

ACADEMIC COUNCIL

9 December 2015

**Annual Report on Academic Appeals and Misconduct:
Session 2014/15****Overview**

The purpose of this report is to inform Academic Council of the number of Academic Appeals (Awards and Progression), and cases of Misconduct and Misconduct Appeals raised during the session, as required by *Academic Regulation A3: Student Conduct and Appeals*.

Some trends that may be highlighted include:

- § the number of Stage 1 Academic Appeals considered by Assessment Boards has *decreased* by 13% to 209 in Session 2014/15, with 66% upheld by Assessment Boards. In respect of grounds for appeal, 62% were based on paragraph 6.2(i), 22% were based on paragraph 6.2(ii), and 6% cited both grounds. The remaining 10% were errors identified proactively by the School;
- § cases of academic misconduct *decreased* by 16% to 208 from a total of 248 in Session 2013/14;
- § cases of non-academic misconduct investigated in *Misconduct Hearings* by the Accommodation Service have *increased* by 224% to 123 (from 38 in Session 2013/14 and 62 in Session 2012/13), and 23 cases of non-academic misconduct were investigated by Schools, an *increase* of 8 on the number investigated in Session 2013/14.

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Recommendation

Academic Council is asked to consider the contents of this report.

Academic Affairs Department
December 2015

1. INTRODUCTION

The cases cited in this report were subject to the version of *Academic Regulation A3: Student Conduct and Appeals* implemented in September 2014.

Sections 1 and 2 of *Academic Regulation A3: Student Conduct and Appeals*, relating to the *Academic Appeals (Awards and Progression) Procedure* and *Student Misconduct Procedure* respectively, are available at www.rgu.ac.uk/academicregulations and <https://portal.rgu.ac.uk>.

All forms relating to the *Academic Regulations* to be used by students are available at www.rgu.ac.uk/academicregulationsstudentforms and <https://portal.rgu.ac.uk>.

2. ACADEMIC APPEALS: AWARDS AND PROGRESSION

2.1 Grounds for Appeal

The following extract is taken from *Academic Regulation A3: Student Conduct and Appeals, Section 1: Academic Appeals (Awards and Progression) Procedure* (September 2014) which specifies the circumstances under which a student can appeal with regards to awards and progression following the publication of results ratified by an Assessment Board.

6.2 The University is not obliged to review decisions relating to student progress and/or recommended academic awards, and nor has it conferred on any student the right of appeal to Academic Council. However, Academic Council shall, through the *Student Appeals Committee*, consider appeals against decisions relating to academic performance and/or recommended academic awards, on the following grounds:

- (i) that the student's performance was adversely affected by illness or other factors which he/she was unable, for valid reasons, to divulge to his/her Head of School/Associate Dean prior to the decision being made (refer also to [Regulation A4: Assessment and Recommendations of Assessment Boards, paragraph 3.7](#)); and/or
- (ii) that there had been a material administrative error, or that the assessment was not conducted in accordance with the current regulations governing the course or that some other irregularity which materially affected the assessment had occurred.

Disagreement with the academic judgement, i.e. judgement about a student's academic performance, of an Assessment Board cannot constitute grounds for appeal.

2.2 Stage 1 Academic Appeals considered by Assessment Boards

2.2.1 Reporting Changes

In previous sessions the Academic Affairs Department has reported the number of Stage 1 Academic Appeals considered by Schools on the basis of the number of hard copy *Post Assessment Board Decision Forms (Academic Appeal)* it received from Schools. Over the past two sessions, a facility has been used in SITS to record Academic Appeals.

Previously, reporting has been based on the number of appeals considered between 1 September to 31 August (as indicative routine dates for a session), however, this does not capture all appeals that arise following the reassessment period in August. Therefore, the reporting has been adjusted to reflect the period after the August Assessment Board diet + 25 working days when a student is required to submit a *Student Appeal Form: Academic Appeal* (results issued to students within 5 working days of the Assessment Board + 20 working days to submit a *Student Appeal Form: Academic Appeal*).

