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## History of Amendments

<b>Date</b>	<b>Version/Pages/Sections affected</b>	<b>Summary of changes</b>
25/11/13	<b>GOVERNANCE</b>	Update to roles and responsibilities within Governance to reflect organisation structure.
1/6/15	Page 20	Correction of job titles
1/6/15	Page 21 – “Complaints about staff”	Clarification of roles and process
1/6/15	Page 22	Correction of a spelling error and clarification of roles and responsibilities in relation to responding to Stage 2 complaints
17/7/15	Page 21	Update to reflect the role of Director of Quality Enhancement at initial stage of complaints about staff
26/1/17	All Sections	Update to reflect the role of Information and Customer Relations Advisor in all stages of the complaint
26/1/17	All Sections	Correction of Complaints Handling Procedure/Policy to Complaints Policy
26/1/17	All Sections	Correction of complaints database to complaints system
26/1/17	Page 19 – “If I can’t resolve this, who can help with frontline resolution?”	Clarification of process – removal of reference to the complaints form in section 3 and no requirement for section 4
26/1/17	Page 20 – “Closing the complaint at the frontline resolution stage”	Clarification of process - removal of reference to section 3 of complaints form
26/1/17	Page 21 – “Complaints about staff”	Clarification of process – removal of copy of the response to

		<b>complainant being sent to staff member</b>
<b>26/1/17</b>	<b>Page 21 – “Stage Two: Investigation”</b>	<b>Clarification of process – removal of complaint being referred to a Director</b>
<b>26/1/17</b>	<b>Page 21 – “The Stage 2: Investigation process”</b>	<b>Clarification of process – removal of Director appointing investigating officer</b>
<b>26/1/17</b>	<b>Page 26 – “Maintaining confidentiality”</b>	<b>Clarification of process – removal of reference to complaints about staff members only being discussed with Directors</b>
<b>26/1/17</b>	<b>Page 26 – “Scottish Independent Advocacy Alliance”</b>	<b>Update to contact details</b>
<b>26/1/17</b>	<b>Page 28 – “Appendix 1”</b>	<b>Renaming job title Course Leader to Curriculum Manager</b>

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## **POLICY STATEMENT**

This policy supports Ayrshire College's commitment to provide excellence in the quality and standards of the services we provide to our customers. The College recognises that occasionally things may go wrong or customers may be dissatisfied with our services and it is important to us that we act quickly to resolve the situation in such cases.

In these instances, we value feedback to enable us to learn lessons, facilitate change and continuously improve our services to our customers.

The College and its representatives will adhere to this policy at all stages in the complaints process and will operate within the framework of current legislation in Scotland for both Freedom of Information and Data Protection.

This document provides details on the Ayrshire College Complaints Policy and is designed to enable students, customer and stakeholders to bring matters of concern to our attention and to address those concerns in the most expeditious manner to achieve a satisfactory outcome.

## **EQUALITY STATEMENT**

Ayrshire College is committed to providing an environment that celebrates diversity and supports individual needs where all staff, students and service users feel safe from prejudice, discrimination and harassment.

The College has a strong commitment to ensuring that everyone is treated fairly and equally within an ethos of mutual trust and respect regardless of the protected characteristics of age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

## **SCOPE**

This policy may be used by students, customers, visitors, partners and stakeholders of Ayrshire College. It covers any expression of dissatisfaction about standards of service, courses or facilities of the College, and the actions or lack of actions by the College or its representatives. The policy does not apply to matters covered by separate policies or procedures including, but not limited to, academic appeals and disciplinary issues.

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## Foreword

Ayrshire College is committed to providing excellence in the quality and standards within all services to our customers and recognises that continuous improvement can be enhanced with a better understanding of where customers are dissatisfied.

In accordance with the Scottish Public Services Ombudsman's (SPSO) model Complaints Handling Procedure (CHP) for Further Education (2013) the following procedures outline the approach to the handling of customer complaints across Ayrshire College.

Well trained staff will contribute to the development and enhancement of our services by responding to a customer's concerns timeously and appropriately. The College procedures therefore aim to help us record and monitor our complaints and our performance in dealing with these and in turn comply with the SPSO CHP implementation guidance.

The College approach to the recording, monitoring and handling of complaints will keep students and customers at the heart of what it does improving relationships with all stakeholders and enhancing the college's reputation.

Signed by *Principal*

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## **Introduction to the Complaints Policy**

The College's Complaint Policy aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.

## **Governance of the Complaints Policy**

### **Roles and responsibilities**

Overall responsibility for the management of complaints lies with the College's Principal and senior management, who are accountable to our Board of Management.

**Principal/Chief Executive:** The Principal/Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective Complaints Policy, with a robust investigation process, that demonstrates how we learn from the complaints we receive. The Principal/Chief Executive may take a personal interest in all or some complaints, or may delegate responsibility for the Complaints Policy to senior staff. Regular management reports assure the Principal/Chief Executive of the quality of complaints performance.

The College's final response on Serious, high risk and/or high profile complaints must be signed off by the Principal/Chief Executive or by the Vice Principal of Strategy, Planning and Performance.

**Vice Principals:** On the Principal/Chief Executive's behalf, the Vice Principals: may be responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- ensuring complaints are investigated appropriately
- deputising for the Principal/Chief Executive on occasion

The Vice Principals may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. However Vice Principals retain ownership and accountability for the management and reporting of complaints and should be satisfied that investigations are complete and that the College's response addresses all aspects of the complaint.

Serious, high risk or high profile complaints will be directly managed by the Vice Principal of Strategy, Planning and Performance. This also includes complaints which could incur a financial penalty for the College.

The Information and Customer Relations Advisor is responsible for the operational management of the Complaints Policy. Directors and Heads of Department may be involved in the operational investigation and management of complaints handling and are responsible for acting as, or appointing, the Investigating Officer; overseeing the investigation stage; preparing and signing decision letters to customers. The Directors/Heads of Department should, therefore, be satisfied that the investigation is complete and that their response addresses all aspects of the complaint.



