

Case 200702441: University of Strathclyde

Summary of Investigation

Category

Scottish Higher Education: Policy/administration

Overview

The father (Mr C) of a student (Mr A) complained that the supervision of Mr A's teacher training placement at a primary school was inadequately monitored. He considered that the University of Strathclyde (the University) failed to respond appropriately to Mr A's reports of bullying by the class teacher in whose class his placement took place. Mr C also complained about the University's handling of appeals and complaints about these matters.

Specific complaints and conclusions

The complaints which have been investigated are that the University:

- (a) did not ensure that a placement was suitably supervised (*not upheld*);
- (b) failed in their duty of care to Mr A with respect to a report of bullying or harassment (*not upheld*);
- (c) did not respond adequately to a complaint about these matters (*upheld*);
and
- (d) did not conduct Mr A's appeals to the Board of Examiners, Faculty or Senate appropriately (*partially upheld to the extent that the presence of the Course Director and the Vice Dean (Academic) at the Senate Appeals Committee was inappropriate and that the minutes of the Senate Appeals Committee lacked clarity*).

Redress and recommendations

The Ombudsman recommends that the University:

- (i) ensure that information provided to schools about 'cause for concern' students should require schools to contact the University immediately, given the tight timescale for remedying potential problems on placement, in particular final placements;
- (ii) should work with schools to ensure that, barring exceptional circumstances, all class teachers who are to mentor student teachers are in possession of the relevant documents before placement begins;

- (iii) try to resolve the relationship between placement practice and the Dignity and Respect Policy, given the circumstances of this complaint;
- (iv) acknowledge directly to Mr A their fault in not advising him that he might have wished to discuss his situation with one of the University's Dignity and Respect Advisers, and apologise to him for this failing;
- (v) apologise to Mr A and Mr C for the shortcomings in their complaint investigation highlighted in this report and take steps to ensure that these elements of their process are properly followed in future;
- (vi) apologise to Mr A and Mr C for the shortcomings in their handling of the Senate Appeal highlighted in this report;
- (vii) consider how to deal holistically with cases such as this, where bullying and harassment complaints, academic complaints and academic appeals are made at the same time, taking account of short timescales where students need to progress, graduate and/or complete professional registration;
- (viii) revise relevant policies and procedures to be clear about whether adverse circumstances relating to health should be applied where there is no registered disability and no request from the student to take such circumstances into account. Policies should also be clear on the standard of proof normally required when Board of Examiners consider adverse circumstances;
- (ix) revise relevant policies and procedures to be clear about who should be invited to attend Senate Appeals Committee meetings and in what capacity, with an emphasis on avoiding conflict of interest in line with paragraph 3.16 of the Academic Appeals Procedure; and
- (x) ensure that there is clarity on recording the outcome in terms of whether an appeal is upheld, not upheld or if there is no finding (if no finding is appropriate in the context of an academic appeal).

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

Main Investigation Report

Introduction

1. The complainant (Mr C)'s son (Mr A) was studying on a one year course at the University of Strathclyde (the University)'s Faculty of Education (the Faculty) in order to qualify as a primary teacher. A significant part of the course is made up of teacher training placements at schools. Mr A began his final placement at a primary school (the School) in March 2007. He reported difficulties with this placement and staff from the University responded by visiting Mr A on his placement. By the end of the placement, Mr A had not achieved the necessary passes in his assessments to gain his teaching qualification. However, on the grounds that Mr A had adverse circumstances relating to health, his final placement was discounted and he was granted the opportunity to undertake a further placement. Mr A appealed this outcome as he felt he should have passed, as well as complaining about the response to his reports of problems with his placement which he said was the reason his performance on the final placement suffered. The University considered Mr A's complaint and appeal in a single process at Faculty level, and then dealt with the appeal at Senate level. They concluded that the University had responded appropriately to Mr A's reports of difficulties with his placement and did not propose any adjustment to the outcome of the assessments of his placement. Mr A was awarded his teaching qualification in November 2007.

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

- (a) did not ensure that a placement was suitably supervised;
- (b) failed in their duty of care to Mr A with respect to a report of bullying or harassment;
- (c) did not respond adequately to a complaint about these matters; and
- (d) did not conduct Mr A's appeals to the Board of Examiners, Faculty or Senate appropriately.

Investigation

3. In order to investigate this complaint, I reviewed the extensive and detailed information received from Mr C and the University, including correspondence between Mr C and the University, internal communications relating to the complaint and relevant procedures and policies.

4. It is important to set out some of the constraints within which the Ombudsman can investigate matters relating to higher education institutions. Schedule 4 of the Scottish Public Services Ombudsman Act 2002 (the Act) details three relevant restrictions, including prohibiting the Ombudsman from investigating:

'action taken by or on behalf of [an institution] in the exercise of academic judgement relating to an educational or training matter.'

This means that the Ombudsman must not investigate any matter relating to the quality of a student's work or the quality of the academic input by members of institution staff. The Ombudsman is not empowered to reach academic decisions, or to overturn academic decisions made by institutions. The Act also restricts investigations relating to schools. It places action concerning:

'... the giving of instruction, whether secular or religious, or ... conduct, curriculum or discipline ...'

outside the Ombudsman's jurisdiction. In addition, the Act states that the Ombudsman must not investigate:

'Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters.'

5. 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

6. Students on the one-year course for qualification as primary school teachers are required to undertake three placements in schools. The final placement has particular importance because students are, at that stage, assessed on their ability to take sole charge of a class for ten working days. Placements are arranged by the University in partnership with the local authority. The University provides the student with a tutor, who is the main point of contact during placements and schools decide which classes and teachers to offer for placements. Class teachers are managed by head teachers and do not report directly to the University.

7. Mr A's placement at the School was his final placement, and he began this in March 2007. The main block of the final placement took place between 16 April 2007 and 25 May 2007. On 19 April 2007, Mr A emailed his tutor

(Academic 1) to express concern about the way things were progressing, with specific reference to the Class Teacher. Academic 1 was in the School on 24 April 2007 to observe Mr A's teaching and she met with him after this to discuss his concerns. Mr A's recollection is that he fully expressed his unhappiness with the placement, indicated that he did not wish to continue and asked if Academic 1 could approach the Placement Co-ordinator (Academic 2) and the Course Director (Academic 3) to consider his request for a change of placement.

8. Shortly after, Academic 1 approached Academic 2 to ask if she would meet with Mr A. In an email of 29 April 2007, Academic 1 outlined both the School's concerns about Mr A's performance and Mr A's concerns about his perceived lack of support from the Class Teacher. Mr A considered that the Class Teacher's input was entirely negative. Academic 1 noted that Mr A had apparently been advised to keep a log of his experiences and to seek advice. Academic 1 also sought Academic 2's advice on the appropriateness of the Class Teacher's request that Mr A submit daily written evaluations. Mr A had raised this with her in an email on 26 April 2007.

9. In response to the question about the appropriateness of daily written evaluations, Academic 2 replied that it would be appropriate for the Class Teacher to ask for the weekly evaluations, which formed part of the course requirements, and she arranged to visit Mr A at the School. At this visit, on 4 May 2007, Mr A recalls that Academic 2 offered to raise his concerns with the Class Teacher. Mr A indicated that he did not want to handle these issues in a manner he considered confrontational. However, Academic 2 brought Mr A and the Class Teacher together for her to offer feedback to Mr A. Mr A found the experience of this highly uncomfortable. During her visit, Academic 2 also explained the difficulties of arranging another placement at that stage in the course, as it would delay completion of the course. After this visit, Mr A felt that the Class Teacher offered little support and 'withdrew' from her mentoring role with him.

10. Mr A continued with his placement and was assessed by Academic 2 on 9 May 2007 and by Academic 1 on 22 May 2007. On both occasions, he failed elements of his teaching practice and, therefore, did not pass his course at that stage.

11. Extracts from relevant University documents and a chronology, incorporating extensive and detailed evidence, are at Annexes 3 and 4 respectively.

12. In his complaint to the Ombudsman on 12 December 2007, Mr C outlined his complaints against the University and said that, in his view, the complaints could be remedied by:

- '1. Compensation for financial losses/career damage.
2. Reinstatement of pass at June 2007.
3. Apology for damage to [Mr A]'s reputation.'

Mr C said that his:

'... correspondence has in some cases been very forthright due to my anger at [Mr A]'s treatment ... my sole interest has been in justice for [Mr A]. I am concerned that the University has yet to conduct an objective and transparent investigation into their handling of his case. Admissions that mistakes were made are only now beginning to emerge when the University has decided to close the case.'

13. In a revised version of his complaint to the Ombudsman, based on information he obtained from the University, Mr C said that:

- 'It is clear that [Mr A] was undermined by service failures at multiple levels.
- a. Placement quality control: While the University has claimed that allocation of students to class teachers is entirely in the school's domain, the responsibility for an unsatisfactory placement cannot be evaded. Students should be allocated only to experienced teachers and/or to those who have received formal training in mentorship.
 - b. When drafting in associate staff to deal with increased student numbers, the University must ensure that these individuals are properly trained in University policies. [Academic 1] revealed deficiencies in her knowledge of Data Protection requirements and was unable to provide suitable support or advice to a student who complained of harassment. Equally, the need to show objectivity and fairness in assessment processes has to be emphasised, and [Academic 1] has failed badly by this standard. The University's failure to provide [Academic 1] with suitable IT training and secure network access also contributed to the verdict against [Mr A].
 - c. Staff instruction in handling of complaints. [Academic 3] knew of the flawed assessment process and much of the background to [Mr A]'s

complaint of harassment and bullying when there was still time to remedy the situation. Instead she tried to deal with the matter privately, burying the evidence and the problem.

- d. A robust academic justice system. This case has revealed [the University]'s processes to have been grossly inadequate and undermined by conflict of interest at every level.'

14. In response to my enquiries, the University provided comment and documentation in relation to Mr C's complaint. In relation to Mr A's meeting with Academic 2 on 4 May 2007, the University said that:

'No record was kept of this meeting which was an informal support session rather than a formal assessment meeting ...'

15. In relation to the meeting between Mr A, Academic 2 and the Class Teacher, in the context of Mr A's view of the Class Teacher's behaviour towards him, the University told me that:

'Three way meetings between the tutor, the student and the class teacher are part of the normal support offered to students on placement. I felt it was unfortunate that such a meeting had taken place immediately following [Mr A]'s statement that he did not want [Academic 2] to discuss the issues he had raised with [the Class Teacher] as this could have been misinterpreted as an attempt to do just what he had asked her not to do ... I would conclude that there was no conflict of interest between practice and Policy given that confidentiality was observed.'

16. In relation to the complaint of harassment and bullying, the University said: '[Mr C] refers to the student as a 'whistleblower' and a 'self-reported victim of bullying and unreasonable behaviour'. Neither tutor recalls the student using terms which would have led them to this conclusion. The student log, while making use of the term 'bullying' in one section, does not provide any record of any incidents which would support this view.'

