The Scottish Higher Education Model Complaints Handling Procedure (Model CHP)

Guide to Implementation

SPSO

Contents

Background

The Public Services Reform (Scotland) Act 2010 (the Act) gave the SPSO the authority to lead the development of model complaints handling procedures across the public sector. The Act took forward the recommendations of the Sinclair Report which sought to improve how complaints are handled, through the development of simplified, standardised complaints handling procedures.

The Scottish higher education model complaints handling procedure (the model CHP) was developed by the SPSO in partnership with a working group of higher education complaints experts. It was produced within the framework of the Crerar and Sinclair Reports and 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.

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

About the CHP

The model CHP applies to all higher education institutions and all higher education services. It is presented in four sections which explain the end-to-end procedure to be followed in handling complaints:

1   How to use the CHP

2   What is a complaint?

3   The complaints handling process (frontline resolution and investigation)

4   Governance of the CHP.

There is also a 'complainant-facing' CHP which is included as a separate but integral section of the model CHP. This provides standardised information on the complaints procedure to complainants, ensuring that they all receive the same information on complaints regardless of where they live or the institution they are involved with.

To be compliant with the model CHP, higher education institutions (HEIs) must adopt both the model CHP and the complainant-facing CHP.

Complaints and the Quality Assurance Agency (QAA)

The UK Quality Code for Higher Education (the Quality Code) gives all higher education providers in the UK a shared starting point for setting, describing and maintaining the academic standards of their higher education programmes and awards and for assuring the quality of the learning opportunities they provide for students.

The Quality Code Chapter B9 provides guidance for HEIs on complaints and appeals. The Quality Code was launched in December 2011 and a revised chapter is currently being consulted on by the QAA. The consultation draft of the Chapter has now been published and can be viewed here: http://www.qaa.ac.uk/Newsroom/Consultations/Pages/complaints-appeals.aspx

There is a schedule which sets out how the development of B9 fits with the ongoing development of all chapters of the Quality Code. This has been published here: http://www.qaa.ac.uk/AssuringStandardsAndQuality/quality-code/Pages/schedule.aspx.

The SPSO was part of the working group which contributed to the latest draft. The chapter is broadly in line with the principles of the SPSO model CHP, although we recognise there are some key differences. It is clear that, as a requirement on HE providers under the SPSO Act 2002 (as amended), the model CHP for the Scottish higher education sector supersedes the guidance provided by the QAA through the Quality Code and moves the sector on in terms of the level of detail prescribed. However, the two are not incompatible and the SPSO remains supportive of the Quality Code guidance which provides a positive framework for developing good complaints handling.

Services provided on behalf of the Higher Education Institution

Some HEIs use external service providers to deliver university services, such as accommodation or IT services. While these organisations are separate from the HEI, they are subject to HEI control and HEIs are still responsible for ensuring the services provided meet the required standard. It is for each HEI to ensure that external service providers are meeting the requirements of the model CHP. In doing so they must have mechanisms in place to identify and act on any complaints handling performance issues of the service provider where this is appropriate.

Implementing the CHP

Adopting the CHP

The model CHP is provided as a template for HEIs to adopt. Adopting the model CHP in its entirety will ensure that the HEI meets the SPSO's test of compliance.

We recognise the importance of providing scope to adapt the model CHP to reflect, for example, each HEI's organisational structure, operational processes and corporate style. The model CHP has been structured to provide as much flexibility as possible, while still providing the required level of standardisation across HEIs. We appreciate that the way in which an HEI presents its documented procedures is extremely important. An HEI's corporate identity puts their stamp on the services it delivers and we understand the importance of presenting one single corporate brand for all products and services. The flexibility within the model CHP means that each HEI can ensure that their CHP reflects the institution's corporate identity and language.

In order to meet the needs of HEIs, while maintaining standardisation where necessary, the text in the model CHP is presented in different ways. As HEIs adapt the model CHP for their own institution, they must ensure that they reflect the level of flexibility provided for in the different sections of the model CHP. The text is set out in three ways:

> Text in purple boxes reflects sections which should remain the same in the information and detail which is provided, though the language can be amended to reflect the HEI's corporate writing conventions and style guides;

> Text in italics reflects sections where there is an expectation that HEIs will adapt the text based on their own organisational needs, such as the roles and responsibilities in relation to signing-off complaints;

> Text in square brackets [ ] indicates where HEIs may choose to provide additional material or clarification in their CHP, such as additional guidance or reference to local processes.