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The Director of Quality Enhancement is responsible to sign off of the College's final position on Stage 2 complaints which will confirm that this is the College's final response. This ensures that our senior management own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

The Information and Customer Relations Advisor is also the College's SPSO liaison officer: The SPSO liaison officer provides complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

**Senior Management Team:** The Senior Management Team is responsible for the review of complaints on a quarterly basis and for implementing corrective action to address adverse trends

**Investigating Officer:** The Investigating Officer is responsible and accountable for the management of the investigation. They may work in an academic department or a service/support team and will be identified by the relevant Director / Head of Department to investigate the complaint. They will carry out the investigation and prepare a comprehensive written report, (including details of any procedural changes in service delivery that could result in wider opportunities for learning across the college) which is submitted to the Information and Customer Relations Advisor.

**Note**

: An investigator cannot investigate a complaint where they are the subject of the complaints or have a clear conflict of interest in the matter

**All college staff:** A complaint may be made to any member of staff in the college. So all staff must be aware of the Complaints Policy and how to handle and record complaints at the frontline stage. 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.

Staff will ensure that frontline resolution of complaints is dealt with courteously, professionally and in an unbiased manner

All members of staff will ensure confidentiality is maintained and complainants will not be discriminated against or fear retribution from making a complaint

Employees who are the subject of a complaint or have a clear conflict of interest in the matter cannot deal with a complaint, in which case the complaint must be passed to a senior manager for consideration

Employees who deal with a complaint via frontline resolution must ensure that details of the complaint are recorded on the College complaints form and submitted to the Information and Customer Relations Advisor at [complaints@ayrshire.ac.uk](mailto:complaints@ayrshire.ac.uk).

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Employees should immediately direct the complaint to the relevant Head of Department or relevant Director if they are unable to resolve the matter

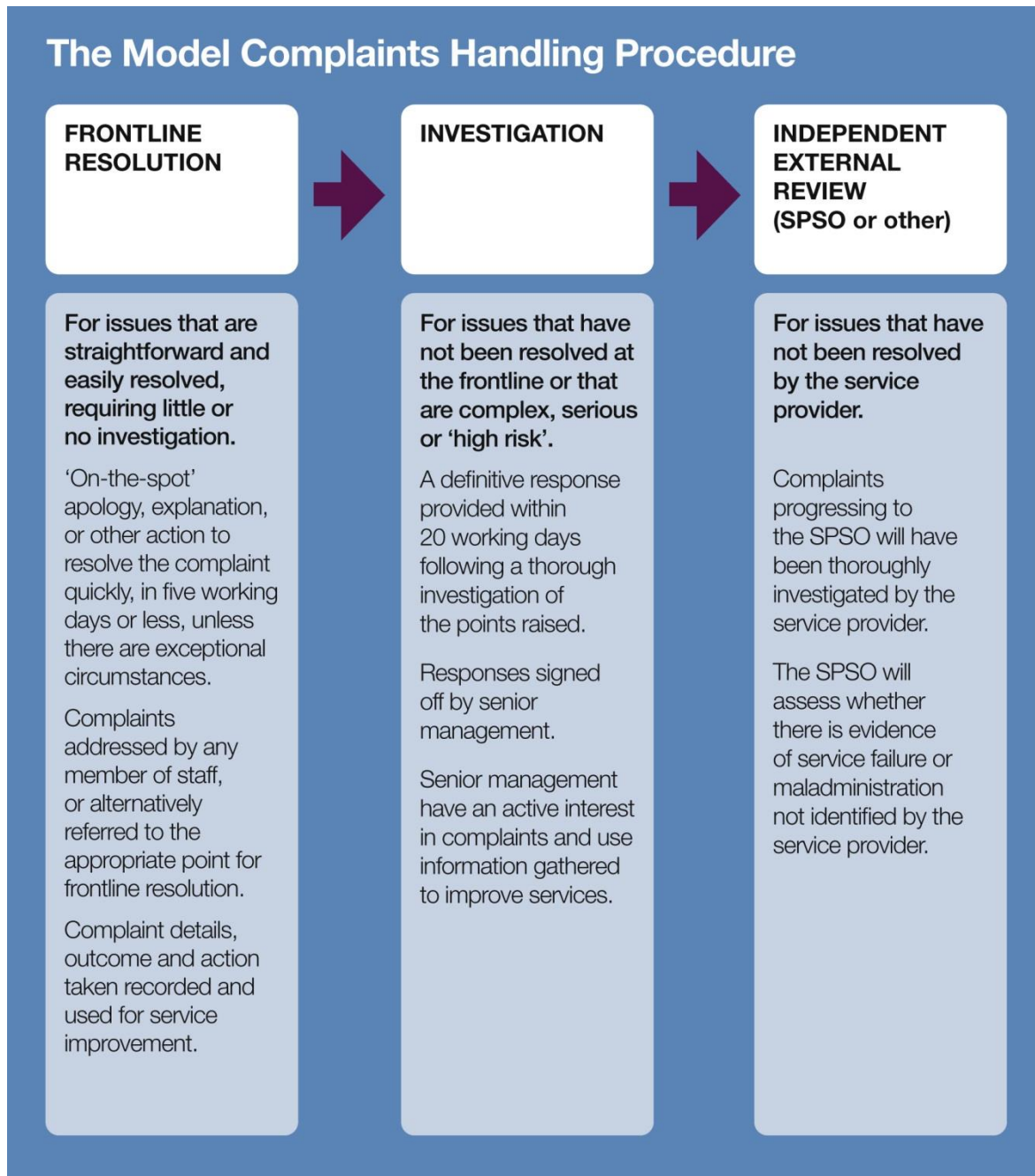
**Information and Customer Relations Advisor :** The Information and Customer Relations Advisor will ensure details of all complaints and resolutions are recorded on the College complaints database and that timelines are monitored and that customers are kept informed of the progress of their complaint and will also publish complaint analysis reports including outcomes, trends and actions taken on a quarterly basis for review and sign off by the Director of Quality Enhancement and presentation to the Senior Management Team.