17. In relation to the final assessment of Mr A's placement, the University said: '[Academic 1] told [Mr A] that she planned to observe his teaching before the morning break, and told him that she would also be back in class after the interval. However, after her initial period of observation [Academic 1] was not satisfied that [Mr A] met the Standard for Initial Teacher Education in teaching and learning and therefore she observed the whole of the second part of the morning to give him the opportunity to demonstrate that

he had in fact reached the standard. Unfortunately he was unable to do so.'

18. In relation to Academic 1's alleged breach of the University's Data Protection Policy, the University referred me to what the policy said on appropriate levels of security and said:

'The fact [that Academic 1] used a commercial email service on occasion rather than the University system does not, in itself, indicate that this element of University policy has been disregarded. Staff are under a duty to ensure personal data is secure including during transmission. However, I am not aware of any evidence that the system [Academic 1] used was insecure or that in using such a system [Academic 1] was in breach of any University policies. The policy recognises that it may be necessary to process personal data off-site, on home computers or at remote sites ... The fact that [Academic 1] might therefore have done this, is not as such, in breach of the policy. There is no reference in the Data Protection Policy to which email system it might be appropriate for a member of staff to use or sending an email from a 'home address'.'

19. In relation to Academic 1's use of IT facilities, the University advised me that their regulations required users of University computing facilities to be aware of security, but:

'... does not comment on the use of externally provided services ... likewise does not rule out the use of external email systems.'

20. In relation to the completion of the School Report on Mr A's placement, the University said:

'The Head Teacher is ultimately responsible for all that goes on in the school and is [the Class Teacher]'s line manager. It is standard practice for the Head Teacher to sign off the School Report ... We have no reason to question the Head Teacher's professionalism and accept her evaluation.'

21. In relation to whether Mr A made an appeal to the Board of Examiners on the basis of health issues, the University said:

'When [Mr A] met with [Academic 3] after his placement had been completed, he reported to her that he had previously suffered from a condition that made him fatigued and this affected his performance. He reported that, on a previous undergraduate degree course at [the

University], he had been registered as having a disability due to this particular health problem although he was not at that time registered as having a disability ... As [Academic 3] had not previously known about this, she took the information to the Board ...'

22. In terms of the timing of the Faculty meeting that dealt with Mr A's appeal and complaint (the Faculty Committee), the University said that the process:

'... was time constrained as the final report to the [General Teaching Council for Scotland (GTCS)] naming students eligible to practice in the following school year was to be issued in early July and [Mr C] wished the student to be reported as fit to practice at that time. [The Faculty Committee] met on 3rd July. The GTCS cut off date for registration for the probationary year was 6th July.'

23. In relation to the Class Teacher, the University said:

'The Faculty Officer [(Officer 1)] wrote to the School to obtain information about the placement. This letter would have been received at the end of term and the school would then have been closed for a period of seven weeks. The Head Teacher, who was responsible for the running of the school and who had participated in discussions with the Class Teacher and the tutors, responded on behalf of the Class Teacher.'

The University also said that:

'Consideration was given to the role of the Classroom Teacher. The Faculty had the response of the Head Teacher who was fully supportive of the Classroom Teacher ...'

24. In respect of Academic 3's presence at the Senate Appeals Committee meeting, the University said that:

'[Academic 3] attended the appeal meeting ... to answer questions from the appeal panel about the management of the course, the regulations and practice as they applied to the course and to placement activity, and [Mr A]'s meeting with her, and to respond to points raised by the student and his representative at the appeal meeting. At no time was [Academic 3] in conversation with the panel in the absence of the student and his representative who were privy to everything that she had to say. [Academic 3] took no part in the panel's discussion of the case, which was held in private once the student and his representative and the

Departmental representatives had withdrawn. [Academic 3] had no part in the decision-making process.'

25. In respect of the Vice-Dean (Academic) [(Academic 4)]'s presence at the Senate Appeals Committee meeting, the University said that:

'[Officer 1] was concerned because of the aggressive tone used in [Mr C]'s communications with the University and felt that it was appropriate for a Senior Faculty Officer to attend the meeting to support [Academic 3]. [Academic 4] was in a position to answer any questions the appeal panel may have had about the Faculty appeal process and to answer any questions raised about this by the student and his representative at the meeting. At no time was [Academic 4] in conversation with the panel in the absence of the student and his representative who were privy to everything he had to say. [Academic 4] took no part in the panel's discussion of the case, which was held in private once the student and his representative and the Departmental representatives had withdrawn. [Academic 4] had no part in the decision-making process.'

26. In relation to errors made on the University side, the University identified five areas, as follows:

i Dealing with the appeal and the complaint at the same time was problematic. The procedures have therefore been revised as follows:

In the event that an appeal contains a complaint against an individual or service, it may after discussion with the appellant be dealt with under the University's Complaints Procedure. Where a student wishes to make both a complaint and an appeal, it is University practice to deal with these separately and normally the University would seek to resolve the appeal before dealing with the complaint.

ii Templates have now been provided for appeals at both Faculty and University level which make it clear what the grounds for appeal are and which seek from the student clarification of these grounds and of the desired outcome and request any supporting documentation.

iii The timetable for dealing with appeals has been tightened up.

iv When it became clear that [Mr A] was experiencing difficulties with the Class Teacher, he should have been advised to discuss his concerns with one of the University's Bullying and Harassment Advisers (now called Dignity and Respect Advisers).

v Following the appeal process, the Faculty carried out a review in discussion with all those involved in order to assess how the situation

could have been dealt with more satisfactorily and how to improve the student experience in the future. This raised levels of awareness of the issues involved and had led to improved practice – for example directing students to the [University's Dignity and Respect Policy for Staff and Students on Harassment and Bullying (the Dignity and Respect Policy)] as soon as issues are raised.'

(a) The University did not ensure that a placement was suitably supervised

27. Mr C's complaint centred on the way the University supported Mr A's placement. In particular, he felt that the Class Teacher was too inexperienced to be given the role of mentoring a student teacher, that there was no mechanism to ensure the quality of the Class Teacher's input and that the University staff did not act quickly enough to address Mr A's concerns. Mr C also alleged that the Class Teacher wanted Mr A to fail.

28. The University provides documentation to schools which describes placement requirements and assessment criteria and suggests the way in which the placement should be organised. The University also offers 'Placement Partnership meetings' as a way of supporting class teachers who undertake this role but recognises the difficulties for class teachers in attending such meetings.

29. In the case of the Class Teacher who mentored Mr A during his final placement, the Head Teacher regarded her as an appropriate person to act in this role, despite being only recently qualified.

30. The documentation supplied to schools hosting placements does not specify action to be taken in the event of a difficulty in the relationship between a student and a class teacher, but does note that additional visits by University staff may be undertaken if there are concerns about a student teacher's progress.

31. The Course Handbook makes it clear that a student's primary source of support during a placement is their tutor. Tutors also offer support to head and class teachers by meeting to clarify placement requirements and, where requested, to offer guidance on 'ways to support the student teacher'.

(a) Conclusion

32. I have outlined some of the structures the University has put in place to support school placements. Placements are set up as a partnership with local authorities, and school staff who host placements do so as employees of these authorities and not of the University. Therefore, the selection or supervision of class teachers in their role as mentors to students on placement is primarily a matter for head teachers.

33. The University also has a role in ensuring the suitability of placement arrangements and a responsibility for its students who are on placement. It is, therefore, appropriate for the University to ensure that schools are adequately prepared to host placements and that there are mechanisms to deal with any problems that may arise in the course of a placement. It is clear that the University does supply schools with material to prepare them for requirements of a placement. It is also clear that there is a system of tutors and co-ordinators to support students in those placements. In Mr A's case, this system was in place and extra visits were arranged when he reported the difficulties he was experiencing.

34. Mr A complained that his final assessment on the last placement was unfair, because he had apparently been expecting to lead one lesson but was asked to lead a further lesson after the morning break. In their defence, the University cited the Course Handbook (see Annex 3). While I recognise that Mr A and Mr C have strong views on this, the section of the Placement Handbook dealing with the final assessment clearly states that tutors will observe half the day but planning should be in place for the whole day. Mr A was observed for two lessons on either side of the morning break. The information provided to schools also refers to students who are a 'cause for concern'. In the light of the circumstances of this case, the information given to schools on such students should require schools to contact the University immediately, given the tight timescale for remedying potential problems on placement. The University also said that the information to schools is given to class teachers by head teachers in the majority of cases before placement begins. While I appreciate the logistical challenges posed by managing the number of placements, and the need to maintain good relationships with schools to preserve the partnership arrangement, I am concerned that all class teachers do not have the relevant documents before placements begin.

35. Mr C complained that the failure of Academic 1 to communicate important information, via email, about the final placement assessment to Mr A compromised his ability to perform in that assessment. Mr C alleged that Academic 1 was in breach of University policies on data protection and the use of computing facilities. The University have advised me that they do not believe that Academic 1 was in breach of those policies (see paragraphs 18 and 19, and Annexes 3 and 4). However, it is clear from the evidence that Academic 1 was aware that emails she had sent to Mr A were returned. In an effort to make sure her message got through, she left a voicemail for Mr A. Mr A acknowledged receipt of the voicemail, though he has no recollection of the detailed content of the message. My view is that Academic 1 took reasonable steps to contact Mr A.

36. Mr C also complained that there was a ten day delay between an urgent request for a change of placement school by Mr A and Academic 2's visit. The University have explained that, due to Academic 2's busy schedule of placement visits, she was not able to visit Mr A until 4 May 2007. I am not able to prove that Mr A did, or did not, make an urgent request for a change of placement school as this was done in conversation and there is no independent corroboration or definitive record of this.

37. Mr C complained that the Class Teacher was not adequately qualified to act as a mentor to a student teacher, and also complained that Academic 1 was not up to the task. It is not the role of the Ombudsman to assess the Class Teacher's or Academic 1's suitability for their respective roles in relation to teacher training placement. In addition, the matter of the Class Teacher's suitability was not addressed by the University as any complaint about her performance would be a matter for the School and the local authority to address.

38. It is clear that there were measures in place to support Mr A's placement, and I have not identified any maladministration, in terms of relevant procedures. Therefore, I do not uphold this complaint.

(a) Recommendations

39. Although this complaint has not been upheld, the Ombudsman recommends that:

- (i) information provided to schools about 'cause for concern' students should require schools to contact the University immediately, given the tight

timescale for remedying potential problems on placement, in particular final placements; and

- (ii) the University should work with schools to ensure that, barring exceptional circumstances, all class teachers who are to mentor student teachers are in possession of the relevant documents before placement begins.

40. The University have informed me that they will strengthen advice to schools on 'cause for concern' students and will develop guidance in discussion with schools on action to be taken in event of a difficulty in the relationship between student on placement and a class teacher. They also told me that they will re-emphasise to head teachers the importance of ensuring that class teachers read all relevant documents before placement begins.

(b) The University failed in their duty of care to Mr A with respect to a report of bullying or harassment

41. The Dignity and Respect Policy (see Annex 3) provides for situations where a student or staff member experiences unwanted behaviour which they find unacceptable, including sexual, racial or disability related harassment or bullying. Mr A considered the behaviour of the Class Teacher to be unacceptable because he felt that her criticisms were unduly negative, and not balanced by any positive or supportive criticism.

