General Complaints Handling Procedure for Students, Prospective Students and Members of the Public

Introduction

In terms of the University’s Vision we are committed to shaping our actions and decisions around a set of core values. These values are critical to our complaints handling process and are reflected here. They are to value people, to work together, to have integrity in what we do, to endeavour to make a difference and to have excellence at the heart of our interactions with others.

Under this Complaints Handling Procedure:

The University welcomes comments and suggestions from individuals and groups with whom it has contact, reflecting its commitment to enhance the quality of its provision. If you have a complaint about the University, please follow the procedure which is described below, to obtain a timely response.

Responsibility for administering this procedure lies with the University Secretary but any comments on this procedure should be addressed, in the first instance, to the Directorate of Academic and Corporate Governance at complaintsresolution@dundee.ac.uk

Should any criminal activity be detected as a result of a complaints investigation, the University is required to bring this to the attention of the police.

Aim of the Procedure

This simple, two stage procedure aims to provide an accessible, transparent and straightforward method of resolving legitimate complaints concerning the University. The overriding preference is for all reasonable steps to be taken to promptly resolve the complaint, as close as possible to the point of origin, and with the minimum of formality and effort on the part of the complainant.

What is the difference between an academic related complaint and an appeal?

An academic related complaint is a specific concern about the provision of a programme of study or related academic service, including teaching and academic facilities.

An appeal is different. It is a request for a review of the decision of an academic body charged with making decisions on student progression, assessment and awards etc.

Complaints will be considered under the procedure in this note. However, if a complaint is deemed by the Director of Academic and Corporate Governance to be an appeal, the University may then deal with it under the appropriate appeal procedures, or other appropriate mechanism.
Please note that matters of academic judgement are in general not open to review either by complaint or by appeal, and that the Undergraduate, and Postgraduate, Appeals Procedures deal with appeals (http://www.dundee.ac.uk/governance/dca/appeals/ refers).

Who can complain?

Universities in Scotland are required by law to accept a complaint from any person whether or not they are a student including complaints from applicants to the University. However complaints relating to the areas specified below are not covered by this procedure and are subject to alternative procedures (see URLs shown below for further details):

Bullying and harassment issues including race discrimination, under the University Dignity at Work and Study Policy:  http://www.dundee.ac.uk/hr/

Freedom of Information/Data Protection:  http://www.dundee.ac.uk/recordsmanagement/

Complaint relating to Dundee University Students' Association (DUSA):  http://www.dusa.co.uk/

Complaint from University staff:  http://www.dundee.ac.uk/hr/
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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 the University’s policy, although it is recognised that policies are 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 for information for example under the Freedom of Information (Scotland) Act, the Data Protection Act or the Environmental Information Regulations 2004
- 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
- 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 judgement on assessment or admission.

These issues will be dealt with under the alternative appropriate processes as outlined above on Page 2 rather than under this General Complaints Procedure. It should be noted, however, that some situations can involve a combination of issues, some are complaints and others are not, and the University may assess on a case by case basis.
Who can make a complaint?

This Procedure covers complaints from anyone who receives, requests or is affected by University services. This includes, although is not limited to:

- a student’s experience during his or her time at the University
- members of the public, where they have a complaint about matters which are (or were at the time the issue arose) the responsibility of the University
- applicants to the University whose complaint does not relate to academic judgement.

The University will accept complaints brought by third parties representing the individual complaining only where that individual has given their personal written consent under the Data Protection Act 1998.

Time limit for making complaints

Complaints should be raised with the University as soon as problems arise to enable prompt investigation and swift resolution. The time limit is six months to raise a complaint with the University from when the complainant first became aware of the problem.

If there are special circumstances for requesting consideration of a complaint beyond this time, the University has discretion in the way that the time limit is applied and may extend the time limit to up to twelve months if this is appropriate.

The Procedure involves up to two separate opportunities for resolution:

1 Frontline resolution seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made, or as close to that point as possible.

2 Investigation is appropriate where a complainant is dissatisfied with the outcome of frontline resolution, or where frontline resolution is not possible or appropriate due to the complexity or seriousness of the case.
The Complaints Handling Procedure

**FRONLINE RESOLUTION**

For issues that are straightforward and easily resolved, requiring little or no investigation.

- ‘On-the-spot’ apology, explanation, or other action to resolve the complaint quickly, in five working days or less, unless there are exceptional circumstances.
- Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline resolution.
- Complaint details, outcome and action taken recorded and used for service improvement.