**Student Association :** The Student President and Vice Presidents, in college funded sabbatical posts, will be trained in using the College Complaints policy as it is recognised that these roles may be party to complaints or other issues which directly affect the student body and the student experience.

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Our complaints process provides two opportunities to resolve complaints internally:

1. Stage 1 - frontline resolution
2. Stage 2 - Investigation.



For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It does not reflect any job description within Ayrshire College but means seeking to resolve complaints at the initial point of contact, where possible.

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## **General Information**

### **What is a complaint?**

Ayrshire College's definition of a complaint is:

'An expression of dissatisfaction, by one or more customers or stakeholders, about the college's action or lack of action or about the standard of service provided by the college or on its behalf.'

A complaint may relate to, for example:

- a failure to provide a service
- an inadequate quality or standard of service
- the admissions process
- the student disciplinary process
- a request for a service or for information which has not been actioned or answered
- our policies
- wrong information about academic programmes or our services
- the quality and availability of facilities and learning resources
- accessibility of our buildings or services
- the behaviour of a member of staff or contractor
- a student's behaviour
- treatment by or attitude of a member of staff or contractor
- discrimination in relation to the protected characteristics of age, disability, gender reassignment, marital status, pregnancy and maternity, race, religion or belief, sex or sexual orientation
- disagreement with a decision where the customer cannot use another procedure (such as an appeal) to resolve the matter
- our failure to follow the proper administrative process.

This list is not exhaustive.

**Appendix 1** provides some examples of complaints we may receive and how we might handle them.

A complaint is not:

- a routine first-time request for a service
- a request for information or an explanation of policy or practice
- a disagreement with an academic judgement
- a claim for compensation from the college
- issues that are in court or have already been heard by a court or tribunal
- disagreement with a decision where a right of appeal exists, for example, the academic appeals process
- a request for information under the Data Protection or Freedom of Information Acts
- a grievance by a member of staff

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- an attempt to have us reopen or reconsider a complaint we have concluded or given our final decision on.

These issues must not be treated as complaints. Customers should be directed to use the appropriate college procedures.

**Appendix 2** gives more examples of 'what is not a complaint' and how to direct customers properly.

### **Handling anonymous complaints**

We value all complaints. This means we treat all complaints seriously and will take action to consider them further, wherever it is proper to do so. This includes anonymous complaints. Generally, we will consider an anonymous complaint if it gives enough information for us to make further enquiries. Failing this, we may decide not to pursue it. A decision not to pursue an anonymous complaint must be authorised by the responsible Director or Department Head.

If an anonymous complaint contains serious allegations it must be referred to the Director of Human Resources immediately.

If we pursue an anonymous complaint we will record the issues as an anonymous complaint. This will help ensure the completeness of the complaints data we record and allow us to take corrective action where suitable.

### **What if the customer doesn't want to formally complain?**

We regard as complaints all expressions of dissatisfaction that meet our definition of a complaint. If someone does not want to begin the formal complaints procedure we will still record their dissatisfaction as a complaint so that we can take the opportunity to improve services. We should encourage customers/stakeholders to submit their complaint and allow us to deal with it through the procedure. This will ensure they are updated on the action we take and get a timely response to their complaint. If, however, the customer insists they do not wish to complain we will record the issue as an anonymous complaint. This will ensure that:

1. we do not record their details
2. we do not contact them again about the matter and
3. the complaints data we record enables us to fully consider the matter and take corrective action where suitable.

Please refer to the examples in **Appendix 1** for further guidance.

### **Who can make a complaint?**

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes a customer/stakeholder may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the customer/stakeholder has given their personal consent.

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The college will support individuals or organisations wishing to complain about an aspect of its service. This is because we want to understand the nature of the complaint and how we might need to respond if a service is substandard or failing. This may include involving outside support, e.g. advocacy services, to help the customer.

### **Complaints involving more than one department or organisation**

If a complaint relates to the actions of two or more college departments it should be treated as a Stage 2 complaint due to its complexity. This means that whoever receives the complaint should:

- refer the complaint to the Information and Customer Relations Advisor who will direct this to the relevant Director or Department Head
- tell the customer the relevant Director will take the lead in dealing with the complaint
- tell the customer they will receive an acknowledgement of their complaint within 3 working days and
- explain that they will get only one response covering all issues raised.

### **Joint Service Complaints**

If a customer/stakeholder complains to the college about the service of another body, but the college is not involved in the issue, you should advise the customer to contact the other body directly.

However, the College must investigate a complaint through this procedure if it directly relates to a college service **and** the service of another body. The other body could be, for example, a school or contractor providing a service on the college's behalf, an awarding body or the provider of catering and cleaning services.

These 'joint-service' complaints may be about such things as:

- property maintenance, where the customer's dissatisfaction relates to our service and that of an external facilities body
- accommodation not directly under our ownership
- third-party services, for example, IT systems
- a student loan, where the customer is dissatisfied with our service and that of the Student Awards Agency for Scotland.

Where a joint-service complaint is received it should be treated as a Stage 2 complaint due to its complexity. This means that whoever receives the complaint should:-

- refer the complaint to the relevant Director or Department Head
- tell the customer who will take the lead in dealing with the complaint and
- tell the customer that they will receive an acknowledgement of their complaint within 3 working days

