



Complaints Handling Procedure

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The University of the West of Scotland's Complaint Handling Procedure (CHP)

1. Foreword

This Complaint Handling Procedure reflects the University of the West of Scotland's commitment to valuing complaints and was formally approved by Senate on 5th June 2013, for implementation from 1st August 2013. 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 University. 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.

2. Scope and Purpose

2.1 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 University.'

A complaint may relate to:

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

The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with the University 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;
- an insurance claim;

- an issue which is being, or has been, considered by a court or tribunal;
- a request for compensation only;
- an attempt to have a complaint reconsidered where the University'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 decision 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.

Please refer to other UWS procedures, available via –

- <http://www.uws.ac.uk/current-students/rights-and-regulations/academic-appeals-and-mitigation/>
- <http://www.uws.ac.uk/current-students/student-support/student-association/>

2.2 Who can make a complaint?

The 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 University (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 University; and
- members of the public who are applying for admission to the University 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 University.

Sometimes individuals may be unable or reluctant to make a complaint on their own. The University 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). Please note that the individual affected must provide 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.

2.3 Anonymous Complaints

Complaints submitted anonymously will be considered if there is enough information in the complaint to enable the University 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 University 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 will be authorised by a senior officer. If an anonymous complaint contains serious allegations, it will be referred to a senior officer immediately.

Whilst the majority of complainants will use the Complaints Procedure appropriately and in a constructive manner, the University Registrar reserves the right to determine a complaint vexatious or frivolous. The University Registrar's decision on this matter shall be final. A written response will be provided in such cases.

The complaints procedure covers only those areas legitimately under the influence and jurisdiction of the University.

2.4 Complaints involving more than one department

If a complaint relates to the actions of two or more departments/faculties/schools, 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 University 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).

2.5 Complaints involving other organisations or contractors who provide a service on behalf of the University

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

Where a complaint relates to a University 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 University's behalf (such as partner 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.
- A complaint made about a service that is contracted out.
- A complaint made to the University 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.

2.6 Time limit for making complaints

Complaints should be raised with the University 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 University, 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 University will exercise discretion in the way that the time limit is applied. This will take account of the time limit within which a complainant 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.

3. The Complaints Handling Procedure (CHP)

3.1 Overview

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:

Stage 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.

Stage 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.

The Complaints Handling Procedure

FRONTLINE RESOLUTION

For issues that are straightforward and easily resolved, requiring little or no investigation.

'On-the-spot' apology, explanation, or other action to resolve the complaint quickly, in five working days or less, unless there are exceptional circumstances.

Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline resolution.

Complaint details, outcome and action taken recorded and used for service improvement.



INVESTIGATION

For issues that have not been resolved at the frontline or that are complex, serious or 'high risk'.

A definitive response provided within 20 working days following a thorough investigation of the points raised.

Responses signed off by senior management.

Senior management have an active interest in complaints and use information gathered to improve services.

Complainants who remain dissatisfied after an investigation has been completed by the Institution have the right to ask the SPSO to review their case (see right).



INDEPENDENT EXTERNAL REVIEW (SPSO or other)

For issues that have not been resolved by the service provider.

Complaints progressing to the SPSO will have been thoroughly investigated by the service provider.

The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider.

Note: For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It is not intended to reflect any job description within the Institution; rather it refers to the process which seeks to resolve complaints as soon as possible.

3.2 Stage 1: 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 made 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 University'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 University 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 /explanation /alternative solution?
- 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 this happening in the future.

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.

3.2.1 Extension to the five day timeline at Stage 1

Frontline resolution should normally be completed within 5 working days, though a resolution may be achieved more quickly. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint at the frontline resolution stage (for example, by obtaining information from other areas where no single area of the Institution is responsible for the issue(s) being complained about). Where an extension is required this must be signed off by an appropriate senior manager. The complainant must be told of the reasons 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).

3.2.2 Closing the complaint at the frontline resolution stage (Stage 1)

The outcome will be communicated to the complainant. This may be face-to-face, by phone, in writing or by email. There is no 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 Institution is responsible, and explain the reasons for the decision.

Once a decision has been issued, the record of the complaint must be updated on the recording system, including details of the decision reached. The complaint should then be closed.

3.3 Stage 2: 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;
- the complaint relates to issues that have been identified by the University 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 University;
- 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 University's definitive position.

