

**Case 200602310: Glasgow Caledonian University**

**Summary of Investigation**

**Category**

Scottish Further and Higher Education: Complaint handling

**Overview**

The complainant, Mr C, raised a number of concerns that his daughter, Ms C, was not treated appropriately by her Practice Teacher (Practice Teacher 2) while on placement for her University course. Mr C also complained that Glasgow Caledonian University (the University) failed to act in an appropriate manner when considering Mr C's complaint.

**Specific complaints and conclusions**

The complaints which have been investigated are that:

- (a) the conduct of Practice Teacher 2 towards Ms C was inappropriate (*not upheld*);
- (b) the University failed to respond to questions put to them by Mr C (*not upheld*);
- (c) the University passed a complaint from the Council about Ms C to the Scottish Social Services Council when there was no requirement for them to do so and did not refer a complaint made by Mr C about Practice Teacher 2 to the Scottish Social Services Council (*not upheld*);
- (d) the way in which the University considered Mr C's complaint and conducted their investigation was not in line with their procedures (*partially upheld*);
- (e) the University interviewed Ms C for a number of hours without telling her the purpose of the interview (*not upheld*).

**Redress and recommendation**

The Ombudsman recommends that the University consider reviewing their complaints procedures to take into account complaints where there are one or more aspects which concern allegations of bullying or harassment, to ensure that such allegations are properly considered under the relevant policy.

The University have accepted the recommendation and will act on it accordingly.

## **Main Investigation Report**

### **Introduction**

1. Mr C's complaint arises from events that occurred when his daughter, Ms C, was a social work student at Glasgow Caledonian University (the University). As part of the course, students undertook placements. Ms C's placement was with a local authority social work department (the Council). During the early part of 2006, Ms C's academic tutor at the University was, at certain times, unwell and on sick leave. Additionally, her practice teacher (Practice Teacher 1) at the development where she undertook her placement was replaced by another practice teacher (Practice Teacher 2) on 18 April 2006. The practice teacher is responsible for determining whether the student has met standards required of them during their placement. Mr C advised that, having seemed to be proceeding well with her studies, there was a breakdown in Ms C's relationship with Practice Teacher 2, following which Mr C alleged her work was deemed not to have met the required standard. As a consequence, in order to be allowed to proceed into her second year of study, the University required her to repeat certain aspects of her course. Ms C alleged that she was bullied by Practice Teacher 2. Having complained to the University about this, Mr C alleged that the University failed to address the complaint made by him or consider the complaint appropriately. Mr C also complained that, having received his complaint against Practice Teacher 2, the University then passed a subsequent complaint about Ms C from the Council to the Scottish Social Services Council (SSSC), the body who register social work professionals, but did not forward details of his complaint to the SSSC.

2. The complaints from Mr C which I have investigated are that:
- (a) the conduct of Practice Teacher 2 towards Ms C was inappropriate;
  - (b) the University failed to respond to questions put to them by Mr C;
  - (c) the University passed a complaint from the Council about Ms C to the SSSC when there was no requirement for them to do so and did not refer a complaint made by Mr C about Practice Teacher 2 to the SSSC;
  - (d) the way in which the University considered Mr C's complaint and conducted their investigation was not in line with their procedures; and
  - (e) the University interviewed Ms C for a number of hours without telling her the purpose of the interview.

3. Mr C's complaint related in part to the conduct of Practice Teacher 2 towards Ms C, in relation to the feedback she provided to Ms C and her

subsequent marking of Ms C's work. Mr C alleged that this, along with comments made during a meeting, amounted to bullying behaviour towards Ms C. I have considered the question of an apparent discrepancy between the feedback given to Ms C by Practice Teacher 1 and Practice Teacher 2 and subsequent marking of her work, along with the subsequent decline in the teacher-pupil relationship, in the context of a complaint about bullying. However, I have not considered the relative merits of the course work submitted by Ms C. This is because this would be a matter of academic judgement and, therefore, outwith the jurisdiction of the Ombudsman's office under the Scottish Public Services Ombudsman Act 2002.

4. Practice Teacher 2 is a member of the Council's staff and is not employed by the University. The University's Complaints, Mediation and Resolution Procedure stated under point 1.4 that '[University] students who wish to make a complaint with respect to an industrial or clinical placement or any other aspect of a student exchange programme must in the first instance make their complaint to [the University]'. The University considered Practice Teacher 2's actions, having received Mr C's complaint, and it is this and the University's investigation which is being considered in this report.

