

# COMPLAINTS PROCEDURES

In support of:

## COMPLAINTS POLICY

August 2013

PROCEDURES

Procedures relating to:	Complaints Policy
Approving authority:	University Executive
Consultation via:	Secretary's Board
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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 PROCEDURES**

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## 1. INTRODUCTION

These Procedures for handling complaints received by Heriot-Watt University (HWU) underpin the 'Complaints Policy' and should be read in conjunction with the Policy. The Procedures apply to all services provided by Heriot-Watt University including the Edinburgh Business School, and Dubai and Malaysia Campuses.

## 2. PROCEDURES

In accordance with the requirements of the Scottish Public Services Ombudsman (SPSO), the HWU Complaints Procedures are intended to provide a quick, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff. The Procedures involve up to two stages internally, with a final stage being external referral for independent review.

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

**Stage 2: Investigation.** For use where a complainant is dissatisfied with the outcome of Stage 1 resolution, or where frontline resolution is not possible or appropriate due to the complexity or seriousness of the case.

**Stage 3: Independent External Review.** This may be undertaken by the SPSO or another external independent body.

Further details of each stage

### **Stage 1: 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 as possible to the point of, becoming aware of it and to raise it with the School/Professional Service department in which the issue has arisen. Complaints at this stage may be made face-to-face, by telephone, in writing or electronically. A generic complaints email address has been set up for anyone who wishes to use this route to raise a complaint and this will be checked on a daily basis: [complaints@hw.ac.uk](mailto:complaints@hw.ac.uk).

The purpose of frontline resolution is to attempt to resolve as quickly as possible complaints that are straightforward and require little or no investigation. Complaints at this stage may be addressed by any relevant member of staff and may be handled by face-to-face discussion with the complainant, or by asking an appropriate member of staff to deal with the complaint.

Members of staff to whom such complaints are made should consider some key questions:

- 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 HWU is /are involved?
- Is this complaint straightforward and likely to be resolved with little or no investigation?
- What outcome is the complainant hoping for and can it be achieved?
- Can the complaint be resolved on the spot where it is a straightforward matter ie by providing an acknowledgement and apology /explanation / alternative solution?
- Can another member of staff assist in seeking resolution?
- What assistance can be provided to the complainant in taking this forward?

If the complaint is raised directly with a member of staff who has responsibility for the issue, every attempt should be made to resolve the problem at source. If responsibility lies elsewhere, the member of staff with whom the complaint is raised will liaise with the relevant area to ensure that the complainant knows who is dealing with the complaint and that it is addressed in a single response. The Local Complaints Officer should be kept informed of the complaint.

The SPSO has confirmed that Stage 1 is for simple, straightforward complaints where no investigation is required; any complaint requiring investigation must be dealt with as a Stage 2 complaint.

#### Stage 1: Extension to the five day timeline

The SPSO expects that Stage 1 resolution should normally be completed within 5 working days. At HWU, this will commence from the date that all information is provided by the complainant. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint at this stage (for example, by obtaining information from other areas where no single area of the University is responsible for the issue raised. Where an extension is required this must be signed off by the Local Complaints Officer. The complainant must be told of the reasons for extending the deadline and advised of the new timescale for resolution. The maximum extension which can be granted is 5 additional working days (ie not more than 10 working days in total from the date of receipt of the complaint).

### Stage 1: Resolution and closing the complaint

Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/ or an apology and, where appropriate, an indication of what will be done to prevent this happening in the future. The outcome will be communicated to the complainant. This may be face-to-face, by phone, in writing (it is not essential to provide a written communication to the complainant, although this may be felt to be appropriate) or electronically. The response to the complainant must address all of the issues of concern raised in the complaint and explain the reasons for the decision. Once a decision has been made, the complaints record held locally must be updated, including details of the decision reached. The complaint can then be considered closed.

### **Stage 2: Investigation – to be completed within 20 working days**

Complaints raised at this Stage may already have been considered at Stage 1 or may have been identified on receipt as requiring immediate investigation at Stage 2 of the process.