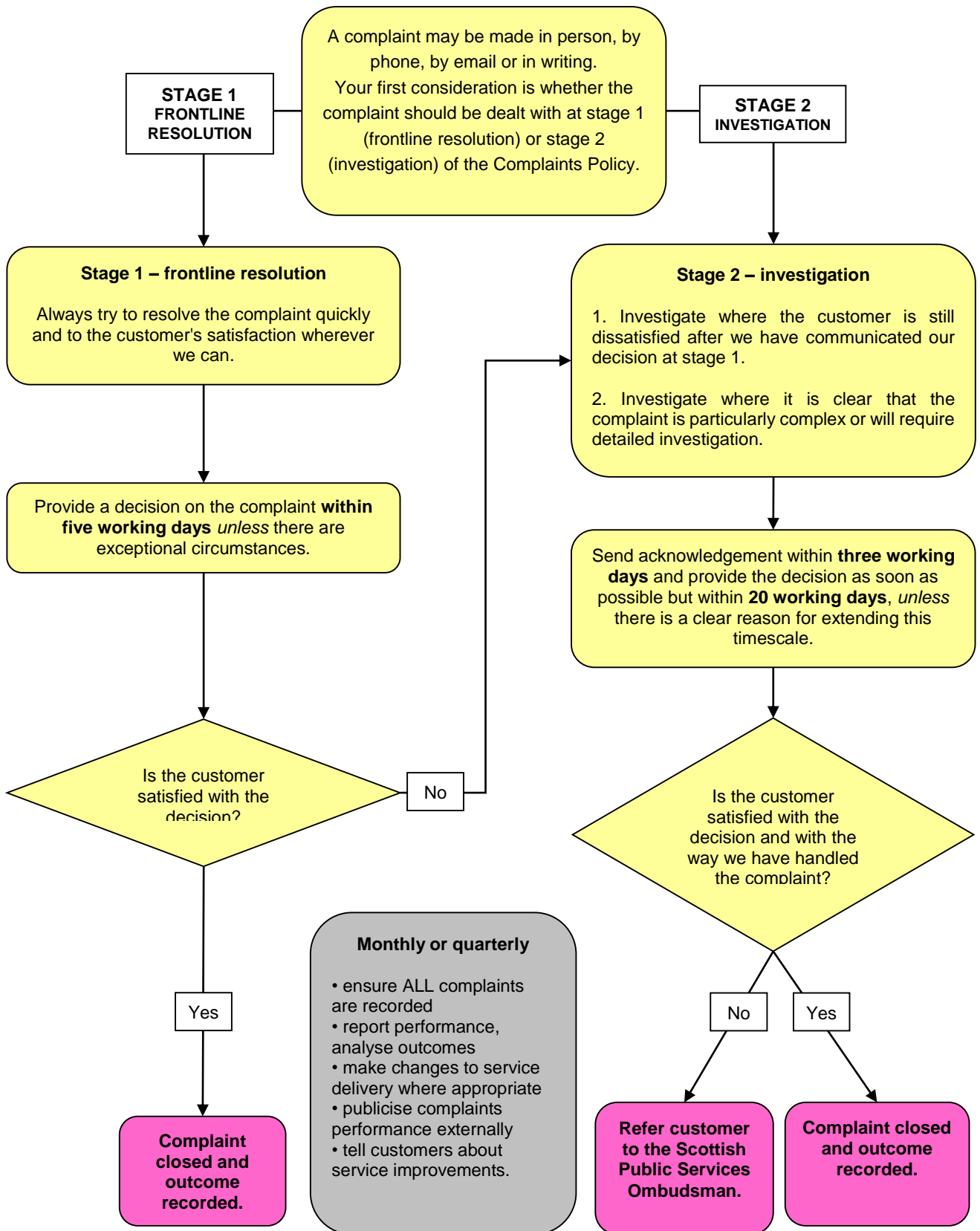
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### **Addressing unacceptable behaviour by complainants**

We define unacceptable behaviour as being aggressive behaviour, inappropriate language, threats or other offensive behaviour. We recognise that people may act out of character in times of concern or distress and that occasionally the circumstances leading to a complaint may result in the complainant acting in an unacceptable way. Where a complainant exhibits unacceptable behaviour, we will:

- record the details of the complaint
- apply our policies and procedures to protect our staff
- restrict the complainants access to staff and communicate this decision to the complainant with notification of a right to appeal our actions

# The Complaints Policy Flowchart





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## **The Complaints Policy**

Our complaints policy provides two opportunities to resolve complaints internally:

- **Stage one: Frontline Resolution**, and
- **Stage two: Investigations**

### **Stage one: Frontline Resolution**

Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation.

**Any member of staff may deal with complaints at this stage unless they are the subject of the complaint or have a clear conflict in the matter.** In this instance the complaint should be handed to a first line manager within the department or curriculum area for resolution.

The main principle is to seek early resolution - resolving complaints at the earliest opportunity and as close to the point of service as possible. This may mean a face-to-face discussion with the customer/stakeholder or asking a suitable member of staff to deal directly with the complaint.

**Appendix 1** gives examples of the type of complaint we may consider at this stage with suggestions on how to resolve them.

In practice, frontline resolution means resolving the complaint at the first point of contact with the customer. This can be done by the member of staff receiving the complaint or other appropriate staff.

In either case, you may settle the complaint by:

- providing an on-the-spot apology where suitable, and/or
- explaining why the problem occurred and, where possible, what will be done to stop it happening again.

You may also explain that we value complaints and may use the information the customer has given when we review service standards in the future.

A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. A Complaints Form should be completed either by the customer/stakeholder or by the member of staff receiving the complaint.

You must always consider frontline resolution regardless of how you have received the customer's complaint.

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## What to do when you receive a complaint

1. On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint. The customer may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing the customer to pursue another element through an alternative route (see **Appendix 2**).
2. Where you think frontline resolution is appropriate, you must consider four key questions:
  - What exactly is the customer's complaint (or complaints)?
  - What does the customer want to achieve by complaining?
  - Can I achieve this, or explain why not?
  - If I can't resolve this, who can help with frontline resolution?

### **What exactly is the customer's complaint (or complaints)?**

It is important to be clear about exactly what the customer is complaining of. You may need to ask the customer supplementary questions to get a full picture.

### **What does the customer want to achieve by complaining?**

At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this so you may need to probe further to find out what they expect and whether they can be satisfied.

### **Can I achieve this, or explain why not?**

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you cannot achieve it, you should do so.

The customer may expect more than we can provide. If so, you must tell them as soon as possible. (for example - where the customer is so dissatisfied with the location and day of a lecture that they demand both be changed but we are only able to consider changing its location).

You are likely to have to give the decision face to face or by telephone. If you respond face to face, by telephone or by email, you need not write to the customer as well but you may choose to do so. It is important, however, to keep a full and accurate record of the decision you have reached and passed to the customer. This will be recorded on the Complaints form.

