



## WEST HIGHLAND COLLEGE UHI COMPLAINTS HANDLING PROCEDURE (CHP)

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# **West Highland College UHI Complaints Handling Procedure**

## **Foreword**

*Our Complaints Handling Procedure reflects our commitment to valuing complaints. Our aim is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of each individual case.*

*Resolving complaints early saves time and resource and contributes to the overall efficiency of the College. Concentrating on achieving an early resolution of a complaint as close to the point of contact as possible will free up the time of academic and support staff and ultimately contribute to the continued positive experience of our students and members of the public.*

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## 1. WHAT IS A COMPLAINT?

For the purpose of this procedure, a complaint may be defined as:

*'An expression of dissatisfaction by one or more individuals about the standard of service, action or lack of action by or on behalf of the College.'*

A complaint may relate to:

- the quality and standard of service
- failure to provide a service
- the quality of College facilities and/or learning resources
- accessibility to College buildings
- treatment by or attitude of a staff member, student or contractor
- inappropriate behaviour by a staff member, student or contractor
- the failure of the College to follow an appropriate administrative process
- dissatisfaction with the College's policy, although it is recognised that policy is set at the discretion of the College

The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with the College is a complaint.

For example, the following **are not complaints**:

- a routine, first-time request for a service
- a request under the Freedom of Information (Scotland) Act or Data Protection Act
- a request for information or an explanation of policy or practice
- a response to an invitation to provide feedback through a formal mechanism such as a questionnaire or committee membership will generally not be treated as a complaint
- disagreement with a decision where a right of appeal exists e.g. the academic appeal process
- a request for compensation only
- an insurance claim
- an issue which is being, or has been, considered by a court or tribunal
- an attempt to have a complaint reconsidered where the College's procedure has been completed and a decision has been issued
- a grievance by a member of staff which is eligible for handling through the grievance procedure
- an appeal about an academic judgement on assessment or admission.

These issues will be dealt with under the alternative appropriate processes rather than under the CHP. It should be noted, however, that some situations can involve a combination of issues, some are complaints and others are not, and each case will be assessed on a case by case basis.

For information on West Highland College UHI policies and procedures use the link below:

<http://www.whc.uhi.ac.uk/>

## **Who can make a complaint?**

This CHP covers complaints from anyone who receives, requests or is affected by our services. *This includes, although is not limited to:*

- *a student's experience during their time at the College (all referred to as 'students' through the remainder of this document);*
- *members of the public, where they have a complaint about matters which are (or which were at the time the issue arose) the responsibility of the College; and*
- *members of the public who are applying for admission to the College and whose complaint does not relate to academic judgement.*

The basic processes for investigating complaints are the same for students, members of the public and applicants to the College.

Sometimes individuals may be unable or reluctant to make a complaint on their own. The College will accept complaints brought by third parties, as long as the individual affected has given their personal consent under the requirements of the Data Protection Act (1998). This usually means that the individual affected must give clear written authority for the third party to act on their behalf. Complaints made by a third party with the explicit permission of the complainant will be dealt with according to the same timescales.

### **Anonymous Complaints**

Complaints submitted anonymously will only be considered if there is enough information in the complaint to enable the College to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. However, the College may give consideration to the issues raised, and will record the complaint so that corrective action can be taken as appropriate.

*Any decision not to pursue an anonymous complaint must be authorised by the manager of the member of staff dealing with the complaint. If an anonymous complaint contains serious allegations, it should be referred to the manager of the member of staff dealing with the complaint immediately.*

### **Complaints involving more than one academic partner, department or faculty**

If a complaint relates to the actions of two or more academic partners or faculties, the staff member receiving the complaint must confer with the other area(s) to decide who will take the lead on the complaint. The complainant will be told to whom the complaint is being passed and given their contact details. Coordination may still be required between different areas of the College to ensure that the complaint is fully addressed in a single response. The nature of the complaint may also require parallel procedures to be initiated (such as academic appeal or disciplinary procedures).

### **Complaints involving other organisations or contractors who provide a service on behalf of the College**

If an individual complains to the College about the service of another organisation, but the College has no involvement in the issue, the individual should be advised to contact the appropriate organisation directly.

