



COMPLAINTS POLICY

August 2013

POLICY

Approving authority:	University Executive
Consultation via:	Secretary's Board
Approval date:	Approved by Secretary's Board 6/8/13; Reported to Combined Joint Negotiating & Consultative Committee 21/8/13; Approved by University Executive 22/8/13
Effective date:	From 30 th August 2013; minor revisions April 2014
Review period:	Annually from date of approval
Responsible Executive:	Principal & Vice-Chancellor; Secretary of the University
Responsible Officer:	Academic Registrar (in role of University Complaints Officer)
An Equality Impact Assessment has been completed	

HERIOT-WATT UNIVERSITY COMPLAINTS POLICY

CONTENT

Section	Page
1 Foreword	3
2 Introduction	3
3 Definition of a complaint	4
4 Who can make a complaint	5
5 Roles and Responsibilities	8
6 Recording, reporting, publicising and learning	11
7 Related policies, procedures and further reference	12
8 Policy version and history	13

POLICY

1. FOREWORD

Heriot-Watt University (HWU) is committed to providing a high quality experience through its academic teaching, and broad range of professional services and facilities. The University encourages an environment in which constructive complaints are valued and contribute to the positive experience of all who use its services. The University has established an open, fair and accessible Complaints Policy and Procedures designed to encourage prompt resolution at the earliest possible stage. It is the University's aim to investigate issues thoroughly as close to the initial point of contact as possible and to settle complaints promptly and courteously in the best interests of all parties, addressing areas where improvement is identified as a result of a complaint. Furthermore, the University undertakes to ensure that the interests and well-being of all associated with a complaint are properly safeguarded.

*Professor Richard A Williams, Principal and Vice-Chancellor
Ann Marie Dalton, Secretary of the University*

2. INTRODUCTION

This document outlines the Policy for handling all complaints brought to the attention of Heriot-Watt University. The Policy applies to all services provided by Heriot-Watt University, including the Edinburgh Business School, and Dubai and Malaysia Campuses. The Policy complies with the requirements placed on Higher Education Institutions (HEIs) in Scotland by the Complaints Standards Authority (CSA) of the Scottish Public Services Ombudsman (SPSO) under the SPSO Act 2002. The Policy accords with the Complaints Handling Procedures (CHP) 'model' produced by the SPSO and, where appropriate, reflects the guidance laid out in that CHP. All HEIs are required by the Public Services Reform (Scotland) Act 2010 to comply with the CHP model from August 2013. The overall expectation of the SPSO is that there should be a common, standardised procedure and approach to handling complaints in all HEIs in Scotland.

The Policy and accompanying Procedures also take account of the Complaints Guidance laid out in the April 2013 Quality Assurance Agency (QAA) UK Quality Code for Higher Education Part B: Assuring and Enhancing Academic Quality, Chapter B9: Academic Appeals and Student Complaints: <http://www.qaa.ac.uk/Publications/InformationAndGuidance/Documents/Quality-Code-B9.pdf>

POLICY

The Policy and Procedures supersede both the HWU 'Student Complaints Policy and Procedures, From March 2011' and the 'Guidelines for Members of the Public in Raising Complaints and Issues of Concern about Heriot-Watt University'.

3. DEFINITION OF A COMPLAINT

For the purposes of this Policy and Procedures, the SPSO defines a Complaint as an expression of dissatisfaction by one or more individuals about the standard of a service, action or lack of action by or on behalf of an Institution.

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 Institution to follow an appropriate administrative process
- dissatisfaction with the Institution's policies or procedures.

The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised is classified as a complaint and some matters will be dealt with under alternative processes. For example, the following are not considered to be complaints:

- a routine, first-time request for a service
- a request under the Freedom of Information (Scotland) Act or UK Data Protection Act including the statutory review processes: <http://www.hw.ac.uk/about/policies/foi.htm>
- a request for information or an explanation of policy or practice
- a request for compensation only
- a response to an invitation to provide feedback through a formal mechanism such as a questionnaire/survey or through committee membership
- 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 procedures have been exhausted and a decision has been issued

POLICY

- a grievance raised by a member of staff with respect to another member of staff (the SPSO has confirmed that this should be managed through the University's grievance procedures). The only exception to this would be where the member of staff was receiving a paid service from another department (for example, for use of the Sports Centre as a customer of the Centre).
- a grievance raised by a member of staff with respect to a student (which is managed through the University's disciplinary procedures)
- an appeal about an academic decision on assessment or admission. At HWU, an 'appeal' is defined as a request for a review of an academic decision which has been made by an academic body charged with making decisions on student admissions, progression, assessment and awards; the process for appeal is detailed in University Regulation 36 (Student Appeals) www.hw.ac.uk/ordinances/regulations.pdf .