5. In making his complaint, Mr C also made a complaint about the conduct of Ms C's academic tutor based at the University. Having made an enquiry of the University in the course of considering Mr C's complaint, I determined that the aspect of the University's tutor's conduct being complained about had already been considered by the University and the complaint largely upheld and action taken by the University. In these circumstances, I determined that this aspect of Mr C's complaint would not be considered further by the Ombudsman's office.

### **Investigation**

6. In investigating Mr C's complaint I met with Mr C and Ms C, considered their correspondence with the University and made an enquiry of the University. In response, the University submitted a substantial amount of evidence, including documentation pertinent to each aspect of Mr C's complaint and relevant procedures and policies of the University. These included documentation held and considered by the University in determining Mr C's complaint; a copy of the University's final report into Mr C's complaint; a copy of the paperwork considered by the University Appeals Panel; and a copy of both the University's procedures for considering complaints and specifically for considering complaints into accusations of bullying or harassment. I also

received and examined a considerable amount of complaints correspondence, some of which was provided by the University and some by Mr C, which included his annotations indicating his views on the matters being addressed.

7. 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.

**(a) The conduct of Practice Teacher 2 towards Ms C was inappropriate**

8. Mr C complained about the behaviour of Practice Teacher 2 towards Ms C and, specifically, that it amounted to bullying. This complaint was made directly to the University by Mr C in an email dated 27 July 2006 and followed up a number of accusations made by Ms C. In particular, in the casework extension request form submitted to the academic tutor, Ms C mentioned being reduced to tears, physically shaking and being unable to eat anything.

9. Social work students at the University undertake a placement as part of their study during which their work is periodically reviewed. Ms C's placement at a development, run by the Council social work department, started on 13 February 2006. Initially, Ms C appeared to be progressing well, with no serious concerns being raised with her. She was recorded as making satisfactory progress and a direct observation of her work carried out by Practice Teacher 1 recorded her work as being of a good academic standard.

10. On 18 March 2006 Practice Teacher 1 ceased being Ms C's practice teacher and it was recorded that Practice Teacher 2 took over on 18 April 2006. In preparing for the mid point review in the placement, it was recorded that Practice Teacher 2 was of the view that there needed to be more progress in respect to certain aspects of Ms C's work.

11. Following this, during a meeting with Practice Teacher 2 and her University academic tutor on 21 July 2006, Ms C tape-recorded the meeting without the knowledge of the others participating. In investigating Mr C's complaint, the University did not consider or listen to the tape on the basis that it had been recorded without the knowledge of Practice Teacher 2 or the academic tutor. The University were of the view, having taken legal advice, that to consider the contents of the tape they would need the permission of Practice Teacher 2 and the academic tutor, which they were unable to get. The SSSC subsequently considered Ms C's actions in recording the meeting and

determined that, while she should not have undertaken such an action, it did not call into question her suitability to remain on her social work course. In investigating Mr C's complaint the Ombudsman's office sought legal advice on whether the Ombudsman's office were entitled to listen to, and consider, a recording made without the approval of those being recorded. The advice received was that the Ombudsman's office was not prohibited from taking into account covertly obtained evidence but that it was important to attach the appropriate weight to the evidence in terms of its reliability.

12. With regard to as the conclusion reached by the SSSC on the recording, I am of the view that their decision was reached in accordance with their role as a regulatory body and does not impact on the Ombudsman's responsibility to consider all the appropriate evidence available in investigating a complaint.

13. A substantial part of Mr C's complaint of bullying stemmed from the language which Ms C alleged Practice Teacher 2 used during the meeting. In making his complaint to the Ombudsman's office Mr C submitted a document produced by Ms C, detailing her version of what was said at that meeting. Having listened to the recording of the meeting, the transcription submitted by Mr C was largely accurate. Ms C described Practice Teacher 2's language as 'emotive, dismissive and coarse' indicating that Practice Teacher 2 had used a number of phrases and specific language which she deemed to be inappropriate.

14. Taken in isolation, some of the words used by Practice Teacher 2 during the meeting were not those one would expect to be used by a figure in authority towards a student. In seeking to determine Mr C's complaint, it was necessary to consider whether the context in which they were used made their use more or less appropriate and whether that would lead to this aspect of Mr C's complaint being upheld or not.