### **If I can't resolve this, who can help with frontline resolution?**

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, pass details of the complaint immediately to someone who can try to resolve it. This may be a member of staff in the relevant department. In this case you must:

- Inform the customer that you are passing the complaint on and to whom

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- Record the details of the complaint and your action and email this to [complaints@ayrshire.ac.uk](mailto:complaints@ayrshire.ac.uk)

3. If you have received, identified and satisfied a complaint, record the details and email to the College complaints address: [complaints@ayrshire.ac.uk](mailto:complaints@ayrshire.ac.uk)

### **Timelines**

Frontline resolution must be completed within **five working days**, although in practice, this should be much sooner. It is important to respond to the customer within five working days, either resolving the matter or explaining that the college will investigate their complaint.

### **Extension to the timeline**

In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than five working days with the customer. This must only happen when an extension will make it more likely that the complaint will be resolved through frontline resolution.

If, however, the issues are so complex that they cannot be resolved in five days, it is right to escalate the complaint straight to the investigation stage. Where appropriate you must tell the customer about the reasons for the delay, and when they can expect a response.

If the customer does not agree to an extension but it is unavoidable and reasonable, the relevant Director or Department Head must decide on the extension. You must then tell the customer about the delay and explain why the extension has been granted. This must be recorded on section 3 of the Complaints form.

It is important that such extensions do not become the norm; extensions to the timeline at the frontline resolution stage should occur only rarely. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date the complaint is received.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics must go to the Senior Management Team on a quarterly basis as a minimum

**Appendix 3** provides further information on timelines.

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### **Closing the complaint at the frontline resolution stage**

When you have informed the customer of the outcome you do not have to write to them as well. When closing the complaint face-to-face or on the telephone you must ensure that your response to the complaint addresses all the topics we are responsible for and explains the reasons for our decision. It is also important to keep a full and accurate record of the decision you have reached and given to the customer. You should then close the complaint and update the complaints system accordingly.

If the customer asks for a written response this must be recorded and you should inform the customer that they should receive the written response no later than 5 working days from their request.

### **When to escalate to the investigation stage**

You must escalate a complaint to the investigation stage when:

- you tried frontline resolution but the customer remains dissatisfied and requests an investigation. This may happen immediately when you communicate the decision at the frontline stage or some time later
- the customer refuses to take part in frontline resolution
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

### **Serious, high risk or high profile complaints**

Some complaints require special care. These are complaints that might be serious, high risk and/or high profile.

We define potential high-risk or high-profile complaints as involving:

- an allegation of corruption against a college employee
- a claim of dereliction of duty by a college employee
- a claim of personal injury that has incapacitated the customer
- a potentially significant risk to the college's operations
- a claim of discrimination, with due regard to protected characteristics as set out in section 149(7) of the Equality Act 2010
- an allegation of significant harm or abuse or where there is a suspicion that someone may suffer significant harm
- serious service failure, for example, major delays in providing, or repeated failures to provide, a service
- significant and ongoing press interest.

Serious, high risk and/or high profile complaints **MUST** be referred immediately to the Information and Customer Relations Advisor who will ensure that the Director of Quality Enhancement, Vice Principal of Strategy, Planning and Performance and any other appropriate staff are informed. You must hand over all case notes and associated information for investigation.

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## **Complaints about staff**

Complaints about staff can be difficult to handle as there may be a conflict of interest for the staff investigating the complaint. When complaints are raised against staff, it is very important that someone independent of the situation conducts the investigation.

Staff receiving a complaint about another member of staff must:

- inform the complainant that they are referring the complaint to the Director of Quality Enhancement and that they will receive an acknowledgement of their complaint within 3 working days
- maintain complete confidentiality
- adhere to the Data Protection Act

The Director of Quality Enhancement will carry out an initial review and decide if the complaint can be resolved at Stage 1. If this is the case it will be passed to the relevant department for investigation.

If not, the complaint will be escalated to Stage 2 and the complainant will be notified of this decision and to expect a resolution within 20 days. The complaint will be referred to the Director of the relevant department for investigation.

### **Stage two: Investigation**

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at the frontline resolution stage or they may have been identified from the start as needing immediate investigation.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents our final position.

### **The Stage 2: Investigation process**

When a Stage 2 complaint is received an appropriate investigating officer will be appointed.

It is important that the investigating officer is clear from the start of the investigation stage exactly what they are investigating and ensures that both the customer and the service understand the investigation's scope.

If the investigating officer needs to make enquiries to an outside body about the complaint they must always take account of data protection legislation and the College guidance on handling our customers' personal information.

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The investigating officer should attempt to establish why the complainant is dissatisfied and whether the outcome they are looking for sounds realistic, at the outset. In discussing the complaint with the customer the investigating officer should consider three key questions:

1. What specifically is the customer's complaint or complaints?
2. What does the customer want to achieve by complaining?
3. Are the customer's expectations realistic and achievable?

It may be that the customer expects more than we can provide. If so, the investigating officer must make this clear to the customer as soon as possible.

Where possible, the investigating officer should also clarify what extra information will be needed to investigate the complaint. The customer may need to provide more evidence to help us reach a decision.

The investigating officer must record details of the complaints and actions taken on the Complaints Investigation Form.

When the investigation ends the investigating officer must submit the Complaints Investigation Form with findings and recommendations to the Information and Customer Relations Advisor who will communicate the outcome of the investigation to the customer, in writing, within 20 working days and will update the details on the complaints system when the investigation ends.