Where a complaint relates to a College service and the service of another organisation the complaint must be handled through the CHP. In particular, the same timescales will apply. This relates to complaints that involve services provided on the College's behalf (such as other institutions and contractors) or to those provided by a separate organisation (such as awards agencies). If enquiries to an outside organisation in relation to the complaint are required, care must be taken to comply with Data Protection legislation and the guidance on handling personal information. Such complaints may include, for example:

- A complaint made in relation to provision of third-party services, e.g. IT systems.
- A complaint made about a service that is contracted out e.g. catering services.
- A complaint made to the College about a student loan where the dissatisfaction relates to the service we have provided and the service the Student Awards Agency for Scotland has provided.

### **Time limit for making complaints**

Complaints should be raised with the College as soon as problems arise to enable prompt investigation and swift resolution. This CHP sets a time limit of **six months** to raise a complaint with the College, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time.

Beyond the six-month time limit, the College will exercise discretion in the way that the time limit is applied. This will take account of the time limit within which a member of the public can normally ask the SPSO to consider complaints, which is **twelve months** from when the person first became aware of the issue about which they are complaining.

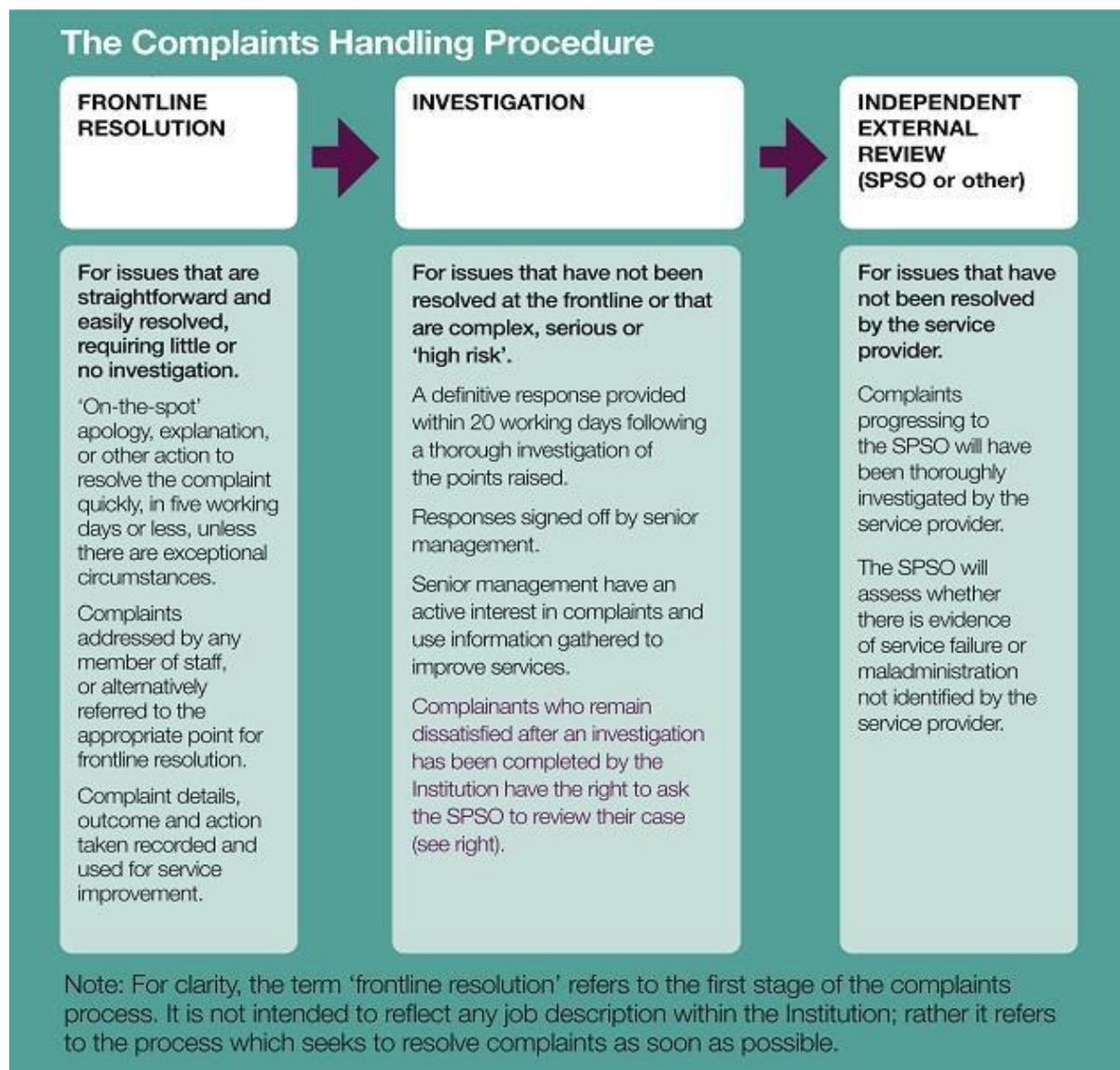
## 2. THE COMPLAINTS HANDLING PROCESS

The CHP is intended to provide a quick, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff.

The procedure involves up to two stages:

**1 Frontline resolution** seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made, or as close to that point as possible.

**2 Investigation** is appropriate where a complainant is dissatisfied with the outcome of frontline resolution, or where frontline resolution is not possible or appropriate due to the complexity or seriousness of the case.



### **Stage One: frontline resolution – to be completed within 5 working days**

Anyone who has a complaint is encouraged to raise it initially at the point of, or as close to the point of, becoming aware of it as possible and to raise it with the department in which the issue arose. Complaints at this stage may be face-to-face, by phone, in writing or by email.

The purpose of frontline resolution is to attempt to resolve as quickly as possible complaints which are straightforward and require little or no investigation. Complaints at this stage of the process may be addressed by **any** relevant member of the College's staff and may be handled by way of a face-to-face discussion with the complainant, or by asking an appropriate member of staff to deal with the complaint.

Members of staff to whom complaints are made will consider some key questions:

- Is this a complaint or should the individual be referred to another procedure?
- What specifically is the complaint (or complaints) about and which area(s) of the College is /are involved?
- What outcome is the complainant hoping for and can it be achieved?
- Is this complaint straightforward and likely to be resolved with little or no investigation?
- Can the complaint be resolved on the spot by providing an apology or explanation or alternative solution as appropriate?
- Can another member of staff assist in seeking a frontline resolution?
- What assistance can be provided to the complainant in taking this forward?

Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, what will be done to stop it happening again.

If responsibility for the issue being complained about lies in the staff member's area of work, every attempt will be made to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint will liaise with the relevant area rather than simply passing the complainant on to another office.

The outcome of the frontline resolution will be communicated to the complainant. This may be face-to-face, by telephone, in writing or by e mail. There is no further requirement to send out further written communication to the complainant, although you may decide to do so. The response to the complainant must address all the topics for which the College is responsible and explain the reasons for the decision.

Once a decision is made, a record of the complaint and the decisions reached must be sent to the Quality Manager for updating the recording system. The complaint will then be closed.

### **Extension to the five day timeline (exceptional circumstances)**

In exceptional circumstances, a short extension of time may be allowed to increase the possibility of resolving the complaint at the frontline resolution stage. Where an extension is required, this must be authorised by the manager of the member of staff dealing with the complaint. The complainant must also be told of the exceptional circumstances for extending the deadline and advised of the new timescale for resolution. The maximum extension which can be granted is 5 working days i.e. not more than 10 working days in total from the date of receipt of the complaint.

## **Stage two: investigation – to be completed within 20 working days**

These complaints may already have been considered at the frontline resolution stage, or they may be complaints identified upon receipt as appropriate for immediate investigation.

A complaint will be moved to the investigation stage when:

- frontline resolution was attempted, but the complainant remains dissatisfied. This may be after the case has been closed following the frontline resolution stage
- the complainant refuses to recognise or engage with the frontline resolution process and is insistent that the issue be addressed by a more senior officer
- the issues raised are complex and will require detailed investigation for example an issue regarding a networked programme
- the complaint relates to issues that have been identified by the College as high risk or high profile.

