

## **Complaints Handling Procedure**

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## **Section 1 - Foreword**

This Complaints Handling Procedure (CHP) reflects the University of the West of Scotland's commitment to valuing complaints and was formally approved by Senate on 5<sup>th</sup> June 2013, for implementation from 1<sup>st</sup> August 2013.

In terms of dealing with a complaint, 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.

## **Section 2 - Scope and Purpose**

### **2.1 Problems, Concerns and Complaints from students**

At UWS we are committed to providing the highest level of service to our students. However, the University recognises that, on occasion, problems or difficulties can be experienced by students in their programme.

In order to give the Schools the opportunity to investigate any difficulty students are having with the teaching, assessment or experience on their programme, students are advised to discuss the problem as soon as possible with any (or all) of the following:

- The lecturers on their modules
- Their Personal Tutor
- Their Programme Leader
- The School's Enhancement Developer

Where a student has discussed their problem or concern with the relevant member of staff, we would expect the member of staff to look to find ways to resolve the student's difficulty and improve the experience they are having on their programme.

Students are also advised that if they still find their issue is not being resolved they should contact the Assistant Dean (Education) in their School.

The Assistant Dean (Education) has oversight of student experience and will work with School staff to support a positive learning experience for all students. In the case of an issue being unresolved following detailed communication of the issue to appropriate staff members, the Assistant Dean (Education) will intervene.

If, after following this course of action, the issue or problem has not been dealt with, then the student can raise a complaint through the University's Complaint Handling Procedure.

## 2.2 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 a University policy, although it is recognised that policy is set at the discretion of the University.

The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with the University is a complaint. For example, the following are **not complaints**:

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

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

## **2.3 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.
- Members of the public who are applying for admission to the University and whose complaint does not relate to academic judgement.

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

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

## **2.4 Anonymous Complaints**

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

Any decision not to pursue an anonymous complaint will be authorised by a senior member of Registry. If an anonymous complaint contains serious allegations, it will be referred to a senior member of Registry immediately.

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

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

## **2.5 Complaints involving more than one School or Department**

If a complaint relates to the actions of two or more Schools or Professional Services Departments, the complaint should be referred to Registry. The complainant will be told to whom the complaint is being passed and given their contact details. Registry will ensure that any coordination will be managed 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 student appeal or disciplinary procedures).

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

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

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

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

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

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

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

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## **Section 3 - The Complaints Handling Procedure (CHP)**

### **3.1 Overview**

A diagrammatic overview to how the complaint process is managed at UWS is shown in Appendix A.

The diagram highlights that anyone who has an issue, concern or problems should ideally contact someone in the relevant School or Professional Services Department to get the problem resolved as soon as possible. This can be done face-to-face, by phone, in writing or by email.

However should the issue or problem not be resolved then the student or member of the public can be directed to the UWS Complaints Web page at <https://www.uws.ac.uk/current-students/supporting-your-studies/complaints/> and asked to complete the UWS Complaint Form which is available to download.

Although a complainant can dictate their complaint to Registry by email or phone, it is advisable for them to submit their complaint on the UWS Complaint Form. Registry believe this benefits the complainant as it not only allows the complainant to fully identify the substance of their complaint, it also allows them to clearly identify the outcomes they are seeking from the complaint investigation. This will help greatly with the investigation.

A complainant should also include any relevant supporting documentation with their Complaint Form. **IT SHOULD BE NOTED THAT IN MOST CASES WITHOUT EVIDENCE, OR SUPPORTING DOCUMENTATION, REGISTRY WILL NOT CONSIDER UNSUBSTANTIATED COMPLAINTS.**

Complainants can email their completed form and the supporting documents to [complaints@uws.ac.uk](mailto:complaints@uws.ac.uk) OR send the form and the evidence to Registry, Paisley Campus, High Street, Paisley, PA1 2BE.

Once Registry has their form and supporting evidence they will decide how best to progress the investigation. Registry or the Investigating Officer may be in contact with the complainant through email or phone to ask for any further information which they believe would help with the investigation.