### **Timelines**

The following deadlines are appropriate to cases at the investigation stage:

- complaints must be acknowledged within **three working days**
- a full response will be provided as soon as possible but not later than **20 working days** from the time 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 require careful consideration and detailed investigation beyond the 20-day limit. However, these would be the exception and the College must always try to deliver a final response to a complaint within 20 working days. If there are clear and justifiable reasons for extending the timescale the Information and Customer Relations Advisor will set time limits on any extended investigation, as long as the customer agrees. The Information and Customer Relations Advisor must keep the customer updated on the reason for the delay and give them a revised timescale for completion. If the customer does not agree to an extension but it is unavoidable and reasonable, then the Director of Quality Enhancement must consider and confirm the extension. The reasons for an extension might include the following:

- 
- Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but they cannot help because of long-term sickness or leave.
  - You cannot obtain further essential information within normal timescales, but have a reasonable expectation of doing so if there was an extension.
  - Operations are disrupted by unforeseen or unavoidable events, for example industrial action or severe weather.
  - The customer has agreed to mediation using suitably trained and qualified mediators as a potential way of resolution.

These are only a few examples, and each case must be judged on its merits. However, an extension would be the exception and the College must always try to deliver a final response to the complaint within 20 working days.

As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics must go to our senior management team on a quarterly basis.

**Appendix 3** provides further information on timelines.

### **Closing the complaint at the investigation stage**

The customer must be informed of the outcome of the investigation in writing or by their preferred contact method. Our response to the complaint must address all areas we are responsible for and explain the reasons for our decision. The Information and Customer Relations Advisor must record the decision, and details of how it was communicated to the customer, on the complaints system. The response must also make clear to the customer:

- their right to ask SPSO to consider the complaint
- the time limit for doing so, and
- how to contact the SPSO.

### **Independent external review**

Once the investigation stage has been completed, if the customer is still dissatisfied with the decision or the way we dealt with the complaint, they can ask the SPSO, the Scottish Qualifications Authority (SQA) or the appropriate Awarding Body to look at it. For qualifications that are regulated, if you remain dissatisfied with the way the awarding body has handled your complaint then you may complain to the qualifications regulator, SQA Accreditation.

Students should be advised that SPSO does not have the power to revise course awards. Only the SQA and other awarding bodies have the power to do this and students should always approach the SQA or other awarding body through the relevant procedure where this is what they want to achieve as a result of their complaint, following completion of the College's complaints process.

**In all cases, the complaint must first have been considered by the college.**

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## **Information about the SPSO**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish colleges. If you remain dissatisfied with a college or co-operative 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 college's complaints process
- 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:

### **Freepost SPSO**

Freephone **0800 377 7330**

Online contact **[www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)**

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

Mobile site: **<http://m.spsso.org.uk>**

### **Recording, reporting, learning and publicising complaints**

Complaints provide valuable customer feedback. One of the aims of this policy is to identify opportunities to improve services across Ayrshire College. We must record all complaints systematically so that we can use the data for analysis and management reporting. By doing so, we can identify and tackle what causes complaints. Also, where appropriate, we can identify training opportunities and improve our service.

### **Recording complaints**

To collect suitable data we must record all complaints in line with SPSO minimum requirements, as follows:

- The customer's name and address.
- The date we received the complaint.
- The nature of the complaint.
- How we received the complaint.
- The department the complaint refers to.
- The date we closed the complaint at frontline resolution stage, if we did.
- The date we escalated the complaint to the investigation stage, if we did.
- Any action we took at the investigation stage.
- The date we closed the complaint at the investigation stage, if we did.
- The complaint's outcome at each stage.
- The complaint's underlying cause and any remedial action we took.



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We have structured systems for recording complaints, their outcomes and any resulting action through the complaints system. These provide a detailed record of services that have failed to satisfy customers.

### **Reporting of complaints**

We analyse complaint details for trend information to ensure we identify service failures and take appropriate action. By regularly reporting on our analysis we can tell senior management where services need to improve.

On a quarterly basis the Director of Quality Enhancement will report the outcome of complaints and our actions in response to the Senior Management Team. This will show the improvements arising from complaints and that complaints can influence our services.

It also helps to ensure transparency in our complaints handling and reassure our customers that we value their complaints. The Information and Customer Relations Advisor will also:

- Publicise internally complaints outcomes, trends and actions taken on a quarterly basis
- use case studies and examples to show how complaints have helped improve services.

### **Learning from complaints**

At the earliest opportunity after closing the complaint, the Information and Customer Relations Advisor must inform the customer and staff of the relevant department about the investigation's findings and any recommendations.

Senior management will regularly review the information gathered from complaints and consider whether we could improve our services or update our internal policies and procedures.

As a minimum, we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve service delivery.

Where we have found that our services should be improved the Director with responsibility for the service must:

- authorise the action needed to improve services
- designate an appropriate member of staff or team as the issue's 'owner', with responsibility for ensuring the action is taken and by when
- ensure the designated member of staff or team follows up to ensure the action is taken by the agreed date

- 
- where appropriate, monitor performance in the service area to ensure the issue has been resolved
  - ensure that our staff learn from complaints.

### **Publicising complaints performance information**

The Information and Customer Relations Advisor will produce an annual report on our performance in handling complaints in line with SPSO requirements. This includes statistics showing the volume and type of complaint as well as key performance details, for example, on the time we took to resolve complaints and at what stage they were resolved.

### **Maintaining confidentiality**

Confidentiality is important in complaints handling. It includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of customers' information.

### **Supporting the customer**

Everyone has an equal right of access to our Complaints Policy. Customers who do not have English as a first language may need help with interpretation and translation services. Others may have specific needs that we will seek to meet to ensure easy access to the procedure.

Ayrshire College always takes into account our commitment and responsibility to equality. Where appropriate, this includes making reasonable adjustments to our services to help the customer.

We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative or an advocate, if the customer/stakeholder has given them consent to complain on their behalf.

You can advise customers who require the services of an advocate to contact the Scottish Independent Advocacy Alliance.

### **Scottish Independent Advocacy Alliance**

Tel: 0131 524 1975 Website: [www.siaa.org.uk](http://www.siaa.org.uk) Email: [enquiry@siaa.org.uk](mailto:enquiry@siaa.org.uk)

### **Time limit for making complaints**

The customer has six months to put their complaint to us, starting from when they first knew of the problem. For us to accept a complaint outside this time, there have to be special circumstances.

We will use discretion when applying this time limit. In our decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one

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year from when the person first knew of the problem, unless special circumstances mean we should consider complaints beyond this time.