15. The meeting held between Practice Teacher 2, the academic tutor and Ms C was the final placement meeting, at which Ms C's progress during the placement would be discussed with her and a final decision made on whether or not she had met the learning outcomes she was expected to have met, having finished the placement. The recording lasts one hour 48 minutes and the meeting accounts for approximately one hour 20 minutes of that time.

16. The academic tutor's notes from the meeting indicated it was 'a difficult and at times rather acrimonious meeting, [Ms C] made several allegations that her P/T [Practice Teacher 2] was not telling the truth'.

17. In determining whether the language used amounted to behaviour that could reasonably be categorised as being inappropriate, I listened to the entire recording of the meeting, including the discussion which occurred around the specific quotes highlighted by Ms C. Having done, so I reached my conclusion as indicated in paragraph 28.

18. In addition to the language used during the meeting, Ms C received the final markings for her work during her placement at that meeting. She alleged that this, a fail, was out of line with the feedback she had been given previously. Ms C compared this with her notes from an earlier meeting with Practice Teacher 2, where Ms C's written notes of the meeting included Practice Teacher 2 using the following phrases, 'an excellent reflective piece ... Good for you [Ms C] ... Tremendous evidence in that piece of work ...'. At a meeting on 21 September 2007, Mr C explained to me that, in addition to the language used during the meeting, he also saw this discrepancy between the feedback received and the final marking of Ms C's work as being tantamount to bullying.

19. In the University's initial determination of Mr C's complaint they upheld, as well as the aspect relating to the academic tutor, the timing and consistency of feedback during Ms C's placement. The University stated that:

'It is acknowledged that there were some issues identified with the learning experience. Based on the findings that you received delays receiving feedback; [the University] academic tutor was off sick during your original placement; there were inconsistencies in the feedback provided and both [Practice Teacher 2] and academic tutor had stated that a shortened period should allow you to meet the learning outcomes and competencies required, it has been recommended that you re-enter a shortened placement as a First Attempt in parallel with your second year timetable ... The area of the complaint regarding the timing and consistency of feedback was upheld.'

20. The above referred both to Practice Teacher 2 and the academic tutor. This was confirmed by the University in their response to my letter of enquiry, when they stated that their investigation had upheld the first element of

complaint: that there had been delays and inconsistencies in feedback timing from both academic and practice tutors. The University went on to state:

'Some written feedback provided by [Practice Teacher 2] was also delayed, but verbal feedback was immediately provided. [Practice Teacher 2] reports that she spent considerable time preparing written feedback on the student's practice in order to make sure it was appropriate and well evidenced. Other work pressures also added to the delay in the written feedback on the student's practice. These delays were not excessive but did occur.

Our investigation did find that the feedback could appear inconsistent. For example, a change in practice teacher did occur due to maternity leave and the style of practice teacher feedback appears to have changed to a more direct nature. The feedback did not appear to be inappropriate, but it was different.

Though the combination of all these timing and consistency issues did not always represent 'best practice' they do not constitute unprofessional conduct nor did they represent 'bad practice'. However, as they could possibly have disadvantaged the student, the decision was made to allow the student to repeat the placement. All assessment material was reviewed by a third party and the fail was confirmed. Due to the points noted, an extraordinary decision was made to allow the student to re-enter a shortened placement as a first attempt and progress to year 2 of study.'

21. This is also evidenced by the note kept by the University of the meeting conducted as part of the University's investigation into Mr C's complaint. The meeting was attended by the Head of Division, Associate Dean (Quality) at the School of Health and Social Care. The note stated that 'It was confirmed that some feedback was delayed and that the mid placement meeting was also delayed'. This was reinforced by the investigation report written by the Head of Division, Associate Dean (Quality) at the School of Health and Social Care. This report stated under the heading, 'Complaint made in relation to the practice teacher' that '[Practice Teacher 2] had used the required criteria regarding the Key Roles but not in all eight roles. Different wording to describe student achievement was used in relation to learning outcomes which it was acknowledged could be confusing for students. Resolved to ensure all feedback provided using criteria.'

