

# University of St Andrews

## Audit & Risk Committee

### UNIVERSITY COMPLAINT HANDLING PROCEDURE: REVIEW OF ACADEMIC YEAR 2016/17

#### 1. Introduction

- 1.1. This review provides an assessment of the University's operation in this area during the period 01 August 2016 through 31 July 2017 and in particular:
- Whether the existing resources and controls in place are sufficient to ensure that the University's responses to complaint management remain effective, support organisational learning from complaints and are in-line with the requirements of the Regulator, the Scottish Public Services Ombudsman ("the SPSO");
  - Key achievements during the reporting period;
  - An assessment of the level of challenges and key risks for the coming 12 months; and
  - Mitigating actions to be implemented.

#### 2. Action requested

- 2.1. Committee are asked to consider this report and to provide any comments that are felt appropriate.

#### 3. Consultation

- 3.1. This paper was reviewed and approved by the Vice-Principal (Governance). This report contains no areas of concern to management.

#### 4. Background / context

- 4.1. The Scottish Public Services Ombudsman Act 2002 ("the Act") established an independent complaints function, operating across the public sector. In academic year 2013/14, all Scottish higher education institutions were required to manage complaints following a standard approach, developed specifically for the sector i.e. *The Scottish Higher Education Model Complaints Handling Procedure* ("the CHP"). This standard was developed by the SPSO with representation from the sector.
- 4.2. The CHP is a 2 stage process. Issues of complaint that are straightforward and easily resolved, requiring little or no investigation, are managed at stage 1. For issues that cannot be resolved at stage 1, or those that are complex or of a serious nature, a more involved investigation process is available, i.e. stage 2. Complaints managed via stage 2 require senior management involvement, where the University's definitive response is provided, normally within 20 working days. If a complainant is dissatisfied following the conclusion of stage

2, they have the option to seek a review of the University's management of a complaint from the SPSO.

- 4.3. There is no provision within the CHP for academic decisions to be questioned. Academic appeals are dealt with separately, although in the minds of students they are often conflated. All issues of complaint received via stage 2 are first assessed with input from the Court and Senate Office, to ensure that issues are dealt with under the correct procedures. This "triage" process is effective and is working well.

#### Operation

- 4.4. In January 2015 responsibility for day to day management of the CHP moved to the University's Information Assurance and Governance function. The processes of managing stage 2 complaints and responding to the SPSO (non-academic) reviews requires a similar skills set to managing freedom of information requests, internal reviews and Regulator case management: the intention being to manage complaints more efficiently and effectively, fulfilling obligations while limiting the resource burden of compliance.
- 4.5. On 01 August 2017, the Information Assurance and Governance function moved from IT Services to the Principal's Office, reporting to the Vice-Principal (Governance). The Vice-Principal (Governance) is the University Officer with delegated responsibility for the operation of the CHP.

#### Assessment of the management controls

- 4.6. It is considered that the University's approach to managing the CHP continues to be appropriate. This paper provides the underlying details as to how the assessment on the appropriateness of management controls for compliance with SPSO requirements for the operation of the University's CHP was reached.

#### Revisions to the operation of the CHP

- 4.7. During the reporting period, no changes to the operation of the CHP were made. In the previous reporting period the introduction of a University vexatious complaints policy, prompted some change.

#### Summary of the complaints managed under stages 1 and 2

- 4.8. APPENDIX A, below, provides a breakdown of the complaints managed under the CHP for academic year 2016/17, with comparative figures for the previous reporting period.