A member of public or student can contact Registry should they need advice on how the complaint process operates.

Registry  
Paisley Campus  
High Street, Paisley  
PA1 2BE  
[complaints@uws.ac.uk](mailto:complaints@uws.ac.uk)

### **3.2 Stage 1 Process**

When Registry receives notification of a complaint either by the complainant completing the UWS Complaint Form or through an email or letter, they will record the information in a Complaints Database and instigate a Stage 1 process. The process flow is shown in Appendix A.

A Stage 1 complaint is considered by a senior member of staff in the School or Professional Services Department referred to in the complaint. This senior member of staff (referred to as a Stage 1 Investigator) will consider the following 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 lies elsewhere, the staff member dealing with the complaint will liaise with the relevant area rather than simply passing the complainant on to another office.

### Stage 1 - Timelines

The Stage 1 Investigator will aim to complete the investigation process within 5 working days, though a resolution may be achieved more quickly. In exceptional circumstances, a short extension of time may be necessary to increase the possibility of resolving the complaint at the frontline resolution stage (for example, by obtaining information from other areas where no single area of the Institution is responsible for the issue(s) being complained about).

Where an extension is required this must be agreed by the Dean of School or Head of the Professional Services Department. The complainant should also 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).

### Stage 1 - Closing the complaint

The outcome of the Stage 1 Investigation 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. The response to the complainant must address all the topics for which UWS is responsible, and explain the reasons for the decision.

Once a decision has been issued, the Stage 1 Investigator should notify Registry. Registry will update the Complaints Database, including details of the decision reached. The complaint should then be closed.



### 3.3 Stage 2 Process

If after receiving the outcome of the Stage 1 process, a complainant is still not satisfied then they should notify Registry. Registry will then instigate the Stage 2 process. The Stage 2 process is shown in Appendix B.

A Stage 2 complaint will be moved to the investigation stage when:

- A Stage 1 process was conducted; however the complainant remained dissatisfied (this may be after the case has been closed following stage 1).
- The complainant refuses to recognise or engage with the Stage 1 process and is insistent that the issue be addressed by a more independent 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.

Usually a Stage 2 investigation will proceed after a Stage 1 investigation has been concluded. However, a complainant has the right to request a complaint proceeds directly to Stage 2. If this is the case, the complainant will be asked to complete a UWS Complaint Form and to provide any relevant documentation to support their complaint.

#### Stage 2 - Process

The process at Stage 2 is shown in Appendix B. It can be seen that Registry will allocate the complaint to a Stage 2 Complaints Investigator, bearing in mind the need to avoid any possible conflict of interest. It is important to be clear from the start of the Stage 2 investigation stage exactly what is being investigated, and to ensure that both the complainant and the Stage 2 complaints investigator understand the scope of the investigation for example:

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.

Registry will record the details of the Stage 2 complaint on its Complaints Database. At the conclusion of the Stage 2 investigation the database record of the complaint will be updated to reflect the final outcome and any action taken in response to the complaint.

### Stage 2 - Timelines

The following deadlines will be used for cases at the Stage 2 investigation stage of the CHP:

- Registry aim to ensure that Stage 2 complaints are acknowledged in writing within 3 working days
- Registry will provide a full response to the complaint as soon as possible; ideally this should be no later than 20 working days from the time that the Stage 2 complaint was received for investigation.

However it should be noted that not all Stage 2 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. Complainants will be kept informed of any possible delays, and the reasons for these delays, in the investigation and reporting processes.

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

### Stage 2 - Closing the complaint

Registry will communicate the outcome of the Stage 2 investigation to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, will be recorded in the Complaints Database. 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.

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## **Section 4 - Independent external review (SPSO)**

### **4.1 Role of SPSO**

Once the Stage 2 investigation stage has been completed, the complainant is entitled to ask the SPSO to look at their complaint. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the University's CHP. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has handled the complaint.

