



University Complaints Handling ("CHP") Procedure: adaptation of the Scottish Higher Education CHP

Part 1 of 4: introduction and overview

Document type	Procedure
Scope (applies to)	Students, members of the public
Applicability date	01/04/2021
Review/Expiry date	NA
Approved date	25/02/2021
Approved	University Information Compliance Group
Document owner	Head of Information Assurance and Governance
School/unit	Office of the Principal
Document status	Published
Information classification	Public
Equality impact assessment	None
Key terms	Scottish Public Services Ombudsman
Purpose	Model framework for the management of complaints

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Foreword

The University of St Andrew's Complaints Handling Procedure reflects our commitment to excellence in the delivery of teaching, learning, research and support to students, prospective students, the public and others who engage with the University. 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 by the Scottish Public Services Ombudsman (SPSO), in collaboration with representatives of the Higher Education sector.

The Model Complaints Handling Procedures (MCHPs) were 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 the Higher Education sector. As far as is possible we have produced a standard approach to handling complaints across Scotland's public services, which complies with the SPSO's guidance on a MCHP. This procedure aims to help us 'get it right first time'; working with a quicker, simpler and more streamlined procedures.

All new staff are introduced to this procedure as part of their induction, with refresher training given to Schools and Services as required. This helps staff to identifying complaints, and empowers individuals to resolve simple complaints on the spot, or for more complex complaints, to identify when a formal investigation may be necessary.

Complaints give us valuable information we can use to improve. Our CHP 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.

Structure of the Complaints Handling Procedure

1. 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
2. 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

Overview of the CHP

3. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
4. 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 where possible).
5. 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 put the complaint into stage 2 straight away and skip stage 1.

Stage 1: Frontline response	Stage 2: Investigation	Independent external review (SPSO or other)
<p>For issues that are straightforward and simple, requiring little or no investigation</p> <p>'On-the-spot' apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in five working days 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>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 three working days</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 20 working days following a thorough investigation of the points raised</p>	<p>Where the complainant is not satisfied with the stage 2 response from the service provider</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p>

6. For detailed guidance on the process, see **Part 3: The complaints handling process**.

Expected behaviours

7. *We expect anyone using our CHP, be that someone who is making a complaint or a member of staff who is handling the complaint, to be respectful and courteous at all times.*
8. *We ask complainants to engage actively with the CHP 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;*
 - *responding to reasonable requests for information; and*
 - *to recognise that the University's outcome letter, issued following investigation, under stage 2 of the CHP is the University's final position on the issue of complaint.*
9. *We remind students of our expectations of our expectations of them in their behaviours towards others as outlined in the Sponsio Academica; if student behaviour when using the CHP are considered to fall below the standards required, then further investigation under the University Student Non-academic Misconduct Policy may follow. The University can also place restrictions on how a complainant engages with us, under the University Policy on dealing with abusive, persistent or vexatious complaints and complainants*
10. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the complainant acting in an unacceptable way.
11. 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. [The University Policy on dealing with abusive, persistent or vexatious complaints and complainants.](#)
12. 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**).
13. The SPSO has [guidance on promoting positive behaviour and managing unacceptable actions.](#) [The University Policy on dealing with abusive, persistent or vexatious complaints and complainants](#) details our position on unacceptable behaviours, and how those may be addressed.

Maintaining confidentiality and data protection

14. 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.
15. 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.
16. 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. *If there are any questions on how the University proposes to use, or has made use of personal data, when managing complaints, or any concerns generally about privacy/confidentiality, email dataprot@st-andrews.ac.uk.*
17. *It may be helpful for institutions to give examples of situations where a response to a complaint may be limited by confidentiality, such as:*
 - *where a complaint has been raised against a staff member and has been upheld – we will advise the complainant that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.*
 - *where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.*