

Complaints Procedure

[QP2.20]

Policy Number:	QP2.20
Revision Number:	1
Date of issue:	January 2006
Status:	Approved
Date of approval:	June 2006
Responsibility for policy:	Director of Quality
Responsibility for implementation:	All staff, learners, customers and stakeholders of the College
Responsibility for review:	Director of Quality
Date of last review:	September 2010
Date of last revision:	September 2010
Date of next review:	September 2013

1.0 Principles

Adam Smith College is committed to providing education and services of the highest quality. It aims to provide a supportive environment for our learners and to be responsive to concerns or complaints from any source.

The College recognises that, in a complex organisation, problems may arise of a teaching-related or service-related nature. These problems need to be addressed in order to ensure that normal high standards are maintained. We regard feedback, both negative and positive, as a valuable resource to help us improve the quality of our services and provision.

The Complaints Procedure is designed to enable anyone interacting with the College to bring matters of concern about their experiences of our services and provision to our attention and to enable investigation of those concerns to achieve satisfactory resolution. This process provides us with welcome feedback to help us improve our services generally, as well as helping us resolve any particular problems experienced by an individual complainant.

The procedure aims to be simple, clear and fair to all parties involved. It is based on the belief that complaints should be taken seriously, should be investigated promptly and dealt with as closely as possible to their origins. For this reason, all complainants are asked to try to resolve the issue as informally as possible in the first instance within the relevant department or service area. The intention is that most issues can be effectively handled locally, in a spirit of conciliation. Therefore, the formal complaints procedure should be seen as a last resort in the search for a solution.

Adam Smith College sees the use of its Complaints Procedures as a positive, non-threatening means for change to the benefit of all.

As a listed authority within the meaning of the Further and Higher Education (Scotland) Act 2005, the College is fully compliant with the provisions of the Scottish Public Services Ombudsman Act 2002 ('the Act') in terms of:

- ❖ taking reasonable steps to publicise the application and effect of the Act including the availability of the right to make a complaint, the time limit for making a complaint and how to contact the SPSO;
- ❖ including this information in all of the College's documents setting out procedures for dealing with complaints; and
- ❖ providing this information in any response issues to a complainant.

To demonstrate the College's commitment to taking effective action when warranted as a result of complaints, where appropriate, the outcomes of complaints will be publicly communicated by such means as posters illustrating examples of how 'We're Listening' and items published on the Student Forum website.

2.0 What Is A Complaint?

The Complaints Procedure covers any expression of dissatisfaction about:

- ❖ standards of service, courses or facilities provided by the College
- ❖ actions or lack of actions by the College or its staff
- ❖ provisions of the College affecting students, customers, partners or stakeholders

The Complaints Procedure does not cover the following:

- ❖ matters of academic judgement (i.e. matters related to academic performance)
- ❖ requests for new or different services or provision
- ❖ matters covered by separate policies or procedures, including:
 - ❖ Academic Appeals
 - ❖ Disciplinary-related issues
 - ❖ Equal Opportunities

3.0 Who Can Use The Complaints Procedure?

This procedure is for use by any student or prospective student, who seeks or receives a service from the College or any person who is directly affected by the activities of the College.

4.0 Guidelines For Making And Handling Complaints

All complaints will be taken seriously and, as far as is reasonable, be treated in a consistent fashion throughout the College. In line with our equal opportunities policy, all complainants will be treated equally and students who make complaints will not suffer any disadvantage or recrimination as a result of making a complaint. Only where complaints are proven to be malicious or vexatious might there be recourse to disciplinary investigation and possible sanction against the complainant. As a general rule, complaints which are made more than three months after the incident or action which is the subject of the complaint will not be investigated.

Confidentiality

All complaints will be handled sensitively and with due consideration to confidentiality for all concerned. Any person named in a complaint, however, will be informed of the complaint and will have a right of reply as part of the investigative process.

