

**SCOTTISH  
PUBLIC  
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OMBUDSMAN**



People Centred | Improvement Focused

# The Further Education Model Complaints Handling Procedure

## **Implementation Guide**

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## Background

The Scottish Public Services Ombudsman Act 2002 (as amended) provides the legislative basis for SPSO to publish the Model Complaints Handling Procedures (MCHP) for bodies under the SPSO's jurisdiction. The Further Education MCHP was first developed by SPSO in partnership with Scotland's colleges and a working group of further education complaints experts.

It was produced taking account of the Crerar and Sinclair Reports and within the framework of the SPSO's Guidance on a Model Complaints Handling Procedure, published in February 2011. It also reflects the SPSO Statement of Complaints Handling Principles approved by the Scottish Parliament and published in January 2011. These two documents took account of stakeholder views expressed through our public consultation at the end of 2010.

SPSO revised and reissued all the MCHPs (except the NHS) in 2020, following consultation with all sectors. The new version includes a core text (which is consistent across all public services in Scotland) with some additional guidance and examples specific to each sector

The purpose of the Further Education MCHP is to provide a standardised approach to dealing with complaints across the further education sector in Scotland. In particular, the aim is to implement a standardised and consistent process for students and other users to follow which makes it simpler to complain, ensures staff and student confidence in complaints handling and encourages colleges to make best use of lessons from complaints.

## About the MCHP

The MCHP applies to all colleges and all further education services.

The MCHP is intended to be adopted as an internal procedural document of the college.

A student guide to the CHP is included as a separate but integral section of the CHP. This provides standardised information on the complaints procedure to students, ensuring that they receive the same information on complaints regardless of where they live or the college they deal with.

To be compliant with the MCHP, colleges must adopt both the CHP and the student-facing CHP.

## Awarding bodies

The Scottish Qualifications Authority (SQA) and other awarding bodies are responsible for ensuring the quality of courses for which they are the awarding body. Additionally, for qualifications they regulate, SQA Accreditation is ultimately responsible for ensuring the quality of these qualifications, associated courses and the awarding bodies which award them.

There are, therefore, several avenues for signposting students on conclusion of the college's complaints procedure:

- The college must signpost to SPSO at the end of all complaints (this is a requirement of the SPSO Act 2002). SPSO will consider which parts of the complaint we can consider (and will not normally consider a complaint where there is an alternative avenue of appeal).

- The college should also signpost to the SQA (or other awarding body) or SQA Accreditation where relevant, with clear information on the types of complaints they can consider (as set out in the MCHP).

Both organisations are committed to ensuring that customers can raise complaints easily and have their complaints responded to as quickly and simply as possible. It is particularly important that they get access to the appropriate body depending on the desired outcome of their complaint. The signposting arrangements agreed by SPSO and SQA are set out in the section on **Independent external review (Part 3)**. Students may be advised to contact either organisation for advice, if they are unsure how to pursue their complaint further.

### **Services contracted or commissioned by the college**

Colleges often contract or commission other service providers to deliver services on their behalf (for example, accommodation, meals or maintenance services).

While these organisations are separate, they are subject to oversight by the college, which is still responsible and accountable for ensuring the services provided meet the required standard. This includes the need to comply with the MCHP. It is for each college to ensure that contracted or commissioned services meet the requirements of the MCHP. They must have mechanisms in place to identify and act on any complaints handling performance issues with their providers.

## **Adopting the CHP**

The MCHP is provided as a template for colleges to adopt. Adopting the MCHP in its entirety will ensure that the college meets the SPSO's test of compliance.

We recognise the importance of providing scope to adapt the MCHP to reflect, for example, the college's organisational structure, operational processes and corporate style. The MCHP outlines areas where the college may adapt the CHP to provide additional guidance or reference to local processes. Text in italics indicate sections where there is an expectation that colleges will adapt the text based on their own organisational needs, such as the roles and responsibilities in relation to signing-off or recording complaints.

Scope is also given to colleges to amend the language of the MCHP to comply with corporate writing conventions or style guides. A college's corporate identity puts its stamp on the services it delivers and we understand the importance of presenting one single corporate brand for all products and services. For this reason there is flexibility for colleges to adapt the MCHP to ensure that, together with any supporting documentation developed by the college (for example staff guidance and complaints forms), their CHP reflects the college's corporate identity and language.

