



**Working Together**

# **Complaints Handling Procedure**

**January 2019**

## History of Changes

<b>Version</b>	<b>Description of Change</b>	<b>Authored by</b>	<b>Date</b>
<b>1.1</b>	Introduction by Angela Cox. Updating of dates and reference to the Regional Board rather than the Board of Management. Inclusion of the categorisation of complaints for reporting purposes.	D Killean	01/03/2017
<b>1.2</b>	Updates to reflect changes in staffing and structure. Separation of Policy and Procedure.	J Robertson	01/03/2018
<b>1.3</b>	Changes to SPSO contact details.	J Robertson	07/01/2019
<b>1.3.1</b>	Inclusion of BCS contact information at request of EV.	J Robertson	15/02/2019



### Foreword by Principal

Our complaints policy and complaints handling procedure reflect Borders College's commitment to valuing complaints. They seek to resolve customer dissatisfaction as close as possible to the point of service delivery. They also seek to conduct thorough, impartial and fair investigations of customer complaints. Then, where appropriate, we can make evidence-based decisions on the facts of the case.

Working closely with the Scottish Public Services Ombudsman (SPSO) the procedure has been developed by college staff who are experienced at handling complaints. It provides a standard approach across the college sector, which complies with the SPSO's guidance on complaints handling.

The procedure aims to help us resolve problems successfully at the first time of asking. We want quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff. The procedure will enable us to tackle a complainant's concerns properly and may prevent the same things going wrong for other people.

Complaints give us valuable information we can use to improve complainants' satisfaction. They give our staff a first-hand account of the complainant's views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our customers redress when things go wrong, and can also help us continuously improve our services.

Resolving complaints early saves money and creates better customer relations. Sorting them out quickly and as close to the point of service as possible means they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can greatly add to our workload.

This complaints handling procedure will help us do our job better, improve relationships with our customers and enhance the college's reputation. It will also help us keep students and other customers at the heart of what we do.

A handwritten signature in black ink, appearing to read 'A Cox'.

Angela Cox

## Contents

1. Introduction .....	6
2. What is a Complaint? .....	6
Handling anonymous complaints .....	8
What if the customer doesn't want to complain? .....	8
Who can make a complaint?.....	9
Complaints involving more than one department or organisation .....	9
3. Levels within the Complaints Handling Procedure .....	10
Level 1 Complaint – Frontline Resolution.....	11
4. Receiving a Frontline Complaint .....	11
5. Responding to and Resolving Frontline Complaints .....	13
5.2 What to do when you receive a complaint.....	13
5.3 What exactly is the customer's complaint (or complaints)? .....	14
5.4 What does the customer want to achieve by complaining? .....	14
5.5 Can I achieve this, or explain why not?.....	14
SPSO Guidance on Apology.....	14
5.6 If I can't resolve this, who can help with frontline resolution? .....	15
5.7 Timelines.....	15
5.8 Extension to the timeline.....	15
5.9 Closing the complaint at the frontline resolution stage .....	16
5.10 When to escalate to the investigation stage .....	17
Level 2 Complaint – Internal Investigation.....	18
6. Level 2 Complaint Criteria .....	18
7. Receiving a Level 2 Complaint .....	19
8. Investigating a Level 2 Complaint .....	20
9. Timescales for investigation.....	22
10. Outcome of the Investigation .....	22
10.4 Closing the complaint at the investigation stage.....	23

## Complaints Handling Procedure

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10.5 Independent external review.....	24
10.6 Information about the SPSO.....	25
Recommended Text.....	26
The SPSO’s contact details are:.....	26
11. Redress.....	27
Publicising the Complaints Procedure and Outcomes.....	28
12. Accessing the Complaints Procedure.....	28
13. Recording, Reporting, Learning and Publicising.....	28
13.1 Recording complaints.....	29
13.2 Reporting of complaints.....	29
13.3 Learning from complaints.....	30
13.4 Publicising complaints performance information.....	30
14. Staff Training.....	31
15. Maintaining Confidentiality.....	31
16. Managing Unacceptable Behaviour.....	31
17. Supporting the Complainant.....	32
18. Time Limit for Making Complaints.....	32
Equality Impact Assessment.....	34
Appendix 1: (Examples of complaints that may be resolved at the frontline stage) Complaints.....	35
Appendix 2: What is Not a Complaint.....	36
Appendix 3: Timelines and examples Timelines.....	37
Appendix 4: (Flowchart) The Complaints Handling Procedure.....	42

## Complaints Handling Procedure

### 1. Introduction

The College's complaints procedure follows the Guidance on a Model Complaints Handling Procedure published by the Scottish Public Services Ombudsman (SPSO), February 2011. The Public Services Reform (Scotland) Act 2010 (the Act) gave the SPSO the authority to lead the development of simplified and standardised complaints handling procedures across the public sector. The Act built on the work of the Crerar and Sinclair Reports that sought to improve the way complaints are handled in the public sector and requires all public bodies to have complaints procedures that comply with the principles contained within the guidance.

The College internal complaints procedure has two stages. There is a third external stage which may be pursued by the complainant if the issue has not been resolved to their satisfaction. Details on how to proceed to the third stage are also contained within this procedure.

The aim of the complaints procedure is to resolve any complaint quickly and at the lowest level possible.

### 2. What is a Complaint?

**Definition – “A complaint is an expression of dissatisfaction by one or more members of the public about an organisation’s action or lack of action, or about the standard of service provided by or on behalf of the organisation.”** (SPSO Guidance on a Model Complaints Handling Procedure)

It is important to distinguish a complaint from a request for information, a request for a service or an appeal. For example, a student may “complain” about the level of their award for childcare but this is an expression of disappointment rather than a complaint. An appeal against an exam result is not a complaint. However, in both cases the student may complain that the appropriate procedure has not been followed correctly.

## Complaints Handling Procedure

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A complaint may relate to, for example:

- a failure to provide a service
- an inadequate quality or standard of service
- the admissions process
- the disciplinary process
- a request for a service or for information which has not been actioned or answered
- our policies
- wrong information about academic programmes or college services
- the quality and availability of facilities and learning resources
- accessibility of our buildings or services
- the behaviour of a member of staff or contractor
- a student's behaviour
- treatment by or attitude of a member of staff or contractor
- disagreement with a decision where the complainant cannot use another procedure (such as an appeal) to resolve the matter
- our failure to follow the proper administrative process.