If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criterion. This will enable us to consider the complaint and try to resolve it.

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## Appendix 1

### Complaints

The following tables give examples of complaints that may be considered at the frontline stage, and suggest possible actions to achieve resolution.

<b>Complaint</b>	<b>Possible actions to achieve resolution</b>
Two related lectures have been cancelled due to bad weather. A student complains to the curriculum manager that this will disadvantage her and her classmates in the forthcoming exam.	The curriculum manager contacts all affected students and apologises for the cancellation. The curriculum manager tells the students that two extra lectures have been scheduled and gives details of times and locations. This action and the complaint's outcome are logged on the college complaints system.
A woman complains to college reception that students in the halls of residence threw food out of a window as she was passing. She said this had been very unpleasant and it had damaged her clothes.	The receptionist apologises on the college's behalf and takes a note of her contact details. The receptionist passes them to the halls of residence manager, who writes the following day offering an apology and saying that the college expects its students to be positive members of the community. The residence manager offers to pay the cost of any dry-cleaning, and explains that the college will seek to identify the students to ensure that their behaviour does not recur. This action and the complaint's outcome are logged on the college complaints system.
A student complains that his profile, which he had provided for use in the college prospectus, had been incorrectly reproduced, attributing information to him that belonged to someone else.	The college writes to the student with an apology, an explanation of how the mistake happened, and details of how it will resolve the issue. This would include replacing the version on the college website, amending printed copies of the prospectus and making sure the correct text was included in future printed versions. These actions and the complaint's outcome are logged on the college complaints system.
A student complains that she has received a fine for the late return of library books when she had, in fact, returned the books on time.	A member of the library staff checks and confirms that the books had been returned on time, but the librarian had failed to update the computer system to reflect this. The student receives an explanation and an apology from the member of staff. This action and the complaint's outcome are logged on the college complaints system.

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## Appendix 2

### What is not a complaint

A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep on asking for the service.

A customer may also be concerned about college decisions, which may have their own specific review or appeal procedures. So, where appropriate, the college must direct customers to the relevant procedure. The following examples give details of the type of issues or concerns for which you should not use the Complaints Policy. This is not a full list, and you should decide the best resolution route for each individual case.

Remember that although the customer may have another form of redress as detailed above, you must consider carefully whether or not you should manage a customer's comments within the Complaints Policy. Dissatisfaction with certain college decisions may simply require an explanation and direction to the correct route for resolution. If, however, a customer says they are dissatisfied with the administrative process we have followed in reaching a decision, you may consider that dissatisfaction through the Complaints Policy. An example may be a complaint from a customer who is dissatisfied with a decision and alleges that we failed to follow or apply the appropriate guidance in making it.

Example 1:

**Appeal against an academic decision (separate appeals procedure)**

Example 2:

**Appeal against a student funding award/non-award**

Example 3:

**Claim for compensation against the college**

Example 4:

**Request under the Data Protection or Freedom of Information Acts**

Example 5:

**National qualification results**

Example 6:

**College exam results**

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## Appendix 3

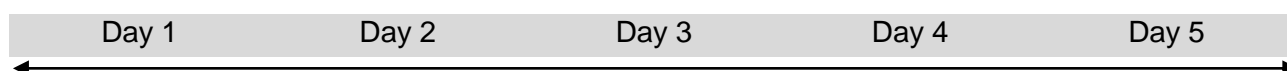
### Timelines

#### General

In this procedure, 'day' means a working day. When measuring performance against the required timelines, we ignore non-working days such as weekends, public holidays and days when 'industrial action' interrupts our service.

#### Timelines at frontline resolution

You must aim to achieve frontline resolution within five working days. The day you receive the complaint is day 1. Where you receive it on a non-working day, for example, at the weekend or on a public holiday, day 1 will be the next working day.



#### Day 1:

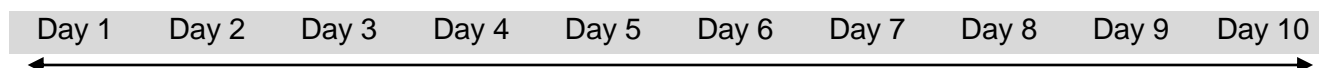
Day we receive the complaint, or the next working day if the date of receipt is a non-working day.

#### Day 5:

Frontline resolution achieved or complaint escalated to the investigation stage.

#### Extension to the five-day timeline

If you have extended the timeline at the frontline resolution stage in line with the procedure, the revised response time must be no longer than 10 working days from the date we receive the complaint.



#### Day 1:

Day we receive the complaint, or the next working day if the date of receipt is a non-working day.

In a few cases where it is clearly essential to achieve early resolution, you may authorise an extension within five working days from when we received the complaint. You must conclude the frontline resolution stage within 10 working days from the date of receipt by resolving the complaint or escalating it to the investigation stage.

#### Day 10:

Frontline resolution achieved or complaint escalated to the investigation stage.

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## Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the customer wants to escalate the complaint to the investigation stage, you must pass the case for investigation without delay. In practice this will mean the same day that the customer is told it will happen.

### Timelines at investigation

You may consider a complaint at the investigation stage:

- after attempted frontline resolution, or
- immediately on receipt if you believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

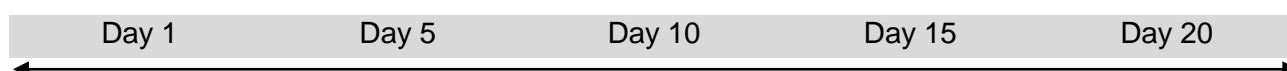
### Acknowledgement

Within **three working days** of receipt, the Information and Customer Relations Advisor must acknowledge all complaints that reach the investigation stage. The date of receipt is:

- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation, or
- the day the customer asks for an investigation after a decision at the frontline resolution stage. You should note that a customer may not ask for an investigation immediately after attempts at frontline resolution, or
- the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

### Investigation

The Information and Customer Relations Advisor should respond in full to the complaint within **20 working days** of receiving it at the investigation stage. The 20-working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means the College has 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