To illustrate, and with reference to the *Academic Calendars*, reporting for previous sessions should have fallen within the following dates:

Session 2012/13: 6 October 2012 – 4 October 2013
 Session 2013/14: 5 October 2013 – 10 October 2014
 Session 2014/15: 11 October 2014 – 9 October 2015

As SITS operates with real time data, it is not possible to generate data retrospectively for Sessions 2012/13 and 2013/14 to reflect previously reported figures. Therefore, the analysis in Table 1 has retained the previously reported figures. For Session 2014/15 and for future sessions, however, reporting will use these new date parameters.

It is anticipated that future developments in reporting will enable differentiation between undergraduate and postgraduate cases, and analysis by protected characteristics.

2.2.2 Analysis of Academic Appeals

Table 1: Trends over six sessions

	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10
Per paragraph 6.2(i)	129	164	181	152	197	200
Per paragraph 6.2(ii)	47	49	38	23	48	31
Per both 6.2(i) and (ii)	12	1	8	1	5	6
Error noted by School	21	28	39	29	32	44
Total Stage 1 Academic Appeals considered by Assessment Boards	209	241	266	205	282	281

Of the **209** Stage 1 Academic Appeals reported in 2014/15, **138** were upheld (66%) and resulted in a change to the decision of the Assessment Board and **53** were rejected (25%). **21** errors were identified proactively by the School which had materially affected the decision of the Assessment Board(s) and were actioned accordingly. There are 18 Academic Appeals where the outcome has not been reported in SITS by the School/Department.

Table 2: Analysis by School/Department for Session 2014/15

	Appeal 6.2(i)	Appeal 6.2(ii)	Both 6.2(i) and 6.2(ii)	Error noted by School	TOTAL	Outcome		
						Upheld	Reject	Unknown
Accounting and Finance	9	0	0	0	9	8	1	-
Applied Social Studies	4	0	5	5	14	7	2	5
Communication Marketing and Media	1	2	0	0	3	3	0	-
Computing Science and Digital Media	0	1	0	0	1	1	0	-
Engineering	9	9	1	3	22	18	4	-
Gray's School of Art	0	0	0	0	0	0	0	-
Health Sciences	3	1	0	0	4	1	2	1
Information Management	2	1	0	0	3	2	1	-
Law School	15	11	4	0	30	16	11	3
Management	66	11	2	6	85	56	20	9
Nursing and Midwifery	8	4	0	2	14	8	6	-
Pharmacy and Life Sciences	9	6	0	4	19	16	3	-
Scott Sutherland School	3	1	0	1	5	2	3	-
Totals	129	47	12	21	209	138	53	18
%	62%	22%	6%	10%		66%	25%	9%

2.3 Stage 2 Academic Appeals – Prima Facie Cases

Table 3: Stage 2 Academic Appeals (prima facie stage) by session

	2014/15		2013/14	2012/13	2011/12	2010/11	2009/10
No <i>prima facie</i> case – dismissed by Principal	33	76.7%	29	27	22	24	21
<i>Prima facie</i> case – Returned to Assessment Board	7	16.3%	17	15	32	26	13
<i>Prima facie</i> case – Student Appeals Committee – upheld	1	2.3%			3	1	1
<i>Prima facie</i> case – Student Appeals Committee – dismissed	1	2.3%					
Premature	1	2.3%			1		
Total	43		46	42	23	24	21

Table 4: Stage 2 Academic Appeals (prima facie stage) by School

	No <i>prima facie</i> case – dismissed by Principal	<i>Prima facie</i> case – Returned to Assessment Board	<i>Prima facie</i> case – Student Appeals Committee – upheld	<i>Prima facie</i> case – Student Appeals Committee – dismissed	Premature	Total
Aberdeen Business School	15	3			1	19
Applied Social Studies		1				1
Computing Science and Digital Media						0
Engineering	6	2	1			9
Gray's School of Art						0
Health Sciences	1	1				2
Nursing and Midwifery	2					2
Pharmacy and Life Sciences	6					6
Scott Sutherland School	2					2
Graduate School IDEAS						0
Graduate School IHWR						0
Graduate School IMAgeS	1			1		2
Total	33	7	1	1	1	43
%	76.7%	16.3%	2.3%	2.3%	2.3%	100

3. MISCONDUCT

3.1 Misconduct Hearings – Academic Misconduct

Table 5: Academic misconduct cases investigated by School [1 September 2014 – 31 August 2015 approximately]:

	2014/15		2013/14		2012/13		2011/12		2010/11	
Aberdeen Business School [undergraduate]	Total established dismissed	19 10 19	Total established dismissed	26 21 5	Total established dismissed extenuating circumstances	77 50 16 11	Total established dismissed extenuating circumstances	116 60 34 22	Total established dismissed withdrew	93 60 32 1
Aberdeen Business School [postgraduate]	Total established dismissed	42 31 11	Total established dismissed	76 63 13						
Applied Social Studies	Total established dismissed	13 12 1	Total established dismissed	11 10 1	Total established dismissed	19 16 3	Total established dismissed	18 16 2	Total established dismissed	14 13 1
Computing Science and Digital Media	Total established dismissed	30 28 2	Total established dismissed	29 21 8	Total established dismissed	18 15 3	Total established dismissed	20 17 3	Total established dismissed	25 20 5
Engineering	Total established dismissed	76 67 9	Total established dismissed	76 68 8	Total established dismissed	32 27 5	Total established dismissed	37 35 2	Total established dismissed	38 30 8
Gray's School of Art	Total	0	Total	0	Total dismissed	1 1	Total dismissed	1 1	Total established	1 1
Health Sciences	Total established dismissed	5 2 3	Total established dismissed	16 15 1	Total established	1 1	Total established	2 2	Total established	1 1
Nursing and Midwifery	Total established dismissed	9 4 5	Total established	4 9	Total established dismissed	17 15 2	Total established dismissed	5 4 1	Total established dismissed	8 6 2
Pharmacy and Life Sciences	Total established dismissed	5 4 1	Total established	7 7	Total established dismissed	4 2 2	Total established	2 2	Total established	5 5
Scott Sutherland School	Total established dismissed	8 7 1	Total established	2 2	Total	0	Total established	8 8	Total established	5 5
Graduate School IDEAS	Total	0	Total	0	Total	0	Total	0	Total	0
Graduate School IHWR	Total established	1 1	Total	0	Total	0	Total	0	Total	0
Graduate School IMAGeS	Total	0	Total established	1 1	Total	0	Total	0	Total	0
Totals	208 established 166 (80%) dismissed 42 (20%)		248		169		209		190	

3.2 Misconduct Hearings – Non-Academic Misconduct

Table 6: Non-academic misconduct cases investigated by School/Accommodation Service [1 September 2014 – 31 August 2015 approximately]:

	2014/15		2013/14		2012/13		2011/12		2010/11	
Aberdeen Business School [undergraduate]	Total	1	Total	4	Total	5	Total	1	Total	3
	established	0								
Aberdeen Business School [postgraduate]	Total	1								
	established	1								
	dismissed	0								
Applied Social Studies	Total	4	Total	4	Total	4	Total	2	Total	14
	established	3	established	4	established	3	established	2	established	1
	dismissed	1			dismissed	1	dismissed	2	dismissed	3
Computing Science and Digital Media	Total	0	Total	1	Total	18	Total	20	Total	25
			established	1	established	15	established	17	established	20
					dismissed	3	dismissed	3	dismissed	5
Engineering	Total	0	Total	0	Total	2	Total	2	Total	2
					established	1	established	1	established	2
					dismissed	1	dismissed	1	dismissed	2
Gray's School of Art	Total	0	Total	2	Total	1	Total	2	Total	2
			dismissed	2	established	1	established	2	established	2
Health Sciences	Total	6	Total	1	Total	9	Total	4	Total	2
	established	6	established	1	established	8	established	3	established	2
	dismissed	0			dismissed	1	dismissed	1		
Nursing and Midwifery	Total	9	Total	3	Total	9	Total	13	Total	16
	established	8	established	2	established	8	established	12	established	15
	dismissed	1	dismissed	1	dismissed	1	dismissed	1	dismissed	1
Pharmacy and Life Sciences	Total	0	Total	0	Total	2	Total	0	Total	0
					established	2				
Scott Sutherland School	Total	0	Total	0	Total	1	Total	0	Total	0
					established	1				
Graduate School IDEAS	Total	0	Total	0	Total	0	Total	0	Total	0
Graduate School IHWR	Total	2	Total	0	Total	1	Total	0	Total	0
	established	2			dismissed	1				
Graduate School IMaGeS	Total	0	Total	0	Total	0	Total	0	Total	0
Accommodation Service	Total	123	Total	38	Total	62	Total	52	Total	47
	established	81								
	dismissed	42								
Totals	146		53		96		76		76	
	established	101 (69%)								
	dismissed	45 (31%)								