This list is not meant to be complete.

**Appendix 1** provides examples of complaints and how we might handle them.

A complaint is not:

- a routine first-time request for a service
- a request for information or an explanation of policy or practice
- a disagreement with academic judgement
- a claim for compensation from the college
- issues that are in court or have already been heard by a court or tribunal
- disagreement with a decision where a right of appeal exists, for example the academic appeals process
- a request for information under the Data Protection or Freedom of Information Acts
- a grievance by a member of staff
- an attempt to have us reopen or reconsider a complaint we have concluded or given our final decision on.

These issues must not be treated as complaints. Instead, direct customers to use the right college procedures.

**Appendix 2** gives more examples of 'what is not a complaint' and how to direct customers properly.

### Handling anonymous complaints

The College values all complaints. This means we treat all complaints seriously including anonymous ones and will take action to consider them further, wherever it is proper to do so. Generally, we will consider an anonymous complaint if it gives enough information for us to make further enquiries. Failing this, we may decide not to pursue it. A decision not to pursue an anonymous complaint must be authorised by the relevant member of Senior Leadership Team.

If an anonymous complaint contains serious allegations, it is referred to the Learning & Teaching Development Director immediately.

If we pursue an anonymous complaint, we will record the issues as an anonymous complaint on the complaints database. This will help ensure the completeness of the complaints data we record and allow us to take corrective action where suitable.

### What if the customer doesn't want to complain?

The College regards as complaints all expressions of dissatisfaction that meet our definition of a complaint. If someone does not want to begin the formal complaints procedure, we will still record their dissatisfaction as a complaint so that we can take the opportunity to improve services. We should encourage customers to submit their complaint and allow us to deal with it through the procedure. This will ensure they are updated on the action we take and get a timely response to their complaint. If, however, the customer insists they do not wish to complain, we will record the issue as an anonymous complaint in the complaints database. This will ensure that:

1. we do not record their personal details on the complaints database
2. we do not contact them again about the matter, and
3. the complaints data we record are complete, while enabling us to fully consider the matter and take corrective action where suitable.

Please refer to the example in **Appendix 1** for further guidance.

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

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the customer has given their personal consent.

The college will support individuals or organisations wishing to complain about an aspect of its service. This is because we want to understand the nature of the complaint and how it might need to respond if a service is substandard or failing. This may include involving outside support, e.g. advocacy services, to help the customer.

### **Complaints involving more than one department or organisation**

If a complaint relates to the actions of two or more college departments, you must:

- tell the customer who will take the lead in dealing with the complaint, and
- explain that they will get only one response covering all issues raised.

If a customer complains to you about the service of another body, but the college is not involved in the issue, you should advise the customer to contact the other body directly.

However, you must handle a complaint through this procedure if it directly relates to a college service and the service of another body. The other body could be, for example, a contractor providing a service on the college's behalf, a qualifications awarding body or the provider of catering. If you need to make enquiries to an outside body about the complaint, always take account of data protection legislation and the guidance on handling our customers' personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data-sharing code of practice.

These 'joint-service' complaints may be about such things as:

- accommodation not directly under our ownership
- third-party services, for example library services run by Heriot-Watt university
- a student loan, where the customer is dissatisfied with our service and that of the Student Awards Agency for Scotland.

### 3. Levels within the Complaints Handling Procedure

#### Summary

Internal		External
Level 1	Level 2	Level 3
Frontline Resolution	Internal Investigation and Resolution	Independent External Review (SPSO or Awarding Body e.g. SQA)
To be completed within 5 working days.	To be completed within 20 working days.	
For issues that are straightforward.	For issues that have not been resolved through the Frontline Resolution Process.	For issues that have not been resolved and have exhausted the internal processes.
Require little or no formal investigation.	Complaints may be referred directly to Level 2 if they are complex, serious or of high risk to the organisation.	The College will inform the complainant of their right to refer their complaint to the SPSO or where it is an issue relating to qualifications or an academic judgement to the relevant awarding body.
May be resolved at the time of the complaint.	The complaint is thoroughly investigated by a manager appointed to the task by the Learning & Teaching Development Director.	The SPSO/Awarding Body will review whether the complaint has been thoroughly investigated by the College and may investigate further.
Can be addressed by any member of staff or referred up to department manager.	The outcome of the investigation is reported to the Senior Leadership Team where a response and any necessary improvements to service are agreed.	
Must be resolved within 5 working days.		
Must be recorded along with actions taken and used to improve the College's service.	The response to the complaint is signed off by the Learning & Teaching Development Director.	

## Level 1 Complaint – Frontline Resolution

### 4. Receiving a Frontline Complaint

4.1 Frontline resolution should aim to resolve minor and straightforward complaints at the first point of contact and as quickly as possible. Any member of staff may be faced by a complaint from a student, a client or a member of the public. For minor complaints, the member of staff is responsible for resolving the complaint or referring it to their line manager if they feel unable to resolve the complaint there and then.

4.2 Frontline staff most likely to be involved in resolving minor and straightforward complaints:

- Lecturers
- Receptionists
- Advice Centre staff
- Helpdesk staff
- Administrators
- First line managers

4.3 Complaints may be received in person, online, in writing or by telephone by a third party or anonymously. When receiving the complaint, the frontline member of staff must record the complaint and the action in the complaint tracking form.

4.4 Examples of Complaints that may be resolved at the frontline are:

#### General Complaints

- A service that should have been provided has not been provided
- A service has not been provided to an appropriate standard
- A request for a service has not been answered/actioned
- A complaint that a staff member was rude or unhelpful
- A staff member was late or failed to attend a scheduled appointment
- A policy or procedure has not been adhered to

### Academic Issues

- Lessons or teaching approaches are not providing a good learning experience
- Programme content does not meet students' needs
- Students barred from progressing to the next level of study

4.5 It is the nature of the complaint (i.e. non-complex/non-contentious), rather than the means by which it is presented, that should determine whether a complaint is handled at the frontline stage.