42. The Dignity and Respect Policy does include one definition of bullying as 'picking on people and unreasonably criticising their performance' and makes it clear that this does not refer to 'normal performance management expectations'.

43. In his email of 19 April 2007 to Academic 1 (see Annex 4), Mr A clearly identified the source of his concerns as the Class Teacher's perceived negativity. Academic 1 passed on Mr A's concerns about the nature of the Class Teacher's feedback to Academic 2, who agreed to visit him to discuss this concern. Although there is no written record of the subsequent discussion Mr A had with Academic 2, she noted in a written submission to the University that he had asked her not to raise his concerns directly with the Class Teacher or the Head Teacher.

44. The advice of the University to Mr A was that a new placement at this stage of the course would present difficulties as it may delay the completion date and would require him to undertake ten successive days' teaching with an unfamiliar class.

45. Mr C's complaint was that the University should have dealt with Mr A's initial concerns as a report of bullying. Although Mr A did not use that word in his emails, he recollects using it in his meeting with Academic 2. Mr C also felt that the University should have taken action based on their knowledge that Mr A was keeping a log of his experiences, as is advised in the Dignity and Respect Policy. In any case, Mr C considered that the nature of Mr A's concerns clearly indicated that they should be dealt with as a report of bullying behaviour. Mr C also considered that the Class Teacher's behaviour adversely affected Mr A's performance in his placement and that her involvement in the assessment of Mr A's work led to bias, leading to his failing the placement.

46. The University considered that they had responded appropriately to Mr C's complaint. They noted that Mr A had not made a formal complaint of bullying, that he had not contacted one of the University's Dignity and Respect Advisers and that he did not wish to raise his concerns directly with the Class Teacher. However, they did acknowledge Mr A's unhappiness on his placement, though they considered that they had addressed this matter seriously and with care.

47. In responding to my enquiries the University said that, with hindsight, Mr A should have been advised to discuss his concerns with a Dignity and Respect Adviser (see paragraph 26). The University also was of the view that there was no conflict between placement practice and the Dignity and Respect Policy (see paragraph 15).

(b) Conclusion

48. The Dignity and Respect Policy specifically mentions the procedure for raising concerns about someone who is not a member of University staff while on placement, citing the course organiser as an appropriate person to contact. The suggested procedure for dealing with a report of unacceptable behaviour at the initial stages includes the option of an appropriate person speaking with the alleged harasser, either with or without the person making the allegation being present.

49. In their response to my enquiries, the University noted that Academic 2 had arranged a meeting with the Class Teacher and Mr A, despite his having just reported his concerns about the Class Teacher's behaviour. They concluded that this may have been ill-advised in the circumstances. There is no evidence that Academic 2 approached the Class Teacher or the Head Teacher

separately about Mr A's concerns, though Academic 2 recalls that Mr A had explicitly asked that she did not approach the Class Teacher or the Head Teacher about this.

50. It is not the role of the Ombudsman in dealing with this specific complaint to determine whether the Class Teacher's behaviour could be deemed to have been bullying; my concern is to establish whether the University had sufficient information on which to take action, and whether any action taken was in line with relevant procedures.

51. Mr A did not explicitly invoke the Dignity and Respect Policy. He raised concerns which Academic 1 and Academic 2 responded to reasonably promptly and both spent time with Mr A to explore his concerns further (see Annex 4). I appreciate that Mr A was reluctant for Academic 2 to approach the Class Teacher directly, and that this limited her options in pursuing the matter further. However, he did not make a formal complaint under the Dignity and Respect Policy and, therefore, no formal action was taken by the University. I agree with the University that they should have advised Mr A that he could discuss his situation with one of the University's Dignity and Respect Advisers.

52. I am of the view that there is, if not conflict, an uncomfortable relationship between the Dignity and Respect Policy and placement practice. The spirit of placement practice is one of partnership between schools and the University. In this vein, it was normal practice for Academic 2 to have the meeting with Mr A and the Class Teacher. However, given the concerns voiced by Mr A, the situation from his perspective was not normal as he did not see that he was part of a beneficial partnership. The University have already acknowledged that, in the circumstances, the meeting was ill-advised.

53. The University should have advised Mr A that he may wish to discuss his situation with one of the University's Dignity and Respect Advisers, and this would normally lead to an upheld finding. However, it is not our policy to uphold where fault has been acknowledged and, therefore, I do not uphold this complaint. Mr C has made it clear that the fault has not been acknowledged directly to him and Mr A, and no apology for the fault has been offered to Mr A.

(b) Recommendations

54. Although this complaint has not been upheld, the Ombudsman recommends that the University:

- (i) try to resolve the relationship between placement practice and the Dignity and Respect Policy, given the circumstances of this complaint; and
- (ii) acknowledge directly to Mr A their fault in not advising him that he might have wished to discuss his situation with one of the University's Dignity and Respect Advisers, and apologise to him for this failing.

(c) The University did not respond adequately to a complaint about these matters

55. Mr C wrote to the Faculty on behalf of Mr A on 22 June 2007 to register a formal complaint (see Annex 4). The Faculty responded to this complaint and to Mr A's appeal against the outcome of the placement by organising a single committee ie the Faculty Committee to look into both matters. This was done to make it possible to reach a conclusion before the cut-off date for registering new teachers. The Faculty Committee sought written submissions from the individuals named in the complaint letter, including Academic 1, Academic 2 and the Head Teacher (see Annex 4).

56. The Faculty Committee met on 3 July 2007 and their response to the appeal and complaint was sent to Mr A on 5 July 2007. They considered that their response to Mr A's concerns had been reasonable and that they could not have taken matters any further without his consent for Academic 2 to raise the issue directly with the Class Teacher. They also said that the decision to continue the placement had been Mr A's, taken in the light of advice from Academic 2 about the implications of a change of placement at that stage. They concluded that standard placement practices had been followed and reasonable interventions had been made to support Mr A.

57. Mr C felt that the Faculty Committee had conducted their investigation into the complaint too hastily, that they were incorrect in investigating it alongside the consideration of Mr A's appeal and that they had misrepresented the submissions of the staff involved.

58. Mr C wrote to the University on 9 July 2007 clearly stating his dissatisfaction with the Faculty appeal and complaint process and seeking to have the conclusions reviewed. The appeal aspect was further considered by the Senate (see section (d) of this report), but the Senate Appeals Committee did not consider it possible to consider the complaint about the University's response to Mr A's allegations of bullying. In their meeting of 31 August 2007, the Senate Appeals Committee suggested that Mr A may wish to consider

pursuing this matter further in another context, with the possibility of him delaying his opportunity to retake his final placement until this matter had been addressed.

59. In the event, Mr A successfully completed his final placement in September 2007 and Mr C wrote to the University again on 14 November 2007 to revisit the complaint about bullying during the original placement at the School. The University responded to this letter on 30 November 2007 and restated their position that they had responded adequately to Mr A's reports about the conduct of his placement.

(c) Conclusion

60. The Faculty conducted an investigation into Mr C's complaint by seeking the views of those named in the complaint letter. This evidence-gathering was done by means of written exchanges. The evidence was considered by the Faculty Committee and a response sent to Mr C. There was also an opportunity for Mr C to escalate his complaint, which he did on 14 November 2007.

61. I am concerned that there appeared to be no significant probing of the evidence supplied to the Faculty Committee. There were no meetings with any of the staff members involved and there was no direct comment from the Class Teacher (though her involvement was, given Mr A's claims, primarily a matter to be dealt with under the Dignity and Respect Policy). In addition, there seem to have been complications arising from the decision to consider the complaint and the appeal in a single process.

62. In relation to the first of these concerns, I have already noted that the substantive issue about alleged bullying raised by Mr A had not been considered in detail by the staff members to whom he had made his report. I do not consider that the Faculty investigation of the complaint added much to this issue other than to receive the written confirmation by the Head Teacher that she was satisfied with the Class Teacher's approach to mentoring Mr A.

63. In terms of the second concern, I fully appreciate that the University sought to deal with Mr C's complaint and appeal as quickly as possible for Mr A's benefit. However, it is possible that this compromised the process to some extent in that a full re-examination of the complaint was not deemed possible by the Senate Appeals Committee. The Senate Appeals Committee

considered Mr A's academic appeal and did not consider and make a determination on the complaint, though they did make reference to it. By the time a review of the complaint took place in November 2007, the University considered that the matters were no longer as significant in the light of Mr A's successful retaking of his final placement (see Annex 4).

64. In his letter of 14 November 2007, Mr C was pursuing Mr A's complaint against Academic 2 and Academic 3, primarily in relation to their failure to support Mr A against the alleged unfair treatment by the Class Teacher, and Mr C's allegations that they covered up their failures. Mr C also outlined his dissatisfaction with the Faculty and Senate Appeals. In responding to this letter, the University Secretary said that the complaints had 'already been extensively discussed' at the Faculty and Senate Appeals. He also said that, as Mr A did not make a formal complaint under the Dignity and Respect Policy, the University would take no further action. In commenting on a draft of this report, the University Secretary told me that:

'There was no material difference between the substance of the appeal and the substance of the complaint, so we thought it best not to go through the whole process again. That decision to treat complaint and appeal simultaneously has caused confusion. The Senate Appeal is the final internal stage of an academic appeal, after which the appellant is advised to contact the SPSO. There is no possibility in this case for a further internal hearing. It was on this basis that I responded directly to [Mr C] without consultation with others. The Complaints procedures do have a final appeal process, but I considered that I was dealing with the follow up to the Appeal.'

I understand the University's logic, in the circumstances, of combining the handling of the appeal and complaint in this case, but I do not agree with how they dealt with the situation. It is clear from the records supplied by Mr C and by the University that the handling of the complaint as part of the appeal process was unsatisfactory and caused confusion in exactly what aspect of the appeal and complaint could be dealt with by the appropriate committee. I will deal with this further in section (d) of this report.

65. In the Ombudsman's 'Valuing Complaints' initiative, public bodies are advised to seek and objectively analyse factual evidence in their examination of a complaint. In addition, the internal 'appeal' stage should allow for an independent review of the previous handling of the complaint. I consider that

there was confusion and there were shortcomings in each of these areas in the handling of this complaint and, for that reason, I uphold this complaint.

(c) Recommendation

66. The Ombudsman recommends that the University apologise to Mr A and Mr C for the shortcomings in their complaint investigation highlighted in this report and take steps to ensure that these elements of their process are properly followed in future.

(d) The University did not conduct Mr A's appeals to the Board of Examiners, Faculty or Senate appropriately

67. As already noted, the Faculty considered the appeal and complaint in parallel. In the Faculty's consideration of Mr A's case, it was confirmed that he had not attained the necessary standard of teaching to pass his final placement. Mr A had sought for the outcome of his placement to be reversed in the light of the difficulties in his relationship with the Class Teacher. The Faculty Committee did not consider that there were grounds to agree this as they concluded that the response to Mr A's concerns about the Class Teacher had been dealt with appropriately. Previously, the Board of Examiners had been provided with information by Academic 3 that Mr A had health issues and, on this basis, the Board decided to discount the placement attempt and allow Mr A to take it again as a first-sit.

