002/03 made no mention of this issue some seven months after Mr C first noted his suspicion that there was a problem with the reagent. Mr C, the Supervisor and the Assessor each contributed to this document. While I am reluctant to make any significant argument from this silence, it does add some weight to the conclusion that this issue was not seen as a major one at this time.

30. With all of this in mind, I do not uphold this complaint.

(d) The University did not handle an academic appeal properly

31. Mr C indicated that he wanted to appeal the University's decision that he should not be allowed to continue with his PhD by writing to the University on 19 November 2004. He stated his grounds for appeal as 'inadequate supervision'.

32. The University responded on 29 November 2004 indicating that Mr C had raised two separate issues: the allegation of inadequate supervision should be considered as a complaint and an appeal could only address procedural issues. They included a copy of the relevant regulations and advised that Mr C should send evidence to support his allegations and should state his desired resolution to the matters raised.

33. The University wrote to Mr C again on 10 December 2004 further explaining that the question of the adequacy of his supervision was a matter for the complaints procedure and directing him to the relevant section of the regulations which set out acceptable grounds for appeal. The letter concluded

by saying, 'If you do wish to pursue an appeal in addition to a complaint, I would be grateful if you would send me a letter which states your grounds for appeal and the outcome you desire from the appeal'.

34. The next exchange of correspondence relating to Mr C's appeal occurred in May 2005. Mr C had instructed the Lawyers to act on his behalf. The Lawyers wrote to the University on 12 May 2005 asking what their understanding was of the current status of Mr C's appeal. The University did not respond to this letter.

35. The Lawyers wrote to the University again on 1 March 2006 asking for information about the progress of Mr C's appeal. The University responded on 29 March 2006 noting that they had not responded to the previous letter of 12 May 2005. The officer of the University who wrote to the Lawyers said that he had investigated this 'apparent breakdown in communication'. He reported that the University had assumed that Mr C's subsequent Data Subject Access Request for copies of his file had superseded the correspondence about the academic appeal. He also noted that Mr C had been advised how to make an acceptable appeal in November and December 2004 but that no letter of appeal had been received.

36. There was a further exchange of letters between the Lawyers and the University in August 2006. In their letter of 30 August 2006, the University again underlined their position that Mr C had not submitted a formal appeal.

37. By November 2006, Mr C had decided to continue his correspondence with the University without the services of the Lawyers. He wrote to the University on 2 November 2006 outlining his detailed grounds for appeal and noting that the delay in doing so had been caused by 'mis/management' by the Lawyers. The University wrote to Mr C on 15 November 2006 with their decision that they could not examine an appeal that was submitted almost two years after the decision being appealed. They considered that they had given Mr C adequate advice on how he should submit a valid appeal in their letter of 10 December 2004 and stated that they had not received such an appeal. They told Mr C of his right to refer these matters to the Ombudsman.

38. In his complaint to the Ombudsman, Mr C said that the University could have informed him that any appeal would be out of time when they corresponded with the Lawyers over the previous months.

(d) Conclusion

39. The University responded promptly to Mr C's initial letter of 19 November 2004 which indicated his intention to appeal. They gave appropriate advice about how and on what grounds an appeal could be submitted. It is clear that no detailed formal appeal was submitted until Mr C's letter of 2 November 2006. The University's decision not to accept an appeal at that stage was one they were entitled to make.

40. There were delays in this process and these were caused by a combination of inattention by the Lawyers, which they have acknowledged, and misunderstanding by the University. This misunderstanding was based on an assumption that Mr C had set aside his pursuit of an academic appeal in favour of a request for information in pursuance of his complaint. Given the time that had elapsed since Mr C first intimated his intention to make an appeal, this assumption is understandable, though it may have been advisable for the University to seek clarification on this point.

41. In a similar vein, Mr C complained that the University did not inform him of the time limit for making an appeal earlier in the process. Given that it was not clear to the University that Mr C still intended to make an appeal, it is not surprising that they did not pass this information on to him and I would not criticise them for this. Taking all of these factors into account, I do not uphold this complaint.

(e) The University did not handle a complaint properly

42. Mr C's complaint to the University was intimately bound up with the issues he intended to raise as an academic appeal. Therefore, the process was much as detailed in complaint heading (d). The University advised Mr C of the difference between the appeals and complaints procedures in their letter of 29 November 2004. They told Mr C that they would forward his letter to the Dean of the faculty and asked him to supply further information. In particular, they asked for any further evidence he had, an indication of his desired redress and suggestions of which members of staff the University should consult in their investigation.

43. In their letter of 10 December 2004, the University told Mr C how to make an appeal and noted that they had advised him that his concerns about the

adequacy of his supervision 'may be grounds for a complaint, which [a senior member of staff] is taking forward'.

44. The next correspondence from Mr C was a letter from the Lawyers on 12 May 2005, as noted in paragraph 34, and the rest of the interaction between the parties was as outlined above. When Mr C wrote to the University stating the grounds for appeal on 2 November 2006, he also wrote with a detailed statement of complaint. As with his appeal letter, he outlined his reasons for the delay in providing a detailed complaint, namely, the difficulties he was experiencing with the Lawyers.