22. The University considered Mr C's complaint and in their letter of 6 October 2006 stated that 'Although it is clear that the relationship between the student and [Practice Teacher 2] had broken down, no material evidence could be identified in the investigation to substantiate the allegations of bullying and unprofessional conduct'. The University, therefore, did not uphold this aspect of Mr C's complaint.

23. Since beginning the investigation, the University informed me that the SSSC have completed an investigation into Practice Teacher 2 and found that there was no case to answer. The University have stated their belief that this corroborated the University's findings.

(a) *Conclusion*

24. Mr C complained that Practice Teacher 2's actions amounted to bullying. The first consideration is that of the language used during the meeting with Ms C on 21 July 2006. The University contend that there is anecdotal evidence that the language used was direct but that it was neither unprofessional conduct nor bullying.

25. Following the initial investigation into Mr C's complaint, Mr C, remaining aggrieved, escalated his complaint. The University's Appeals Panel then considered Ms C's complaint and the University's consideration of the complaint at a meeting on 6 November 2006. In so doing they noted that 'It was obvious that the relationship between the student and [Practice Teacher 2] had indeed broken down'. Rather than upholding Mr C's complaint that Practice Teacher 2's behaviour and language amounted to bullying, they stated their view that 'anecdotal evidence had been presented that [Practice Teacher 2] had been blunt in her dealings with the student'. The Panel were of the view that this bluntness did not amount to unprofessional conduct or bullying.

26. As indicated in paragraph 17, I listened to the recording of the meeting held on 21 July 2006. The language used during the meeting by Practice Teacher 2 was at times blunt but it is necessary to determine if it could be deemed as bullying or inappropriate. The use of language and whether offence is meant or taken is subjective and varies from context to context. In this situation we are discussing a meeting between the academic tutor, Practice Teacher 2 and Ms C. I would suggest that there is a necessity in such circumstances for language, given the power differential between a student and a teacher, to be appropriate but the choice of phrases are not to my mind wholly

inappropriate or offensive, given that we are considering a meeting between adults in a higher education setting and not between a school student and teacher.

27. A better choice of words could have been chosen but I do not regard the use of these words as having been used in a bullying way. With regard to the issue of feedback, it is clear from the University's comments that while the feedback appeared at times inconsistent this was accepted by the University and a course of action pursued in an attempt to ensure that Ms C was not disadvantaged. I am not of the view that what occurred was inappropriate.

28. In conclusion I am not of the view that there is evidence of inappropriate conduct with regard to Practice Teacher 2's actions and I am of the view that the University were entitled to reach the conclusion they did following their investigation in this regard. I, therefore, do not uphold this aspect of complaint.

29. I do, however, have some concern over the fact that a complaint of bullying, albeit one not subsequently upheld, was considered solely under the University's Student Complaint, Mediation and Resolution Procedure (the Procedure) and that Ms C was not made aware of potential support available under the University's Harassment Policy (the Policy). I consider this issue in greater depth in paragraphs 54 to 66.

**(b) The University failed to respond to questions put to them by Mr C**

30. In making his complaint to the Ombudsman's office, Mr C stated that the University failed to answer a number of his questions.

31. In the correspondence and documentation submitted by Mr C with his complaint, a number of specific questions were highlighted as being left unanswered by the University. These included a number of questions asked in an email to the University's Head of Division of Social Work and were as follows:

'Please let me know the outcome of your meeting with [Practice Teacher 2] and in particular whether she is still maintaining the accuracy of the contents of the [Council] complaint letter – if so which elements.'

32. The University's response, as indicated to me in their letter of 30 November 2007, that 'As previously intimated to [Mr C], [Practice Teacher 2] maintained the accuracy of her report and the [Council] complaint'.

‘Please let me know whether [Practice Teacher 2] now admits to the obscene language used by her in the final meeting with [Ms C].’

33. The University responded that ‘[Practice Teacher 2] did not agree that she used obscene language’.

‘Please let me know in specific detail what, if any, evidence you have found of any wrongdoing by my daughter in this matter.’

34. In response to my enquiry, the University stated that Ms C’s ‘behaviours and difficulties were discussed with her on several occasions’.

‘Please let me know whether [the University Academic Tutor] or [Practice Teacher 2] are prepared to agree to [Ms C] providing the corroborative information in her possession, relative to the final meeting, showing the complete accuracy of all the information provided by her and the numerous instances of inaccurate information provided by [the University Academic Tutor] and [Practice Teacher 2].’