4.6 A complaint in writing could, therefore, be resolved at the frontline. Where a complaint has been successfully resolved at the frontline stage, and the outcome has been communicated to the complainant either by face-to-face, telephone or email communication, there is no additional requirement to send further written confirmation to the complainant. The resolution should be recorded in the complaint tracking form.

4.7 Frontline staff should respond to all complaints that they identify as appropriate for immediate resolution. The member of staff receiving the complaint should consider four key questions:

- What is the complaint and is it for frontline resolution or of a more serious or complex nature?
- What does the service user wish to achieve by complaining and is this realistic?
- Can I achieve this, or provide an explanation as to why not?
- If I can't resolve this who can I refer the complaint to for frontline resolution?

4.8 The staff member who is the subject of a complaint should not handle or respond to the complaint. Neither should frontline staff who may have a clear conflict of interest in the matter. Where a member of staff receives a complaint about themselves or where there is a conflict of interest, the complaint should be handed to a first line manager within the department or faculty who has no conflict of interest for resolution.

4.9 There may be occasions where a complainant simply refuses to engage with attempts to achieve frontline resolution and insists that their complaint be fully investigated and a formal response provided. Although every effort should be made to resolve complaints at the frontline stage of the Complaints Handling Procedure (CHP), in these circumstances complaints should be escalated to the investigation stage.

## 5. Responding to and Resolving Frontline Complaints

5.1 The aim of frontline resolution is to provide a quick, informed response to a complaint without the need for a detailed investigation of the points raised. The issues are by definition those that can mostly be addressed 'on-the-spot' by staff responsible for a service. In this context it is likely that resolution will take place face-to-face or on the telephone, and should be achievable within a short period of time; 24 hours in the majority of cases.

In practice, frontline resolution means resolving the complaint at the first point of contact with the complainant. This can be done by the member of staff receiving the complaint or other appropriate staff.

In either case, you may settle the complaint by:

- providing an on-the-spot apology where suitable, and/or
- explaining why the problem occurred and, where possible, what will be done to stop it happening again.

You may also explain that we value complaints and may use the information the complainant has given when we review service standards in the future.

### 5.2 What to do when you receive a complaint

- a) On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint. The complainant may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing the complainant to pursue another element through an alternative route (see **Appendix 2**).

- b) If you have received and identified a complaint, ensure the details are recorded on our complaints database.
- c) Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before you can give the complainant a suitable response. You must escalate these complaints immediately to the investigation stage.
- d) Where you think frontline resolution is appropriate, you must consider four key questions:
  - What exactly is the customer's complaint (or complaints)?
  - What does the customer want to achieve by complaining?
  - Can I achieve this, or explain why not?
  - If I can't resolve this, who can help with frontline resolution?

### **5.3 What exactly is the customer's complaint (or complaints)?**

It is important to be clear about exactly what the customer is complaining of. You may need to ask the customer supplementary questions to get a full picture.

### **5.4 What does the customer want to achieve by complaining?**

At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this, so you may need to probe further to find out what they expect and whether they can be satisfied.

### **5.5 Can I achieve this, or explain why not?**

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is suitable, you may wish to follow the SPSO's guidance on the subject:

#### **SPSO Guidance on Apology**

The complainant may expect more than we can provide. If so, you must tell them as soon as possible. An example may be where the complainant is so dissatisfied with the location and day of a lecture that they demand both be changed, but we are only able to consider changing its location.

You are likely to have to give the decision face to face or by telephone. If you respond face to face, by telephone or by email, you need not write to the complainant as well but you may choose to do so. It is important, however, to keep a full and accurate record of the decision you have reached and passed to the complainant.

### **5.6 If I can't resolve this, who can help with frontline resolution?**

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, pass details of the complaint to someone who can try to resolve it.

### **5.7 Timelines**

Frontline resolution must be completed within **five working days**, although in practice we would often expect to resolve the complaint much sooner.

You may need to get more information from other departments to resolve the complaint at this stage. However, it is important to respond to the complainant within five working days, either resolving the matter or explaining that the college will investigate their complaint.

### **5.8 Extension to the timeline**

In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than five working days with the complainant. This must only happen when an extension will make it more likely that the complaint will be resolved through frontline resolution.

When you ask for an extension, you must get authorisation from the Learning & Teaching Development Director, who will decide whether you need an extension to effectively resolve the complaint.

Examples of when this may be suitable include staff (or contractors) being temporarily unavailable. If, however, the issues are so complex that they cannot be resolved in five days, it is right to escalate the complaint straight to the investigation stage. Where appropriate you must tell the complainant about the reasons for the delay, and when they can expect your response.

If the complainant does not agree to an extension but it is unavoidable and reasonable, the Learning & Teaching Development Director must decide on the extension. You must then tell the complainant about the delay and explain why the extension has been granted.

It is important that such extensions do not become the norm; only rarely should you extend the timeline at the frontline resolution stage. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date you receive the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics.

**Appendix 3** provides further information on timelines.

### **5.9 Closing the complaint at the frontline resolution stage**

When you have informed the complainant of the outcome, you do not have to write to them as well, but you may choose to do so or the complainant may ask you to do so. You must ensure that our response to the complaint addresses all the topics we are responsible for and explains the reasons for our decision. It is also important to keep a full and accurate record of the decision you have reached and given to the complainant. You should then close the complaint and ensure that the complaints database is updated accordingly.

A copy of the completed Complaint Tracking Form must be sent to the Principal's Office where the details are held in a central database. The Senior Leadership Team and the Curriculum & Quality Committee receive a report from the Learning & Teaching Development Director quarterly on the complaints received, resolutions, types of complaint, complainant categories and lessons learned. The Regional Board receive annual reports.

Business Support managers and Heads of Faculty should ensure that learning from complaints is sent to and discussed with relevant staff.