3.3 Misconduct Appeals

Table 7: Academic misconduct appeals (prima facie stage) by School [1 September 2014 – 31 August 2015 approximately]:

	<i>Valid case - Returned to School</i>	<i>Valid case - Student Appeals Committee – upheld</i>	<i>Valid case - Student Appeals Committee – dismissed</i>	<i>Invalid case - dismissed by Dean) & Academic Registrar</i>	<i>Out of time</i>	<i>Total</i>
Aberdeen Business School	1	1		1		3
Applied Social Studies				3		3
Computing Science and Digital Media						
Engineering	1			11	1	13
Gray's School of Art						
Health Sciences						
Nursing and Midwifery						
Pharmacy and Life Sciences						
Scott Sutherland School						
Graduate School IDEAS						
Graduate School IHWR						
Graduate School IMaGeS						
Total	2	1	0	15	1	19
%	32.3	3.2	3.2	61.3		100

Table 8: Non-academic misconduct appeals (prima facie stage) by School/Accommodation Service [1 September 2014 – 31 August 2015 approximately]

	<i>Valid case - Returned to School/Accommodation Services</i>	<i>Valid case - Student Appeals Committee – upheld</i>	<i>Valid case - Student Appeals Committee – dismissed</i>	<i>Invalid case - dismissed by Dean/Director (EPS) & Academic Registrar</i>	Out of time	Total
Aberdeen Business School						
Applied Social Studies				1		1
Computing Science and Digital Media						
Engineering						
Gray's School of Art						
Health Sciences						
Nursing and Midwifery	1			1		2
Pharmacy and Life Sciences						
Scott Sutherland School						
Graduate School IDEAS						
Graduate School IHWR				1		1
Graduate School IMAgeS						
Accommodation				3		3
Total	1	0	0	6	0	7
%	14.3%			85.7%		

Table 9: Meetings of the Student Appeals Committee

	Academic Misconduct	Non-Academic Misconduct
Session 2014/15	1	0
Session 2013/14	2	0
Session 2012/13	0	2
Session 2011/12	1	1
Session 2010/11	1	1
Session 2009/10	2	0
Session 2008/09	19	1
Session 2007/08	10	1

4. ANALYSIS OF SCOTTISH PUBLIC SERVICES OMBUDSMAN (SPSO) STATISTICS

4.1 Introduction

The following section provides selected statistics issued by the Scottish Public Services Ombudsman (SPSO) [www.spsso.org.uk/statistics]. The SPSO deals with complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water and sewerage providers, the Scottish Government and its agencies and departments and most Scottish authorities.

Under a process the SPSO implemented in May 2010, its *Advice and Early Resolution Teams* review complaints first, and check their 'fitness' for consideration by the SPSO. They deal with the vast majority of the complaints received, passing to the *Investigations Team* only those cases that require further in-depth examination before reaching a decision.

When the SPSO *investigates* a complaint, it usually reports its findings and conclusions in a *decision letter*. In a few cases that meet certain criteria for full investigation and publication, it lays the full *investigation report* before the Scottish Parliament and places it on the SPSO website. Under legislation that came into force in April 2011, it is able to publish the learning from *decision letters* as well as *investigation reports*. The SPSO lays a *decision report* before the Parliament each month and, like *investigation reports*, makes these available on its website.

4.2 Reporting Findings

(Refer also to the [Appendix](#)). *Decision letters* are issued if:

- § the organisation accepts there were failings, apologises and takes action to prevent the problem from happening again; or
- § from the evidence, it appears that the organisation did not do anything wrong (there is no evidence of 'maladministration or service failure' by the organisation); or
- § the Ombudsman has decided that the substance of the complaint and his decision do not raise public interest considerations.

