

## SPSO decision report

**Case:** 201402477, University of St Andrews  
**Sector:** further and higher education  
**Subject:** academic appeal/exam results/degree classification  
**Outcome:** some upheld, recommendations

### Summary

Mr C passed the first part of his course, but his grades were not high enough for automatic progression to honours. The university invited Mr C to a Progress Committee Meeting (PCM) to determine whether he would be granted conditional entry to honours. Mr C did not attend the PCM. The university offered to reschedule it but in the meantime they became concerned that Mr C was not well enough to attend the PCM and/or classes. They arranged a meeting to discuss this, and a referral to occupational health for assessment. Occupational health confirmed Mr C was fit to study. The PCM was held soon after this and did not grant conditional entry to honours. Mr C appealed against this decision, but the university did not uphold his appeal. Mr C also asked to be allowed to attend lectures while the appeal was being considered, but the university did not allow this. Mr C complained about the university's handling of the PCM and appeal process, and also that the university failed to take into account his disabilities and mitigating circumstances. He also complained about the university's handling of his complaints.

The university said Mr C had been given ample opportunity to present his case for the PCM and appeal, including multiple extensions to enable him to request documents under freedom of information (FOI) legislation. The university said Mr C's mitigating circumstances were taken into account, but Mr C did not notify them of a disability until after the PCM. He had also still not provided any medical evidence for this, although the disabilities adviser contacted him to request this. The university considered that they responded to Mr C's fourteen complaints in accordance with their procedures.

After investigating Mr C's complaints, we found he was given a reasonable opportunity to present his case to the PCM and appeal. Although Mr C did not receive all the documents he requested under the FOI process, the university did grant significant extensions, and we considered that he had a reasonable opportunity to make his case. We also found Mr C had no automatic entitlement to attend lectures while his appeal was being considered, and there was no evidence the university acted improperly in deciding not to allow this. We found Mr C did not comply with the university's requirements for registering a disability, and so the university did not act unreasonably by not taking this into account in the PCM and appeal. However, we found that the university should have explained more clearly to Mr C when they decided not to investigate part of one of his complaints (which was being considered in the appeal process instead). We were also critical that the university did not follow the relevant procedure for managing unacceptable behaviour when deciding not to respond to further complaints from Mr C (in particular, failing to give Mr C a formal warning, and failing to make arrangements to review this decision, or for Mr C to appeal it).

### Recommendations

We recommended that the university:

- issue a written apology to Mr C for the failings our investigation found;
- remind complaints handling staff of the need to provide a full and proportionate response to complaints, including explaining the reasons for the decision; and

- revise the procedure for managing unacceptable behaviour in line with the model Complaints Handling Procedure.