

Mr John Henderson  
Chief Executive  
Scotland's Colleges  
Argyll Court  
Castle Business Park  
Stirling  
FK9 4TY

9 November 2012

Dear Mr Henderson

### **Annual letter 2011-12: complaints to SPSO about further education**

This letter contains the SPSO's complaints statistics about the further education sector for the financial year 2011-12. It gives information about the numbers of complaints that we received and determined about further education. It also highlights the number of premature complaints (those that came to this office too early, before completing the organisation's complaints process). The letter also contains important information about the model complaints handling procedure for the further education sector.

### **Premature complaints**

The overall level of premature complaints received in my office for all sectors fell from 45% to 43%. The rate of premature complaints about further education last year was below average, at 41%, and for this year it has dropped again slightly to 40%. I note, of course, that this is on a relatively small number of complaints received overall.

### **Statistics**

Comprehensive statistical information about all the sectors under our remit is available at the following link: [www.spsso.org.uk/statistics](http://www.spsso.org.uk/statistics). In summary, in 2011-12, the SPSO:

- received **3,918** complaints (**12% more** than last year)
- received **37** complaints about further education (**54% more** than last year)

Complaints about further educational establishments comprised less than one per cent of the complaints received in our office in 2011-12. The following pages provide more information about these complaints. The first table shows the main subjects of the

complaints we received over the past two years. The second table shows the outcomes of the complaints we handled about further education in the past two years. It also shows the rate of premature and fully/partly upheld complaints and overall rates in the past two years. (The total of complaints received and determined are not normally the same, as we usually carry a few cases over from one year to the next.) The upheld/partly upheld outcomes relate to complaints that were 'fit for SPSO' (i.e. valid for investigation by SPSO) and which were determined at the Early Resolution (ER) or Investigation (INV) 1 or 2 stages of our process. INV 1 is an investigation that concludes in a decision letter, and INV 2 concludes in a full investigation report.

### **Analysis of the figures**

We received 37 complaints about further education in 2011-12. This represents an increase of 54% on the previous year, albeit on relatively small numbers of complaints. The two areas about which we received most complaints were admissions (7 complaints), policy/administration (6 complaints) and teaching and supervision (four complaints). Last year we only received one complaint about admissions and none about teaching and supervision so both these areas showed an increase in complaints received, albeit on small numbers.

We determined a total of 35 complaints. We did not produce any public investigation reports about further education. We found that 40% of the complaints we received were not valid for us to look at, usually because they had not yet been through the complaints process of the organisation concerned. In these cases, we usually help the complainant through the process, or signpost them to appropriate places where they can get support. We investigated three cases in detail - we fully upheld one and did not uphold the other two. I outline two of these cases below.

- *Communication and complaints handling - Case 201100862* Ms C enrolled on a professional development course at a college. She complained that the college did not reasonably tell her about changes in course provision, as a result of which she felt that she was due a refund of some of the fees. She also said that they did not tell her when the tutor's contact details changed, and did not respond to correspondence about her complaint. We upheld this complaint, as the evidence showed that the college did not reasonably tell Ms C about the changes to the course or the tutor's details. They also acknowledged that they took longer than allowed in their complaints procedure to deal with part of the complaint, and did not respond to a letter. We also found that the college's responses to Ms C's letters about her course fees were not consistent. We

recommended that they apologise to Ms C for all the failings identified, and improve their communication and complaints handling procedures.

- *Complaints investigation - Case 201004949* Another case, which we did not uphold, was about a young man who applied for a college course. There was a mix up with his application and he did not get a place. By the time this came to light, the course was full and he was offered a place on another course. His mother, Mrs C, complained to the college about the mix up. The college apologised, but as paperwork had been mislaid, they could not explain what had happened. Mrs C then complained to us that the college failed to investigate and explain the mix up. Our investigation found that they had tried, unsuccessfully, to locate the missing paperwork. They told us that they have now changed their application system to minimise transfer of paperwork between departments, to avoid a similar future situation. We were satisfied that the college fully investigated the matter to find an explanation, and that they apologised and took appropriate remedial action.