The nature of issues raised may involve initiation of a combination of different procedures for consideration. For example, a complaint may also require consideration of an appeal or discipline case in parallel; each situation must be assessed on a case by case basis.

4. WHO CAN MAKE A COMPLAINT

A complaint can be made by **anyone** who receives, requests or is affected by HWU's service provision no matter where or how this service is provided as long as the complaint does not involve questioning academic judgement. 'Academic judgement' is defined as professional and scholarly knowledge and expertise which members of the University staff and Examiners draw upon in reaching an academic decision.

Complainants may include (but are not limited to):

- members of the public including those who are applying for admission to the University;
- a student concerned about their experience during their 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;
- Representative third party complainants. In accordance with the requirements of the SPSO, and in support of those who are unable

or reluctant to raise complaints themselves, HWU will accept complaints raised by third parties acting as representatives as long as the individual(s) affected have given their personal consent under the requirements of the UK Data Protection Act (1998) providing clear written authority for the third party to act on their behalf.

HWU is committed to ensuring that no individual who raises a genuine complaint will be penalised. Members of staff involved in handling the various stages of a complaint must ensure, for example, that the action of raising a complaint does not influence the assessment of a student's academic work or the manner in which the student is treated.

Complaints involving more than one department

If a complaint relates to the actions of two or more departments, the staff member receiving the complaint must confer with the other area(s) to decide who will take the lead. The complainant will be informed of which department is dealing with the complaint and given contact details. Coordination may then be required between the different departments involved to ensure that the complaint is fully addressed in a single response.

Collective Complaints

Collective complaints will be managed on a case-by-case basis depending on the nature of the complaint. Such complaints must be managed by one relevant member of staff to ensure consistency of approach and outcome. Each individual member of the collective complaint must provide their individual details and signature as required on the complaints submission forms, together with independent confirmation of their support for the substance of the complaint, and willingness to fully engage with its investigation. A collective complaint will be managed in the same way as an individual complaint, in accordance with and as outlined in the University Complaints Policy and Procedures.

Complaints involving other organisations/contractors

If a complaint is received at HWU about the service provided by another organisation where the University has no involvement in the matter, the complainant should be advised to contact the appropriate body direct.

However, where a complaint relates to services provided by HWU with another organisation, or another organisation on behalf of HWU (for example, a partner institution or contractor), the SPSO advises that this Policy and the

accompanying Procedures (including timescales for investigation) must apply. The SPSO has confirmed that complaints may be raised with the SPSO (following exhaustion of internal University procedures) in “relation to rights or obligations which accrued or arose in the UK”. Complainants from outside the UK can ask the SPSO to consider their case in such circumstances. Furthermore, where the investigation requires approaches to/ involvement of another organisation, care must be taken to comply with UK Data Protection legislation and guidance on handling of personal information.

The Heriot-Watt University Student Union (HWUSU) is an independent organisation acting in accordance with the UK 1994 Education Act. Any complaints relating solely to HWUSU should be raised direct with HWUSU.

The HWUSU Complaints Policy can be accessed via the Student Union webpage <http://www.hwunion.com/governance>

Where a complaint relates solely to HWUSU but requires a remedy that lies with the University, HWUSU will investigate the complaint under its policy and refer its findings to the University (whether the complaint is upheld or not). For example, in a situation where erroneous information is provided by HWUSU to a student concerning the deadline for accommodation applications which then has an adverse impact on the student, HWUSU will investigate the complaint under its policy and refer its findings to the University (whether the complaint is upheld or not) for consideration under the University complaints policy.

In complaints involving a dual responsibility for HWUSU and HWU, the process outlined in the previous paragraph will apply.

Anonymous complaints and those of a confidential or sensitive nature

Confidentiality is an important factor in conducting complaints investigations. HWU will ensure that it acts in accordance with legislative requirements; for example, data protection legislation, and with internal policies on confidentiality and the use of student data and complainant information. Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party will be told more about the investigation than is strictly necessary in order to obtain the information required from them.

In accordance with SPSO requirements, complaints submitted anonymously will be considered if sufficient information is provided to enable the University

to investigate further. Where this is not the case, the University may decide to take no further action but may record the complaint in case it becomes evident that corrective action is required. Any anonymous complaint containing serious allegations must be referred to a senior officer of the University. Where members of staff are the subject of an anonymous complaint, the member of staff may wish to seek guidance and support from the University Human Resources department.

In the normal course of events, individuals who are the subject of a complaint are entitled to know who has raised a complaint about them and the nature of the complaint. In exceptional circumstances and for justifiable reasons related to confidentiality (which must be documented and accepted by the University as reasonable), a complainant may wish to remain anonymous from an individual about whom a complaint is made. Any decision not to pursue an anonymous complaint must be authorised by a senior officer of the University.