A complaint will be moved to Stage 2 when:

- frontline resolution was attempted and a response provided, but the complainant remains dissatisfied;
- the complainant refuses to recognise or engage with the Stage 1 process and is insistent that the issue be considered at Stage 2;
- the issues raised are complex and require detailed investigation;
- the complaint relates to issues that have been identified by the University as high risk or high profile. Such complaints are likely to involve consideration by the Secretary of the University, who may delegate to the University Complaints Officer. 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 officers. Potential high risk/ high profile complaints may:
  - involve a death or terminal illness
  - involve serious service failure (major and/ or repeated)
  - generate significant and on-going press interest
  - pose a serious operational or strategic risk to HWU
  - present issues of a highly sensitive nature.

### Stage 2: Process for raising a complaint

A generic complaints email address has been set up for anyone who wishes to use this route to raise a complaint and this will be checked on a daily basis: [complaints@hw.ac.uk](mailto:complaints@hw.ac.uk) .

A complainant at Stage 2 will be asked to complete the University Complaint Form to provide full details of the complaint, together with any relevant documentation. This will help to ensure that the issues being raised with the University are clearly understood and that there is no confusion. If the complainant chooses not to put the complaint in writing, the complaint form should be completed by the University Complaints Officer (or his/ her representative) whilst the complainant is present and the complainant should confirm in writing that the form accurately reflects the full scope of the issues being raised and should be provided with a copy of the completed form.

The purpose of conducting an investigation is to establish all of the facts relevant to the issues raised and to provide a full, objective and proportionate response to the complainant that represents the University's definitive position.

### Stage 2: Action taken by University

When the University receives a complaint that requires investigation, the University Complaints Officer will review the complaint initially. 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 University Complaints Officer understand the scope of the investigation. Three key issues should be considered:

1. The specific substance of the complaint;
2. What the complainant wishes to achieve by raising the complaint;
3. Whether the complainant's expectations appear to be reasonable and achievable.

The SPSO has confirmed that the University Complaints Officer may decide, following an initial review, that a Stage 2 complaint requires investigation by different sections of the University. In these instances the University Complaints Officer will act as the co-ordinator and will be responsible for agreeing acceptable outcomes.

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 should be advised of this as soon as possible in order to manage expectations about possible outcomes.

Details of the complaint raised must be recorded on the University system. Where the complaint has been through the first stage of the process this should also have been noted in the system.

A complaint may relate to an academic matter, but is not questioning academic judgement or requesting review of a decision made on admissions, progression, assessment or award (which would be considered in accordance with University Regulation 36: Student Appeals); see Complaints Policy for definition of what constitutes an Appeal. In such circumstances, the Vice-Principal will be informed of the complaint by the University Complaints Officer and may request that one of the Deans or other relevant Senior Officers of the University assist with the investigation. The complainant may request a meeting to clarify the substance of the complaint or may be asked to attend a meeting in order to seek clarity on the issues being raised. The complainant may be accompanied by a family member or friend, a representative of the Student Union, a fellow student or a member of staff acting in a supportive capacity.

### Stage 2: Timeline

At HWU, the investigation is deemed to commence from the date that all information is provided by the complainant. In accordance with the requirements of the SPSO, the following timelines must apply:

- Acknowledge the complaint in writing within 3 working days of receipt of the complaint
- a full response to the complainant as soon as possible but not later than 20 working days from the time that all of the information required from the complainant was received for investigation (unless there are exceptional circumstances (see below)).

### Stage 2: Extensions to the timeline

The SPSO accepts that it will not be possible for all investigations to be completed within 20 working days. For example some complaints are so complex that they will require careful consideration and detailed investigation beyond the 20 working days timeline. Additionally, the University may feel that a complaint would benefit from mediation and this would be an entirely acceptable step and another reason for extending the timescale for resolution. However, the SPSO expects such circumstances to be exceptional and that the University will always strive to meet the 20 working day deadline.