Care must be taken when amending the text of the model CHP, to ensure that it is not amended to the extent that its purpose or substance is changed in a way which does not reflect the model CHP or its key aims.

It is also important that the information contained in the student-facing CHP is adopted in full by the HEI. The information presented may be included in a form appropriate to the institution, (for example, through leaflets or the insitution's website) or as part of wider information on how to complain. Further versions of this leaflet must also be provided for applicants and members of the public, based on the same text. There may also be further information providing context, but the information for all complainants (students, applicants and members of the public) should remain consistent with the published student-facing CHP.

Publication and accessibility

It is important to make all students and others aware of their right to complain, and information about the procedure should be easily accessible at all times, not just made available when someone 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. HEIs 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 HEI's website. Traditional methods such as leaflets can also be helpful and HEIs should consider where these can most effectively be displayed.

Complainants 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 complainant should be provided and accepted to ensure accessibility to the procedure. This may include frontline staff assisting the complainant by writing the complaint for them.

HEIs should take into account special needs, such as for people with learning difficulties, people who are deaf or hard of hearing, the visually impaired and non-English speakers. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, including provision of interpreting services, information in a variety of formats and languages, at suitable venues, and at suitable times. It is important to bear in mind that the CHP may be used by any member of the public, and access arrangements must reflect this.

Recording complaints

It is a requirement of the model CHP that all complaints are recorded. Recording and monitoring complaints is essential to the quality management process, while analysing the causes of complaints and their outcomes provides essential information to improve services.

Some HEIs may have to amend their current complaints recording systems to reflect the two stage approach of the model CHP and the required timelines.

Monitoring Compliance and Performance

Compliance

Compliance with the model CHP will be monitored by the SPSO, in conjunction with the Scottish Funding Council (SFC). In addition to the requirement to adopt the model CHP under the SPSO Act 2002 (as amended) adopting the model CHP will be a requirement of the SFC's Financial Memorandum. This sets out the formal relationship between the SFC and HEIs, the expectations of HEIs, and the requirements that are a condition of the SFC's funding.

The current Financial Memorandum sets out the SFC's expectations that the HEI ensure that *'there are in place up-to-date and readily accessible procedures for handling complaints by students, staff and others'.* This will be revised with the addition of *'…which, with the exception of those for dealing with staff complaints, should comply with the SPSO Model Complaints Handling Procedure and its full requirements'.* The SFC will communicate this amendment to the current Financial Memorandum through correspondence with HEIs.

In 2013 the CSA will monitor whether or not an HEI has implemented the model CHP. HEIs are required to respond by 28 June 2013 with confirmation that they have implemented the model CHP or a commitment to do so by 30 August 2013. HEIs should also provide an assessment of how their implemented CHP and complainant facing leaflet (or drafts for implementation) meet the requirements of the model CHP. This information must be provided by completing the pro-forma in Appendix 1. This can be completed as soon as the HEI adopts the model CHP, or at any time before 28 June 2013. This will enable the CSA to follow up with those HEIs that have made little or no progress by that date. It is expected that all HEIs will have a CHP in place that is compliant with the model CHP by this time. If an HEI fails to provide any indication that they are making clear progress towards compliance with the model CHP by August 2013 the SPSO will assess that HEI as non-compliant. The pro-forma returns from HEIs should be sent to **CSA@spso.org.uk**. A Word version of the pro forma is available on the valuing complaints website **www.valuingcomplaints.org.uk**

The CSA will assess the returns from HEIs and respond to the HEIs to indicate compliance or otherwise with the CHPs. There will be the following categories of compliance:

> confirmed compliance with model CHP by August 2013

> non-compliant by August 2013.