68. Mr C asked for Mr A's appeal to be considered by the Senate Appeals Committee, which they did on 31 August 2007. One of the issues that Mr C had raised in the appeal was that there had been an irregularity in the final assessment of Mr A's teaching towards the end of his placement at the School. For this final assessment, students are required to plan teaching for a whole day, though, usually, the assessor will only observe half a day's teaching. Mr A's teaching had been observed for two lessons. He had apparently not expected this and Academic 1 noted that the quality of his teaching deteriorated in the second lesson during which she observed him. The Senate Appeals Committee considered that, given the requirement in the Placement Handbook (see Annex 3), Mr A had been given reasonable notice that he should have prepared a whole day's teaching and concluded that there had been no procedural irregularity in the conduct of the final assessment.

69. In terms of procedural irregularity, the Senate Appeals Committee concluded that there has been no academic procedural irregularity in the

handling of Mr A's reporting of difficulties in his placement, on the basis that Academic 1 and Academic 2 had visited Mr A at the School and that Academic 2 had offered to talk to the Class Teacher with Mr A. The Senate Appeals Committee noted that Mr A refused that offer, and also did not make a formal written complaint under the Dignity and Respect Policy. The Senate Appeals Committee did discuss the matter of bullying and harassment, including the log of experiences kept by Mr A, both in reference to the appeal on the grounds of procedural irregularity and on the grounds of bias and prejudice. In terms of the latter ground, the Senate Appeals Committee minutes (see Annex 4) record that discussion as complicated by the need not to prejudice any actions Mr A might take in respect of a complaint about bullying and harassment. Their view was that Mr A's email of 19 April 2007 and his log did not have a direct reference to bullying and harassment, though it was clear to them that Mr A was unhappy about relationships within the School. The Senate Appeals Committee did not reach a finding on the appeal ground of bias and prejudice, the minutes recording that:

'Short of a fuller exploration of the subsequent allegation of bullying and harassment, which is not within the Committee's jurisdiction, the Committee found it problematic to determine the validity of the appeal grounds of bias and prejudice.'

The Senate Appeals Committee required the Faculty to make available the option of a delayed placement, a first-sit placement having been the outcome of the Board of Examiners, later in the academic year if Mr A wanted to take up such an option. The Senate Appeals Committee did not consider that it was appropriate to take action to adjust marks, or ask the Board of Examiners to take any action, on the basis of the information before it.

70. In advance of the meeting, Mr C complained that Academic 3 was to be present at the Senate Appeals Committee, given her involvement in Mr A's case up to that point (see Annex 4). In his submissions to the Ombudsman Mr C said:

'As the date of the Senate Appeal approached I became more concerned and made more strenuous attempts to ensure that [Academic 3] did not appear at the hearing. This request was refused and the University instead responded by adding [Academic 4] to back up [Academic 3]. My objections to these moves included a very strong verbal statement at the outset of the Senate Appeal ... A further concern with regard to

[Academic 3]'s presence was that she would create an adversarial atmosphere.'

Mr C also said that during the Senate Appeal Hearing, Academic 3 made:

'... inappropriate attempts at cross-examining us. Her presence raised my blood pressure significantly and deflected me from bringing our arguments to satisfactory conclusion. I was sufficiently offended by her attitude and behaviour that I felt obliged to make a statement to this effect at the end of the hearing.'

71. In their submissions to the Ombudsman, the University said that:

'None of the members of the Senate Appeals Committee had had previous involvement with Mr A or his appeal/complaint and none were members of [the Faculty]. They were therefore able to provide an independent review of the handling of the complaint at Faculty level ... The Senate Appeals Committee did in fact consider that [the Faculty Committee] should have told Mr A that the investigation of an allegation of bullying and harassment was outwith the remit of an academic appeal ...'

(d) Conclusion

72. Following the trail of how the University dealt with these matters has been difficult, for me, for Mr A and Mr C and for the University itself. This is because there were three bodies considering aspects of Mr A's case under University Regulations and three University policies as well as taking into account Faculty practice as set out in at least five documents. There is some overlapping jurisdiction and there are some jurisdiction exclusions, making it difficult, if not impossible, to take a holistic approach to resolving a student complaint made under several policies but with common threads of evidence. The University have advised me that they have clarified their policy in respect of a simultaneous appeal and complaint, but further clarification may be required to deal with situations like this.

73. I have already dealt with much of the manner in which the Faculty dealt with the complaint and appeal jointly in section (c) of this report. My focus in this section is to deal with the Board of Examiners, briefly, and the Senate Appeals Committee.

74. The Board of Examiners had discretion to discount Mr A's placement under University Regulations and the Faculty Guidelines for Boards of

Examiners (see Annex 3). The Faculty Guidelines also state that the Course Director can bring adverse circumstances to the attention of the Board of Examiners. There is no stated requirement for the production of medical evidence, though there are references to medical certification in the documents. So, it would appear that the Board of Examiners were acting within regulation and following guidance when making the decision to discount Mr A's placement. However, given that Mr A did not explicitly ask for health issues to be taken into account, was not registered as disabled at the time and did not present any medical evidence (see Annex 4), the decision to do so does seem unusual. I should make it clear that I am not saying that Mr A should have been awarded a pass for the placement, as it is not within the Ombudsman's remit or powers to do so. This matter is clearly still a source of grievance for Mr A and Mr C who hold the view that Mr A should have been passed on the grounds that his final placement was compromised by an assessment that was flawed in several respects.

75. Mr C objected to Academic 3 and Academic 4 being present at the Senate Appeals Committee. The University said that Academic 3 was present in an advisory capacity, to talk to Faculty regulation, practice and precedent, and that there was no-one in the Faculty who knew more about this than her. Academic 4 was present as support for Academic 3, on the advice of Officer 1, given the apparent aggressive tone of Mr C's correspondence. I do not agree with the University's handling of this matter. Given Academic 3's meeting with Mr A about his performance on placement, her evidence to the Board of Examiners regarding Mr A's health issues, and her evidence to the Faculty Committee (see Annex 4), I do not believe that she could be regarded as a neutral party who was present only to give advice. The University, in submissions to me, told me Academic 3 also responded to points raised by Mr A and Mr C at the Senate Appeals Committee (see paragraph 24) and this is corroborated by Mr C's account of the meeting. While I understand the circumstances as set out by the University, I am of the view that a different representative, with no previous involvement in Mr A's case, should have been found to give advice on matters of regulation, practice and precedent. In similar vein, it also seems inappropriate for Academic 4 to have been present at the Senate Appeals Committee to support Academic 3, given that he chaired the Faculty Committee. It would also seem that their presence was in contrast to paragraph 3.16 of the University's Academic Appeals Procedure (see Annex 3) given that Academic 3 was implicated in the complaint and appeal dealt with by the Faculty Committee and Academic 4 was involved in the decision-making

process at Faculty level. It would have been reasonable, however, for them to have been present as witnesses for the Faculty if required, but not presented as neutral parties. In the event, Mr A and Mr C were unhappy with the confrontational atmosphere of the meeting, something which the Senate Appeal Procedure stated should be avoided (see Annex 3).

76. The University told me that the Senate Appeals Committee considered that the Faculty Committee should have told Mr A that the investigation of an allegation of bullying and harassment was outside the remit of an academic appeal (see paragraph 69). However, this is not recorded in the minutes of the Senate Appeals Committee, though a member did say, in commenting on a draft of the minute, that it did not record their unhappiness with the appeal and complaint being dealt with jointly at Faculty level (see Annex 4). As noted in paragraph 67 and Annex 4, the Senate Appeals Committee did not reach a finding on whether Mr A's ground of appeal about bias and prejudice was valid. I find the recording of this in the minute is unclear and leads to doubt. Was it the case that no decision was reached at that time, with the possibility being left open to reach a decision later? Or was it that no finding was reached as there was no evidence to prove the appeal, in which case a clear 'not upheld' finding might have been appropriate? This lack of clarity is unhelpful.

77. On the whole the Academic Appeal Procedures and Senate Appeal Procedures were followed. However, I partially uphold this complaint to the extent of the inappropriate presence of Academic 3 and Academic 4 at the Senate Appeals Committee, and the lack of clarity in the minutes of the Senate Appeals Committee.

(d) Recommendations

78. The Ombudsman recommends that the University should:

- (i) apologise to Mr A and Mr C for the shortcomings in their handling of the Senate Appeal highlighted in this report;
- (ii) consider how to deal holistically with cases such as this, where bullying and harassment complaints, academic complaints and academic appeals are made at the same time, taking account of short timescales where students need to progress, graduate and/or complete professional registration;
- (iii) revise relevant policies and procedures to be clear about whether adverse circumstances relating to health should be applied where there is no registered disability and no request from the student to take such

circumstances into account. Policies should also be clear on the standard of proof normally required when Board of Examiners consider adverse circumstances;

- (iv) revise relevant policies and procedures to be clear about who should be invited to attend Senate Appeals Committee meetings and in what capacity, with an emphasis on avoiding conflict of interest in line with paragraph 3.16 of the Academic Appeals Procedure; and
- (v) ensure that there is clarity on recording the outcome in terms of whether an appeal is upheld, not upheld or if there is no finding (if no finding is appropriate in the context of an academic appeal).

79. The University advised me that they have already modified their procedures for dealing with instances where complaints and academic appeals are made at the same time and have agreed that the academic appeal will be dealt with first. They will give further consideration to how best to deal with instances where the complaint is material to the appeal. The University also advised me that they will give further consideration to how best to obtain relevant information whilst ensuring that those involved in earlier stages of the appeal process are not invited to attend Senate Appeals Committee meetings unless there is no alternative. In addition the University will discuss the need for clarity of recording the outcomes with those involved in managing appeal committees at Faculty and University levels and will also revisit guidance to Boards of Examiners on consideration of mitigating circumstances and the standard of proof required in such circumstances.

80. 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, Mr A's father
Mr A	The aggrieved, a teacher training student at the University
The University	The University of Strathclyde
The Faculty	The Faculty of Education at the University
The School	The primary school in which Mr A undertook his final teacher training placement
The Act	The Scottish Public Services Ombudsman Act 2002
Academic 1	Mr A's placement tutor from the University
Class Teacher	A Class Teacher in the School who was Mr A's mentor on placement
Academic 2	The Faculty's Placement Co-ordinator
Academic 3	The Faculty's Teacher Training Course Director
Head Teacher	The Head Teacher of the School
The Faculty Committee	The Faculty meeting set up to consider Mr A's appeal and complaint

GTCS	The General Teaching Council for Scotland
Officer 1	The Faculty Officer
Academic 4	The Faculty's Vice-Dean (Academic)
Dignity and Respect Policy	The University's Policy on Dignity and Respect Policy for Staff and Students on Harassment and Bullying
Officer 2	The Head of the University's Academic Office

List of legislation and policies considered

Scottish Public Services Ombudsman Act 2002

Faculty Undergraduate Student Handbook 2006/07

One-year Teacher Training Course Handbook 2006-07

Placement Handbook for Students

Placement Information for School Staff

The University Dignity and Respect Policy for Staff and Students on Harassment and Bullying

The University Calendar

Faculty Guidelines for Boards of Examiners

The University's Student Advisory and Counselling Service information leaflet on Circumstances Affecting Academic Performance

The University's Academic Appeals Procedures

Senate Appeal Procedures

University Complaints Policy and Procedures

Extracts from relevant University documents

Faculty Undergraduate Student Handbook 2006/07

Faculty Undergraduate Student Handbook for 2006/07 contained general information for all Faculty students and information about studying in the Faculty. This included a short section on 'Safety Aspects for Students on Placement', which focused on health and safety matters. In relation to Boards of Examiners, the Student Handbook said:

'Boards of Examiners have explicit, written operating rules to supplement the basic course regulations, for example, dealing with medical evidence. These operating rules may also allow the Board to exercise its discretion based on the wider experience of the Board and its External Examiners. Any discretionary decisions and reasons for them are clearly documented.'