Where there are clear and justifiable reasons for extending the timescale and it is unavoidable, the University Complaints Officer will inform the Secretary of the University and will exercise judgement in setting a further time limit on the extension, where possible with the agreement of the complainant. In such

circumstances, the complainant must be kept updated as to the reasons for the delay and given a revised timescale for bringing the investigation to a conclusion. Any delay and the extent of that delay must be recorded in the University reporting system and a review undertaken annually of the proportion that exceed the 20 working day limit; these should be evident from annual statistics reported to the SPSO.

### Stage 2: Process of Mediation

Some complex complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Using mediation can help both parties to understand what is driving the complaint, and may be more likely to result in a mutually satisfactory conclusion being reached. Where the University and the complainant agree to a process of mediation, revised timescales for resolution will need to be agreed.

### Stage 2: Resolution and closing the complaint

At the conclusion of the investigation the system must be updated to reflect the final outcome and any action taken in response to the complaint.

The outcome of the investigation must be communicated to the complainant in writing. At the conclusion of the investigation, the complaints system must be updated to reflect the final outcome and any action taken in response to the complainant, together with the details of how and when it was communicated to the complainant. The correspondence from the University must also specifically 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 (see appropriate wording and contact details below).

### Stage 1 and 2 Complaints where additional information is sought from the complainant

If additional information is required from a complainant at either Stage 1 or Stage 2, the SPSO has specifically confirmed that it is not acceptable to hold the complaint in abeyance whilst further information is sought. In such circumstances the timeline should be extended with an indication in the narrative of the record log of why the extension is necessary. It is, however, acceptable to close the complaint after chasing a response over an extended period of time. The complainant must be given fair warning that if the University

has not heard by a certain date then the complaint will be closed. The extended timeframe given to the complainant to respond should be 10 working days. If the complainant does not respond within this period, the University should make contact again to inform the complainant that, as the appropriate information has not been received within the timescale stated, the complaint is now closed.

### Stage 3: Independent External Review

Once the University's internal investigation stage has been completed, the complainant is entitled to ask the SPSO (or another external independent body) to consider their complaint. The SPSO considers complaints from people who remain dissatisfied at the conclusion of a University's processes. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way in which the University has handled the complaint. The SPSO requires the University to use the wording below to inform complainants of their right to ask the SPSO to review the complaint.

#### “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 universities. If you remain dissatisfied with [HWU] following exhaustion of its complaints processes, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not completed all of the university's internal complaints procedures;
- more than 12 months after you became aware of the matter you wish to complain about;
- that have been, or are being, considered in a court of law.

The SPSO's contact details are:

SPSO	OR: SPSO
4 Melville Street	Freepost
Edinburgh	Edinburgh
Scotland	Scotland
EH3 7NS	EH3 0BR

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>

### 3. RECORDING AND REPORTING

It is essential that all complaints are recorded in sufficient detail from the first date of receipt of a complaint and at each stage of the internal process in order to satisfy the requirements of the SPSO and to provide useful management data for HWU. To avoid duplication, it should be noted that if a complaint is initiated in one section, but is then forwarded to another Service/Section for resolution, it is the responsibility of the Service/Section resolving the matter to record the complaint. Personal data will be restricted and held securely and confidentially; such data will only be shared with those who need it for the purposes of investigating or responding to the complaint.

The minimum requirements for collection within the complaints system at HWU are as follows:

- name and contact details of the complainant and student enrolment number (if applicable)
- date of receipt of the complaint and date when issue arose
- format of complaint (eg form, letter, email, face-to-face, phone)
- category of complaint (ie Stage 1 or Stage 2)
- member of staff responsible for handling the complaint
- School or Directorate to which the complaint relates
- action taken and outcome of Stage 1 consideration
- date closed at Stage 1
- date Stage 2 (investigation) initiated (if applicable)
- action taken and outcome of Stage 2 consideration
- date closed at Stage 2
- underlying cause and remedial action taken
- response times at each stage

The SPSO advises that there must be a process for analysis of complaints information and quarterly reporting to senior officers to inform the University management of where improvements are required and/or are being introduced. The SPSO requires annual reports to be provided to the University Court and to the SPSO. Whilst maintaining confidentiality with respect to personal complainant data, the information provided should include:

- performance statistics highlighting numbers, types and key performance information, for example relating to response times and stages at which complaints were resolved
- trends and outcomes, and actions taken in response including examples to demonstrate how complaints have helped improve services.

