

PE1807/C

Scottish Public Services Ombudsman (SPSO) submission of 8 October 2020

The Committee has asked for information about both our experience of relevant complaints and case numbers and comments in relation to the petition. I provide both below and would be very happy to provide any further assistance.

Case numbers

Between 1 April 2020 and 30 September 2020 we received 110 cases about universities. This is an increase of 22% (20 cases) compared to the same period last year. That increase has occurred over a time period when we have seen a decline in case numbers generally of -39%. Some of the reason for that divergence may reflect the ability of the universities sector to remain administratively operational throughout the pandemic which in turn meant they have been able to respond to complaints timeously at a time when the impact of COVID-19 was leading to significant complaints handling delays in other sectors.

The increase relative to last year's figures appears to provide some support for the argument that COVID-19 is driving up levels of dissatisfaction amongst students. The way in which we record complaints bears this out given we have logged 28% of university cases as COVID-19 related (31 cases in total). Some of these cases have been at an early stage when we hold only limited information but looking at the cases where we have more details, they raise a range of issues and, so far

- nine complaints are noted in our system to have raised the question of the impact of COVID-19 on tuition
- six have referenced tuition fees directly
- a further three have raised the issue of accommodation fees in relation to COVID-19 which likely relate to an indirect impact of changes in the delivery of tuition.

Because we only ever see a small minority of cases, the figure should be treated with caution. Although our numbers do not indicate large number of students have brought the concerns noted in the petition to the SPSO, this issue is being raised with us and we have heard anecdotally from complaint handlers working within the sector, that this is driving complaints numbers at institutional level. It is important to note that not every complaint made to the sector escalates to SPSO, however, universities are required to log and monitor complaints and they will have clearer data about the real numbers of students raising these issues through complaints processes.

The substance of the petition and our approach to individual cases

However, as the petition points out, there is an argument that if a situation affects most or all students, individuals should not need to engage formal processes to seek resolution.

Considering the impact the pandemic undoubtedly is having, it is difficult to not feel for individuals who have committed significant funds to a university experience which is, currently, not possible. This is not only about teaching. A key driver for students to travel to a university further from home (the case for most paying students) is the experience of living within a different culture and meeting new people from a diverse background. Whatever measures universities can put in place, it is hard to argue that the experience of university in 2020/2021 is the same and easy to appreciate why students who have paid significant fees may feel that difference particularly acutely.

While I feel for those students, I do not intend to comment directly on the outcome sought by the petition. It does not ask, which is the matter I would consider when looking at an individual complaint, whether universities should be doing more to protect the student experience or should, in some circumstances, consider refunding fees from within their own budgets. Instead, it asks for the Scottish Government to provide support. Decisions about how and when to use public resources to mitigate the impact of the pandemic have been on-going since the start of the pandemic and will continue for some time. These are not easy decisions and many competing interests need to be balanced, those are properly and correctly, political matters.

What I can do is provide some explanation about our approach to individual complaints about individual impact. We would expect universities to take all reasonable steps to minimise disruption and maintain teaching quality. In cases where there was a significant divergence between the quality of the teaching initially offered and that actually provided and it was reasonable to assume that fees would have been, for example, funding lab supplies or other perishable equipment, we would expect universities to take a reasonable approach to any request for a refund.

However, if the university has put in place appropriate mitigation measures to ensure that the quality of the teaching can be maintained, it is likely that a decision not to provide a refund would fit within the range of decisions within the university's discretion.

In closing, I would add that we would also expect universities at this time to take particular cognisance of those students who were potentially more vulnerable and ensure they had systems in place to ensure reasonable adjustments could continue to be made and that, those far from home, can easily access support mechanisms.