The SPSO notes that complaints from students (including prospective students) and members of the public may be of a confidential nature, for example, relating to personal information. Complaints raised about senior members of staff can be difficult to deal with as there may be a conflict of interest relating to seniority of the member of staff who investigates the complaint. When serious complaints are raised it is particularly important that the matter is escalated to an appropriate level and that the investigation is conducted by a member of staff who is independent of the situation and who will handle it confidentially and sensitively.

Where a complaint has been raised against a student or member of staff and has been upheld, or partly upheld, the complainant will be advised of the outcome. However, it would not be appropriate to share specific details affecting specific students or staff members, particularly where disciplinary action is taken.

5. ROLES AND RESPONSIBILITIES

The SPSO requires HEIs to provide a clear indication of roles and responsibilities in relation to complaints handling and management, and notes the following overarching roles and responsibilities.

The Principal and Vice-Chancellor:

In providing leadership and direction to the University, the Principal and Vice-Chancellor must ensure that there are effective complaints processes in

place, with robust investigation mechanisms and recording outcomes including those that demonstrate implementation of institutional change/service improvements, with learning fed back to the wider University where appropriate. The Principal and Vice-Chancellor may delegate responsibility for this process (for example, to the Secretary of the University or his/her nominee, with input from senior academic staff where academic issues are involved). However, the Principal and Vice-Chancellor must receive assurance through regular reporting that complaints processes are being managed effectively.

Senior Officers:

For the purposes of this Policy, the University defines 'Senior Officers' as the Principal and Vice-Chancellor, Vice-Principals, Deputy Principals, Secretary of the University and Deans. Senior Officers must ensure that:

- they have an active role in understanding and promoting the Complaints Policy and Procedures in accordance with SPSO requirements, and maintain overall responsibility and accountability for the management and governance of complaints handling within the University;
- mechanisms are in place to ensure a consistent approach to the way complaints are managed, monitored, reviewed and reported on at all levels within the University, and that information on complaints raised is used to improve services where relevant and to publicise changes made as a result of complaints;
- the University's final position on a complaint investigation is signed off by an appropriate senior officer in order to provide assurance that this is the definitive response from the University and that the complainant's concerns have been taken seriously.

Heads of School/Professional Service Directors:

May be involved in the investigation at Stage 2 of the process and must be satisfied that any investigation within their areas of responsibility is thorough and complete, and that any response sent to the complainant addresses all aspects of the complaint. For Stage 1 complaints relating to services provided by Schools, the Local Complaints Officers will be required to keep their Heads of School updated; for Stage 2 complaints relating to services provided by Schools, the University Complaints Officer will liaise with Heads of Schools and Local Complaints Officers.

University Complaints Officer:

The University Complaints Officer is a suitably trained and/or experienced member of staff responsible to the Principal and Vice-Chancellor and to the Secretary of the University for the manner in which investigations are conducted, and is involved in the investigation and the co-ordination of all aspects of the response to the complainant at the final internal stage of the process. This may include preparing a comprehensive written report, including details of any recommended procedural changes to service delivery. The University Complaints Officer 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 officers 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 on behalf of the University where it is appropriate to do so.

The University Complaints Officer will also act as the University's liaison point with the SPSO, providing complaints information when requested in an orderly structured way and within requested timescales, and providing comments on factual accuracy on behalf of the University in response to SPSO requests, confirming recommendations have been implemented, and providing evidence to verify this where required.

Local Complaints Officers

Directors of Administration and School Registrars, and Professional Service Directors, (or their nominees) will act as Local Complaints Officers for their respective areas and will be responsible for management of the first internal stage of the procedures and assistance with the final internal stage (Stage 2) of investigations by the University Complaints Officer, as well as providing quarterly reports on complaints raised to the University Complaints Officer in the format required and in accordance with SPSO requirements.

All staff:

All members of staff of HWU must be aware of their duties with respect to this Policy and the accompanying Procedures; the Policy and Procedures are not only relevant for those who have a specific responsibility for handling complaints within the University. **All staff must be encouraged to try to bring complaints to a satisfactory early resolution, as close to the point of service delivery as possible, to avoid unnecessary escalation.**

A complaint may be raised with any member of staff. All staff must be made aware of the stages of the Procedures at HWU and that:

- (i) within Stage 1 of the process they have authority to try to resolve any complaints within their areas of responsibility; to whom they can refer a complaint if they are unable to handle the matter themselves;
- (ii) how to record complaints locally within their departments.