**INVESTIGATION**

For issues that have not been resolved at the frontline or that are complex, serious or ‘high risk’.

- A definitive response provided within 20 working days following a thorough investigation of the points raised.
- Responses signed off by senior management.
- Senior management have an active interest in complaints and use information gathered to improve services.
- Complainants who remain dissatisfied after an investigation has been completed by the Institution have the right to ask the SPSO to review their case (see right).

**INDEPENDENT EXTERNAL REVIEW (SPSO or other)**

For issues that have not been resolved by the service provider.

- Complaints progressing to the SPSO will have been thoroughly investigated by the service provider.
- The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider.

Note: For clarity, the term ‘frontline resolution’ refers to the first stage of the complaints process. It is not intended to reflect any job description within the Institution; rather it refers to the process which seeks to resolve complaints as soon as possible.

*(diagram from SPSO model CHP)*

**Stage One: Frontline resolution – to be completed within 5 working days**

Anyone who has a complaint is encouraged to raise it initially at the point of, or as close to the point of, becoming aware of it as possible and to raise it with the School or Service where the issue arose. Complaints at this stage may be made face-to-face, by phone, in writing or by email.

The purpose of frontline resolution is to attempt to resolve complaints which are straightforward and require little or no investigation as quickly as possible. Complaints at this stage of the process may be addressed by any member of University staff and may be handled by way of a face-to-face discussion with the complainant, or by asking another appropriate member of staff to deal with the complaint.
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 for the issue being complained about lies in the member of staff’s own area of work, every attempt will be made to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint will normally liaise with the relevant area rather than simply passing the complainant on to another office.

Frontline resolution should normally be completed within a maximum of 5 working days. If information is being sought from another area, exceptionally a short extension may be appropriate to enable resolution, up to a maximum of 10 days, where a senior member of staff has confirmed this is in order.

A frontline decision on the complaint, or any extension granted, will be communicated to the complainant. This may be face-to-face, by phone, in writing or by email. The decision must address the complaint and explain the reasons. A record of this will be kept by the University and by the School or Directorate in terms of our complaints reporting form.

Members of staff to whom complaints are made will consider some key questions in frontline resolution:

- 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?
- Is it appropriate to use the edr (early dispute resolution) and mediation service at the University to assist?

**Stage two: Investigation – to be completed within 20 working days**

These complaints may already have been considered at the frontline resolution stage, or they may be complaints identified upon receipt as appropriate for immediate investigation.

A complaint will be moved to the investigation stage when:

- frontline resolution was attempted, but the complainant remains dissatisfied with the frontline resolution decision
- the complainant refuses to recognise or engage with the frontline resolution process and is insistent that the issue be addressed by a more senior 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 members of staff. 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.

A person can make a complaint in writing, in person, by telephone, by email or online. Where it is clear that a complaint will be considered at the investigation stage, the complainant may be asked to complete the complaint form available at: http://www.dundee.ac.uk/governance/dca/complaints/ to provide full details of the complaint and any relevant documentation.

The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response to the complainant that represents the University’s decision.

What the University will do when it receives a complaint for investigation

The University will allocate the complaint to a Complaints Investigator (who will be an Authorised Officer in terms of University Ordinances). It is important to be clear from the start of the investigation stage exactly what is being investigated, and to ensure that both the complainant and the Complaints Investigator understand the scope of the investigation. In discussion with the complainant, three key questions should be considered:

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.

Details of the complaint will be recorded at School level. Where the complaint has been through the frontline resolution stage, this will be shown in the record held by the School or Service. At the conclusion of the investigation the record will be updated to reflect the final outcome and any action taken in response to the complaint.
Timelines

The following deadlines will be used for cases at the investigation stage:

- complaints will be acknowledged in writing within 3 working days
- the University will provide a full response to the complaint as soon as possible, but not later than 20 working days, from the time that the complaint was received for investigation.

Extension to the timeline

Not all 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. Where there are clear and justifiable reasons for extending the timescale, senior members of staff will exercise judgement and will set time limits on any extended investigation, with the agreement of the complainant. If the complainant does not agree to an extension but it is unavoidable and reasonable, then a senior member of staff must consider and confirm the extension. In such circumstances, the complainant must be kept updated on the reason for the delay and given a revised timescale for bringing the investigation to a conclusion. It is expected, however, that this will be the exception and that the University will always strive to deliver a definitive response to the complaint within 20 working days.