### 5.10 When to escalate to the investigation stage

You must escalate a complaint to the investigation stage when:

- you tried frontline resolution but the complainant remains dissatisfied and requests an investigation. This may happen immediately when you communicate the decision at the frontline stage, or sometime later
- the complainant refuses to take part in frontline resolution
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

When you escalate a previously closed complaint from the frontline resolution stage, you should ensure the complaint is reopened on the complaints database.

Take special care to identify complaints that might:

- be serious, high risk or high profile, as these may require particular action, for example
- escalation to the college principal, or raise critical issues that need senior management's direct input.

We define potential high-risk or high-profile complaints as involving:

- an allegation of corruption against a college employee
- a claim of dereliction of duty by a college employee
- a claim of personal injury that has incapacitated the customer
- a potentially significant risk to the college's operations
- a claim of discrimination, with due regard to protected characteristics as set out in section 149(7) of the Equality Act 2010
- an allegation of significant harm or abuse or where there is a suspicion that someone may suffer significant harm
- serious service failure, for example major delays in providing, or repeated failures to provide, a service
- significant and ongoing press interest.

## Level 2 Complaint – Internal Investigation

### 6. Level 2 Complaint Criteria

6.1 Certain issues will need to be investigated and resolved through more rigorous and formalised procedures. These include situations where:

- Frontline resolution was attempted, but the complainant remains dissatisfied. This may happen immediately when the decision at the frontline stage was communicated, or sometime later
- The complainant refuses to engage with the frontline resolution process
- The issues raised are complex and will require detailed investigation
- The complaint relates to issues that have been identified as serious, high risk or high profile

Potential serious, high risk or high profile complaints:

- involves a serious accident to staff, student or visitor
- involves alleged illegal activity or the potential for civil legal proceedings
- an allegation of corruption against a college employee
- a claim of dereliction of duty by a college employee
- a claim of personal injury that has incapacitated the customer
- a potentially significant risk to the college's operations
- a claim of discrimination, with due regard to protected characteristics as set out in section 149(7) of the Equality Act 2010
- an allegation of significant harm or abuse or where there is a suspicion that someone may suffer significant harm
- involves major delays in service provision or repeated failure of a service
- there has been press interest
- where there is a risk to the organisation's reputation

At the investigation stage, staff should also be aiming to 'get it right first time'. Their goal is to establish all of the facts relevant to the points raised and provide a full, objective and proportionate response that represents the College's definitive position. Decisions reached at this stage of the Complaints Handling Procedure should communicate the views of the Principal and the Senior Leadership Team.

## 7. Receiving a Level 2 Complaint

- 7.1 The recipient of a complaint in whatever form should make a judgement based on the criteria set out in this procedure as to whether the nature of the complaint is such that it should be investigated at Level 1 or 2. Where the recipient is unsure or believes it may be a Level 2 complaint, they should refer it to the Learning & Teaching Development Director and inform their line manager.
- 7.2 Level 2 complaints should be submitted in writing. It is important, however, that this does not present a barrier to the complainant and that they do not feel that it is being used as such. Where the complainant cannot provide the complaint in writing, for whatever reason, the complainant should be assisted in expressing the complaint and desired resolution. This should be recorded accurately and be endorsed by the complainant.
- 7.3 Complaints may be received and accepted from third parties where they have received consent from the individual on whose behalf the complaint is made. In some instances, complaints may be made with the help of an advocacy agency. We will support the use of advocacy agencies where the complainant finds it difficult to make a complaint on their own behalf.
- 7.4 The Learning & Teaching Development Director should review the nature of the complaint and inform the Principal immediately where it may involve:
- 7.4.1 a serious accident to staff, student or visitor
  - 7.4.2 alleged illegal activity or the potential for civil legal proceedings,
  - 7.4.3 press interest or a risk to the organisation's reputation

## 8. Investigating a Level 2 Complaint

- 8.1 The Learning & Teaching Development Director\* ensures that the nature of the complaint is understood by reviewing:
- 8.1.1 The details of the complaint
  - 8.1.2 What the complainant wishes to achieve
  - 8.1.3 Whether the expectations are realistic
- 8.2 Where the nature of the complaint is unclear, the Learning & Teaching Development Director will contact the complainant to seek clarification.
- 8.3 The Learning & Teaching Development Director, in consultation with the Senior Leadership Team members, will appoint a member of the Senior Leadership Team who is not associated with, or the subject of, the complaint to act as the investigating officer. They will act as the single point of contact for the complaint. This provides reassurance for the complainant that someone sufficiently removed from the issue and senior within the College is attending to their complaint. It also ensures that one individual within the organisation has taken responsibility for investigating the points raised and responding to the complainant.
- 8.4 The appointed manager should have a thorough understanding of the Complaints Handling Procedure and a reasonable knowledge of the procedures of the department or function involved. They must be fully trained in how to plan and conduct investigations, including how to obtain and analyse evidence.
- 8.5 The Learning & Teaching Development Director provides the complainant with the name and contact details of the person dealing with their complaint as early as possible after the decision to consider the matter as a level 2 complaint.
- 8.6 The investigating officer is responsible for establishing the precise detail of the complaint, for conducting a thorough review of the circumstances surrounding the complaint, for gathering the necessary information and for ensuring that the information gathered is of a suitable quality and accuracy to enable a full and informed response to be issued. Where confidential records need to be accessed, necessary permissions must be obtained.

- 8.7 All staff are required to comply with the investigating officer.
- 8.8 The scale of the investigation should be proportionate to the issue complained about.
- 8.9 The investigating officer should compile a chronology of events, recording what happened and who was involved. All source documents should be referenced within the report.
- 8.10 Ongoing complaint investigations should be reported to Senior Leadership Team weekly, at scheduled management meetings or otherwise via email.
- 8.11 The investigating officer reports the findings of the investigation to the Learning & Teaching Development Director, where a draft report and recommendations are agreed.
- 8.12 The report should include:
- 8.12.1 The nature of the complaint
  - 8.12.2 The complainant's expectation for resolution
  - 8.12.3 The chronology of events
  - 8.12.4 What should have happened
  - 8.12.5 What went wrong
  - 8.12.6 What was the cause of the identified failings
  - 8.12.7 The proposed resolution to the complaint
  - 8.12.8 If the complainant's expectation cannot be met why this is the case
  - 8.12.9 Any necessary resulting changes to service
- 8.13 The report will be considered and approved by the Senior Leadership Team, prior to a full explanation and outcome being given to the complainant. (see Section 12)