#### Complaints managed under stage 2 of the CHP

- 4.9. 4 complaint submissions were received, with the complainants seeking investigation under stage 2 of the University CHP, all of which, were found to be eligible for investigation under the said stage. In terms of outcomes:

4.9.1. None of the 4 stage 2 complaints were upheld;

- 4.9.2. 2 were concluded within the prescribed time limit (20 working days); and
- 4.9.3. With the prior agreement of the complainants, 2 complaints were concluded outwith the prescribed time limit. In both instances additional time was required, to agree with the complaints the scope of the complaint, as some of the issues raised (notably issues of academic judgement) could not be investigated within the CHP.
- 4.10. The 4 stage 2 complaints received and addressed during the reporting period represent a significant fall, when compared with the number of complaints received over the last three reporting periods i.e. 11, 21 and 41 respectively.
- 4.11. The fall in stage 2 complaints is possibly related to the fact that no stage 1 complaints were received by academic schools during the reporting period. In 2015/16 all of the stage 1 complaints received in that period were subsequently escalated to stage 2. This perhaps reflects the impact of the detailed feedback that is provided to schools and services after a complaint outcome letter has been issued (whether or not issues a complaint has been upheld), as part of the learning process that under pins the CHP.

#### Analysis

- 4.12. Analysis of the 4 stage 2 complaints received during academic year 2016/17 did not reveal any patterns, which may suggest a failing in how University services and/or operations are delivered. Each area of complaint was unique: all concerned different areas of the University's operation, with no connections to complaints received in the previous reporting period.

#### Complaints referred to SPSO for a decision during the reporting period

- 4.13. 2 individuals sought assistance from SPSO during the reporting period, seeking to challenge the University's management of a complaint, of these SPSO investigated and issued a decision on 1 complaint, previously managed by the University under stage 2 of the CHP. Where SPSO had determined that no investigation would take place, the issues of complaint were found to be time bound (the issues of concern had materialised in 2014, well outwith the 12 month time period for raising a complaint). In addition SPSO advised the complainant that if they issues of concern were not time bound, there were no obvious grounds for taking their concerns forward, via an investigation, as there was no evidence of administrative failings on the University's part.
- 4.14. In the instance, where SPSO undertook an investigation and issued a decision, the following points are of note:
- 4.14.1. SPSO did not find for the complainant – the University was found to have managed all aspects of the complaint correctly; and
- 4.14.2. Elements of the complaint touched upon issues of alleged discrimination. While SPSO found that the complainant had not been treated differently, the decision noted that the Ombudsman cannot reach a finding of discrimination, as such decisions are reserved to the Courts.

- 4.15. The relatively low number of complaints referred to SPSO for a decision, along with the fact that the findings (thus far) fall for the University, suggests that the University's operation of the CHP (at stage 2) is robust and for purpose. I.e. when issuing stage 2 outcome letters following investigation or when refusing to accept a complaint under the said procedure, the decisions reached tend to be right first time.

#### Organisational learning

- 4.16. Organisational learning, from complaints managed via stage 2 of the CHP is effective:

4.16.1. All stage 2 complaints are investigated by a senior University Officer, who is normally a member of the Principal's Office. The final decision on each complaint (as communicated via an outcome letter) is usually made by the Vice Principal (Governance) or on rare occasion the Principal and Vice Chancellor (where a complaint directly involves a member of the Principal's Office). Thus, issues can be promptly identified and steps put in place to remedy these, or further work can be commissioned;

4.16.2. All complaint outcomes are reviewed by the Head of Information Assurance and Governance – any potential issues or areas for further assessment are identified and communicated to the Vice Principal (Governance). On occasion a follow-up lessons learned assessment review, involving all relevant parties, Chaired by the Vice Principal is undertaken: to agree on the contributory factors (why the complaint arose) and to agree and implement lessons learned. Notable areas of organisational learning also feature in this annual report, as appropriate; and

4.16.3. A separate assessment, focusing on complaints related to academic provision is presented to the Senior Vice-Principal and Proctor and is reviewed by the Academic Monitoring Group.

## **5. Next steps**

- 5.1. No significant challenges or risks are anticipated to emerge during academic year 2017/18 - the operation of the CHP across the Scottish Higher Education Sector is now well established and the experience of the University is a downward trend in the number of complaints received (at stage 1 and stage 2).
- 5.2. To maintain the effectiveness of the University's CHP, refresher training for the management of complaints at stage 1 and stage 2 of the CHP will be planned and delivered during academic year 2017/18. A training programme for the CHP was first implemented in academic year 2014/15.