In relation to providing information to students, the Course Handbook said:

'The University aims to provide students ... with accurate, appropriate and timely information at each stage of their studies (pre-entry, registration and induction, progress events and prior to assessments). The Course team provide much of this information orally. Critical information is also confirmed in writing.'

The Student Handbook also provided information on student support, such as the Student Support Adviser Team and the Student Advisory and Counselling Service.

One-year Teacher Training Course Handbook 2006-07

The Course Handbook for 2006-07 contained details for students of the different elements of the course as a general orientation at the start of the course and as a handbook throughout the year. One of the ten sections of the Course Handbook was about placement. In relation to the preparation of schools for placement, the Course Handbook said:

'Placement packs are sent before the Preparation Day. Headteachers are asked to ensure that Class Teachers receive the booklets and this happens in the majority of cases. Student teachers advise tutors where the [class teachers] have not received the information.'

In relation to allocating students to placement schools, the Course Handbook said:

'After viable cohorts have been established, further checking of 'student circumstances' takes place. The whole process is arduous and time consuming but ensures that every effort has been made to take personal circumstances into account where possible.'

In relation to support on placement, the Course Handbook said:

'Student teachers are advised to contact their tutor for additional advice and support if deemed necessary. This can be done by e-mail, phone contact directly to the tutor on Campus or by request through the Course Secretary.'

The Course Handbook also said that:

'Class teachers and Head teachers are encouraged to contact the Tutor or Course Director should they have concerns about the progress of the student teacher or require clarification on any aspect of the placement.'

In relation to the assessment of placement, the Course Handbook said that the final grading would take account of a number of elements, including:

'... the School Report in which school staff identify aspects of the student teacher's performance which are effective and those which need attention.'

Placement Handbook for Students

The Faculty supplied students with a handbook on the placement module. In a section dealing with assessment of the placement, the handbook said that:

'Student teachers will normally be visited on two occasions. During the first visit they will be asked to demonstrate that they can plan and implement **a half day programme** and on the second visit they will be asked to demonstrate that they can implement **a whole day programme**.

Note: On the second visit, tutors will observe half the day but planning should be in place for the whole day.'

The handbook went on to say that:

'The assessment of Placement involves the balancing of so many complex variables that it must be a matter for the professional judgement of a range of persons working together ...

At the end of each placement ... a School Report will be written by the class teacher in consultation with appropriate staff. Comments made by the school staff will contribute to the overall grade for the placement.'

Placement Information for School Staff

The University issued an information booklet to staff in placement schools. In the first section of the booklet it said:

'Cause for Concern: Should the school have cause for concern in relation to the student(s) please contact the Course Director.'

The booklet included a section on the role of University staff in placement. It said:

'During the block placement, the student will normally receive 2 visits from the Placement tutor ... On the second visit student teachers will be asked to demonstrate that they can plan and implement a whole day ... If there is cause for concern with regard to a student teacher's progress, additional visits may be made by the Course Director, Course Co-ordinators or the External Examiner.'

A template for the School Report was included as an appendix to the booklet. This template did not indicate who was responsible for completing the School Report, though there were spaces for the signatures of the student teacher, the class teacher and the head teacher or their nominee.

The University Dignity and Respect Policy for Staff and Students on Harassment and Bullying

This policy stated that its aim was:

'... to give effect to this statement of principle and to provide procedures to address any possible infringements.'

The Dignity and Respect Policy defined unreasonable and/or unacceptable behaviour:

1.1 Harassment can range from violence and bullying to more subtle behaviour such as ignoring or excluding an individual at work or study. In all cases it is unacceptable behaviour.

1.2 Defining features of harassment are that the behaviour is unwanted by the recipient, (normally) that it is repeated, and that it would be regarded as harassment by any reasonable person ... Conduct, which is offensive or objectionable to the recipient, causes discomfort or

humiliation, interferes with job performance, academic grades or prospects, or creates a threatening, hostile or intimidating environment for employment, study or social life may be regarded by the recipient as harassment ...

1.10 Bullying is harassment, which is not specifically related to race, gender, or any other personal factor. As with other forms of harassment, it can be defined as words, actions or other conduct which ridicules, intimidates, abuse of power or threatens and affects the individual dignity and well being. It may take many forms and can be explicit or more subtle.

Examples of bullying:

- Picking on people and unreasonably criticising their performance. (Note this is specifically in relation to unreasonable behaviour and not of normal performance management expectations.)
- Unreasonable refusal to delegate authority and responsibility or by manipulation/abuse of resources and/or power.
- Unreasonable withdrawal of authority and responsibility.
- Imposing unrealistic objectives and deadlines or changing objectives without reasonable justification.
- Isolation or non co-operation at work, or in class ...'

The Dignity and Respect Policy went on to say what to do in the event of harassment:

'2.2 If you feel that you are being subjected to harassment in any form, support and advice is available from University Dignity and Respect Advisers. It may be sensible to keep a note of details and dates of any incidents which distress you including a note of the ways in which the incidents cause you to change the pattern of your work, study or social life.

2.3 It is advisable to seek advice and support from an Adviser or other person at an early stage ...

2.5 Managers have a responsibility to address any incidents of bullying or harassment that they observe or witness even though no complaint may have been made by the subject.'

The Dignity and Respect Policy set out the stages of the process, including informal complaint and formal complaint, and detailed the investigation

procedure to be used in the event of a formal complaint. Formal complaints should:

'... ideally be made in writing to the appropriate person as detailed below.'

In terms of making a formal complaint against someone from outside the University community, the Dignity and Respect Policy said:

'3.10 A complaint against a person who is neither a member of staff of the University or a student eg, a person at a placement, should be made to the placement supervisor at the placement agency or the course organiser/director at the University.'

The University Calendar

The University Calendar included the regulations for Board of Examiners. Regulation 19.1.21 stated:

'The Board of Examiners may discount an attempt for a class where appropriate medical or other evidence has been provided subject to report to the relevant Board of Study.'

Faculty Guidelines for Boards of Examiners

The Faculty Guidelines for Boards of Examiners stated:

'Evidence of Adverse Circumstances:

Where student marks may have been affected adversely, such as through difficult personal circumstances or illness, the Course Director should complete the attached form. Any confidential information will only be disclosed to the Chair of the Board, who will confirm that adverse circumstances applied at the time of the class work or examination and advise on the degree to which this affected student performance.'

The 'attached form' included tick boxes for the nature of the adverse circumstances:

'Ill health, (medical certificate ... Personal Circumstances ... Other'

It also included tick boxes for the evidence provided in support of the special circumstance:

'Letter ... Interview ... e-mail ... Medical Certificate ... Other (please specify)'

The form also asked for a recommendation from the course team whether there was a strong or a weak case.

The Faculty Guidelines included a section on exceptional Board decisions:

'Attempt Discounted

The existence of medical or other adverse circumstances is indicated against a student's record on the Results Schedule ... In such cases, the Board will ascertain from the Course Director or the Faculty Officer the nature of the circumstances. The Board may then decide to discount the student's attempt at one or more assessments ...'

In relation to confidentiality, the Faculty Guidelines said:

'All matters discussed at Board meetings are confidential. The minute is a record of discussion by the Board which can be referred to by Appeal Committees and students may ask to see the relevant sections which directly refer to them by name. Any other discussion is to be kept within the Board and should not be passed on to others as such comments can be taken out of context.'

Circumstances Affecting Academic Performance

The University's Student Advisory and Counselling Service produced information about circumstances affecting academic performance. The information included a section on circumstances affecting exam performance, which said:

'If you attempt an exam while ill or under other pressures then you can immediately send a letter of explanation, ideally with some corroborative evidence, to the Department for their consideration (copy to Registry).'

Academic Appeals Procedures

The University's Academic Appeals Procedures states:

'3.16 A senior member of the academic department concerned, and/or other relevant person(s), will normally be invited to attend the Senate Appeals Committee hearing to provide information on matters such as practices, precedents and academic requirements relating to the appellant's course of study. This individual/these individuals should not have been involved in the decision-making process regarding the outcome of the Faculty appeal, nor should they have been implicated in the appeal itself, nor so far as is practicable should they have been involved in the original decision.'

Senate Appeals Procedures

A note on the Procedure for the hearing of appeals by the Senate Appeals Committee began by referring to the relevant University Regulations upon which the Appeals Procedure was based, and made clear that Regulations took precedence over the Appeals Procedure. The introduction to the Appeals Procedure stated:

- '1. The procedure for the hearing of appeals by the Appeals Committee of Senate is based on the principles of Natural Justice. That is, the appellant is given an opportunity to see and hear all the evidence presented to the Committee, has a right of attendance at the hearing of the appeal, is given adequate opportunity to challenge or question that evidence, and generally is afforded every reasonable opportunity to present the appeal.
2. An appeal will normally be heard some five to six weeks after it is received by the University ...'

In terms of preparing for the appeal hearing, the Appeals Procedure said:

- '8. Upon receipt of an appeal copies are sent to the Head of the student's department (or Course Director or similar relevant person) and to the Dean of the appropriate Faculty. These persons are asked to submit their comments regarding the appeal, normally within 14 days.
9. Approximately 2 weeks before the hearing the appellant will be notified in writing of the date, time, venue and other arrangements for the hearing. The appellant will also be provided with a copy of all written comment or evidence submitted by the Head of Department and the Dean, and all other papers that it is intended should be presented to the Senate Appeals Committee.'

In terms of the procedure for the appeal hearing, the Appeals Procedure said:

- '11. It is usual for the Senate Appeals Committee to invite a senior member of the academic department concerned, or other relevant person, to attend the hearing, as a source of information on such matters as practices, precedents, academic requirements etc relating to the appellant's course of study.
12. At the hearing it is usual for all parties – the appellant, any accompanying person and the departmental representative – to be admitted and to remain present throughout the whole of the time that the Committee is receiving evidence. The guiding principles for the hearing are those of conciliation and the avoidance of confrontation.'

University Complaints Policy and Procedures

The University Policy and Procedures for Student Complaints states that:

1.2 The emphasis of the procedure is on addressing the complaint and arriving at an acceptable outcome as quickly as possible, rather than on apportioning blame.

1.3 Complaints will be taken seriously, and will be investigated thoroughly ...

1.5 ... your complaint will be considered on its own merits and on its particular facts and circumstances so that natural justice may be done.'