From 30<sup>th</sup> August 2013, basic functionality using Excel spreadsheet templates and the University's staff intranet (Sharepoint) will be provided for immediate use across the University for the reporting of complaints. This will capture all of the criteria required by the SPSO. The format of the templates will be designed to hold the data in such a structure and format that future migration to a more permanent IT solution will be relatively straightforward. In due course, the possibility of utilising specialist software will be considered.

For recording purposes, the procedures will be as follows:

For all complaints, whether from students, staff or from other individuals, members of staff involved in consideration of the complaints must ensure that information is passed to the Local Complaints Officer (for Stage 1 complaints) or the University Complaints Officer (for Stage 2 complaints). The Officer will maintain a record of every complaint raised, and how it is managed, using the template provided. The Local templates must be passed to the University Complaints Officer quarterly on last day of October, January, April and July. As required by the SPSO, the University Complaints Officer will collate the data for quarterly receipt of senior management (including the Secretary's Board and the University Executive), and annual reporting to the Court and the SPSO.

The SPSO further requires HEIs to publish (eg through newsletters or the website), on a quarterly basis, a summary of complaints outcomes, trends and actions (ie not the full performance data reported to senior management) taken to improve services, with a focus on case studies and examples of how complaints have resulted in change, including any positive feedback from students and members of the public where relevant. Such action demonstrates the approach being taken to improving services identified through complaints and how these can influence service provision. It also helps to ensure transparency in how complaints are managed and demonstrates that the University values complaints raised.

Records documenting the investigation and resolution of individual complaints will be retained for six years from the date of resolution and will then be confidentially destroyed; the student complaints retention period is six years from the year of graduation or completion of studies at HWU.

#### 4. LEARNING FROM COMPLAINTS

The University Complaints Officer must be satisfied that all parties involved understand the findings of the investigation and any decisions made. Senior officers must ensure that the University has procedures in place to act on issues that are identified. These procedures must facilitate:

- using complaints data to identify the root cause of concerns raised
- taking action to reduce the chance of any problems recurring
- recording details of corrective action in the complaints system
- systematically reviewing complaints management processes.

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 'owner' of resolution of the issue must be nominated, with responsibility for ensuring that identified action is taken
- a target date is set for the action to be implemented, and followed up on to ensure delivery within this timescale
- where appropriate, performance in the service area is monitored to ensure that the issue has been resolved.

## 5. POLICY VERSION AND HISTORY

Version No	Date of Approval	Approving Authority	Brief Description of Amendment
V. 2 (minor amendments), March 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'.