## **6. Recommendation**

- 6.1. Committee are asked to note the:

- Key achievements to date;
- The assessment of the challenges and risk position, for the next academic year; and
- Planned mitigating actions to be implemented.

## **7. Further information**

- 7.1. Additional information can be provided by Mr Christopher Milne, Head of Information Assurance and Governance, author of this paper.

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Head of Information Assurance and Governance,  
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21 August 2017

**STAGE 1 AND STAGE 2 COMPLAINTS: 2015/16 – 2016/17**

Stage	Schools/Services	Number		Completed within time frame		SPSO Decision 2015/16	SPSO Decision 2016/17
		2015/16	2016/17	2015/16	2016/17		
1	Schools	8	0			NA	NA
	Services	62	55			NA	NA
	<b>Total</b>	<b>70</b>	<b>55</b>				
2	Schools	8	0	67% (2 extensions agreed)	NA	0	0
	Services	3	4	67% (1 extension agreed)	50% (2 extensions agreed)	2	1
	<b>Total</b>	<b>11</b>	<b>4</b>			<b>2</b>	<b>1</b>

**STAGE 1 COMPLAINTS: FRONTLINE RESOLUTION 2015/16 – 2016/17**

School	Outcome			Service	Outcome		
	Received at stage 1		Escalated to stage 2 from stage 1		Resolved at stage 1		Escalated to stage 2 from stage 1
	2015/16	2016/17			2015/16	2016/17	
Art History	1	0	0	Academic Registry	0	7	0
Biology	0	0	0	Admissions	0	0	0
Chemistry	1	0	0	Careers	0	1	0
Classics		0	0	CAPOD	0	0	0
Computer Science	0	0	0	Corporate Communications	0	0	0
Divinity	0	0	0	Chaplaincy	0	0	0
Economics and Finance	1	0	0	Development	21	4	0
English	0	0	0	Environmental Health and Safety Services	0	1	0
English Language Teaching	0	0	0	Estates	2	0	0
Geography and Geosciences	0	0	0	Finance	0	0	0
History	0	0	0	HR Services	1	2	0
International Relations	0	0	0	IT Services	13	4	0
Management	5	0	0	Knowledge Transfer Centre	0	0	0
Mathematics and Statistics	0	0	0	Library	4	3	0
Medicine	0	0	0	Principal's Office	0	0	0
Modern Languages	0	0	0	Procurement	0	0	0
Philosophical, Anthropological and Film Studies	0	0	0	Residential and Business Services	15	32	0
Physics and Astronomy	0	0	0	Study Abroad	1	0	0
Psychology and Neuro Sciences	0	0	0	Student Services	5	1	0
<b>Total</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>Total</b>	<b>62</b>	<b>55</b>	<b>0</b>

**NOTES**

- A null return from Schools for stage 1 complaints is not necessarily unsurprising given:
  - The historically low level of stage 1 complaints received; and
  - Issues of concern/complaint returned via modular questionnaires and/or school and student consultation committees fall outwith the scope of the CHP and do not feature as part of this return.
- The increase in complaints received at stage 1 by Residential and Business Services is partly attributed to complaints from students on noise/disruption arising from building/construction or refurbishment work (7) and a failure in a water/heating system (6), all of which are likely to be one off occurrences.

## STAGE 2 COMPLAINT SUBMISSIONS 2016/17

Course Type	School/Service	Category	Reason for complaint	Outcome	Closed within 20 working days	Escalated from stage 1 to stage 2
UG	Student Services	Current student	Service based	Not upheld	Yes	No
UG	Proctor's Office	Current student	Service based	Not upheld	Yes	No
PhD	Divinity	Current student	School based	Not upheld	No	No
NA	Admissions	Applicant	Service based	Not upheld	No	No