*\* In the absence of the Learning & Teaching Development Director or in circumstances where the Learning & Teaching Development Director is the subject of the complaint the Principal will manage the complaint process or appoint a deputy to do so.*

## **9. Timescales for investigation**

- 9.1 Complaints should be acknowledged within **3 working days**
- 9.2 The investigation should be completed within **10 working days** of receiving the complaint
- 9.3 A full response should be provided within **20 working days**
- 9.4 Some complex complaints may take longer to resolve and there may be some complaints that are so complex they will require careful consideration and detailed investigation beyond the 20 working days' target. Where there are clear and justifiable reasons for extending the timescale, the Senior Leadership Team will set time limits on any extended investigation, subject to agreement with the complainant.
- 9.5 There may be occasions where the College has no option but to 'suspend' a complaint investigation in circumstances where the case cannot be closed but, for reasons outwith the College's control, it cannot be progressed either. Examples of such situations may include cases where the College cannot get the information it requires as a result of incapacity, or in cases where a person cannot be contacted.
- 9.6 Suspending a complaint should happen only in exceptional circumstances, with any decision to suspend an investigation being agreed by the Principal. A decision to suspend should be formally recorded and be for a defined period of time, at the end of which it should be reviewed.
- 9.7 Appendix 3 provides some examples of timelines.

## **10. Outcome of the Investigation**

- 10.1 The outcome of the investigation is reported to the Senior Leadership Team by the Learning & Teaching Development Director, where a response to the complaint and any necessary changes to policy or procedures in the light of the complaint are agreed.

10.2 The Learning & Teaching Development Director is responsible for communicating the outcome of the complaint investigation to the complainant and will ensure that any resulting changes are implemented by the College.

10.3 Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, we will consider using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating.

Mediation will help both parties understand what has caused the complaint, so is more likely to lead to mutually satisfactory outcomes. If the College and the customer agree to mediation, revised timescales will need to be agreed.

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

We will let the complainant know the outcome of the investigation in writing or by their preferred contact method. The response to the complaint will address all areas the College is responsible for and explain the reasons for the decision. Correspondence should avoid technical jargon and be easy for the recipient to understand.

Consideration should be made of the complainant's literacy skills and whether English is a first language. Where there are barriers to clear communication by letter then contact can be made in person, by telephone or through the use of an interpreter. In all cases where alternative communication is used this should be followed up with a letter.

We will record the decision, and details of how it was communicated to the complainant, on the complaints database. We will make clear to the complainant:

- their right to ask SPSO to consider the complaint
- the time limit for doing so, and
- how to contact the SPSO.

### 10.5 Independent external review

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 – see Appendix 5 for contact details) to look at it. For qualifications that are regulated, 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.**

Note: SPSO and SQA are in discussions about signposting arrangements to be included in the model CHP and the above text is subject to amendment.

SPSO and SQA have been working together to ensure that colleges can comply both with SPSO's legislation and, in specific circumstances, with the regulations and criteria of awarding bodies, and additionally, with those of qualifications regulators.

The SPSO Act 2002 requires colleges to signpost to the SPSO on conclusion of their CHP. SPSO consider complaints made about service failure and maladministration which may include issues surrounding course delivery.

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.

As both organisations have an interest in complaints about elements of course delivery, the SPSO and SQA are working up scenarios to clarify the most appropriate route for the individual to raise their complaint along with appropriate signposting materials.

We are currently developing a protocol for handling complaints about courses and assessment to ensure that there is a clear and transparent mechanism for handling complaints within the further education sector. This will include scenarios about the potential types of complaint that should be considered by either SPSO or an awarding body. The protocol will also include published turnaround times for all procedures to make clear that there is a focus on as short a complaints procedure as possible.

This information will be provided to develop a standardised approach for the sector to advise students how and to whom to address their complaint if they remain dissatisfied by a college's handling of their issue. Both organisations are committed to ensuring that students can raise complaints easily and have their complaints responded to as quickly and simply as possible. It is particularly important that they get access to the appropriate body depending on the desired outcome of their complaint.

### 10.6 Information about the SPSO

The College should also tell the complainant about their right to complain to the SPSO should they be dissatisfied with the outcome of their complaint. It should provide contact details for the SPSO and inform the complainant that they should take their complaint to the SPSO within 12 months of becoming aware of the issue which gave rise to the complaint. The SPSO recommends that the College use the wording below to inform complainants of their right to ask SPSO to consider the complaint. The SPSO also provides a leaflet, **The Ombudsman and your organisation**, which is helpful in deciding how and when to refer someone to the SPSO.

### **Recommended Text**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish colleges. If you remain dissatisfied with a college 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 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:

Telephone: Freephone **0800 377 7330**

In person: **Scottish Public Services Ombudsman**

**Bridgeside House**

**99 McDonald Road**

**Edinburgh**

**EH7 4NS**

(Open Monday, Wednesday, Thursday and Friday 9am-5pm; Tuesday 10am-5pm.)

By post: **Freepost SPSO**

(This is all you need to write on the envelope, and you don't need to use a stamp.)

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)**

10.7 The details and outcomes of all complaints are held within College records for a period of five years.

10.8 A flowchart summarising the CHP is available at Appendix 4.

## 11. Redress

11.1 Where the complainant has proposed a form of redress that will resolve their complaint, the Senior Leadership Team will consider the service user's wishes and, if it is reasonable to meet them, the Learning & Teaching Development Director will make the desired arrangements.

11.2 Where the complainant's wishes are not reasonable or the College is unable to provide certain remedies, any failures should be acknowledged and remedied quickly and fairly and in a way that best reflects the extent of the problems encountered by the complainant.

11.3 Appropriate redress could include:

- An apology
- An explanation
- Correcting the error

11.4 Where service failings have been identified, the College will try to ensure that the complainant is in no worse a position than they would have been if the service failure had not occurred. If this is not possible then other forms of redress will be considered, such as providing an explanation and apology.