The Complaints Procedure set out the stages of the process, including informal complaint, formal complaint and appeal. Informal complaints were normally dealt with by the person providing the service or, in some instances, the head of service/department. Formal complaints were to be made to the relevant Dean or Director of Service. If, at that stage, the complainant remained dissatisfied they could appeal to the Student Complaint Appeals Committee.

Evidence received to provide detailed chronology

Selected extracts from the extensive evidence provided by Mr C and the University are reproduced below as they are relevant to the main report.

April 2007

Mr A emailed Academic 1 on 19 April 2007. After discussing some details about his placement, Mr A said:

'Things aren't going as well on placement as I had hoped, I'm really struggling with this one. In confidence, [the Class Teacher] is very negative and while I considered myself to be organised, prepared etc she didn't see it this way. Trying to pull out the stops to impress with being prepared but finding [the Class Teacher] very difficult and my confidence is quite low. Hoping things will improve soon though! Thanks for your support.'

An entry for 24 April 2007 in Mr A's log of experiences on placement at the School said:

'I then made my first overt request for a move to an alternative placement as I was being made extremely unhappy in this very unpleasant working environment and could not see matters improving ... I suggested that my best course of action was immediate withdrawal from the school but [Academic 1] agreed to contact [Academic 3] about the possibility of a change of placement and persuaded me to stay with it.'

Mr A emailed Academic 1 on 25 April 2007, saying:

'Thanks for your encouragement yesterday. I was wondering if there was any news from [Academic 3]? The situation hasn't really improved.'

Academic 1 responded to Mr A's email on 25 April 2007, saying:

'Spoke to [Academic 3] today and she will arrange to have someone else come to visit. I spoke to [the Head Teacher] to let her know. I have cancelled visit on 9 May and will come back on the Tuesday morning of the last week. Hang in there and work hard.'

Mr A replied to Academic 1's email on 26 April 2007, saying:

'Ok thanks [Academic 1]. I was just wondering how reasonable a request (I think order is more appropriate word) this is of [the Class Teacher]. Instead of moving to weekly evaluations as it says in the course handbook I have now been requested to submit at least 2 highly detailed daily evaluations of my teaching. I am now really struggling with the workload and the additional pressure this has put on. Is there any advice you could give me?'

Academic 1 emailed Academic 2 on 29 April 2007 thanking her for agreeing to see Mr A. The email noted concerns at the School about Mr A's performance, as well as the Class Teacher's view that Mr A was not committed to the placement and that he had not followed her advice. The email also noted Mr A's view that he had only had criticism without positive reinforcement from the Class Teacher. In addition, the email said that:

'[Mr A] has an aunt who works at [the Faculty] who seems to have advised him to keep a log and seek advice.'

The email also referred to Mr A's email of 27 April 2009 saying that the Class Teacher had asked for detailed evaluations each day instead of a weekly evaluation as asked for by the Faculty, and Academic 1 asked Academic 2 for advice on this point. Academic 2 responded to Academic 1 by email the same day. She said that she was happy to visit Mr A and, as she was in the area the next day, she:

'... could pop in just to chat to [the Head Teacher] and [Mr A] on the pretext of arranging my visit and then I could cover issues such as this if you think it would be useful. If you get this tonight then let me know what you think.'

Academic 2 also said that:

'As far as the evaluation is concerned [Mr A] could rightly complain about being asked to do additional written work which he could claim took away time from his planning. My advice would be that his written evaluation is as course requirements but that he should discuss his teaching with [the Class Teacher].'

May 2007

A form entitled Focus For Joint Evaluation said that:

'This should be completed by the student teacher, class teacher/mentor about one week after the first tutor visit and at the end of the placement (May 2007).'

In relation to Mr A's placement at the School, this form was completed by the Head Teacher instead of the Class Teacher but, according to the Head Teacher, with input from the Class Teacher.

An entry for 5 May 2007 (Mr C advised me this should read 4 May 2007) in Mr A's log of experiences on placement at the School said:

[Academic 2] visited to discuss the representations I had made to [Academic 1]. Bullying by [the Class Teacher] was mentioned. I was not sure that she fully understood the extent of the duress I was under, but she appeared to respect my concerns about confronting [the Class Teacher] directly and being left with the consequences. [Academic 2] spoke with [the Head Teacher] and later in the day we met together with [the Class Teacher] and tried to encourage the teacher to provide some positive feedback. I found this a highly uncomfortable experience and it appeared that [the Class Teacher] was unable to say anything positive even under these conditions.

I repeated my request for a change of placement. [Academic 2] advised that this would prove difficult as I was already well into the current session. I would have to adjust to a new class and complete the placement course requirements in a shortened timescale, requiring an additional week of placement and possibly compromising my University course work. She seemed to imply that things would work out if I stayed where I was.'

Mr C wrote to Academic 4 on 21 May 2007 to:

'... complain in the strongest terms about the unjust and capricious treatment he has received during the last two months of his primary teacher training course ... he has been placed in a vulnerable position ... and now faces a delay in taking up regular employment as a result.'

Mr C went on to detail Mr A's experience at the School, and he was critical of the Class Teacher, saying that:

'Her treatment amounted to no less than bullying and I advised [Mr A] to keep a log of her conduct, which he can supply to you if required.'

Mr C said that Mr A had:

'... made an urgent request for a transfer at the time of his first crit lesson ... ' and that 'In response to [Mr A]'s repeated request for a transfer, [Academic 2] did not absolutely rule out this possibility, but suggested that this would result in significant delay and strongly advised [Mr A] to stay the course in the current placement.'

In addition, Mr C said that:

'Another factor that appears to have been overlooked is the fact that [Mr A] suffered from post-viral fatigue during his undergraduate course at [the University] and was officially registered as a disabled student. A simple cross-check of student records would have shown that some care should have been taken in his placement ... While [Mr A] did not seek to draw attention to this issue, I have no doubt that his reticence to contest the behaviour of [the Class Teacher] or to make trouble for her by representations to the Head Teacher were due in part to a residual aversion to stress.'

Mr A emailed Academic 3 on 29 May 2007 saying:

'Apologies for not contacting you sooner. You may, by now, have read the letter that my father has sent to [Academic 4] and copied to you and be aware of some of the issues raised. I am emailing you now as I have spoken with [another member of academic staff] today who advised that you should have been the first person I contacted about this. Hopefully, we could meet to discuss this at a convenient time?'

Officer 1 emailed colleagues on 30 May 2007 with a draft response to Mr C. She said:

'Can we also check that [Mr A] had indeed registered as having a disability and that the course knew?'

On 31 May 2007, Academic 3 responded to Mr A's meeting request of 29 May 2007 saying that she was happy to meet with him on 4 June 2007. Mr A replied on the same day asking if he could bring along a representative.

June 2007

Academic 3 emailed Mr A on 1 June 2007, saying:

'As this is an informal meeting at your request it really should be just you and me. However if you wish to bring a representative it would be useful

for me to know who this will be. If our meeting is or becomes more formal I may also request a representative to attend.'

Mr A responded on 1 June 2007, saying:

'I would like to bring my father along with me on Monday for moral support. In the meantime I am sending you the log of my experience at [the School] for your information.'

The Head of the University's Disability Service emailed Officer 1 on 4 June 2007, in response to her email of 30 May 2007. She said:

'I am looking into this. He is not currently recorded on our database of disabled students, but we'll check historical records to see whether we had information about him in the past.

It seems to me that if he failed to disclose that he had a disability when he registered on his new course, then we should not have made the assumption that he was still recorded as disabled, particularly given the very fluctuating and often temporary nature of post-viral fatigue. Students often disclose on one course and not on another, since whether their disability matters depends on what they are being asked to do on the course, ie on context ...

It would be useful if someone could look at his application form and see what note he made there about his disability. If he recorded 0 for disability, then we would not have contacted him when he started the ... course to offer assistance. I also think it would not be reasonable to expect that any consideration would have been made for his 'disability' if he recorded that he had none, and did not subsequently advise to the contrary. It would be useful to know what invitations to disclose came from the course team, to all students, prior to placements, and whether he responded.'

Mr A wrote to the Board of Examiners for his course, addressing the letter to Academic 3, on 6 June 2007. He was appealing against the placement assessments he received at the School. In the letter he was critical of the Class Teacher, in similar vein to the letter of 21 May 2007 written by Mr C, and pointed out his:

'... inclination ... to avoid confrontational situations as I have only recently recovered from a long-term post-viral syndrome that impeded my undergraduate studies at the University ... I did not draw attention to this

issue, although it can be confirmed from inspection of my University records.'

Mr A said that his confidence was affected and his performance suffered as a result, citing the difference in Academic 1's remarks from a previous placement to the final placement in support of his appeal. He also said that the joint evaluation and School Report were prepared by the Head Teacher who had not observed his teaching, and she had apparently done so based on the opinion of the Class Teacher, which he disputed. Mr A concluded by giving his view that he was:

'... confident that I am ready to progress to appointment as a newly qualified teacher.'

and that he would have done so if he had not been placed in the School, and that he was:

'... anxious that I should not suffer further hardship as a result of this experience and that I should be allowed to go forward without delay.'

The Board of Examiners met on 19 June 2007. An extract from the Board minutes recorded that Mr A:

'... had submitted a letter detailing circumstances which had affected his performance during the final placement. The health issues reported had not been known by the course team. The External Examiner had been consulted and supported the discounted attempt on the grounds that the student had circumstances relating to health which were not known at the time.'

Mr C wrote to the Dean of Faculty on 22 June 2007 to register Mr A's formal complaint about his treatment by the staff responsible for the teacher training course:

'... who have failed to implement University policies on harassment and bullying ... and to provide proper quality assurance and back-up. The net result of their failures is that [Mr A] now faces up to a year's loss of earnings.'

In the letter Mr C complained about the Class Teacher and said that he had advised Mr A to keep a log of her conduct. Mr C said that the log was provided to Academic 3 on 1 June 2007, and he also complained about her involvement, as well as that of Academic 1 and Academic 2, specifically that the latter two

had not agreed to Mr A's request to a transfer and that they delayed dealing with his concerns about the Class Teacher and the placement. Mr C noted that the Board of Examiners had discounted the placement attempt, which Mr C said he took:

'... as an acknowledgement that this placement was neither appropriate nor a reasonable test of his fitness to progress.'

Mr C concluded by saying:

'I suggest that as a matter of urgency the University should move either to overturn the result of the placement or to recompense [Mr A] for his loss of earnings and the shabby treatment he has received. I should also point out that I have been sufficiently moved by the injustice of [Mr A]'s situation that I will have no hesitation in supporting him in any legal action for appropriate redress.'

Mr A emailed Officer 1 on 24 June 2007 to:

'... intimate my desire to lodge a faculty appeal against the decision of the exam board to discount rather than reverse the decision to fail me on my last school placement and hence to prevent my progression to a teaching appointment.'

Attached was a letter of the same date from Mr C to the University's Deputy Principal, similar to Mr C's letter of 22 June 2007 to the Dean.

Officer 1 emailed Mr A on 26 June 2007 saying that:

'While the letter from your father refers to a log kept by you while at [the School], there has been no copy of this log submitted. [Academic 3] has not seen it. Can you please e-mail me a copy as a matter of some urgency?'