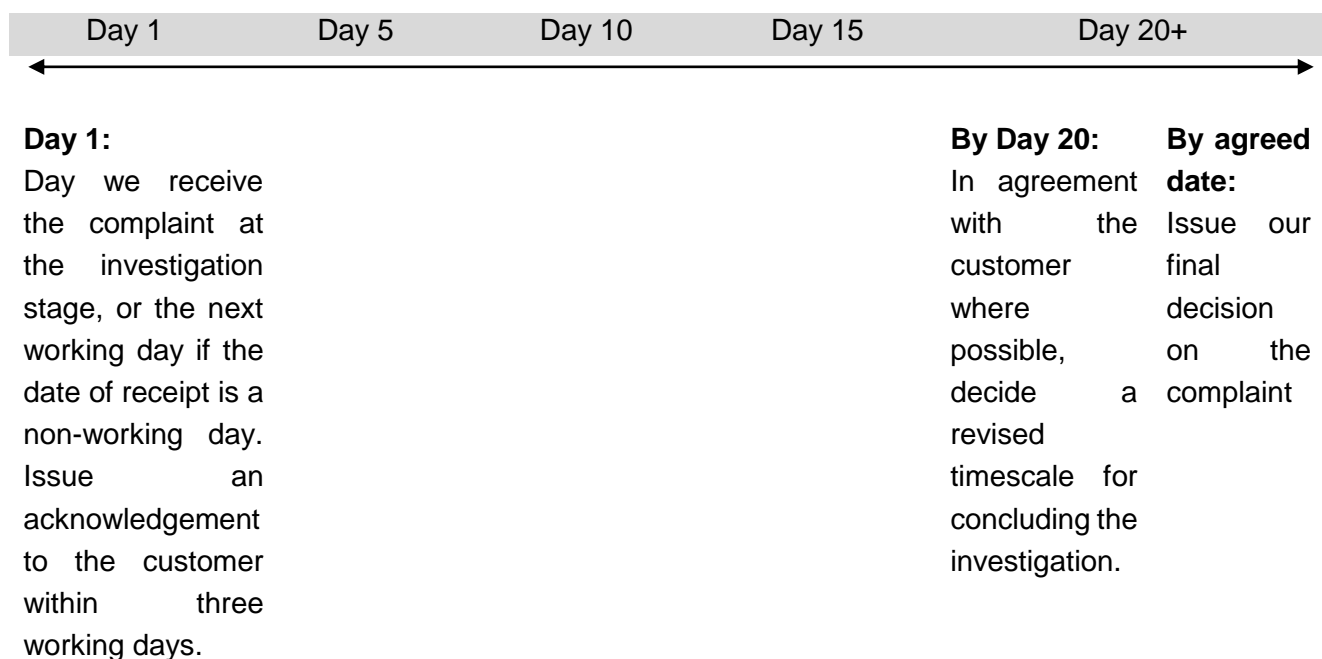
#### Day 1:

Day you receive the complaint at the investigation stage, or the next working day if the date of receipt is a non-working day. Issue an acknowledgement to the customer within three working days.

#### Day 20:

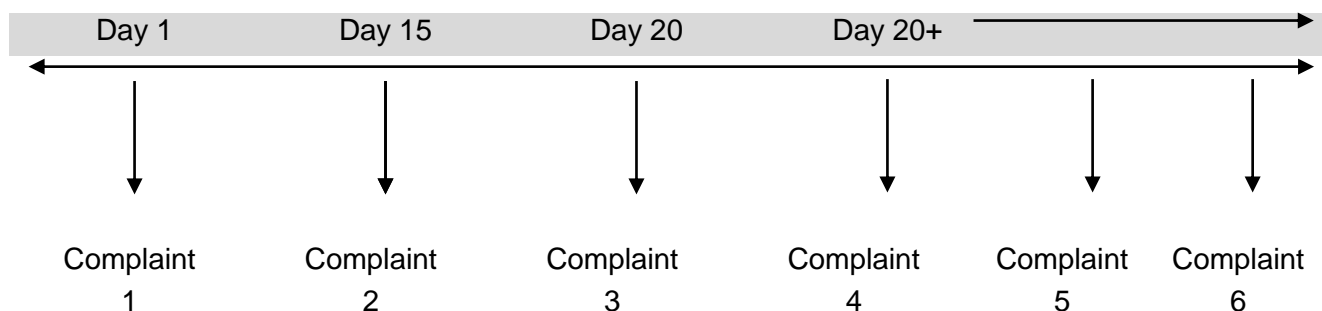
Issue our decision to the customer or reach agreement with the customer to extend the deadline.

Exceptionally the College may need longer than the 20-day limit for a full response. If so, the Information and Customer Relation Advisor must explain the reasons to the customer, and agree with them a revised timescale.



**Timeline examples**

The following examples show when we conclude our consideration of a complaint, setting out the different stages and times when we may resolve a complaint.



Each complaint’s circumstances are explained below:

**Complaint 1**

This is a straightforward issue that we can resolve by an on-the-spot explanation and, where appropriate, an apology. We can resolve such a complaint on day 1.



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## **Complaint 2**

This is also a straightforward matter requiring little or no investigation. In this example, we can reach resolution at day three of the frontline resolution stage.

## **Complaint 3**

We considered this complaint appropriate for frontline resolution. We did not resolve it in the required timeline of five working days. However, we authorised an extension on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the frontline resolution stage in a total of eight days.

## **Complaint 4**

This complaint was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try frontline resolution; rather we investigated the case immediately. We issued a final decision to the customer within the 20-day limit.

## **Complaint 5**

We considered this at the frontline resolution stage, after authorising a five-day extension. At the end of the frontline stage the customer was still dissatisfied. At their request, we conducted an investigation and issued our final response within 20 working days. Although the total timeline was 30 working days, we still met the combined time targets for frontline resolution and investigation.

## **Complaint 6**

We considered this complaint at both the frontline resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit, so we agreed a revised timescale with the customer for concluding it beyond the 20-day limit.