

**Abertay
University**

**The Abertay University Complaints
Handling Procedure**

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Foreword

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

Resolving complaints early saves time and resource and contributes to the overall efficiency of the 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.

*Professor Nigel Seaton
Principal & Vice-Chancellor*

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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 request for compensation only
- 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
- 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 should be assessed on a case-by-case basis.

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*

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- *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). This usually means that the individual affected must give clear written authority for the third party to act on their behalf. Complaints made by a third party with the explicit permission of the complainant will be dealt with according to the same timescales.

Anonymous Complaints

Complaints submitted anonymously will 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 must be authorised by a senior officer. If an anonymous complaint contains serious allegations, it should be referred to a senior officer immediately.

Complaints involving more than one department

If a complaint relates to the actions of two or more departments / 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).

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 Universities 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:

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- A complaint made in relation to provision of third-party services, for example IT systems.
 - A complaint made about a service that is contracted out, such as catering services.
 - 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.

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 member of the public can normally ask the SPSO to consider complaints, which is twelve months from when the person first became aware of the issue about which they are complaining.

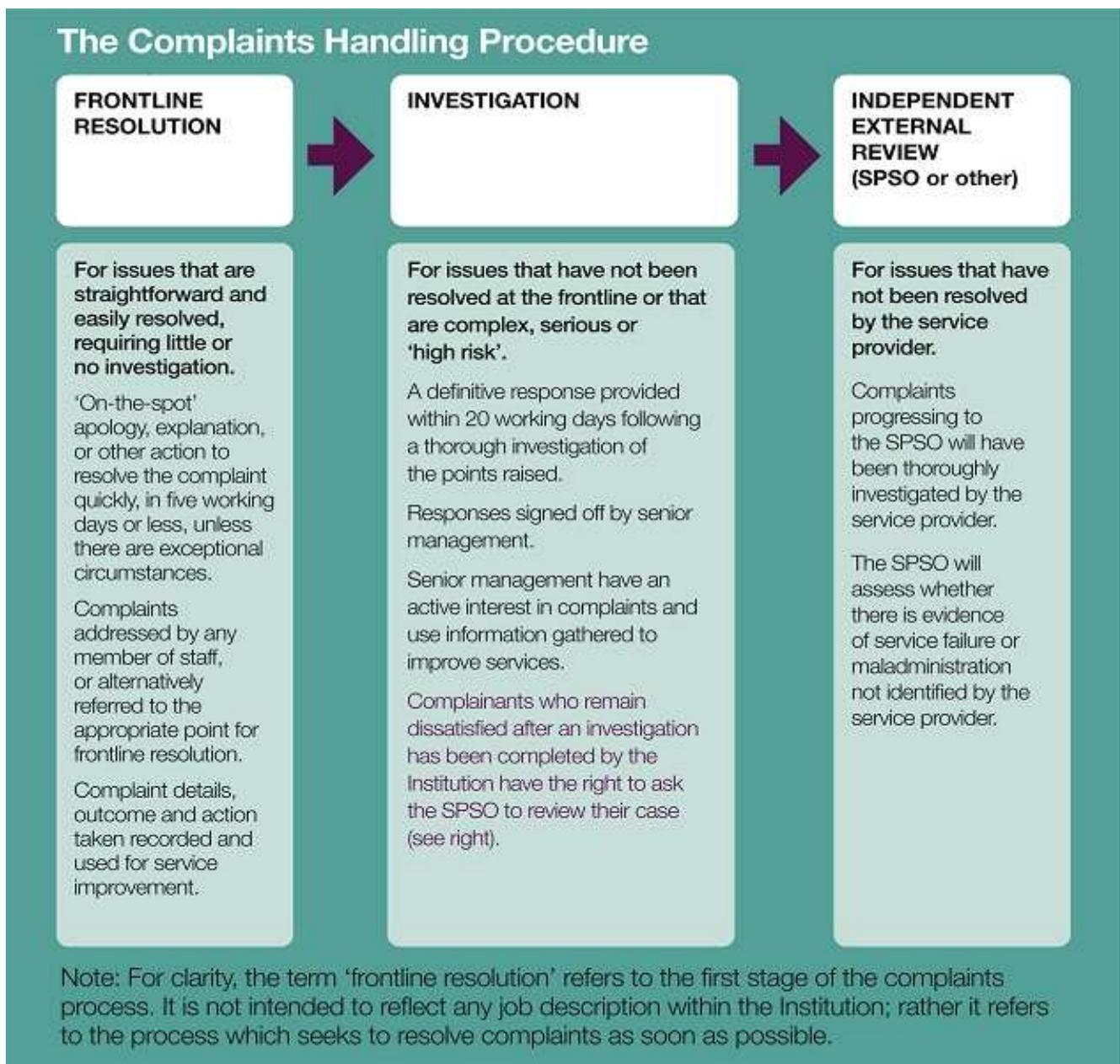
The Complaints Handling Process

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

The procedure involves up to two stages:

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

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



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

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

Extension to the five day timeline

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 University 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).

Closing the complaint at the frontline resolution stage

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 University 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.

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

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

A complaint will be moved to the investigation stage when:

- frontline resolution was attempted, but the complainant remains dissatisfied. This may be after the case has been closed following the frontline resolution stage
- the complainant refuses to recognise or engage with the frontline resolution process and is insistent that the issue be addressed by a more senior officer
- the issues raised are complex and will require detailed investigation
- 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.

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

The University will allocate the complaint to a Complaints Investigator (see section 3 of this procedure). 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.

Timelines

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

- complaints will be acknowledged in writing within 3 working days
- the 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.

Extension to the timeline

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.

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.

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

Independent external review (SPSO)

Once the investigation stage has been completed, the complainant is entitled to ask the SPSO to look at their complaint. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the 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.