Anonymous Complaints

Although anonymous complaints are very rare, they are dealt with in exactly the same way as other complaints. They are logged, investigated and, if the findings warrant, appropriate action taken to address the source of the complaint. Obviously, however, it is not possible to respond personally to the complainant.

Third Party Complaints

It is normally expected that complaints will be made by complainants themselves. However, it is also recognised that it might be difficult for some people to make their complaint effectively on their own behalf. Consequently, complaints from third parties will be accepted and processed but only with the written permission of the person on whose behalf the complaint is being made.

On receipt of a third party complaint, the person on whose behalf the complaint is being made will be contacted to ask for his/her written permission. The complaint will not be processed until this has been received.

Accompaniment at a Complaint Hearing

In the event that a hearing is arranged to consider a complaint, any student, customer or member of staff asked to attend such a hearing has the right to be accompanied by a person of his/her choosing.

Help, Support and Representation

Advice and guidance on procedures and representation are available from a number of sources within the College. Learner Services and the Student Association can provide general and specific support as required. It is, however, the complainant's responsibility to seek advice and support when necessary.

Complaints to the Principal, Board Members or Senior Members of Staff

Any complaint received directly by the Principal, a Board Member or other Senior Member of Staff will be acknowledged by the recipient. A copy of the complaint and acknowledgement will be passed to the Quality Unit for logging. A copy of all further correspondence between the recipient of the complaint and the complainant will also be forwarded to the Quality Unit for recording until the matter is satisfactorily resolved or moves to the Appeal stage of the procedure.

5.0 How, Where, When And To Whom To Complain?

The procedure aims to be simple, clear and fair to all parties involved and seeks to allow issues to be explored in a supportive, conciliatory context. Informal resolution is encouraged at every stage of the process. Use of the formal complaints procedure should only be taken as a last resort.

Stage 1 The Informal Stage

The College believes it is in everyone's interest to resolve complaints as quickly as possible, as close to the source of the problem as possible, and by informal means in preference to formal ones. Dealing with small problems or areas of concern as they arise will often prevent them becoming larger problems which are harder to resolve.

Therefore, complainants are encouraged to raise any issues at an early stage and to discuss the matter with the person responsible for the issue giving rise to the complaint. Many apparent concerns result from misunderstandings which can often be resolved quickly and easily by talking through the matter.

This can be done by:

- ❖ a telephone conversation with the appropriate person
- ❖ a face to face meeting with the appropriate person
- ❖ an email or letter to the appropriate person

Informal complaints should normally be responded to within 7 days of receipt of the complaint. Records of such complaints will not normally be retained or recorded centrally, unless the complainant and member of staff dealing with it wish to do so.

If the problem has not been satisfactorily resolved at this stage, complainants are encouraged to raise the matter with the line manager of the relevant teaching or support department. That person will make enquiries with those concerned and report back to the complainant on the outcome.

Stage 2 The Formal Stage

Every effort should be made by complainants and staff to use the informal mechanisms available to resolve issues of dissatisfaction. However, the College recognises that there may be problems that either have not been resolved, or are too serious to be dealt with informally. The College is also aware that there may be occasions in which, for whatever reason, a complainant feels that it is impossible to raise an issue directly with the member of staff concerned. In any of these circumstances, the College's formal complaints procedure should be used.

Preferably, a formal complaint should be submitted to the Quality Unit on a Complaint Form, available from Reception on any College campus or from the Students' Association office. However, complaints may also be made by letter or email.

The statement of complaint should be as complete as possible and should include any supporting documentation (copies of previous correspondence, for example).

The Quality Unit will acknowledge receipt of the complaint in writing within 48 hours.

The complaint will be referred to the appropriate Manager, Director or member of the Principals Group, who will carry out an investigation and report the findings back to the Quality Unit.

The Quality Unit will reply to the complainant in writing within 20 working days of receipt of the complaint.

At this stage, the majority of complaints will be resolved satisfactorily with no further action being necessary. However, if the complainant is not satisfied with the response received as a result of Stage 2, the complaint may be taken to Stage 3 of the procedure.