35. The University commented that during the course of their investigation the academic tutor went on sick leave and the University had, therefore, been unable to ask her permission. They stated that Mr C had been made aware of this and that Practice Teacher 2 had refused permission.

36. Mr C also wrote the comment ‘Avoided answering’ over the question, ‘Please let me know whether you re-interviewed [the University academic tutor] and whether she now agrees to [Ms C]’s version of events at the final meeting, including the use of obscene language by [Practice Teacher 2].’

37. The University commented that ‘[the academic tutor] was interviewed as part of the complaint investigation process and did not support [Ms C]’s version of events and did not agree that obscene language had been used. Further discussion with [the academic tutor] has not been possible as she is on sick leave.’

38. In a letter from Mr C to the University’s Director of Quality dated 27 November 2006 and responding to the findings of the University’s Complaints panel, Mr C stated that ‘As regards the content of your letter I have

inadequate information to say with certainty that there has been a 'procedural error' partially as you have refused to answer me as to what information has been passed to the Complaints Panel'.

39. In response, the University stated that they 'had told [Mr C] on 25 October 2006 that we were not prepared to enter into further correspondence with him and that due process was underway'.

40. Additionally, Mr C stated in a document, submitted along with the statement of complaint to the Ombudsman's office, that the University did not reply to him with the conclusions that they were sending to the SSSC and advised Mr C that he could only access this information by way of a request submitted under data protection legislation. Additionally, Mr C also stated that the University failed to answer what he regarded as reasonable questions, including why Practice Teacher 2 did not mark Ms C's first four pieces of work from the placement, indicating whether they had passed or failed.

41. The University commented that 'There were various pieces of information requested by the [C] family that they were, rightly, advised to request under the data protection regulations. The [C] family were supplied with a draft of the letter that was going to be sent to the SSSC at a meeting attended by them, [the Head of Division] and [Associate Dean (Quality) School of Health and Social Care]. Some changes were made to that letter as a result of some of their concerns raised during a meeting on 9 October 2006'.

42. With regard to the complaint regarding the marking of the initial four pieces of written work, the University stated that 'this was discussed on two separate occasions with [Mr C and his wife] and with [Ms C]. The issue of feedback was one of the reasons [Ms C] was permitted to re-enter the placement at first attempt.'

43. Mr C stated in a letter to the University of 28 October 2006 that the failure to answer his reasonable questions amounted to maladministration. Mr C's letter of 28 October 2006 was in response to an email of 25 October 2006 sent by the University's Director of Policy. This stated, 'As you are aware a Complaints Panel has been convened and due process is now underway, which we shall complete as soon as is practicable. The University is not prepared to enter into any further correspondence with you on the complaint until the panel has reached a conclusion. At that point we will of course communicate the

panel's findings to you, your wife and your daughter. You will know from the e-mail response to you from [The University's Head of Division of Social Work] that all other matters with respect to your complaints are on hold until the Complaints Panel has come to a conclusion.'

44. This view was reiterated by the University in their response to my letter of enquiry, informing them that Mr C's complaint against the University would be investigated. They wrote 'The questions contained within the original complaint were answered in a number of written communications and in two face-to-face meetings with the family. It was only at a later stage when the frequency, tone and nature of requests from [Mr C] became, in our opinion, vexatious that [the University] stopped responding. This covers the period from 25 October 2006 onwards'.

*(b) Conclusion*

45. The decision of the University to attempt to draw a line under Mr C's correspondence immediately prior to the Complaints Panel reaching their decision is, in my view, a reasonable action for them to have taken. In the preceding two weeks Mr C had, from the evidence submitted to me, corresponded with the University 11 times, raising a number of questions and requests for information. From the evidence I have seen, the University endeavoured to answer these questions and requests for information. While I have no reason to doubt that Mr C's rationale for writing on a regular basis was to seek answers on his complaint about the way he believed his daughter had been treated, I believe that in these circumstances the decision to limit correspondence with a view to the University determining his complaint was understandable.

46. Given the relatively short period of time from when the University informed Mr C that they were not prepared to enter into correspondence with him (25 October 2006) until his complaint was determined (6 November 2006), I am of the view that this was not an unreasonable action for the University to take, for the purpose of allowing them to determine the complaint put to them without becoming distracted by supplementary information or requests. For that reason, I do not uphold this aspect of Mr C's complaint.