Poor or slow communication with the person who has made the complaint is an issue that also features in other areas under jurisdiction. I would emphasise the need for all public authorities to ensure that enquiries or issues raised with them are handled properly and swiftly at the front line. If this does not resolve the matter and a complaint is made, authorities should also ensure that they respond reasonably to all the points raised with them and that they do so as quickly as possible.

As we investigated so few cases about further education, it is not possible to identify any further significant trends. Most of the complaints we received were either premature, or when we asked the complainant for more information they did not come back to us with it. This may suggest a lack of confidence in complaints systems, or a lack of understanding about how to complain.

### **The Complaints Standards Authority (CSA)**

A strong focus of our work over the past year has been on improving standards of complaints handling, and taking forward the standardisation and simplification of public sector complaints handling procedures in line with the recommendations of the report from the Scottish Government's Fit-For-Purpose Complaints System Action Group (the Sinclair Report). The Public Services Reform (Scotland) Act 2010 gave the SPSO the authority to lead the development of model complaints handling procedures (model CHPs) across the public sector and to promote and monitor best practice in complaints handling. These duties are being undertaken by our Complaints Standards Authority (CSA). The emphasis of this

work is on early resolution and we are now in the process of implementation for the housing and local authority sectors and will, by the end of 2012/13 have CHPs published for all sectors.

### **Developing the further education model CHP**

Since mid-2011 we have been working in partnership with Scotland's Colleges and other representatives of the FE sector. Through this work we have developed a draft model CHP, which will be published shortly. Under the terms of the SPSO Act 2002, each college will then be required to implement the model CHP and respond to the SPSO within 6 months of publication. Further detail on implementation will be provided on publication of the model CHP.

### **Overview of the further education model CHP**

The purpose of the model CHP is to provide a standardised approach to dealing with complaints from students and members of the public across the further education sector. In particular, the aim is to implement a consistent process for students and members of the public to follow which makes it simpler to complain, ensures staff and student confidence in complaints handling and encourages colleges to make best use of the lessons that can be learned from complaints.

The further education model CHP will have two stages for internal review of complaints, followed by a final stage of independent review by the SPSO. The model will emphasise the importance of resolving complaints as quickly as possible, and as close to the point of service delivery as possible. It will also highlight the importance of supporting staff at all levels to respond promptly and positively, and particularly to empower those closest to the point of service delivery in resolving complaints. This will be supported by information about the responsibilities of staff at various levels in relation to complaints. There will also be an emphasis on learning from complaints, and sharing this information with staff, students and the public. In all instances these requirements will be similar to those placed on other sectors, to maintain similar standards of service across all public services under our jurisdiction.

### **Using complaints information**

A key requirement of the model CHP will be a requirement on all colleges to regularly publish information on complaints, including information on performance in complaints handling. We are developing a range of performance indicators which will form the basis of this information and will also encourage all organisations to self assess their complaints

performance. These indicators will include information on volumes of complaints and timescales as well as how well the institution reviews and changes services on the basis of learning from complaints. This is an approach being taken across the public sector and will help ensure a greater degree of transparency and a move towards a performance culture in complaints handling.

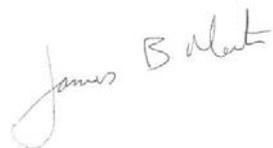
### **Support from the Scottish Funding Council**

The Scottish Funding Council (SFC) have given their support to this work, and are encouraging the move towards more transparent, standardised, streamlined complaints handling across the sector.

We will be exploring how colleges can use existing mechanisms by which they report to the SFC to also monitor compliance with the further education model CHP. We are doing this to ensure that the requirement to report does not create any significant additional burden for colleges.

As ever, I value feedback about our work and would welcome any comments about this summary or any other aspect of our service.

Yours sincerely

A handwritten signature in black ink that reads "James B. Martin". The signature is written in a cursive style with a large initial 'J'.

