



# **Complaints Handling Procedure**

## **Part 1: Introduction and overview**

Version	Description	Date
V1.0	New Complaints Handling Procedure (part 1) from 1 April 2021	25/01/21

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## Foreword

*Our Complaints Handling Procedure reflects Abertay's commitment to valuing complaints. It seeks to resolve dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.*

*The procedure was first developed in 2013 by the Scottish Public Services Ombudsman (SPSO), in collaboration with representatives of the Higher Education sector and revised in 2019 by the SPSO in consultation with all sectors. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to this sector. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.*

*All Abertay staff will cover this procedure as part of their induction and will be given refresher training as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure, including the recording of complaints.*

*Complaints give us valuable information we can use to improve. Our Complaints Handling Procedure will enable us to address a complainant's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the complainants' views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our students and other members of the public a form of redress when things go wrong, and can also help us continuously improve our services.*

*Handling complaints early creates better relations with students and other members of the public. Handling complaints close to the point of service delivery means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not handle swiftly can greatly add to our workload and are more costly to administer.*

*The Complaints Handling Procedure will help us do our job better, improve relationships and enhance public perception of Abertay. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.*

## **Structure of the Complaints Handling Procedure**

This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:

- Overview and structure (part 1) – this document
- When to use the procedure (part 2) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
- The complaints handling process (part 3) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
- Governance of the procedure (part 4) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
- The guide for students (part 5) – information for students and members of the public on how we handle complaints

When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO.

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

## Overview of the CHP

1. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
2. We will try to resolve complaints to the satisfaction of the complainant wherever this is possible. Where this isn't possible, we will give the complainant a clear response to each of their points of complaint. We will always try to respond as quickly as we can, and on the spot whenever possible.
3. Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the complainant remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will escalate the complaint directly to stage 2 and omit stage 1.

<p><b>Complaint received</b></p> <p>Complaint received either verbally or in writing, including face-to-face, by phone, letter or email.</p>		
<p><b>Stage 1: Frontline response</b></p> <p>For issues that are straightforward and simple, requiring little or no investigation. 'On-the-spot' apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances)</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)</p> <p>We will tell the complainant how to escalate their complaint to stage 2</p>	<p><b>Stage 2: Investigation</b></p> <p>Where the complainant is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'</p> <p>Complaint acknowledged within <b>three working days</b>.</p> <p>We will contact the complainant to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)</p> <p>Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised</p>	<p><b>Independent external review (SPSO or other)</b></p> <p>Where the complainant is not satisfied with the stage 2 response from the University.</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the University.</p>
<p><b>Resolution</b></p> <p>The complainant and Institution agree what action will be taken to resolve the complaint.</p> <p>Where a complaint is resolved, it is not usually necessary to continue investigating, although an Institution may choose to do so, for example to identify learning.</p> <p>We must signpost the complainant to stage 2 (for stage 1 complaints) or to the SPSO as usual.</p>		

**Reporting, recording and learning**

Action is taken to improve services on the basis of complaint findings, where appropriate.

We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends.

Senior management have an active interest in complaints and use complaints data and analysis to improve services.

Learning is shared throughout the Institution.

## 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:

- inadequate quality and standard of service, or an unreasonable delay in providing service
- failure or refusal to provide a service
- the quality of facilities or learning resources
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); or
- disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

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 concern about student conduct<sup>1</sup>
- a request for compensation only
- a response to an invitation to provide feedback through a formal mechanism such as a questionnaire or committee membership
- an insurance claim
- issues that are in court or have already been heard by a court or a tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector (such as an appeal about an academic decision on assessment or admission)
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts, or the Environmental Information Regulations
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- a grievance by a member of staff which is eligible for handling through the grievance procedure
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- abuse or unsubstantiated allegations about our Institution or staff where such actions would be covered by our **Unacceptable Actions policy**; or

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<sup>1</sup> Complaints relating to student conduct will be considered via the [Code of Student Conduct: non-academic disciplinary](#) process

- concerns about services outwith the Institution's delegated responsibilities (e.g. conference and accommodation services to commercial clients).

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.

Further information on what does/does not constitute a complaint, see [Part 2: When to use this procedure](#)

For detailed guidance on the process itself, see [Part 3: The complaints handling process.](#)



## Expected behaviours

We expect all staff to behave in a professional manner and treat complainants with courtesy, respect and dignity. Similarly, we expect those bringing a complaint to treat our staff with respect. Whilst we recognise that people may act out of character in times of trouble or distress, we ask complainants to engage actively with the complaint handling process by:

- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
- working with us to agree the key points of complaint when an investigation is required; and
- responding to reasonable requests for information.

We have a policy in place for when these standards are not met which is our [Unacceptable Actions Policy](#).

People who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some complainants may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from complainants. Where we decide to restrict access to a complainant under the terms of our policy, we have a procedure in place to communicate that decision, notify the complainant of their right of appeal, and review any decision to restrict contact with us.

If we decide to restrict a complainant's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the complainant's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the complainant. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the complainant to the SPSO (see [Part 3: Signposting to the SPSO](#)).

The SPSO has [guidance on promoting positive behaviour and managing unacceptable actions](#).

## **Maintaining confidentiality and data protection**

Confidentiality is important in complaints handling. This includes maintaining the complainant's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.

This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.

We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of individuals' information. For example, where a complaint has been raised against a staff member and has been upheld, we will advise the complainant that their complaint has been upheld. We will not, however, share specific details about staff members, and we will not advise the complainant if the investigation recommends any disciplinary action be taken against the staff member.