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

edr and Mediation

Some complaints (where, for example, the complainant and/or other involved parties have become entrenched in their positions) may benefit from a different approach to resolution. Since 2008, the University has a mediation and early dispute resolution (edr) service available. This can used if both parties agree that this is appropriate. Further information is available at http://www.dundee.ac.uk/edr/

Anonymous complaints

Complaints submitted anonymously will be considered only if there is enough information in the complaint to enable the University to make further enquiries. However, the University may report and record the complaint as appropriate to its Monitoring and Advisory Group on Complaints, Appeals and Discipline Procedures.

Complaints involving more than one School

If a complaint relates to the actions of two or more Schools, the staff member receiving the complaint will confer with the other area(s) to decide who will lead on the complaint and provide a single response. The complainant will be given the contact details of the lead.
Complaints involving other organisations or contractors who provide a service on behalf of the University

Where a complaint relates to a University service and the service of another organisation, the complaint will normally be handled under this Procedure. This relates to complaints that involve services provided on the University’s behalf (such as partner institutions like the NHS) or to those provided by a separate organisation.

Closing the complaint at the investigation stage

The decision on the investigation will be communicated to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, will be recorded. 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 as per the attached [http://www.dundee.ac.uk/governance/dca/complaints/ombudsman/](http://www.dundee.ac.uk/governance/dca/complaints/ombudsman/)

Independent external review (SPSO)

Once the 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 with the University’s decision following investigation. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has handled the complaint.

The following text should be included in any final decision of the University on a 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
4 Melville Street
Edinburgh
EH3 7NS

By Post:
Freepost SPSO

Freephone 0800 377 7330
Online contact www.spso.org.uk/contact-us
Website www.spso.org.uk
Mobile site: http://m.spso.org.uk
Governance of the Complaints Handling Procedure

Roles and responsibilities

All staff will be aware of:
- this Procedure
- how to handle and record complaints at the frontline resolution stage
- who they can refer a complaint to if they are unable to handle the matter personally
- the need to try and resolve complaints early and as locally (within their department) as possible and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

The University Secretary and the Directorate of Academic and Corporate Governance will ensure that:
- the University’s final position on a complaint investigation is signed off by an appropriate senior staff member in order to provide assurance that this is the definitive response of the University and that the complainant’s concerns have been taken seriously
- the University maintains overall responsibility and accountability for the management and governance of complaints handling within the University
- the University has an active role in, and understanding of, this Procedure (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
- complaints information is used to improve services, and this is evident from regular publication, and
- there is appropriate liaison with the SPSO on behalf of the University.

Principal: The Principal provides leadership and direction to the University. This includes ensuring that there is an effective complaints handing procedure 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. They should also ensure that complaints are used to identify service improvements, and that these improvements are implemented, and learning fed back to the wider organisation as appropriate.

Heads of School/Service: May be involved in the investigation. As a senior officer they may be responsible for preparing and signing response letters to complainants and therefore must be satisfied that the investigation is complete and that their response addresses all aspects of the complaint.

Complaints Investigator: The Complaints Investigator is a suitably trained staff member 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. This may include preparing a comprehensive written report,
including details of any recommended procedural changes to service delivery. Complaints Investigators must have a clear remit to investigate effectively and reach robust decisions on more complex complaints. This also requires clear direction and support from senior management on the extent and limits of discretion and responsibilities in investigating and resolving complaints, including the ability to identify failings, take effective remedial action and apologise, where it is appropriate to do so.

**All staff:** A complaint may be made to any member of staff. All staff must, therefore, be aware of the complaints handling process and how to handle and record complaints at the frontline resolution stage. They should also be aware to whom a complaint should be referred, in case they are not able to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

**Complaints about senior staff**

Complaints about senior staff by other members of staff are not dealt with under this procedure but under the University grievance procedure and University Statutes as appropriate. Complaints about senior staff by non-staff members are dealt with under this procedure. The University ensures that there are strong governance arrangements in place through the Directorate of Academic and Corporate Governance for handling such complaints and to take account of any potential conflicts of interest by ensuring investigation is carried out by appropriate individuals or panels.
Recording, reporting, publicising and learning

Valuable feedback is obtained through complaints. One of the objectives of this Procedure is to identify opportunities to improve provision of services across the University. Schools and Services must record complaints so that 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.