Special attention will be given to identifying complaints considered high risk /high profile, as these may require particular action or may raise critical issues requiring direct input from senior management. Potential high risk /high profile complaints may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in service provision or repeated failures to provide a service
- generate significant and on-going press interest
- pose a serious operational risk to the College
- present issues of a highly sensitive nature.

A person can make a complaint in writing, in person, by telephone, by email or online or by having someone complain on their behalf. Where it is clear that a complaint will be immediately considered at the investigation stage, the complainant may be encouraged to complete the appropriate complaint form to provide full details of the complaint and any relevant documentation. If they choose not to write it down and would prefer to complain in person, the complaint form can be completed with them and a letter to confirm the scope of the complaint issued to them.

The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response to the complainant that represents the College's definitive position.

### **What the College will do when it receives a complaint for investigation**

The College will allocate the complaint to a Complaints Investigator (see section on Governance of the CHP). It is important to be clear from the start of the investigation stage exactly what is being investigated, and to ensure that both the complainant and the complaints investigator understand the scope of the investigation. In discussion with the complainant, three key questions should be considered:

1. What specifically is the complaint (or complaints)?
2. What does the complainant want to achieve by complaining?
3. Do the complainant's expectations appear to be reasonable and achievable?

If the complainant's expectations appear to exceed what the College can reasonably provide or are not within the College's power to provide, the complainant will be advised of this as soon as possible in order to manage expectations about possible outcomes.

Details of the complaint must be recorded on the system for recording complaints. Where the complaint has been through the frontline resolution stage this will be shown in the complaints log. At the conclusion of the investigation the log will be updated to reflect the final outcome and any action taken in response to the complaint.

### **Timelines**

The following deadlines will be used for cases at the investigation stage of the CHP:

- complaints will be acknowledged in writing within 3 working days
- the College will provide a full response to the complaint as soon as possible but not later than 20 working days from the time that the complaint was received for investigation.

### **Extension to the twenty day timeline (exceptional circumstances)**

Not all investigations will be able to meet this deadline; for example some complaints are so complex that they will require careful consideration and detailed investigation beyond the 20 working days timeline. Where there are clear and justifiable reasons for extending the timescale, a senior manager will exercise judgement and will set time limits on any extended investigation, with the agreement of the complainant. If the complainant does not agree to an extension but it is unavoidable and reasonable, then a senior manager must consider and confirm the extension. In such circumstances, the complainant must be kept updated on the reason for the delay and given a revised timescale for bringing the investigation to a conclusion. It is expected, however, that this will be the exception and that the College will always strive to deliver a definitive response to the complaint within 20 working days.

Where an extension has been agreed, this will be recorded appropriately and the proportion of complaints that exceed the 20 working day-limit will be evident from reported statistics.

### **Mediation**

Some complex complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Using mediation can help both parties to understand what is driving the complaint, and may be more likely to result in a mutually satisfactory conclusion being reached. Where the College and the complainant agree to mediation, revised timescales should be agreed.

### **Closing the complaint at the investigation stage**

The outcome of the investigation will be communicated to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, must be sent to the Quality Manager for updating the system for recording complaints. The decision will also advise the complainant about:

- their right to ask the SPSO to review the complaint
- the time limit for doing so
- how to contact the SPSO

### **Independent external review (SQA or other awarding body)**

The SQA and other awarding bodies are responsible for ensuring the quality of courses for which they are the awarding body. Additionally, for qualifications that are regulated, SQA Accreditation is ultimately responsible for ensuring the quality of these qualifications, associated courses and the awarding bodies which award them. SQA and other awarding bodies will consider complaints from members of the public about issues relating to course quality if they remain dissatisfied by the college's response.

Once the investigation stage has been completed, if the complainant is still dissatisfied with the decision or the way we dealt with the complaint, they can ask the SPSO or the Scottish Qualifications Authority (SQA) (or other awarding body) to review it. For qualifications that are regulated through SQA, if the complainant remains dissatisfied with the way the awarding body has handled the complaint then they may complain to the qualifications regulator, SQA Accreditation.