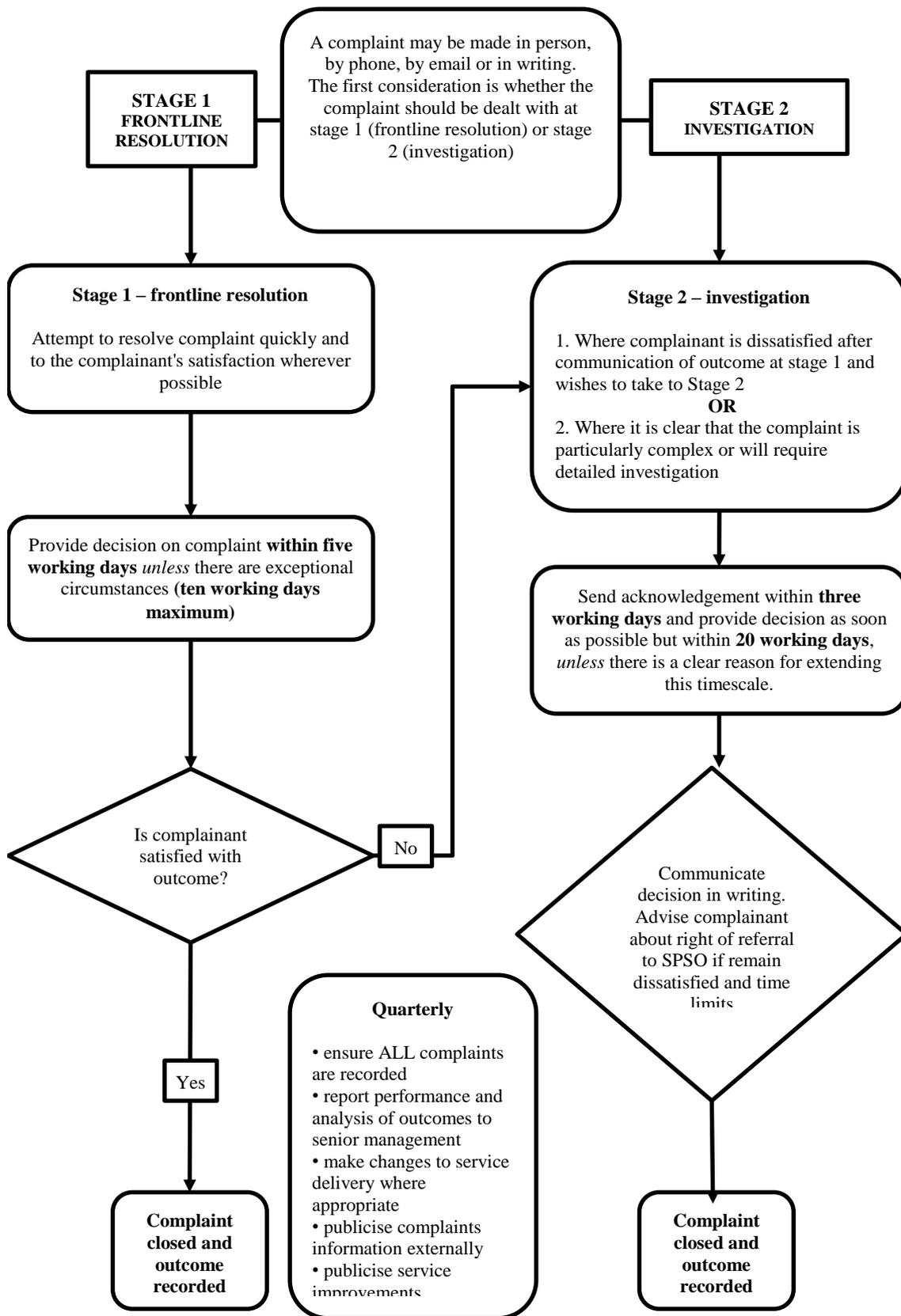
This document can be provided in other formats (such as large print, audio and Braille) if required by contacting: [disability@hw.ac.uk](mailto:disability@hw.ac.uk) or 00 44 (0) 131 451 3386.

Further advice on these Procedures can be obtained from the University Complaints Officer.

Paul Travill  
Academic Registrar  
University Complaints Officer  
Heriot-Watt University  
[complaints@hw.ac.uk](mailto:complaints@hw.ac.uk)  
00 44 (0) 131 451 3368

PROCEDURES

**APPENDIX 1: PROCESS FLOW CHART (adapted from SPSO model)**



PROCEDURES

## APPENDIX 2 – NAMED OFFICERS INVOLVED IN PROCESS

### **School of Energy, Geoscience, Infrastructure and Society**

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### **School of Engineering & Physical Sciences**

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### **School of Mathematical & Computer Sciences**

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### **School of Textiles & Design**

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### **Dubai Campus**

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### **Malaysia Campus**

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### **Campus Services**

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#### **Finance**

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#### **Governance and Legal Services**

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#### **Human Resource Development**

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#### **Information Services**

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#### **Registry Services**

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#### **Office of the Principal**

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**University Complaints Officer**

Paul Travill

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July 2018

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