11.5 The College will undertake to improve procedures or systems or implement staff training to address service failures where this is appropriate. The complainant will be told about action taken, excluding specific details that affect individual staff members.

11.6 In many cases, the complainant will simply want the College to acknowledge any shortcomings and apologise. Where an apology is necessary, the apology will be unequivocal with no blame attributed to the complainant.

## **Publicising the Complaints Procedure and Outcomes**

### **12. Accessing the Complaints Procedure**

- 12.1 The complaints procedure is made easily accessible from the home page of the College website.
- 12.2 Paper copies of the complaints procedure can be requested from the publications department.
- 12.3 The College will publicise the complaints procedure through leaflets available at the main receptions and the advice centre.
- 12.4 Translation to other languages is available on request.
- 12.5 The procedure is published in a format that allows text help software to read the document.

### **13. Recording, Reporting, Learning and Publicising**

Complaints provide valuable customer feedback. One of the aims of this procedure is to identify opportunities to improve services across Borders College. We must record all complaints systematically so that we can use the data for analysis and management reporting. By doing so, we can identify and tackle what causes complaints. Also, where appropriate, we can identify training opportunities and improve our service.

### 13.1 Recording complaints

To collect suitable data the College must record all complaints in line with SPSO minimum requirements, as follows:

- The complainant's name and address.
- The category of complaint.
- The category of complainant.
- The date we received the complaint.
- The nature of the complaint.
- How we received the complaint.
- The department the complaint refers to.
- The date we closed the complaint at frontline resolution stage, if we did.
- The date we escalated the complaint to the investigation stage, if we did.
- Any action we took at the investigation stage.
- The date we closed the complaint was closed at the investigation stage, if we did.
- The complaint's outcome at each stage.
- The complaint's underlying cause and any remedial action we took.
- SPSO/Awarding Body involvement

The College has structured systems for recording complaints, their outcomes and any resulting action. These provide a detailed record of services that have failed to satisfy customers.

### 13.2 Reporting of complaints

The college analyses complaint details for trend information to ensure we identify service failures and take appropriate action. By regularly reporting on our analysis, we can tell where services need to improve.

The Learning & Teaching Development Director will report quarterly to the Regional Board on the activity under the Complaints Handling Procedure and will provide an analysis of trends and any consequential improvements to service as a result of complaints.

The College will publish complaints performance data quarterly including any resulting improvements to service and using case studies and examples to show how complaints have helped improve services, following the report to the Regional Board.

Complaints data will be used to inform College self-evaluation and development planning to improve services.

### **13.3 Learning from complaints**

At the earliest opportunity after closing the complaint, the complaint handler must inform the complainant and staff of the relevant department about the investigation's findings and any recommendations.

Senior management will regularly review the information gathered from complaints and consider whether we could improve our services or update our internal policies and procedures.

As a minimum, we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve service delivery.

Where we have found that our services should be improved, we must:

- authorise the action needed to improve services
- designate an officer (or team) as the issue's 'owner', with responsibility for ensuring the action is taken and by when
- ensure the designated officer follows up to ensure the action is taken by the agreed date
- where appropriate, monitor performance in the service area to ensure the issue has been resolved
- ensure that our staff learn from complaints.

### **13.4 Publicising complaints performance information**

We also report annually on our performance in handling complaints in line with SPSO requirements. This includes statistics showing the volume and type of complaint as well as key performance details, for example on the time we took to resolve complaints and at what stage they were resolved.

## **14. Staff Training**

14.1 Staff training will provide:

- A full understanding of the Complaints Handling Procedure and the individual's role in handling complaints
- A full understanding of the College's policy about which complaints are suitable for frontline resolution and which require level 2 investigation
- Customer service and complaints handling training
- Data protection and Freedom of Information training
- Training on the different types of redress available to resolve complaints and options for alternative dispute resolution
- A full understanding that they are empowered to resolve complaints and that they have the authority to do so
- Training in investigation and interview skills, and in a range of skills suited to gathering and evaluating evidence (investigative staff only)
- Specialist training for staff who may have to deal with complainants who are vulnerable, or who have specific needs

## **15. Maintaining Confidentiality**

Confidentiality is important in complaints handling. It includes maintaining the complainant's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of complainants' information.

## **16. Managing Unacceptable Behaviour**

In times of trouble or distress, people may act out of character. The circumstances leading to a complaint may result in the complainant acting unacceptably. Complainants who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A customer's reasons for complaining may contribute to how they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. So we will apply our policies and procedures to protect staff from behaviour such as unreasonable persistence, threats or offensiveness from complainants. If we decide to restrict a complainant's contact with us under our unacceptable actions policy, we have a procedure for communicating that decision to them, notifying them of their right of appeal, and reviewing any decision to restrict contact with us. This will allow the complainant to demonstrate a more reasonable approach later.

### **17. Supporting the Complainant**

Everyone has an equal right of access to the College's CHP. Complainants who do not have English as a first language may need help with interpretation and translation services. Others may have specific needs that we will seek to meet to ensure easy access to the procedure.

The College will always take into account our commitment and responsibility to equality. Where appropriate, this includes making reasonable adjustments to our service to help the complainant.

Several support and advocacy groups are available to support complainants in pursuing a complaint. You should tell complainants about them if need be.

### **18. Time Limit for Making Complaints**

The complainant has six months to put their complaint to us, starting from when they first knew of the problem. For us to accept a complaint outside this time, there have to be special circumstances.

## Complaints Handling Procedure

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We will use discretion when applying this time limit. In our decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem, unless special circumstances mean we should consider complaints beyond this time.

If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criterion. This will enable us to consider the complaint and try to resolve it.

**Complaints forms are available only from the College intranet.**

## Equality Impact Assessment

(Rapid impact assessment tool)

**What Impacts may there be from this proposal on any group's ability to use the College services?**

### Policy: Complaints Handling Procedure

<b>Positive Impacts (Groups affected)</b>	<b>Negative Impacts (Groups affected)</b>
The Complaints Handling Procedure is based on national best practice guidance from the SPSO. It recognises that specific groups with protected characteristics may need additional support to make and pursue a complaint. The procedures make provision for this and the College supports the use of advocates where this is necessary.	None
<b>Actions taken to alleviate any negative Impacts:</b> None	
<b>Recommendations:</b> None	

**From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?**

No

**Has a full Equality Impact Assessment been recommended?**

Yes

No

**Reason for recommendation:**

The procedure has been updated to meet the requirements of national guidance and equality legislation.