Jim Martin  
Ombudsman

*For queries about the statistics, please contact Annie White, Casework Knowledge Manager, at [awhite@spsso.org.uk](mailto:awhite@spsso.org.uk) or tel: 0131 240 8843.*

Scottish Further Education Cases Received 2011-2012

Subject	Enquiry	Complaint	Total
Academic appeal/exam results/degree classification	0	2	2
Admissions	0	7	7
Complaints handling	0	2	2
Grants/allowances/bursaries	0	2	2
Inappropriate staff/student relationship	0	1	1
Other	0	1	1
Personnel matters	0	1	1
Policy/administration	0	6	6
Teaching and supervision	0	4	4
Subject Unknown	0	11	11
Total	0	37	37

Scottish Further Education Cases Received 2010-2011

Subject	Enquiry	Complaint	Total
Academic appeal/exam results/degree classification	0	2	2
Admissions	0	1	1
Complaints handling	0	1	1
Facilities	0	1	1
Grants/allowances/bursaries	1	1	2
Other	0	2	2
Personnel matters	0	1	1
Policy/administration	1	12	13
Student discipline	0	2	2
Subject Unknown	0	0	0
Out Of Jurisdiction	0	1	1
Total	2	24	26

Scottish Further Education Cases Determined 2011-2012

Stage	Closure Category	FE Total
Advice	Premature	13
	Body out of Jurisdiction	0
	Matter out of jurisdiction (discretionary)	0
	Matter out of jurisdiction (non-discretionary)	1
	Outcome not achievable	0
	No decision reached	14
	<b>Total</b>	<b>28</b>
Early Resolution 1	Premature	1
	Body out of Jurisdiction	0
	Matter out of jurisdiction (discretionary)	0
	Matter out of jurisdiction (non-discretionary)	0
	Outcome not achievable	1
	No decision reached	2
	<b>Total</b>	<b>4</b>
Early Resolution 2	Outcome not achievable	0
	No decision reached	0
	Fully Upheld	0
	Partly Upheld	0
	Not Upheld	2
	<b>Total</b>	<b>2</b>
Investigation 1	Outcome not achievable	0
	No decision reached	0
	Fully Upheld	1
	Partly Upheld	0
	Not Upheld	0
	<b>Total</b>	<b>1</b>
Investigation 2	No decision reached	0
	Fully Upheld	0
	Partly Upheld	0
	Not Upheld	0
	<b>Total</b>	<b>0</b>
<b>Complaints total</b>		<b>35</b>

Premature total 14  
 Premature % 40%

Fit for SPSO (ER2, Inv 1 & 2) 3  
 Total Upholds / Partly Upholds 1  
 % Upholds / Partly Upholds of Fit for SPSO 33%

Scottish Further Education Cases Determined 2010-2011

Stage	Closure Category	FE Total	
Advice	Premature	10	
	Body Out of Jurisdiction	0	
	Out of Jurisdiction (Discretionary)	0	
	Out of Jurisdiction (Non-Discretionary)	1	
	Outcome Not Achievable	0	
	No Decision Reached	5	
	Other	0	
		<b>Total</b>	<b>16</b>
	Early Resolution 1	Premature	1
Body Out of Jurisdiction		0	
Out of Jurisdiction (Discretionary)		0	
Out of Jurisdiction (Non-Discretionary)		2	
Outcome Not Achievable		1	
No Decision Reached		1	
<b>Total</b>		<b>5</b>	
Early Resolution 2	Premature	0	
	Out of Jurisdiction (Discretionary)	1	
	Out of Jurisdiction (Non-Discretionary)	0	
	Outcome Not Achievable	0	
	No Decision Reached	0	
	Fully Upheld	0	
	Partly Upheld	0	
Not Upheld	1		
	<b>Total</b>	<b>2</b>	
Investigation 1	Outcome Not Achievable	0	
	No Decision Reached	0	
	Fully Upheld	2	
	Partly Upheld	2	
	Not Upheld	0	
	<b>Total</b>	<b>4</b>	
Investigation 2	No Decision Reached	0	
	Fully Upheld	0	
	Partly Upheld	0	
	Not Upheld	0	
	<b>Total</b>	<b>0</b>	
<b>Complaints total</b>		<b>27</b>	

Premature total 11  
 Premature % 41%

Fit for SPSO (ER2, Inv 1 & 2) 5  
 Total Upholds / Partly Upholds 4  
 % Upholds / Partly Upholds of Fit for SPSO 80%