### **4.2 SPSO Contact Information**

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

*The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish universities. If you remain dissatisfied with a university after its complaints process, you can ask the SPSO to look at your complaint.*

*The SPSO cannot normally look at complaints;*

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

*The SPSO's contact details are:*

**In Person:**

SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS

**By Post:**

**Freepost SPSO\***

**Freephone:** 0800 377 7330

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

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

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

**\*Note: Single line address – no stamp required.**

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## **Section 5 - Governance of the Complaints Handling Procedure**

The expectations from the SPSO related to the governance of the CHP are noted below.

### **5.1 Roles and Responsibilities**

#### The Principal and Senior management

Senior management will ensure 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.
- Complaints are used to identify service improvements, and that these improvements are implemented, and learning fed back to the wider organisation as appropriate.
- 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.

#### Registry

At UWS, Registry is responsible for coordinating both the Stage 1 and Stage 2 complaints processes.

#### Complaint Investigator:

A Complaint Investigator is a suitably trained member of staff 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.

- A Stage 1 investigator is senior member of staff within a School, Professional Services Department or Partner Institution. They are responsible for dealing with the Stage 1 complaints about their School, Professional Services Department or Partner Institution and reporting the outcomes to the complainant and to Academic Services.
- A Stage 2 Complaint Investigator is responsible for managing a Stage 2 investigation. This includes the preparation of an Investigation Findings report, including details of any recommended procedural changes to service delivery.

## All Staff

All staff will be aware of:

- the University's approach to managing issues, problems and complaints;
- the need to try and resolve issues, problems or concerns early and as locally (within their department) as possible,
- who they can refer a complaint to if they are unable to handle the matter personally;

## **5.2 Complaints about Senior Staff**

Complaints about senior staff can be difficult to handle as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff the University will ensure that the investigation is conducted by an individual who is independent of the situation.

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## **Section 6 - Recording, reporting, publicising and learning**

### **6.1 Recording complaints**

The SPSO note that 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.

At UWS, Registry will maintain a record all complaints so that the complaints data can be used 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.

The data recorded in the Registry Complaints Database will include:

- The name and contact details of the complainant and student matriculation number (if applicable);
- The date of receipt of the complaint;
- The category of complaint;
- The staff member responsible for handling the complaint;
- The School or Department to which the complaint relates;
- Any action taken and outcome at stage 1 or stage 2;
- The date the complaint was closed at stage 1 or stage 2;
- Any underlying cause and remedial action taken;
- The response times at each stage.

### **6.2 Reporting of complaints**

Regularly reporting the analysis of complaints information helps to inform senior management of where improvements are required.

#### **Quarterly reports**

The information reported quarterly to senior management includes:

- 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.

#### **Annual Report**

The University reports on complaints handling performance annually in line with SPSO requirements. This includes performance statistics showing the volume and type of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

### 6.3 Learning from complaints

A Complaints Investigator will always try to ensure that all parties involved in a complaint investigation understand the findings of the investigation and any decisions made. To also ensure lessons are learned from complaints the intention is always:

- To use complaint investigations to identify any root cause of complaints in a School or Professional Services Department.
- To make sure that where an issue in a School or Professional Services Department has been identified as a problem, the Dean of School or Head of the Professional Services Department is made aware of the problem with an expectation that they put in place measures to address the problem.
- To record the details of any agreed corrective action in the Registry complaints record.
- To review complaint reports to look at ways to minimise future complaints.
- To ensure that any trend or wider issue which may not be obvious from individual complaints is quickly identified and addressed.

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## **Section 7 - Further information**

### **7.1 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.

### **7.2 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 will treat all complaints seriously and assess them properly.

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

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

### **7.3 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. There are a number of support services available which can provide helpful support to those who wish to pursue a complaint with the University.

The following services are available: -



For UWS students - Please refer to Student Hub or Student Link on each campus.

For members of the public - Please refer to your local Citizens Advice Agency for guidance or contact UWS at [complaints@uws.ac.uk](mailto:complaints@uws.ac.uk).

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## Section 8 - Appendix A: The UWS Complaints process