**(c) The University passed a complaint from the Council about Ms C to the SSSC when there was no requirement for them to do so and did not refer a complaint made by Mr C about Practice Teacher 2 to the SSSC**

47. On 16 August 2006 the Council submitted a complaint to the University headed, 'Alleged misconduct of student [Ms C]' and indicated that they were concerned about alleged unprofessional behaviour by Ms C at the final review meeting on 21 July 2006. The letter continued alleging that '[Ms C] was not open to feedback and is alleged to have become aggressive and abusive towards [Practice Teacher 2], allegedly calling her a 'liar' and aggressively accusing her of lacking professional integrity ... her unacceptable behaviour was repeated when the meeting resumed'.

48. The University's response to this aspect of Mr C's complaint was that, as a Higher Education provider of social work education, they are bound to comply with the SSSC rules and regulations. The University stated that these required them to inform the SSSC of a complaint or allegations made against a student, including students undertaking a placement which comprises an integral element of their study, as was the case with Ms C, regarding professional conduct. The University, having sought clarification from the SSSC that they were bound to inform them of the complaint, did so in a letter of 31 August 2006. The records show that on the same day the University also telephoned Ms C to inform her that they were taking this action.

49. In response to my request for sight of any guidance held by the University indicating what procedures should be followed in passing, or not passing, complaints to the SSSC, the University provided me with a copy of the SSSC's rules for social work training. In particular they drew my attention to Part II, page 16, 6.1(i) of those rules. This stated:

'The Course Provider will ensure that in respect of the course provision, all students are registered in accordance with [SSSC]'s Registration Rules and that they remain so registered throughout the time they participate in an approved course and that the Course Provider will also inform [SSSC] immediately in writing of any misconduct by a student that might call into question the student's registration with [SSSC], inform the student of that fact, co-operate with [SSSC] proceedings undertaken in terms of [SSSC]'s registration and conduct Rules and respond appropriately to the findings and decisions of [SSSC] made in terms of the registration and Conduct Rules.'

50. The University also indicated that they had taken advice from the SSSC about the nature of the complaint against Ms C and indicated that they had been told by an SSSC Conduct Case Officer that they should inform the SSSC of the complaint formally.

51. With regard to Mr C's complaint that the University did not also pass Mr C's complaint about Practice Teacher 2 on to the SSSC, the University's response was that they did inform the SSSC that the family intended to make a complaint about the alleged behaviour of Practice Teacher 2. However, as Practice Teacher 2 was an employee of the Council, the University's view was that it had no locus in informing the SSSC formally that a complaint had been made against another employer's member of staff. Ms C was informed by the University that the SSSC had procedures for raising complaints against social workers who were registered with them, which she could utilise.

*(c) Conclusion*

52. As indicated in paragraph 48, the University have explained their reasoning for passing the complaint about Ms C, received from the Council, to the SSSC and also copied to me regulations which they regard gave them little discretion in whether to do so or not. They have also indicated why they did not pass on the complaint received from Mr C about Practice Teacher 2 (see paragraph 51).

53. Having considered the University's response, I accept their interpretation of the SSSC's rule for social work training. To my mind, these do indicate a requirement for them, as a provider, to pass such information about one of their students on to the SSSC. Similarly, I also accept that Practice Teacher 2, although acting on their behalf as a training provider, is not one of their employees and any matter relating to her professional registration with the SSSC was rightly a matter for the Council and not the University. For these reasons, I do not uphold this aspect of Mr C's complaint and have no recommendation to make in this regard.

**(d) The way in which the University considered Mr C's complaint and conducted their investigation was not in line with their procedures**

54. Mr C also complained about the way in which the University considered his complaint and conducted their investigation. He complained specifically that the University had failed to follow their processes. In response to my letter of enquiry, the University provided me with a copy of the University's guidelines for

conducting complaints from, or made on behalf of, students. The document was the Procedure. The University stated that the Procedure had been approved by the University Senate and was in line with the Quality Assurance Agency Code of Practice on Academic Appeals and Student Complaints on Academic Matters.

55. The Procedure does not make specific reference to complaints received alleging bullying or intimidatory behaviour, beyond noting on complaints made under the University's Equality and Diversity Policy concerning harassment or discrimination that the complainant has the right to make a formal complaint via any member of the University that he or she chooses, above a specified level.