However, it is of equal importance that the MCHP is not amended to the extent that its purpose or substance is changed in a way which does not reflect the MCHP or its key aims. In particular, the following are elements of the MCHP which should not be amended, given the importance of ensuring a standardised approach across all colleges:

- the definition of a complaint (although further guidance or examples may be included as indicated in the CHP)
- the number of stages
- timescales at each stage
- the requirements to record, report and publicise complaints information.

It is also important that the information contained in the student-facing CHP is adopted in full by the college. The information presented may be included in a form appropriate to the college (for example, through leaflets or the college's website) or as part of wider information on how a customer can provide feedback. There may also be further information providing context but the information for customers should remain consistent with the published student-facing CHP.

## **Publication and accessibility**

It is important to make customers aware of their right to complain. Information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain. Arrangements about how to make a complaint must be widely publicised, simple and clear, and made available in all areas of service provision. Colleges should, therefore, consider the most effective ways to ensure maximum accessibility, such as online information about how to access the procedure which should be clearly visible on the front page of the college's website. Traditional methods such as leaflets can also be helpful and colleges should consider where these can most effectively be displayed.

Customers must, where appropriate, have the support they need to articulate their concerns and successfully navigate the complaints procedure. A range of methods for complaining by whatever means is easiest for the customer should be provided and accepted to ensure accessibility to the procedure. This may include frontline staff assisting the customer by writing the complaint for them.

Colleges should take into account individual requirements, for example disabled people, people with learning difficulties, people who are deaf or hard of hearing (including British Sign Language users), people with a visual impairment and people whose first language is not English. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, including provision of interpreting services, access to support or advocacy, and information in a variety of formats and languages, at suitable venues, and at suitable times.

## Monitoring, compliance and performance

### Compliance

All colleges are required to comply with the MCHP under the SPSO Act 2002 (as amended). Public bodies are required to implement the revised version of the CHP by 1 April 2021.

We expect each college to have appropriate self-assessment arrangements in place to assure itself that its CHP is operating in accordance with the MCHP, and to track performance as set out in the CHP. Any significant changes to the CHP would require to be notified to SPSO for prior approval.

The SPSO will monitor compliance with the MCHP both through the complaints it investigates and through our standards function, including quality checks of published and available complaints procedures. Any feedback on issues which could affect compliance will be provided directly to the body in the first instance, in line with **SPSO's Support and Intervention Policy**.

Under the terms of the Act, the Ombudsman may also declare that a public body is non-compliant. We intend to use this option as a means of last resort in the event that attempts to work with the college to facilitate implementation have failed. If the Ombudsman does declare a CHP to be non-compliant with the MCHP they will, in line with the Act, give reasons in writing and specify any modifications to the CHP which would result in the declaration being withdrawn.

### Future revisions of the MCHP

The MCHP will be reviewed and revised periodically. Revisions to the MCHP will be managed by SPSO. Where a college considers that an amendment to the MCHP or student-facing CHP is required, they should prepare and submit a request for change to SPSO. This should briefly describe the change requested, explain why the change is proposed and highlight any associated issues in relation to costs, time, quality or risks.

SPSO will consider and decide upon the request, in consultation with the further education sector and other relevant stakeholders. This will help to ensure consistency of approach across the sector by ensuring that only the current agreed version of the MCHP is available to the sector at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

While colleges may use the MCHP as a template to develop their own CHP, it is important to remember that the MCHP itself may only be altered, amended or changed by SPSO.

## SPSO advice and support

### Training

The MCHP places a strong emphasis on early management of complaints, effective recording of complaints and staff being properly trained and empowered to deal with complaints. All staff need to have an understanding of how to deal with complaints and the appropriate knowledge and skills to do so effectively. This includes being aware of how to identify complaints and when they are authorised to use a range of measures to respond to a complaint such as a simple apology where appropriate.

It is for each college to identify the training needs of appropriate staff to ensure they have the skills and confidence to use the authority delegated to them. Our training unit provides training on several aspects of complaints handling. Further details may be obtained from [www.spsso.org.uk](http://www.spsso.org.uk).

## SPSO website

The SPSO website provides a centre for best practice in complaints handling. It contains information to help support improvement in public sector complaints handling, including: MCHPs for Scotland, implementation and compliance guidance, and best practice and training resources.

### Further education network of complaints handlers

SPSO supports a further education complaints handling network. The remit of this group includes identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance. The network is used to help take forward the ongoing standards work of SPSO in areas such as developing standardised complaints recording categories and performance indicators.

If your college is interested in joining the network please contact SPSO at [csa@spsso.gov.scot](mailto:csa@spsso.gov.scot)



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