Mr C responded the same day with a copy of the log and noted:

'As you will see from the message ... the log was sent to [Academic 3] on June 1st ...'

Officer 1 wrote to Academic 1 on 26 June 2007 asking for comments on an extract of Mr C's letter of 22 June 2007. Academic 1 wrote back the next day setting out her view of her interaction with Mr A during the placement. She said that after observing a teaching lesson on 24 April 2007, for part of which she had failed him, Mr A:

'... said he felt like giving up the placement. I intimated that I did not think this was a good idea. I would not say that [Mr A] 'urgently requested an alternative placement' nor did I not pass on his concerns until some days later ... The concerns expressed were immediately passed on to [Academic 3] on the morning of Wednesday 25 April. Indeed I cancelled a previously made commitment in order to do this.'

In relation to the final assessment visit, Academic 1 said that she:

'... received an e-mail from [Mr A] before my final visit regarding the time I would be arriving at the school. I relayed my answer by e-mails which were returned and finally by a voice mail message ... His teaching on that day however was very disappointing and I could not, in my professional opinion, pass him on teaching and learning ... I observed the whole of the second part of the morning in the hope that the teaching would improve ... [Mr A] did state that he had not expected me to be observing him after the interval although I had informed him that I would for at least part of the time.'

Officer 1 also wrote to Academic 2 on 26 June 2007 asking for comments on an extract of Mr C's letter of 22 June 2007. Academic 2 wrote back:

'At no time did [Mr A], or anyone acting on his behalf, contact me to request a transfer of placement school.

During my initial visit the student complained that [the Class Teacher] was overly critical of him and was giving him what he considered additional chores to do, but I have no recollection of [Mr A] using the term bullied, although if he perceived [the Class Teacher]'s behaviour as overly critical this could be implied. In accordance with the University Policy I suggested that I discuss the issues he had raised with the Class Teacher and/or the Head Teacher on his behalf, but he refused permission for me to do so. Since I did not have permission from the student I could not take further action as stated in the University Dignity and Respect Policy 3.2 ... I believe that my actions ... followed University policy. [Mr A] was not subjected to a humiliating interview. He was involved in a short triadic discussion which is procedure encouraged in the Department of Childhood and Primary Studies to support students on placement.'

Officer 1 also wrote to Academic 3 on 26 June 2007 asking for comments on an extract of Mr C's letter of 22 June 2007. Academic 3 wrote back:

'As with all students whose progress causes concern after the first visit of the final placement, a cross visit was arranged. In this instance for additional support I requested that [Academic 2] ... should make this visit.'

In response to Mr C's suggestion that Academic 3 had, at a private meeting, discouraged Mr A from pursuing his complaint about bullying, she said:

'I totally refute that this was said. I presented and clarified for [Mr A] what may be his next steps in terms of Course and Faculty Procedures.'

Officer 1 also wrote to the Head Teacher on 26 June 2007 asking for comments on an extract of Mr C's letter of 22 June 2007. The Head Teacher's response of 28 June 2007 was supportive of the Class Teacher, and gave a different explanation for events than was seen from Mr A's perspective:

'In no way did [the Class Teacher] abuse her position of responsibility. She made it clear at all times that she was there to advise, support and work with [Mr A] to help him improve his practice. Any criticism of [Mr A]'s practice was made to give [Mr A] the opportunity to reflect and improve. [The Class Teacher] did suggest that [Mr A] might consider making daily evaluations to help him to reflect on his own teaching and on the children's learning. This seemed a reasonable suggestion, as [Mr A] seemed unable to plan next steps in teaching.'

She also gave an explanation of how the School Report on Mr A's placement was written:

'The evaluation report was completed by myself and [the Class Teacher], based on observations which had taken place and on [Mr A]'s meetings with me to discuss lesson planning and teaching strategies. I should also like to add, that whilst I made no arrangements to carry out any formal observation of [Mr A]'s teaching, I often was in the room while he had responsibility for the class and have an office which is beside the classroom where [Mr A] worked, and so was constantly aware of what was happening. I discussed the report with [Mr A] and gave explanations for statements made. [Mr A] was asked to comment, but seemed unable or unwilling to do so.'

On 27 June 2007, Mr A emailed Officer 1, saying:

'Further to my last email I felt it important to point out that I told both tutors ... that I was keeping a log of my treatment by [the Class Teacher] but neither had shown an interest in seeing it.'

July 2007

The Faculty Committee met on 3 July 2007 to deal with Mr A's case. The minutes of the meeting noted that those present (two Vice-Deans, including Academic 4 as Chair, and an Associate Dean, none of whom had any previous dealings with Mr A) agreed to deal with both Mr A's appeal against the Board of Examiners's decision to discount his placement attempt and his complaint against members of staff in the Faculty '... to avoid two separate procedures'. Mr A's appeal and complaint were rejected by the meeting as, the minutes record:

'... there was no evidence that he had overtaken the standards required to become a teacher and was ready to be put in sole charge of a class' and 'there was no evidence to support the claim of bullying by the student ... Specific charges had been laid against staff but no evidence had been provided to support the charges ... The group were unanimous in the view that the student had not met the required standards and that University staff and school staff had provided additional support in accordance with procedures ... It was also noted that the tone and language used in the letter submitted by [Mr C] had been aggressive and this was regrettable.'

Officer 1 wrote to Mr A on 5 July 2007 to communicate the outcome of the appeal and complaint meeting. She explained how the meeting had operated and the information she had collected for it, and set out the responses received from Academic 1, Academic 2 and the Head Teacher. She said that:

'The Board of Examiners was informed that you had health issues which had not previously been disclosed and, on that basis, discounted the attempt at placement which means that any subsequent attempt is termed a first attempt. This is standard practice. The decision of the Board is not in any way 'an acknowledgement that his placement was neither appropriate nor a reasonable test of fitness to progress' ... The decision that you should undertake placement in September is therefore upheld both in terms of appeal and complaint. This will provide the opportunity for you to demonstrate that you are able to meet the Standard for Initial Teacher Education which is a requirement for entry into the Induction Programme.'

Officer 1 explained how Mr A could progress his appeal, to the University Senate, and his complaint, to the University Secretary, if he wished.

Mr C emailed Officer 1 on 6 July 2007, in response to the decision of the Faculty Committee. He said:

'It is clear that the [Faculty Committee] has simply taken the word of the tutors over [Mr A]'s recollection of events. [Academic 1] conveniently fails to remember [Mr A]'s urgent request for a change of placement, while [Academic 2] similarly fails to remember his use of the word 'bullying' to her. The Head Teacher maintains that she was in a position to appraise [Mr A] while she had never observed him teaching. The inexperience and conduct of [the Class Teacher] is conveniently ignored. This process bears the hallmarks of a cover-up rather than a genuine attempt to seek justice for the student.

[Mr A] remains deeply dissatisfied with the fact that his progress into teaching has been allowed to be derailed by a junior class teacher who for reasons unknown wished him to fail, a problem compounded by the failure of University staff to respond appropriately to his urgent requests for assistance. It is hoped that the Senate Academic Committee will be able to do better. I repeat my commitment to support him in a civil action if required.'

Mr C wrote to the University's Senate Office on 9 July 2007 to appeal the Faculty decision not to uphold Mr A's appeal. He also copied the letter to the University Secretary due to the complaint elements in it. Mr C said that:

'... the two tutors involved have reduced [Mr A]'s chance of gaining justice by their collective amnesia with respect to some of the most important details of their dealings with him ... The Faculty Appeal report singularly failed to mention the core of the problem, which was that [Mr A] was allocated to a very inexperienced teacher who decided early on in the placement that he should fail, and ultimately got her way. [Mr A]'s case is that he didn't just fall in this placement – he was deliberately tripped.'

Mr C went on to say:

'Having counselled [Mr A] virtually every night during the placement, my wife and I can attest to the severe effects on his morale and self-esteem, and to our disillusionment with the tardy and ineffective handling of the problem by his tutors.'

Mr C outlined Mr A's complaints against the School and Faculty staff involved in Mr A's placement and in the Faculty Appeal, and asked the University Senate to '... over-turn the Faculty's academic decision'.

On 14 July 2007, Mr C sent a letter dealing only with the matters for appeal to the University's Deputy Principal, who was the Convener of the Senate Appeals Committee. He set out 'The case for a Senate Appeal against the Exam Board's refusal to overturn their decision in [Mr A]'s favour.'

In terms of the final placement assessment, Mr C said:

'A factor that was not disclosed to the Exam Board is that [the Class Teacher] had scheduled the day's teaching such that she was to lead the next lesson, with [Mr A]'s well-prepared contributions coming later in the day. This meant that [Mr A] was assessed on a lesson that he had not expected to lead, and had therefore not prepared to crit standard. Most of the critical points in the narrative of [Academic 1]'s report relate to this secondary period. He was therefore assessed under disadvantageous conditions compared to other students on the course. This was unfair.'

Mr C also appealed on the basis that the report from the School on Mr A's placement was written by the Head Teacher, who had not formally assessed his teaching, rather than the Class Teacher, whose opinions Mr C regarded as biased. Mr C requested that the matter be given timely consideration.

August 2007

There was email correspondence between Mr C and Officer 2 from 26 July 2006 to 9 August 2007 in which Mr C made representations for the University Senate to hear Mr A's appeal as soon as possible, to allow him to be registered as a teacher in time for the new school year.

On 6 August 2007, Mr C forwarded a number of emails between Mr A and Academic 1 and Academic 3 from April 2007 and June 2007 to the Head of University's Academic Office (Officer 2). In relation to Mr A's email of 25 July 2007 to Academic 1, Mr C said:

'[Academic 1] conducted her first crit lesson on 24th. [Mr A] urgently requested a change of placement and recalls [Academic 1] trying to contact [Academic 3] by telephone, though without success. This email was a follow-up to that request.'

In relation to Academic 1's reply, Mr C said there was 'No indication that [Mr A]'s concerns were being dealt with sufficient urgency.'

In relation to Mr A's further email of 25 July 2007 to Academic 1, Mr C said:

'[Mr A] again tried to indicate the urgency of his request with a further complaint about the unnecessary work he was being made to carry out.'

On 9 August 2007 Officer 2 emailed Mr C to tell him that Mr A's case would be considered by the University Senate Appeals Committee in the week beginning 27 August 2007. She explained and apologised for the delay, and set out the protocol for the meeting. Mr C responded to the email on the same day, saying that he was '... deeply dismayed...' at the delay and the further damage this might do to Mr A's career. He also said:

'Should it be judged that the academic decision against [Mr A] cannot be overturned, there remains a further complaint against University staff who failed to provide adequate support for him in the matter of harassment and bullying, with consequent damage to his performance. It was our understanding that this is a matter for the Secretary to the University that has to be pursued separately. If the Senate Appeal also wishes to consider this complaint we need to know this as a matter of urgency.'

Mr C sent an email chasing a response on 13 August 2007.

Officer 2 emailed the Convener of the Senate Appeals Committee on 10 August 2007, saying:

'Should I talk to [the University Secretary] to see whether it is possible to link the bullying and harassment complaint and the appeal in a single hearing or would it be better to pursue the former once the appeal has been dealt with?'