Decision letters are sent to the complainant and the organisation complained about. In June 2011, the Ombudsman started to lay summary reports of *decision letters* before the Scottish Parliament and place them on the website.

Investigation reports are sent to the complainant and the organisation complained about, are reported in full to the Scottish Parliament, and also sent to Ministers in the Scottish Government. The Ombudsman decides whether an investigation should be reported to the Parliament, on the basis of whether or not the matter is in the public interest. This can include:

- § significant personal injustice complaints; and/or
- § systemic failure cases; and/or
- § precedent and test cases; and/or
- § cases where there has been a significant failure in the local complaints procedure.

Any report sent to Parliament becomes a public document and will name the organisation but not the complainant. Once the report has been laid before the Parliament it cannot be altered.

4.3 Statistics

4.3.1 Summary

In 2014/15:

- § the Ombudsman **received** 4,895 complaints (2013/14: 4,456; 2012/13: 4,120; 2011/12: 3,918; 2010/11: 3,489; 2009/10: 3,307), of which 116 (2.3%) were related to the higher education sector;
- § the Ombudsman **determined** 4,802 complaints (2013/14: 4,408; 2012/13: 4,077; 2011/12: 3,748; 2010/11: 3,351; 2009/10: 3,524), of which 116 (2.4%) were concerned with the higher education sector [see [Table 11](#)];
- § the overall level of **upheld** complaints was 50% in 2014/15, the same as in 2013/14 (46% in 2012/13 and 39% in 2011/12);
- § 6 of the 71 complaints **determined** for the higher education sector were upheld or partially upheld (8.5%), and 21 were not upheld (29.6%) [see [Table 12](#)].

4.3.2 Investigation Reports

Since higher education institutions came within the remit of the SPSO in October 2005, the Robert Gordon University has had five *investigation reports* laid before the Scottish Parliament: these were dated 31 October 2006, 27 March 2007, 23 May 2007, 17 December 2008 and 21 December 2011.

Table 10: Investigation reports laid before Scottish Parliament: 2006 - 2014

	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL
University of Glasgow	1		6	1					8
Robert Gordon University	1	2	1			1			5
Queen Margaret University	1		1	1					3
University of Dundee		1			1				2
University of Strathclyde	1			1					2
Edinburgh College of Art				1					1
Glasgow Caledonian University				1					1
University of Aberdeen		1							1
University of Abertay Dundee			1						1
University of Edinburgh				1					1
University of St Andrews			1						1
University of the West of Scotland	1								1
UHI Millennium Institute		1							1
University of Stirling							1		1
Edinburgh Napier University									0
Heriot-Watt University									0
Royal Conservatoire of Scotland									0
Glasgow School of Art									0
TOTAL	5	5	10	6	1	1	1	0	29

Table 11: Complaints received by institution and subject: 2014-15

Subject	Scottish Higher Education Authority																Total
	Unknown University	Edinburgh Napier University	Glasgow Caledonian University	Heriot-Watt University	Queen Margaret University	Robert Gordon University	University of Aberdeen	University of Abertay Dundee	University of Dundee	University of Edinburgh	University of Glasgow	University of St Andrews	University of Stirling	University of Strathclyde	University of the Highlands and Islands	University of the West of Scotland	
Academic appeal / exam results / degree classification	2	1	6		3	5	5		2	12	4	3		5		2	50
Accommodation							1										1
Admissions			3		1				2	2	1						9
Communication staff attitude, dignity and confidentiality					1			1	1					1			4
Complaints handling				1					2	1			2	1	1		8
Grants/allowances/bursaries										1							1
Other					1				1	1							3
Personnel matters			1	1											1		3
Plagiarism and intellectual property						1											1
Policy / administration				3			1		2	4	4	1	3	1		3	22
Pre-contractual or commercial matters																1	1
Property												1					1
Special needs - assessment and provision										2							2
Student discipline									1								1
Teaching and supervision			1	1		1	1					1				1	6
Welfare					1												1
Subject unknown	1								1								2
Total 2014-15	3	1	11	6	7	7	7	1	5	24	15	7	3	8	3	8	116
Total 2013-14	3	1	1	1	3	6	5	2	5	18	12	6	4	8	3	5	86
Total 2012-13	4	1	4	2	5	6	8	1	3	16	4	9	9	10	1	6	89
Total 2011-12	5	5	4	4	6	7	11	0	5	8	10	4	9	4	2	5	89
Total 2010-11	6	6	6	1	3	9	8	2	1	11	2	9	8	9	0	4	85
Total 2009-10	1	3	9	1	0	9	2	1	6	7	4	4	6	3	0	1	57