3.3.1 Timelines – Stage 2

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 University 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.

3.3.2 Extension to the 20 working days timeline at Stage 2

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, senior management 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 senior management 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 University 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.

3.4 What the University will do when it receives a complaint for investigation

The University will allocate the complaint to a Complaints Investigator, bearing in mind the need to avoid any possible conflict of interest. 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 University can reasonably provide or are not within the University'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 must be shown in the complaints log. At the conclusion of the investigation the log must be updated to reflect the final outcome and any action taken in response to the complaint.

3.5 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 University and the complainant agree to mediation, revised timescales should be agreed.

3.6 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 recorded on 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.

4. Independent external review (SPSO)

4.1 Role of 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 University's CHP. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has handled the complaint.

4.2 SPSO Contact Information

The SPSO requires the University to use the wording below to inform complainants of their right to ask the SPSO to review the complaint:-

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish universities. If you remain dissatisfied with a university after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- *where you have not gone all the way through the university'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:

SPSO
4 Melville Street
Edinburgh
EH3 7NS

SPSO
Freepost EH641
Edinburgh
EH3 0BR

Freephone
0800 377 7330

Online contact
www.spsso.org.uk/contact-us

Website
www.spsso.org.uk

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

5. Governance of the Complaints Handling Procedure

5.1 Roles and Responsibilities

All staff will be aware of:

- the 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.

Senior management will ensure that:

- the University'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 University 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 University;
- 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 University, and

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- complaints information is used to improve services, and this is evident from regular publications.

Principal: The Principal provides leadership and direction to the University. 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.

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 includes 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 must, therefore, be 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.

5.2 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 the University will ensure that the investigation is conducted by an individual who is independent of the situation.

6. Recording, reporting, publicising and learning

Valuable feedback is obtained through complaints. One of the objectives of the CHP is to identify opportunities to improve provision of services across the University. Staff must record all complaints so that we can use the complaints data for analysis and management reporting. 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.

6.1 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 and student matriculation 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 University has structured systems for recording complaints, their outcomes and any resulting action so that the complaint data can be used for internal reporting as indicated below.

6.2 Reporting of complaints

The University 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, detailing complaints volumes, types and key performance information, for example on time taken and stage at which complaints were resolved
- the 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 and at least annually to the governing body.

6.3 Publicising complaints performance information

The University will publish on a quarterly basis a summary of complaints outcomes, trends and actions taken to improve services, with a focus on case studies and examples of how complaints have helped improve services. This may also include positive feedback from students and members of the public.

This demonstrates the University's approach to improving services on the basis of complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and will help to demonstrate to our students and members of the public that we value their complaints.

The University 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, for example on the time taken and the stage at which complaints were resolved.

6.4 Learning from complaints

The Complaints Investigator will always satisfy themselves that all parties involved understand the findings of the investigation and any decisions made. Senior management will ensure that the University 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.

The 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 University 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.

7. Maintaining confidentiality

Confidentiality is an important factor in conducting complaints investigations. The University 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.

8. 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 University must therefore 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 University's staff. Therefore, where a complainant's behaviour over the complaint is deemed to be unacceptable, the University reserves the right to invoke other procedures as necessary, for example, the University's Dignity & Respect policy. In the case of applicants for admission to the University, unacceptable behaviour may result in consideration of an application being terminated, or an offer of admission being withdrawn. In the case of registered students, unacceptable behaviour may result in referral under the University's Code of Discipline for Students. If such action is deemed necessary, the complainant will be advised of this and attempts will be made to complete the investigation of the complaint, however, contact with the complainant may be restricted.

In the case of a member of the public, a decision to restrict access may be made by a senior member of staff and the complainant will be advised in writing of the decision and the reasons for it. The University's decision on this will normally be final, and the complainant will be advised of their right to ask the SPSO to review the University's handling of the complaint.

9. Supporting the complainant

Anyone who receives, requests or is directly affected by the services the University provides has the right to access the University'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 University 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 University.

The following services are available: -

For UWS students – Please refer to Student Services available on each campus via - <http://www.uws.ac.uk/current-students/student-support/>.

For members of the public – Please refer to your local Citizens Advice Agency for guidance or contact UWS at complaints@uws.ac.uk.

The complaints handling procedure