Students should be advised that SPSO does not have the power to revise course awards. Only the SQA and other awarding bodies have the power to do this and students should always approach the SQA or other awarding body through the relevant procedure where this is what they want to achieve as a result of their complaint, following completion of the College CHP. In all cases, the complaint must first have been considered by the College.

### **Independent external review (SPSO)**

Once the investigation stage has been completed, the complainant is entitled to ask the SPSO to look at their complaint. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the College's CHP. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the College has handled the complaint.

### **Information about the SPSO**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. If you remain dissatisfied after the College CHP has been fully exhausted, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not exhausted the College's complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

The SPSO's contact details are:

In person:

**SPSO**

**4 Melville Street**

**Edinburgh**

**EH3 7NS**

Freephone: **0800 377 7330**

Online contact: **[www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)**

Website: **[www.spsso.org.uk](http://www.spsso.org.uk)**

Mobile site: **<http://m.spsso.org.uk>**

By post:

**SPSO**

**Freepost EH641**

**Edinburgh**

**EH3 0BR**

### 3. GOVERNANCE OF THE COMPLAINTS HANDLING PROCEDURE

#### Roles and Responsibilities

##### All staff will be aware of:

- the College CHP
- how to handle and record complaints at the frontline resolution stage
- who they can refer a complaint to if they are unable to handle the matter personally
- the need to try and resolve complaints early and as locally (within their department) as possible; and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

##### The Assistant Principal (QLT) will ensure that:

- the College's final position on a complaint investigation is signed off by an appropriate senior officer in order to provide assurance that this is the definitive response of the College and that the complainant's concerns have been taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling within the College
- it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision making process of complaints handling)
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the College
- complaints information is used to improve services, and this is evident from regular publications.

**Principal:** The Principal provides leadership and direction to the College. This includes ensuring that there is an effective CHP with a robust investigation process which demonstrates that organisational learning is in place. The Principal may delegate responsibility for the procedure, but must receive assurance of complaints performance by way of regular reporting. They should also ensure that complaints are used to identify service improvements, and that these improvements are implemented, and learning fed back to the wider organisation as appropriate.

**Manager(s):** As Complaints Investigators, these members of staff will be responsible for preparing and signing response letters to complainants and therefore must be satisfied that the investigation is complete and that their response addresses all aspects of the complaint.

**Complaints Investigator:** The Complaints Investigator is a suitably trained staff member responsible for the conduct of the complaints investigation and is involved in the investigation and the co-ordination of all aspects of the response to the complainant. This may include preparing a comprehensive written report, including details of any recommended procedural changes to service delivery.

Complaints Investigators must have a clear remit to investigate effectively and reach robust decisions on more complex complaints. This also requires clear direction and support from senior management on the extent and limits of discretion and responsibilities in investigating and resolving complaints, including the ability to identify failings, take effective remedial action and apologise, where it is appropriate to do so.

**All Staff:** A complaint may be made to any member of staff. All staff will therefore undertake appropriate training so that they are aware of the CHP and how to handle and record complaints at the frontline resolution stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

All staff should ensure that when a complaint is received, the complaint form is completed and forwarded to the Quality Manager for updating of the complaint recording database.

**Quality Office:** The Quality Manager is responsible for acting as the SPSO Liaison Officer and will provide complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on behalf of the College in response to SPSO reports, confirming recommendations have been implemented, and providing evidence to verify this.

The Quality Manager is responsible for coordinating the complaint handling process and for the effective monitoring and reporting to senior management.

The Quality Manager is responsible for keeping a record of complaints for analysis of recurring trends and for reporting to senior management, keeping records for at least 3 years.

#### **Complaints about Senior Staff**

Complaints about senior staff can be difficult to handle as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff it is particularly important that the investigation is conducted by an individual who is independent of the situation. A complaint against the College Principal will be referred to the Chairman of the Board of Management.