Table 12: Complaints determined by institution and outcome: 2014-15

		Scottish Higher Education Authority																	
Stage	Outcome Group	A University Unknown (HE)	Edinburgh Napier University	Glasgow Caledonian University	Heriot-Watt University	Queen Margaret University	Robert Gordon University	University of Aberdeen	University of Abertay Dundee	University of Dundee	University of Edinburgh	University of Glasgow	University of St Andrews	University of Stirling	University of Strathclyde	University of the Highlands and Islands	University of the West of Scotland	TOTAL	
Advice	Not duly made or withdrawn			3	2	1		1		1	4	1		1	1		2	17	
	Out of jurisdiction (discretionary)			1			1			1	1							4	
	Out of jurisdiction (non-discretionary)			1			1									1	1	4	
	Outcome not achievable					1					1							2	
	Premature	3		2	1	2		2			4	3	2		2		2	23	
	Resolved																		0
	Total	3		7	3	4	2	3		2	10	4	2	1	3	1	5	50	
Early Resolution 1	Not duly made or withdrawn		1			1							1			1		4	
	Out of jurisdiction (discretionary)				1						1	1			1			4	
	Out of jurisdiction (non-discretionary)			2	2		1	3	1	1	8	4	1	1	2		2	28	
	Outcome not achievable						2			1		1						4	
	Premature																	0	
	Resolved						1					1			1		1	4	
	Total		1	2	3	1	4	3	1	2	9	7	2	1	4	1	3	44	
Early Resolution 2	Fully Upheld																	0	
	Some Upheld										1					1		2	
	Not Upheld						2				3	1	2	1	3	1		13	
	Not duly made or withdrawn																	0	
	Resolved																	0	
	Total						2				4	1	2	1	3	2		15	
Investigation 1	Fully Upheld											1						1	
	Some Upheld					1									1		1	3	
	Not Upheld									1	3	1	1		2			8	
	Not duly made or withdrawn																	0	
	Resolved																	0	
	Total	0	0	0	0	1	0	0	0	1	3	2	1	0	3	0	1	12	
Investigation 2	Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Total Complaints		3	1	9	6	6	8	6	1	5	26	14	7	3	13	4	9	121	

4.4 Complaints about the SPSO

In 2014/15, the SPSO changed how it recorded complaints about its own service, to bring itself into line with what it asks other organisations to do under the model Complaints Handling Procedure. It published the following data in its [Annual Report 2014/15](#).

Table 13: Complaints about its own service, determined about the SPSO: 2014-15

Service Delivery Complaint Type	Fully Upheld	Some Upheld	Not Upheld	Total	% Upheld
Stage 1 Officer/Manager	9		22	31	29%
Stage 2 Senior Management		6	24	30	20%
Stage 3 Cases to Independent Service Delivery Reviewer (ISDR)		2	9	11	18%
Total	9	8	55	72	24%

APPENDIX: SPSO'S EXPLANATION OF TERMS

[From www.spsso.org.uk/explanation-terms, accessed 02.12.15]

Enquiry

This is an approach (usually by telephone or e-mail) to the SPSO by a member of the public seeking information or advice, for example about whether it can deal with a complaint about a particular issue or how to pursue a complaint about a particular organisation. Enquiries include queries made about organisations and subjects outwith their jurisdiction. Not all contacts are classified as enquiries, but all significant contacts are recorded.

Complaint

This is an approach to the SPSO by or on behalf of a member of the public making a complaint about something which, subject to more detailed consideration, might be investigated under the terms of the Scottish Public Services Ombudsman Act 2002 (the Ombudsman Act). The Act says a complaint must be made in writing or electronically unless the SPSO is satisfied that there are special circumstances which make it appropriate to consider a complaint made orally.