Provision of Support

There are a number of support services available that can provide assistance to those who wish to pursue a complaint with the University. For example, the Student Support (and Accommodation) office may be able to assist students who have special needs and the University will seek to address these to ensure easy access to the Procedures by making reasonable adjustments; the Student Union is a further source of support for students who wish to raise a complaint. Complainants who do not have English as a first language may require help with interpretation and translation. The member of staff with whom the complaint is first raised will take early steps to highlight appropriate resources once the requirement is identified.

Managing unacceptable behaviour

HWU acknowledges that people can act out of character in times of difficulty/distress and that on occasion complainants may act in an unacceptable way. Complainants who display difficult behaviour may still have a legitimate complaint and the University must therefore treat all complaints seriously and assess them fully.

The University reserves the right to conduct an initial investigation into a complaint but to decline to consider it if it is deemed to be vexatious or where irrational demands are made or where the complainant is unreasonably persistent. Similarly, the University reserves the right to refuse to deal with a complainant who takes an overly aggressive or abusive approach towards members of staff; all members of staff have a right to be treated courteously and with respect (www.hw.ac.uk/equality/Values/Values%20Index.htm) and the University will take steps to protect members of staff in circumstances where the behaviour of complainants is unacceptable. This may include informing the complainant that a decision has been taken to restrict their access and contact. In such circumstances, the University will provide a brief response outlining the reasons for deciding not to take the matter further.

Time limit for raising complaints

Complaints should be raised as soon as problems arise to enable prompt investigation and swift resolution. The SPSO has set a time limit of six months for a complainant to raise a complaint, starting from the point at which the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time.

Beyond the six-month time limit, the SPSO advises that institutions should exercise discretion in the way that the time limit is applied. This will take account of the time limit within which a complainant can normally ask the SPSO to consider complaints, which is twelve months from when the individual first became aware of the issue about which they are complaining.

6. RECORDING, REPORTING, PUBLICISING AND LEARNING

HWU recognises that valuable feedback can be obtained through complaints and that it is important to improve provision of services across the University where opportunities are identified. The SPSO requires that staff must record all complaints so that the 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.

7. RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE

This Policy and the accompanying Procedures have undergone Equality Impact Assessment and can be provided in other formats (such as large print, audio and Braille) by contacting disability@hw.ac.uk or 00 44 (0)131 451 3386.

Other related Policies and Procedures include:

- Freedom of Information (Scotland) Act and UK Data Protection Act 1998 and HWU Policy and Guidance:
<http://www.hw.ac.uk/about/policies/foi.htm>

Note that the University Publication Scheme contains links to the University Complaints Policy and Procedures in Section 8.1: About the University; and Information about how to request information under Freedom of Information or Data protection laws in Section 8.2: Access to Information and Records Management Policies:

<http://www.hw.ac.uk/documents/heriot-watt-university-publication-scheme.pdf>

- Quality Assurance Agency (QAA) UK Quality Code for Higher Education Part B: Assuring and Enhancing Academic Quality, Chapter B9: Academic Appeals and Student Complaints, April 2013: <http://www.qaa.ac.uk/Publications/InformationAndGuidance/Documents/Quality-Code-B9.pdf>
- HWU Anti-Harassment Policy and Procedures for Students <http://www.hw.ac.uk/documents/anti-harassment.pdf>
- HWU Disability Policy <http://www1.hw.ac.uk/equality/Disability%20Policy%20October%202012%20final.pdf>
- HWU Equal Opportunities Policy www.hw.ac.uk/equality/EqualOppsPolicies.htm
- HWU Public Interest Disclosure ('Whistle-blowing') Policy (which provides a route for individuals who believe that they have discovered serious malpractice or impropriety within the University to report such matters without fear of reprisal). www.hw.ac.uk/hr/htm/policies/PID%20Policy%20-%20Approved.pdf
- HWU Values: www.hw.ac.uk/equality/Values/Values%20Index.htm
- HWU Student Appeals www.hw.ac.uk/ordinances/regulations.pdf .

8. POLICY VERSION AND HISTORY

Version No	Date of Approval	Approving Authority	Brief Description of Amendment
V. 2 (minor updates April 2014)	Secretary's Board 6/8/13; University Executive 22/8/13	University Executive (22/8/13) following approval by Secretary's Board (6/8/13)	Supercedes HWU 'Student Complaints Policy and Procedures, From March 2011' and 'Guidelines for Members of the Public in Raising Complaints and Issues of Concern about Heriot-Watt University'.

Further advice on this Policy can be obtained from the University Complaints Officer:
 Paul Travill; p.travill@hw.ac.uk Tel 00 44 (0)131 451 3368
 Academic Registrar
 University Complaints Officer

POLICY