56. Separately, the University had the Policy which defined bullying and harassment and stated the procedures to be followed in the circumstance of a complaint being made of harassment or bullying. Such a complaint was made by Mr C, albeit alongside a number of other complaints, but the process followed by the University was the Procedure, which was not designed for dealing with conflict or harassment and, as a result, Ms C was not offered the service of a Harassment Adviser as is detailed in the Policy for staff and students.

57. The Policy defines bullying as:

'Offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions which cause the recipients to feel upset, threatened, humiliated or vulnerable, which undermines their self confidence and which may cause them to suffer stress.

Some examples include:-

- Shouting in public or in private
- Sudden rages, often for trivial reasons
- Persistent, destructive criticism
- Ostracism or, conversely, excessive supervision
- Inappropriate or derogatory remarks in connection with performance, particularly in front of other students/staff or copied into other students/staff in writing/by E-mail, to those who do not need to know/irrelevant parties.'

58. The Policy continues, 'A tutor/line manager's constructive criticism of a student's/employee's performance or behaviour is not bullying. Tutors/line managers have to constructively manage people and situations. Bullying does not include a student/member of staff being unhappy about a tutor/manager constructively identifying that they are not performing to agreed standards. If a capability issue arises it must be tackled and handled constructively using the relevant policy or procedure as appropriate.'

59. The Policy for staff and students also states that individuals should be able to access a University appointed Harassment Adviser who can, 'give advice on options for action ...' and '... support the complainant throughout 'informal or formal proceedings, if requested'. Such advice was not formally made available to Ms C in the progression of her complaint.

60. In their response to my enquiry, the University noted that the procedures followed by the University in investigating Mr C's complaint did vary from those outlined in the Procedure. The University contended, however, that the variance was slight and commented that 'at all times we have acted in what we believed was the best interests of the student who was permitted to continue with her studies against normal University regulations. If we had followed procedures exactly, this would have resulted in the student deferring her studies until the following session. The University Complaints Panel also confirmed that throughout the investigation, [the University] acted in the best interests of the student.'

*(d) Conclusion*

61. The University stated that their procedures are in line with the Quality Assurance Agency code of Practice on Academic Appeals and Student Complaints on Academic Matters.

62. It is, however, the case that Mr C's complaint ranged beyond academic matters. There is also an accusation of bullying. While the complaint was ultimately not upheld by the University, I believe that the University should have considered the suitability of considering a complaint about bullying under the Procedure and whether it should have been considered under the Policy.

63. It was Mr C, in making his complaint to the University on 11 August 2006, who stated that he wished his complaint to be addressed under the Procedure. I am satisfied that the University addressed the complaint under the Procedure,

but I regard it to have been the University's responsibility to consider the different aspects of Mr C's complaint under the correct processes, and not simply to comply with a statement from a complainant who would not have necessarily been suitably knowledgeable about the University's various policies.

64. Additionally, in an email from the academic tutor to the Head of Division of 21 July 2006, the academic tutor clearly made reference to Ms C making an accusation of bullying. I am of the view that such an accusation should have required a more immediate action under the University's policies than that taken at the time by the University. That said, the University transcribed in handwriting over a copy of Ms C's initial complaint, that the academic tutor raised with Ms C at a meeting on 9/10 May 2006 whether or not she wished to pursue formally her complaint of bullying. The note indicated that Ms C stated she did not wish to do so. However, the complaint was later raised specifically by Mr C, on Ms C's behalf, and considered by the University.

65. Mr C's complaint against the University was complicated, with a number of heads of complaint. At times the relationship between Mr C, Ms C and the University appeared to have broken down and communications became difficult. I am of the view that there is evidence that the University acted in good faith in attempting to resolve the complaint, made in part against an individual who was not a member of their staff but who was acting for them, and have attempted to ensure that Ms C was able to continue her studies. However, Ms C and later Mr C's complaint did incorporate an allegation of bullying and, given this, I have decided to partially uphold the complaint, to the extent that the University should have considered this under their specific policy for considering such complaints and offering advice to the complainant in respect to allegations of bullying and harassment.

*(d) Recommendation*

66. The Ombudsman recommends that the University consider reviewing their complaints procedures to take into account complaints where there are one or more aspects which concern allegations of bullying or harassment, to ensure that such allegations are properly considered under the relevant policy.