A complaint may cover a number of issues and, exceptionally, more than one public body. An additional approach by an existing complainant may or may not be counted as a separate complaint depending, for example, on how closely it is related to the previous complaint and whether it has been raised with the public body concerned.

Early Resolution

The SPSO registers the complaint and look at whether it is one that it could take further. It contacts the person who has made the complaint, to check that it understands what the problem is, and to get their agreement of what the complaint is about. It also checks whether the complaint is within their jurisdiction, and that the complainant has exhausted the complaints process of the organisation they are complaining about.

Another thing it looks out for is whether the person bringing the complaint is entitled to complain. For example, if they are complaining on behalf of someone else, it normally needs to have the consent of that person. The SPSO then usually gets the complaint papers from the organisation complained about and sees if it is possible to resolve the complaint quickly. It may complete their investigation of a complaint at this stage.

Premature

A lot of the complaints it receives are premature. This means that they have come to the SPSO before the complaint has been through the complaints process of the organisation concerned. When it receive premature complaints, it provides advice by, for example, signposting people to the right place to complain and, where appropriate, helping them make a formal complaint in writing. It also works with service providers, providing guidance and examples of good practice to help them handle complaints effectively, which can help stop people bringing a complaint to the SPSO too early.

Out of Jurisdiction

Some complaints are about a body or a subject that the law says it cannot investigate. Sometimes there are complex technical or legal issues involved. If so, it can take time to check whether it can investigate. Where it finds the law says it cannot take a complaint, it provides advice, where possible, about who might be able to look at it.

Investigation

Where a complaint is one that it can and should investigate, it tells the organisation concerned and the complainant exactly what it is investigating. Investigations may be carried out by a

complaints reviewer from either of the complaint-handling teams in its office. Investigations may be paper-based, or may include getting expert advice and interviewing people involved. The outcome of an investigation is sent to the parties involved in writing. It reports some investigations in detail to the Scottish Parliament and Scottish Ministers. The majority of investigations are, however, reported by letter to the parties involved, and it publishes summaries of most of these. Reports and summaries can be found on its [website](#).

Outcomes: Upheld and not upheld

These are the most common outcomes for the complaints that it considers.

Outcome not achievable

This refers to the situation where it has not taken a complaint forward because it is not possible for it to achieve what the person wants it to do as a result of their complaint. An example of this would be where the person tells it that the only outcome they want is for a member of staff to be sacked. As disciplinary matters are for the organisation concerned to decide on, it cannot have a person sacked and so the outcome the complainant said they wanted would be unachievable. It does not often record this kind of outcome as, normally, when it explains that it cannot achieve something, it also then discusses what alternative outcome might be appropriate as a result of the complaint.

No decision reached

The SPSO notes this as an outcome where it has been unable to come to a decision, most usually because it is not possible to decide whether the complaint is justified or not. This may happen where there are two conflicting accounts of events, and there is no other supporting evidence available to help it decide.

Withdrawn or failed to provide information

Sometimes people choose not to pursue their complaint. This may be for personal reasons or because of a change in circumstances. Sometimes complainants do not give the SPSO the information that it needs to take things further, or they may simply stop contacting it. Sometimes the organisation concerned has resolved the complaint to the person's satisfaction.

Complaints are more likely to be withdrawn before investigation has begun, but sometimes they are withdrawn during investigation. If this happens when a case is close to completion and the Ombudsman feels it is in the public interest to publish his findings, he is entitled to do so. This course of action, however, is rare and, before doing so, it always considers the complainant's reasons for wishing to withdraw a complaint.

Partially upheld and discontinued (obsolete outcomes)

The SPSO no longer uses 'partially upheld' as an outcome. Many complaints have a number of aspects. It gives a separate finding on each of these, from the list of outcomes above. [In the 'Our findings' section of the website it uses the overall term 'some upheld'. This identifies where it has investigated a number of individual aspects, and has upheld one or some of these.]

Cases are normally 'discontinued' when something happens that meant it was no longer appropriate to pursue the matter. This is now covered by other outcomes above.

Recommendations

The Ombudsman may make recommendations if he feels that there are lessons to be drawn from the issues raised in the investigation. He may make recommendations even in cases where it does not uphold the complaint, as it is still possible that lessons may be learned from other issues that it found during its investigation.