Recording complaints

To collect suitable data, it is essential that all complaints are recorded in sufficient detail. The minimum requirements are as follows:

- name and contact details of the complainant and student matriculation number (if applicable)
- date of receipt of the complaint
- how the complaint was received
- category of complaint
- staff member responsible for handling the complaint
- department to which the complaint relates
- action taken and outcome at frontline resolution stage
- date the complaint was closed at the frontline resolution stage
- date the investigation stage was initiated (if applicable)
- action taken and outcome at investigation stage (if applicable)
- date the complaint was closed at the investigation stage (if applicable)
- underlying cause and remedial action taken (if applicable)
- response times at each stage

Recorded complaints, their outcomes and any resulting action will be requested quarterly from Schools and Directorates from the Directorate of Academic and Corporate Governance and will be reported to the biannual Monitoring and Advisory Group on Complaints, Appeals and Discipline Procedures. This Group reports to Senate.

Reporting of complaints

Information reported to the Monitoring and Advisory Group will include:

- 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.
Publicising complaints performance information

The University publishes a summary of complaints outcomes, trends and actions taken to improve services quarterly with a focus on case studies and examples of how complaints have helped improve services. Information is available at http://www.dundee.ac.uk/governance/dca/monitoringstatistics/. This may also include positive feedback from students and members of the public.

This demonstrates the University’s approach to improving services on the basis of complaints and shows that complaints can influence University services. It also helps ensure transparency in complaints handling and will help to demonstrate to students and members of the public that the University values their complaints.

The University will report to the SPSO on complaints handling performance annually, as required. 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.

Learning from complaints

The Complaints Investigator will always satisfy themselves that all parties involved understand the findings of the investigation and any decisions made. Senior management will ensure that the University has procedures in place to act on issues that are identified. These procedures facilitate:

- using complaints data to identify the root cause of complaints
- taking action to reduce the chance of this happening again
- recording the details of corrective action in the complaints file
- systematically reviewing complaints performance reports to improve performance.

The analysis of management reports detailing complaints performance will help to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where the University identifies the need for service improvement:

- an officer (or team) will be designated the ‘owner’ of the issue, with responsibility for ensuring that any identified action is taken
- a target date will be set for the action to be implemented, and followed up on to ensure delivery within this timescale
- where appropriate, performance in the service area will be monitored to ensure that the issue has been resolved.

The University will always have regard to any legislative requirements; for example, data protection legislation and the appropriate level of disclosure for the use of complainant information. Information will be 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.
Where a complaint has been raised against a student or member of staff and has been upheld, the complainant will be advised of this.

**Supporting the complainant**

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

For University students, the following are available to provide assistance and support:
- the Students' Assessor (Professor Jeanette Paul, School of Art & Design [j.m.paul@dundee.ac.uk]);
- Disability Services [disability@dundee.ac.uk] and the Counselling Service [counselling@dundee.ac.uk];
- the Chaplaincy [f.c.douglas@dundee.ac.uk].

The President of DUSA [president@dusa.co.uk] may also offer you advice and representation.

For those who are not students of the University, general advice on this procedure may be sought from the Directorate of Academic and Corporate Governance [k.f.stulka@dundee.ac.uk].
A complaint may be made in person, by phone, by email or in writing. Your first consideration is whether the complaint should be dealt with at stage 1 (frontline resolution) or stage 2 (investigation) of the CHP. Always inform the Complaints Officer when you receive a complaint.

**Stage 1 – frontline resolution**
Always try to resolve the complaint quickly and to the individual’s satisfaction wherever possible.

Provide a decision on the complaint **within five working days unless** there are exceptional circumstances.

Is the individual satisfied with the decision?

Yes
- **Complaint closed and outcome recorded.**

No - inform the Complaints Officer who will then appoint a trained stage 2 investigator

**Stage 2 – investigation**
1. Investigate where an individual is still dissatisfied after communication of decision at stage 1.
2. Investigate where it is clear that the complaint is particularly complex or will require detailed investigation.

Send acknowledgement within **three working days** and provide the decision as soon as possible but within **20 working days, unless** there is a clear reason for extending this timescale.

Is the individual satisfied with the decision and with the way the University has handled the complaint?

Yes
- Refer customer to the Scottish Public Services Ombudsman.

No
- **Complaint closed and outcome recorded.**

**Monthly or quarterly**
- ensure ALL complaints are recorded
- report performance and analysis of outcomes to senior management
- make changes to service delivery where appropriate
- publicise complaints information externally
- publicise service improvements.

**The complaints handling procedure**