**(e) The University interviewed Ms C for a number of hours without telling her the purpose of the interview**

67. Mr C alleged that, on receipt of the letter of complaint from the Council about her alleged conduct (see paragraph 47), Ms C was interviewed about this

matter by the University's Head of Division of Social Work and the Associate Dean (Quality) in the School of Health and Social Care on 23 August 2006. Mr C alleged that Ms C was not told of the complaint from the Council or the purpose of the interview prior to the interview commencing.

68. In response to my letter of enquiry, the University firstly queried the use of the phrase 'interview' stating that rather than being an interview it was in fact a meeting related to the complaint made against the University by Mr C. The University stated that at a previous meeting on 15 August 2006 Ms C had been unable to attend for personal reasons. They stated that it had been agreed by those present, including Mr C and his wife, that in such circumstances a follow-up meeting should be arranged with Ms C and University staff. The meeting was that which occurred on 23 August 2006.

69. Mr C subsequently confirmed that the meeting had in fact been arranged approximately one week prior, with the intention of discussing 'a variety of matters' but he also stated that the question of a complaint from the Council was not on the agenda and he alleged that the complaint was one of the central matters discussed and that attempts were made to, in his words, 'persuade [Ms C] to admit that she had called [Practice Teacher 2] a liar'.

70. The University provided me with a copy of their internal minute of the meeting. This was a summary note of the meeting; it was not a verbatim minute of what was said but it did indicate the issues that were discussed. The preamble stated the meeting was a general discussion regarding the complaint and then defined the actual areas of discussion.

71. The file note did not specify whether, in referring to the complaint, it meant the complaint submitted to the University from Mr C or the complaint sent by the Council but the context of the discussion which was documented, for example, student staff relationships and boundaries and the interpretation and the use of feedback, indicated that it referred to Mr C's complaint rather than the complaint from the Council.

72. In response to my letter of enquiry on this matter the University stated that, although they were aware that the Council intended to lodge a complaint against Ms C, it had not been received by the time the meeting was arranged. The letter of complaint, dated 16 August 2006, had been received by the University by 23 August 2006 but had not yet been considered by the Head of

Division as he had been on annual leave. As such, the University contended that, while the meeting was not about the complaint, they were aware of it and consequently also made Ms C aware that a complaint had been received. The University provided me with a copy of the letter and while the date of its receipt by the University was not date-stamped on it, the letter was, as indicated, dated as having been written on 16 August 2006.

*(e) Conclusion*

73. As detailed in paragraph 70, the University have provided me with a copy of their record of the meeting of 23 August 2006. It is evident from that record that what was discussed related to the complaint made by Mr C to the University and was not an attempt to gather information for the purposes of considering the complaint from the Council against Ms C.

74. Secondly, it is apparent from the timing of when the meeting was set up, when it was held and when the University received the correspondence from the Council, that the purpose of the meeting was not to question Ms C about the Council's complaint. However, Mr C contends, on Ms C's behalf, that the complaint was raised at the meeting.

75. It is difficult to reach a judgement on what did occur when there are directly opposing views of the events that occurred. I am, however, drawn to accept the University's view on this matter given that they can provide me with evidence of a minute of the meeting and that, in my view, the chronology of the events supports their opinion of what occurred. I do not doubt that Ms C's recollection, as detailed by Mr C, is anything other than a sincere recollection of the events as she remembers them but, on balance, I do not uphold this aspect of Mr C's complaint.

76. The University have accepted the recommendation and will act on it accordingly. The Ombudsman asks that the University notify him when the recommendation has been implemented.

**Explanation of abbreviations used**

Mr C	The complainant
Ms C	The complainant's daughter
The University	Glasgow Caledonian University
The Council	A local authority social work department
Practice Teacher 1	Ms C's practice teacher on her placement prior to 18 March 2008
Practice Teacher 2	Ms C's practice teacher on her placement after 18 April 2006
SSSC	Scottish Social Services Council
The Procedure	Student Complaint, Mediation and Resolution Procedure
The Policy	The University's Harassment Policy

**List of legislation and policies considered**

The University's Complaints, Mediation and Resolution Procedure

The University's Harassment Policy

SSSC's Rules for Social Work Training