#### **4. RECORDING, REPORTING, PUBLICISING AND LEARNING**

Valuable feedback is obtained through complaints. One of the objectives of this CHP is to identify opportunities to improve provision of services across the College. Staff must record all complaints so that complaints data can be evaluated and reported to senior management.

By recording and using complaints information in this way, the causes of complaints can be identified, addressed and, where appropriate, training opportunities can be identified and improvements introduced.

## **Recording Complaints**

To collect suitable data, it is essential that all complaints are recorded in sufficient detail. The minimum requirements are as follows:

- name and contact details of the complainant including student identification number (if applicable)
- date of receipt of the complaint
- how the complaint was received
- category of complaint
- staff member responsible for handling the complaint
- department to which the complaint relates
- action taken and outcome at frontline resolution stage
- date the complaint was closed at the frontline resolution stage
- date the investigation stage was initiated (if applicable)
- action taken and outcome at investigation stage (if applicable)
- date the complaint was closed at the investigation stage (if applicable)
- underlying cause and remedial action taken (if applicable)
- response times at each stage

The College has systems for recording complaints, their outcomes and any resulting action so that the complaint data can be used for internal reporting as indicated below.

## **Reporting of complaints**

The College has a system for the internal reporting of complaints information. Regularly reporting the analysis of complaints information helps to inform management of where improvements are required. Information reported internally will include:

- performance statistics, complaint volumes, types of complaints, including the time taken and the stage at which complaints were resolved
- trends and outcomes of complaints and the actions taken in response including examples to demonstrate how complaints have helped improve services.

This information will be reported at least quarterly to senior management at the Quality & Academic Standards Committee (QASC) and at least annually to the College Board.

## **Publicising complaints performance information**

The College will report on complaints handling performance annually in line with SPSO requirements. This includes performance statistics showing the volume and type of complaints and key performance details, including the time taken and the stage at which complaints were resolved.

## **Learning from complaints**

Complaints Investigators should satisfy themselves that all parties involved understand the findings of the investigation and any decisions made. Senior management will ensure that the College has procedures in place to act on issues that are identified.

These procedures facilitate:

- using complaints data to identify the root cause of complaints
- taking action to reduce the chance of this happening again

- recording the details of corrective action in the complaints file
- systematically reviewing complaints performance reports to improve performance.

Analysis of management reports detailing complaints performance will help to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where the College identifies the need for service improvement:

- an officer (or team) will be designated the 'owner' of the issue, with responsibility for ensuring that any identified action is taken
- a target date will be set for the action to be implemented, and followed up on to ensure delivery within this timescale
- where appropriate, performance in the service area will be monitored to ensure that the issue has been resolved.

### **Maintaining confidentiality**

Confidentiality is an important factor in conducting complaints investigations. The College will always have regard to any legislative requirements; for example, data protection legislation and also internal policies on confidentiality and the use of complainant information.

Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

Where a complaint has been raised against a student or member of staff and has been upheld, the complainant will be advised of this. However, it would not be appropriate to share specific details affecting specific students or staff members, particularly where disciplinary action is taken.

### **Managing unacceptable behaviour**

It is recognised that people may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the complainant acting in an unacceptable way. Complainants who display difficult behaviour may still have a legitimate grievance, and the College will treat all complaints seriously and assess them properly.

The actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards the College's staff. The College will, therefore, put into place policies and procedures to protect staff from such unacceptable behaviour. These policies and procedures will include the requirement to inform the complainant of any decision to restrict their access, their right of appeal, and any procedures for reviewing such a decision to restrict contact.

### **Supporting the complainant**

Anyone who receives, requests or is directly affected by the services the College provides has the right to access the College's CHP. Complainants who do not have English as a first language may need help with interpretation and translation services. Other complainants may have specific needs which the College will seek to address to ensure easy access to the CHP by making reasonable adjustments to help the complainant. There are a number of

support services available which can provide helpful support to those who wish to pursue a complaint with the College.

In the first instance complaints should be raised with those directly involved. Complainants can also seek advice from their course lecturer, the UHI Students Association or a member of the College student support staff.

## 5. THE COMPLAINTS HANDLING PROCEDURE (CHP)