## Complaints

The following tables give examples of complaints that may be considered at the frontline stage, and suggest possible actions to achieve resolution.

Complaint	Possible actions to achieve resolution
Two related lectures have been cancelled due to bad weather. A student complains to the course leader that this will disadvantage her and her classmates in the forthcoming exam.	The course leader contacts all affected students and apologises for the cancellation. The course leader tells the students that two extra lectures have been scheduled and gives details of times and locations. This action and the complaint's outcome are logged on the college complaints database.
A woman complains to college reception that students in the hall of residence threw food out of a window as she was passing. She said this had been very unpleasant and it had damaged her clothes.	The receptionist apologises on the college's behalf and takes a note of her contact details. The receptionist passes them to the hall of residence manager, who writes the following day offering an apology and saying that the college expects its students to be positive members of the community. The residence manager offers to pay the cost of any dry-cleaning, and explains that the college will seek to identify the students to ensure that their behaviour does not recur. This action and the complaint's outcome are logged on the college complaints database.
A student complains that his profile, which he had provided for use in the college prospectus, had been incorrectly reproduced, attributing information to him that belonged to someone else.	The college writes to the student with an apology, an explanation of how the mistake happened, and details of how it will resolve the issue. This would include replacing the version on the college website, amending printed copies of the prospectus and making sure the correct text was included in future printed versions. These actions and the complaint's outcome are logged on the college complaints database.
A student complains that she has received a fine for the late return of library books when she had, in fact, returned the books on time.	A member of the library staff checks and confirms that the books had been returned on time, but the librarian had failed to update the computer system to reflect this. The student receives an explanation and an apology from the member of staff. This action and the complaint's outcome are logged on the college complaints database.

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## What is Not a Complaint

A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep on asking for the service.

A customer may also be concerned about college decisions, which may have their own specific review or appeal procedures. So, where appropriate, you must direct customers to the relevant procedure. The following examples give details of the type of issues or concerns for which you should not use the CHP. This is not a full list, and you should decide the best resolution route for each individual case.

Remember that although the customer may have another form of redress as detailed above, you must consider carefully whether or not you should manage a customer's comments within the CHP. Dissatisfaction with certain college decisions may simply require an explanation and direction to the correct route for resolution. If, however, a customer says they are dissatisfied with the administrative process we have followed in reaching a decision, you may consider that dissatisfaction through the CHP. An example may be a complaint from a customer who is dissatisfied with a decision and alleges that we failed to follow or apply the appropriate guidance in making it.

Example 1:

**Appeal against an academic decision (separate appeals procedure)**

Example 2:

**Appeal against a student funding award/non-award**

Example 3:

**Claim for compensation against the college**

Example 4:

**Request under the Data Protection or Freedom of Information Acts**

Example 5:

**National qualification results**

Example 6:

**College exam results**

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<b>Day 1:</b> Day we receive the complaint, or the next working day if the date of receipt is a non-working day.	In a few cases where it is clearly essential to achieve early resolution, you may authorise an extension within five working days from when we received the complaint. You must conclude the frontline resolution stage within 10 working days from the date of receipt by resolving the complaint or escalating it to the investigation stage.	<b>Day 10:</b> Frontline resolution achieved or complaint escalated to the investigation stage.
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### Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the complainant wants to escalate the complaint to the investigation stage, you must pass the case for investigation without delay. In practice this will mean the same day that the complainant is told it will happen.

### Timelines at investigation

You may consider a complaint at the investigation stage:

- after attempted frontline resolution, or
- immediately on receipt if you believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

### Acknowledgement

Within **three working days** of receipt, you must acknowledge all complaints that reach the investigation stage. The date of receipt is:

- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation, or
- the day the complainant asks for an investigation after a decision at the frontline resolution stage. You should note that a complainant may not ask for an investigation immediately after attempts at frontline resolution, or
- the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

## Investigation

You should respond in full to the complaint within **20 working days** of receiving it at the investigation stage.

The 20-working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



### Day 1:

Day you receive the complaint at the investigation stage, or the next working day if the date of receipt is a non-working day. Issue an acknowledgement to the complainant within three working days.

### Day 20:

Issue our decision to the complainant or reach agreement with the complainant to extend the deadline.

Exceptionally you may need longer than the 20-day limit for a full response. If so, you must explain the reasons to the complainant, and agree with them a revised timescale.



### Day 1:

Day we receive the complaint at the investigation stage, or the next working day if the date of receipt is a non-working day. Issue an acknowledgement to the complainant within three working days.

### By Day 20:

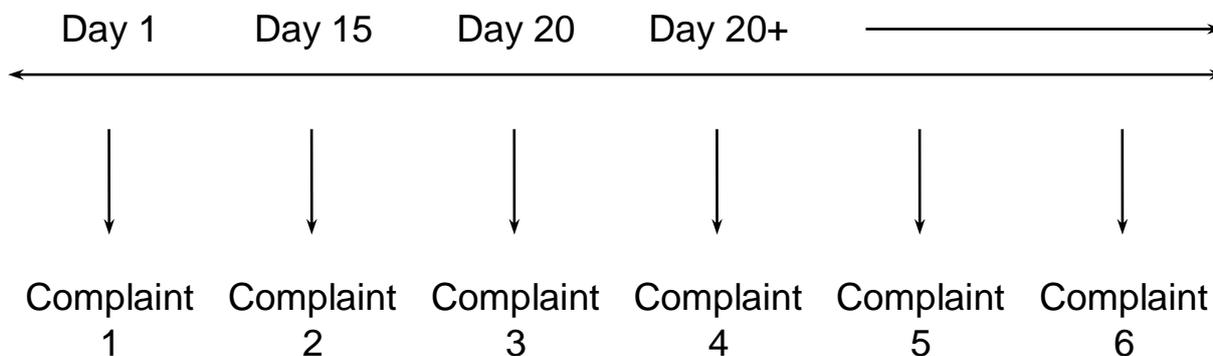
In agreement with the complainant where possible, decide a revised timescale for concluding the investigation.