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

Information about the SPSO

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**

**Freepost SPSO
Edinburgh**

Freephone **0800 377 7330**

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

Website **www.spsso.org.uk**

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

Governance of the Complaints Handling Procedure

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
- 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.*

Heads of School/Service: *May be involved in the investigation. As a senior officer they may be responsible for preparing and signing response letters to complainants and therefore must be satisfied that the investigation is complete and that their response addresses all aspects of the complaint.*

Complaints Investigator: *The Complaints Investigator is a suitably trained staff member responsible for the conduct of the complaints investigation and is involved in the investigation and the co-ordination of all aspects of the response to the complainant. This may include preparing a comprehensive written report, including details of any recommended procedural changes to service delivery. Complaints Investigators must have a clear remit to investigate effectively and reach robust decisions on more complex complaints. This also requires clear direction and support from senior management on the extent and limits of discretion and responsibilities in investigating*

and resolving complaints, including the ability to identify failings, take effective remedial action and apologise, where it is appropriate to do so.

All staff: *A complaint may be made to any member of staff. All staff 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, and quickly to prevent escalation.*

SPSO liaison officer (or officer with this responsibility): *This staff member's role may include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on behalf of the University in response to SPSO reports, confirming recommendations have been implemented, and providing evidence to verify this. Within the University, the SPSO liaison officer is the Compliance Officer, Academic Registry.*

Complaints about senior staff

Complaints about senior staff can be difficult to handle as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure that there are strong governance arrangements in place that set out clear procedures for handling such complaints.

The University may put in place special arrangements if a complaint of a very serious nature is made by a complainant about a senior officer. This might include: asking another senior officer to investigate; appointing an independent external investigator; or engaging internal audit to undertake an investigation.

There is a separate procedure for staff grievances involving senior staff.

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.

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.

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 University Court, the governing body.

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. The report will be published on the University's website.

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.

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.

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. The University will, therefore, put into place policies and procedures to protect staff from such unacceptable behaviour. These policies and procedures will include the requirement to inform the complainant of any decision to restrict their access, their right of appeal, and any procedures for reviewing such a decision to restrict contact.

The University has a procedure for handling unacceptable actions or behaviour by complainants, whether they be students or members of the public.

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.

Students considering making a complaint are encouraged to contact Student Services or the Students' Association for advice and support:

<mailto:enquiries@uadsa.com>

or

<http://www.uadsa.com/>

Members of the public may seek assistance by contacting the Scottish Independent Advocacy Alliance:

www.siaa.org.uk

or from Citizens Advice Scotland:

<http://www.cas.org.uk/>

The complaints handling procedure