The Convener of the Senate Appeals Committee responded on the same day, saying:

'I think these two issues have to be kept separate. A Senate Appeal does not seem the place to pursue a bullying/harassment issue.'

The Dean of Faculty wrote a memorandum to Officer 2 on 17 August 2007 in response to points made in Mr A's appeal. Referring to the School's report on Mr C's placement, the Dean said:

'The Head Teacher of a school is required to sign off the school report. This is standard practice.'

Officer 2 wrote to Mr A on 21 August 2007 advising that his appeal to the University Senate would be heard on 31 August 2007 and setting out arrangements for the meeting. She also said that:

'... at the request of the Convener of the Appeals Committee, [Academic 3] will attend the hearing, to provide information concerning arrangements for the course, precedents and other similar matters.'

Mr C emailed Officer 2 on 24 August 2007 expressing his unhappiness at the delay in dealing with Mr A's appeal and in the short time they had been given to consider the appeal papers and respond to them. Mr C noted that:

'Our completed submissions have been with you for more than five weeks.'

Mr C wrote to Officer 2 on 28 August 2007, saying:

'Having considered the matter further I wonder whether the University would be better advised to replace [Academic 3] as the Faculty respondent on policies and procedures, as she herself is one of the subjects of our outstanding complaint to the Secretary of the University. While she appears as a minor figure, I will be making reference to her in my submission. If I were in her shoes, I would be rather uncomfortable.'

The Convener of the Senate Appeals Committee agreed that someone else should be found, but on pursuing the matter on his behalf Officer 2 was told by Officer 1, in an email of 29 August 2007:

'While I think that the whole event will be uncomfortable, there is no one who knows more about this than [Academic 3] ... She knows the policies and knows how they are made available to the students. I am concerned at the tone of [Mr C]'s message. He seems to want to control the whole event. I certainly don't want [Academic 3] thrown to the lions but am hopeful that the Senate committee wouldn't allow that.'

Officer 1 also mentioned that Academic 4 or an Associate Dean, all of whom had attended the Faculty Committee, could potentially accompany Academic 3 to the Senate Appeals Committee meeting.

Mr C emailed Officer 2 on 29 August 2007, saying:

'... [Mr A] and I have discussed the matter further and would like to state that we consider [Academic 3] to be a hostile and unreliable witness. We would much prefer that the University find somebody else who can give procedural advice without being 'economical with the truth'. We will go

ahead as planned if there is no other option, I will be obliged to state my views at the outset of proceedings.'

Officer 2 replied on 30 August 2007 noting Mr C's concerns but advising that Academic 3 was:

'... the most appropriate person to advise the appeal committee on course procedures and processes.'

and that Academic 4 would accompany Academic 3 to the meeting.

Officer 1 emailed Academic 4 on 30 August 2007, saying:

'I spoke to [Officer 2] yesterday about the Senate appeal tomorrow at 11. I am concerned that [Academic 3] is attending this on her own and feel that there should be a Faculty Senior Officer there. Can you go with her?'

There was an email exchange of 30 August 2007 between Officer 2 and Officer 1. Officer 2 asked, on behalf of the Convener of the Senate Appeals Committee, for:

'... a statement from the Faculty about the appropriateness of [the Class Teacher] as placement supervisor.'

given the reference to her in Mr A's appeal. Officer 1 responded that the Head Teacher and her School colleagues had a high regard for the Class Teacher and that:

'At no time during the investigation of the appeal was the experience or quality of [the Class Teacher] considered to be an issue.'

The meeting of the Senate Appeals Committee of 31 August 2007 was recorded in minutes. It was noted that the appeal was on the basis of both procedural irregularity and bias or prejudice. The Senate Appeals Committee concluded that there had not been procedural irregularity in the handling of Mr A's reporting of difficulties in his placement, nor in the conduct of the final assessment during the placement. It was also noted that the Senate Appeals Committee was advised that, in practice, it was not unusual for a head teacher to complete the Focus for Joint Evaluation document. In relation to Mr A's log of his experiences on placement, the Senate Appeals Committee:

'... was not convinced that ... the log could have triggered a solution to [Mr A]'s difficulties.'

In relation to bias or prejudice, the minutes noted that:

'The Committee found that there was a lack of clarity about this issue. Discussion by the Committee was complicated by the need not to prejudice any actions which the appellant might take in respect of a complaint about bullying and harassment ... Short of a fuller exploration of the subsequent allegation of bullying and harassment, which is not within the Committee's jurisdiction, the Committee found it problematic to determine the validity of the appeal grounds of bias and prejudice.'

The outcome of the Senate Appeals Committee was recorded as follows:

'The Committee concluded that [Mr A] might wish time to consider whether he wishes to act on his allegations of bullying and harassment, and might therefore not be ready to take up his repeat placement this semester. It is therefore requiring the Faculty to make available the option of a delayed placement later in the academic session should [Mr A] wish to take advantage of this option.

A common outcome of an appeal is for the Committee to instruct the Course Director to provide an additional opportunity for the student to satisfy the Examiners or it may ask the Board of Examiners to reconsider the outcome of some assessment(s) if an appeal is upheld. The Board of Examiners and [the Faculty Committee] have already provided an additional opportunity for [Mr A] to satisfy the Examiners and the Committee did not consider that the latter approach was appropriate on the basis of the information before it.'

In commenting on the draft minutes of the meeting of the Senate Appeals Committee, one member of the Committee noted that he was:

'... happy with that except it doesn't note our unhappiness with appeal and complaint being conjoined at the faculty appeal.'

November 2007

On 14 November 2007, Mr C wrote to the University Secretary:

'... to pursue [Mr A]'s complaint against two members of staff whose failures and prejudicial actions have resulted in a year's delay to the start of [Mr A]'s probationary teaching employment ... The current complaint is focused on the concomitant failures of University staff to recognise and deal with the problem [at the School] and to support [Mr A] against unfair treatment. Even more damaging have been their attempts to cover up these events.'

The letter set out Mr A's complaints of '... negligence and incompetence' against Academic 2, with particular reference to the Dignity and Respect Policy. It also set out Mr A's complaints against Academic 3, that she:

'... failed in her responsibilities as Course Leader, a position that entails oversight of student welfare and assessment standards. More seriously, she covered up the injustice suffered by [Mr A] and withheld relevant information from the Exam Board and other relevant bodies.'

Mr C referred to a telephone conversation he had with Academic 4 about Mr A's meeting with Academic 3 scheduled for 4 June 2007:

'In my subsequent telephone conversation with [Academic 4] he expressed his sincere regrets with regard to the fate that [Mr A] had suffered but stated his utmost confidence in [Academic 3]'s ability to sort the matter out in a meeting with [Mr A]. I was anxious to accompany [Mr A] to this meeting but [Academic 4] begged me not to insist on attending on the grounds that this would result in delay in scheduling the meeting as another University representative would have to be found to back up [Academic 3].

I now regret that I accepted [Academic 4]'s assurances and pleadings, as the record shows that [Academic 3]'s interest in sorting the matter out extended only to shielding herself and her staff from criticism or censure and that she had no interest in seeking justice for [Mr A]. At her private meeting with [Mr A], [Academic 3] persuaded him to submit a watered down version of his experiences in a separate letter to the Exam Board, omitting his complaints against the failures of tutorial staff. [Mr A] left the meeting under the illusion that she would support his case and ensure a just outcome. I can endorse his account of these events as I debriefed him after his meeting and helped him in composing his letter to the Exam Board.'

Mr C also referred to Mr A's appeals to the Faculty and the Senate, and concluded as follows:

'It is clear that the University's procedures have been subverted by concerted efforts to close ranks, cover up the injustice [Mr A] has suffered, and deny him justice. The staff members concerned, at all levels, need to be made aware of the extent to which their handling of this case has fallen short of the expected standards for the Higher Education sector. We also

request appropriate compensation for [Mr A] in acknowledgement of the damage these failures have done to his reputation, career and livelihood.'

Officer 2 emailed the University Secretary on 28 November 2007 in response to Mr C's letter of 14 November 2007. She primarily responded about Mr C's allegations regarding bullying and harassment and attached a copy of the minutes of the Senate Appeals Committee meeting of 31 August 2007. At one point, in relation to Academic 2's meeting with Mr A and the Class Teacher on 4 May 2007, she said:

'[Academic 2]'s intervention with [the Class Teacher] at this point was ill-advised in view of the earlier conversation with [Mr A] and this would be in breach of paragraph 2.1 of the policy which says that 'the University will respect ... the need for confidentiality'. I understand from ... the Head of Department, that it is not uncommon if there are difficulties for a meeting with the teacher and the student to be arranged in order to move things forward. [Academic 2] may have called this meeting on that basis, given [Mr A]'s reluctance to address the issues directly. This does not excuse the perceived breach of confidentiality but may explain it.'

Officer 2 went on to say that the next stage in the Policy is to make a formal complaint, ideally in writing, but that:

'As far as I am aware, no formal written complaint was received by [Academic 2] or [Academic 3] at this stage.'

The University Secretary wrote to Mr C on 30 November 2007. He said that the complaints had:

'... already been extensively discussed at the Faculty and Senate Appeals ... It is recognised that errors were made on the University side and these have been brought to the attention of those concerned.'

He also said:

'You ask that this complaint be dealt with under the Dignity and Respect Policy, on the grounds that [Mr A]'s supervisors should have been aware that he was being bullied and harassed. [Mr A] did not discuss this matter with any of the Bullying and Harassment Advisers or seek advice on how to take the issue forward at the time. He turned down the opportunity to pursue the matter informally with the [Class Teacher] with the support of [Academic 2] and no formal complaint was made under the Policy. The existence of the log does not by itself constitute a complaint and staff

could not take this forward without further action on [Mr A]'s part. That being the case we will take no further action on it.'

Mr C was not satisfied with the University Secretary's response and wrote to him on 6 December 2007, saying:

'While you are the first officer of [the University] to acknowledge that your staff made mistakes, your failure to provide details as to which of our complaints are being recognised is entirely unhelpful. At the same time you refuse to make any further investigation, despite being furnished with evidence that discredits the hastily conducted Faculty Appeal. You should also note that we are still awaiting a response to our complaint that the Faculty Appeal's attempt to explain the Exam Board's decision to discount but not reverse the outcome of the placement at [the School] was illogical and groundless.'

In relation to the complaint about harassment and bullying, Mr C said:

'I should point out that your reliance on a formal complaint from the student to investigate the matter of harassment and bullying does not conform to the spirit or the letter of your University's policy. Your response also ignores the particular responsibilities of placement coordinators and course leaders to support students in the vulnerable situation of external placement. I also note your refusal to respond to the direct extracts from the policy which are clearly relevant to [Mr A]'s situation. Again I must point out that the existence of the log was evidence that [Mr A] felt he was being bullied, and that this should have triggered timely and appropriate action. It was the failure of the tutors to read the log that is the main substance of [Mr A]'s complaint.'

Mr C also mentioned that Mr A's registration with the GTCS had not yet been processed by the University.