### By agreed date:

Issue our final decision on the complaint.

### Timeline examples

The following examples show when we conclude our consideration of a complaint, setting out the different stages and times when we may resolve a complaint.



Each complaint's circumstances are explained below:

#### Complaint 1

This is a straightforward issue that we can resolve by an on-the-spot explanation and, where appropriate, an apology. We can resolve such a complaint on day 1.

#### Complaint 2

This is also a straightforward matter requiring little or no investigation. In this example, we can reach resolution at day three of the frontline resolution stage.

#### Complaint 3

We considered this complaint appropriate for frontline resolution. We did not resolve it in the required timeline of five working days. However, we authorised an extension on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the frontline resolution stage in a total of eight days.

**Complaint 4**

This complaint was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try frontline resolution; rather we investigated the case immediately. We issued a final decision to the complainant within the 20-day limit.

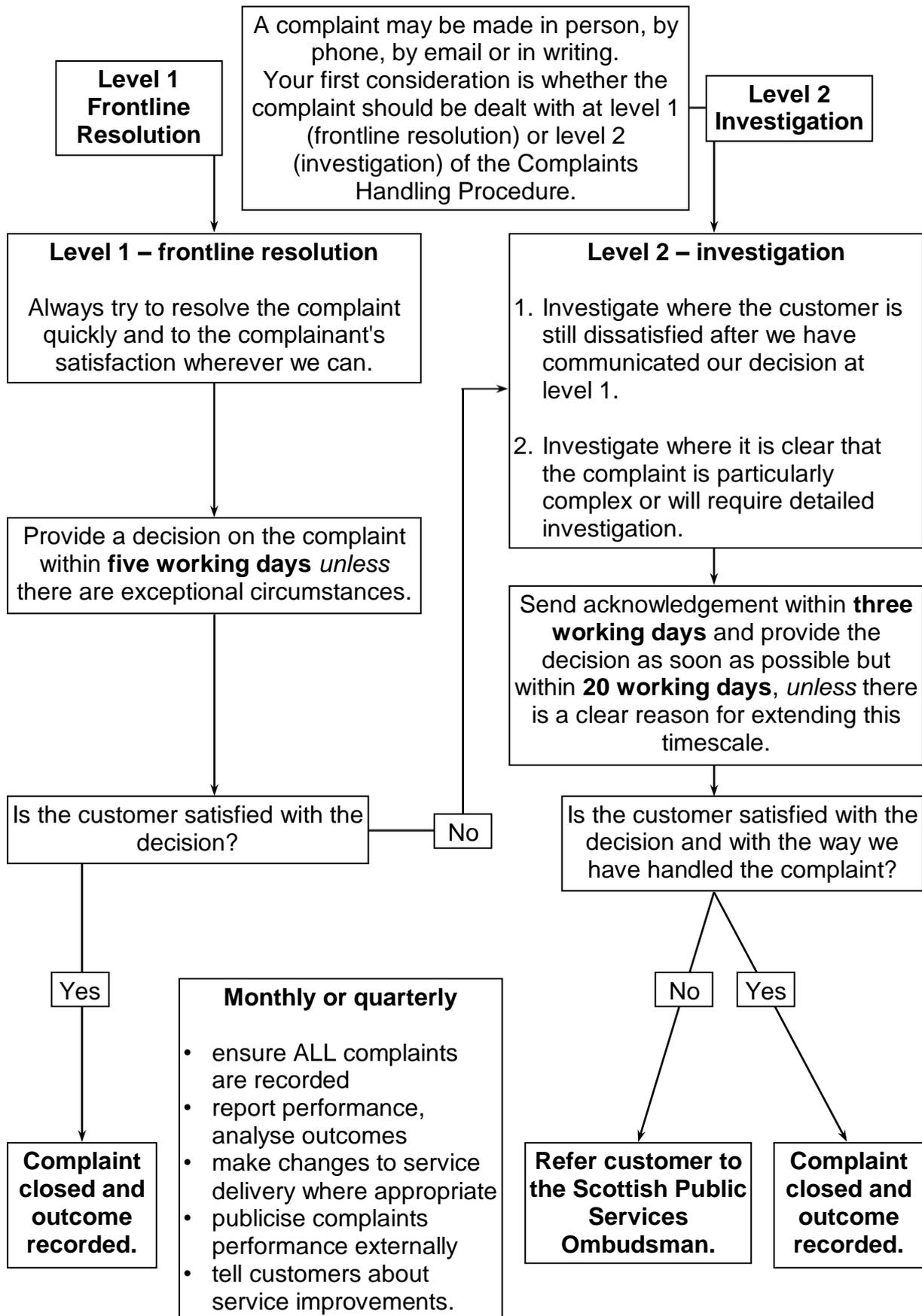
**Complaint 5**

We considered this at the frontline resolution stage, after authorising a five-day extension. At the end of the frontline stage the complainant was still dissatisfied. At their request, we conducted an investigation and issued our final response within 20 working days. Although the total timeline was 30 working days, we still met the combined time targets for frontline resolution and investigation.

**Complaint 6**

We considered this complaint at both the frontline resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit, so we agreed a revised timescale with the complainant for concluding it beyond the 20-day limit.

## The Complaints Handling Procedure



**Awarding Body Contact Details (see 10.5):**

If a complainant disagrees with a decision, in certain circumstances they can appeal directly to the awarding body. The most up to date contact details will be on the awarding body's website. Some are set out below:

**BCS**

Contact in writing to the:

Channel Partner Quality Manager, BCS

1st Floor, Block D, North Star House, North Star Avenue, Swindon,  
Wiltshire SN2 1FA

# Complaints Handling Procedure

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Status: Updated 15/2/2019  
Policy Dated: February 2019  
Author: Director of Business Improvement & Performance  
Review Date: March 2021  
Equality Impact Assessed: March 2017