45. The University responded to Mr C's complaint letter on 23 November 2006 in similar terms to their response to his appeal. They considered that the complaint was out of time and would not conduct a formal investigation. They noted that Mr C had been advised of the complaints procedure when he first communicated his concerns.

(e) Conclusion

46. The University advised Mr C of their complaints procedure promptly and clearly. They also asked Mr C for specific information which was needed for them to take their consideration of the complaint further. He did not supply this information. However, I can understand why Mr C may have understood that the University were dealing with his complaint. In paragraph 43 I referred to a letter which seemed to suggest that this was so. Furthermore, the University did not respond to the Lawyers' request for an update on the status of the complaint. While it is understandable that the University may have considered Mr C's request for information to have superseded his pursuit of an appeal (see paragraph 35), it is less understandable in relation to his complaint. It is not unusual for complainants to make such requests in the course of making their complaint.

47. Between December 2004 and November 2006, the status of Mr C's complaint was not clear to him. There were times when there appears to have been little activity between the parties. It seems that the University did not consider that they were investigating a formal complaint because they had not received one that had been clearly made, despite having advised Mr C how to do this. However, I consider that the University had sufficient indication from Mr C that he remained dissatisfied when they received the letter from the

Lawyers of 12 May 2005. They did not follow/up on this letter and, for that reason, I uphold this complaint.

(e) Recommendation

48. The Ombudsman recommends that the University apologise to Mr C for shortcomings in their handling of his complaint and take steps to ensure that complainants are given clear and accurate advice about the status of their complaints.

(f) The University did not maintain adequate records in relation to Mr C's progress

49. Part of the supervision system in the University is that every year the supervisor and the assessor complete an annual progress report which is signed by the supervisor, the assessor, and the student. The student also completes an annual report, which should be signed by the same people. In Mr C's case these reports were all completed and signed.

50. Mr C had a number of meetings with the Supervisor and other members of staff about his annual progress reports and related matters. There are no minutes or notes of any these meetings.

51. An internal University email of 30 September 2004 from the Director of the Graduate School said:

'... I can only recommend that some sort of clear exit strategy is actively considered now ... As you'll be all too well aware, finishing 3 years of nominally PhD work without any prospect of even an MSc by research is highly unusual. If that is your realistic judgement and advice ... you will need to discuss the outcome with [Mr C] in a formal meeting. I strongly recommend that any such meeting be minuted and a version of the minute signed by you all be lodged with the graduate School.'

No record of such a meeting exists.

52. At the time it was not a requirement for supervisors to keep records of such meetings. The University have told me that many supervisors 'would consider that records of such meetings are not required'. However, supervisors are now advised to do so, especially when a student's progress may be less than satisfactory.

53. In May 2005, Mr C requested information from his file by way of a Data Subject Access Request to the University. However, some pages of the report for 2002/03 were missing.

54. On 15 August 2006 the Lawyers wrote to the University and requested missing documentation, including records of meetings involving Mr C, the Assessor and the Supervisor. The University responded on 30 August 2006. They said that there were no records of the meetings, but they did provide the missing pages of the report and apologised that they had not been supplied with the rest of the information in 2005.

55. I asked the University about the lack of records of meetings. The University told me:

'... at the time there was no requirement for supervisors to keep notes of all meetings between supervisor and student ... some supervisors do take notes of meetings when the progress of work undertaken is being reviewed or when plans for future work are being discussed but we understand this is not obligatory. Supervisors are now advised to keep minutes of these review meetings, especially when a student's progress may be less than satisfactory ...'

The University have also commented to me about the lack of records of the meeting referred to in paragraph 55 that: 'this was not a requirement [so] there was no procedural failure. We accept, however, that this would have been good practice'.

(f) Conclusion

56. The page that was missing from Mr C's file was an important one. It included a record of comments by the Assessor and the Supervisor about his progress at a significant stage of his research. I have noted that Mr C had signed the report he was requesting so was aware of its existence, and I have also noted that he did not follow up his information request for over a year. When Mr C did follow up this request the University supplied the missing pages and apologised for their previous omission.

57. The Supervisor had clear concerns about Mr C's progress during the second and third years of his studies. By 2004 the level of concern about Mr C's progress was such that there were doubts he could even achieve an MSc. Such a situation was exceptional and I am concerned that no records

exist of discussion with Mr C about his progress at that time. This concern is confirmed by the comments made by the Director of the Graduate School in his email of 30 September 2004. While I accept that the University had no requirement for records to be kept of meetings between Mr C and the Supervisor about his progress, my view is that the circumstances were sufficiently serious that an accurate record of relevant meetings should have been kept. I uphold the complaint.

(f) Recommendation

58. The Ombudsman recommends that the University considers whether there are situations where it should be obligatory that accurate records are kept of meetings when supervisors are discussing serious concerns about the progress of a student.

59. The University have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the University notify him when the recommendations have been implemented.

Explanation of abbreviations used

Mr C	The complainant
The University	The University of Glasgow
The Lawyers	Mr C's legal representatives
The Supervisor	Mr C's academic supervisor
The Assessor	Mr C's academic assessor

List of legislation and policies considered

University of Glasgow Code of Procedure for appeals by students against Academic Decisions 2001

University of Glasgow Guidance Notes, Graduate School of Biomedical and Life Sciences 2001