Stage 3 The Appeal Stage

If a complaint has still not been satisfactorily resolved after Stage 2 of the procedure, a written appeal, together with any supporting evidence, should be sent to the Quality Unit within 14 days of receiving the Stage 2 response.

The Vice Principal will decide whether to convene a panel to hear the complaint and review the evidence.

Membership and Conduct Of The Complaints Panel

The Complaints Panel will normally comprise three people – the Vice Principal [Chair], the Director of Learner Services and a teaching or support/development Director as appropriate.

Panel members will not have had any previous involvement in dealing with the complaint at either Stage 1 or Stage 2.

Details of panel membership will be given to both parties to the complaint in advance of the panel hearing. Any request to veto a member of the panel for good reason must be made in advance to the Vice Principal in writing, stating clearly the reason for the request.

The panel will investigate the complaint, including all documentary evidence relating to the complaint. The panel may seek to resolve the complaint on the basis of the documentation provided alone. However, if necessary, the panel will invite both

parties to the complaint to a panel meeting to present evidence and to be questioned on the evidence provided.

After investigation of the complaint, the Chair will produce a written response to all parties involved in the complaint, outlining whether the complaint is upheld or not and detailing what actions, if any, are necessary to resolve the issue.

The decision of the Complaints Panel is final. This exhausts the College's own internal complaints procedures.

If, however, a complainant remains dissatisfied after Stage 3, he/she has recourse to taking the complaint further to the Scottish Public Services Ombudsman.

Stage 4 The Scottish Public Services Ombudsman

The SPSO offers members of the public an open, accountable and accessible complaints system thereby providing an independent, free and fair response to complaints about public services.

Since 1st October 2005, the College is a 'listed authority' under the terms of the Further & Higher Education (Scotland) Act 2005. This means that, under the provisions of the Scottish Public Services Ombudsman Act 2002, where the College's own internal complaints procedures have been exhausted and where the complainant remains dissatisfied, he or she can now take the complaint further to the SPSO.

The SPSO has jurisdiction to investigate a complaint by any person aggrieved about one or more of the following:

- ❖ maladministration;
- ❖ any failure in a service provided; and
- ❖ any failure to provide a service which it was a function of the listed authority to provide.

However, the SPSO will only investigate where the College's own internal complaints procedures have been exhausted, unless the SPSO is satisfied that it is not reasonable to expect that these procedures be invoked or exhausted.

The SPSO will not investigate matters of academic judgement, personnel matters or commercial transactions.

A complaint to the SPSO must be submitted within 12 months after the day on which the person aggrieved first had notice of the matter complained of unless the SPSO is satisfied that there are special circumstances which make it appropriate to consider a complaint outwith that period.

Complaints to the SPSO should be submitted in writing or electronically (a complaints form can be filled in or downloaded from the SPSO website at:

www.scottishombudsman.org.uk

However, the SPSO has discretion to accept oral complaints in special circumstances.

The SPSO may decide not to investigate a complaint. In that event, a statement of reasons must be issued to relevant parties including the complainant and the listed authority.

Where an investigation does take place, a report of the investigation must be issued. Unless otherwise directed by the SPSO having regard to public interest, the interests of the complainant, etc. the College is required to make copies of the report available for inspection or purchase and to publicise those arrangements. The report is also issued to the Scottish Ministers and laid before Parliament.

Full details of the services of the SPSO and how to make a complaint are available on the SPSO website.

6.0 Learning From Complaints

In order that the College can learn and improve as a result of complaints, the Quality Directorate will keep accurate and complete records of all complaints received and the resulting correspondence, interviews and actions. A report on complaints received and their outcomes will be submitted to the Extended Principals Group at least once per academic year. Subsequently, complaints relating to issues with a direct impact on the student experience will be passed to the Curriculum review and Quality Improvement Committee for consideration. This will help to improve customer service throughout the College and monitor the effectiveness of the complaints procedure.