The returns from HEIs should provide a statement confirming:

1 The date from which the University has adopted both the model CHP and the complainant-facing CHP and has introduced the CHP across all services, or

2 That the University will adopt both the model CHP and the complainant-facing CHP and will introduce the CHP across all services by 30 August 2013.

The return should also provide a self-assessment which indicates that the HEI's CHP meets the core requirements of the model CHP, and confirm whether the following has been or will be achieved in advance of compliance in August 2013.

• a compliant draft CHP and complainant-facing leaflet have been approved by the relevant senior official / executive team / committee or board

• the CHP has been rolled out or piloted in some service areas

• IT systems have been upgraded or currently are being upgraded

• a training and awareness programme has been implemented or is currently being implemented.

Please note that pilots, training or systems upgrades are not requirements but that this information will be used by the CSA for information purposes.

It is a requirement to obtain formal approval for the HEIs draft CHP. The CSA will report its assessment of compliance to the SFC. However, any feedback on issues which affect compliance will be provided directly to the HEI, in order to allow the institution to ensure compliance prior to the CSA's notification to the SFC.

The CSA will report their assessment of compliance to the SFC. In future years, we expect each HEI to have appropriate self-assessment arrangements in place to assure itself that its CHP is operating in accordance with the model CHP. The CSA will also monitor compliance with the model CHP on an ongoing basis through quality checks of published and available HEI complaints procedures. Any feedback on issues which could affect compliance will be provided directly to the HEI prior to notification to the SFC.

Under the terms of the Act the Ombudsman may also declare that an HEI is non-compliant. We intend to use this option as a means of last resort in the event that attempts to work with the HEI to facilitate implementation have failed. If the Ombudsman does declare a CHP to be non-compliant with the model CHP he 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.

Performance

From 2013/14 HEIs will be required to publish complaints handling performance information around a range of high-level performance indicators related to the CHP. This is designed to help HEIs assure themselves as to how they are performing against the model CHP and to provide transparency and facilitate continuous improvement and benchmarking between HEIs.

The performance indicators related to the CHP will be developed by SPSO in consultation with HEI stakeholders over the course of 2013. Our intention is to introduce a reasonable number of key high-level indicators which are broadly consistent with those for other sectors. The focus will be on, in particular, how HEIs are performing against the two-stage process and timescales. They will also aim to capture performance in relation to the organisational learning derived from complaints and how effective an HEI is in using the outcomes of complaints to improve service delivery.

A suggested indicative list of indicators developed by SPSO is as follows:

> the total number of complaints received

> the number and percentage of complaints considered at the frontline resolution stage of the CHP

> the number and percentage of complaints closed at the frontline resolution stage within 5 working days

> the number and percentage of complaints where an extension to the 5 working day timeline has been authorised

> the number of complaints upheld / not upheld at the frontline resolution stage as a percentage of all complaints closed at this stage

> the average time in working days to resolve complaints at the frontline resolution stage

> the number and percentage of complaints considered at the investigation stage of the CHP

> the number and percentage of complaints resolved at the investigation stage within 20 working days

> the number and percentage of complaints where an extension to the 20 working day timeline has been authorised

> the number of complaints upheld at the investigation stage as a percentage of all complaints closed at this stage

> the average time in working days to resolve complaints at the investigation stage

> a statement outlining changes or improvements to services or procedures as a result of the consideration of a complaint

> a measure to assess complainant satisfaction with the complaints service provided (as opposed to their satisfaction with the outcome of their complaint).

Further discussion is required with stakeholders on potential indicators, how these can be built into existing self-assessment arrangements and how performance information is used. We intend to take this discussion forward through existing groups under the guidance of Universities Scotland. We would be keen to use the proposed network of HE complaints handlers discussed on page 9.

Future revisions of the model CHP

It is our intention that the model CHP will be reviewed on a three year cycle.

There may also be a requirement to review the model CHP for minor issues within the formal three year review cycle. Revisions to the model CHP will be managed by the CSA. Where a HEI considers that an amendment to the model CHP or customer-facing CHP is required they should submit a request for change to the CSA. This should include a brief description of the change requested, explain why the change is proposed and highlight any associated issues in relation to costs, time, quality or risks.

The CSA will consider and decide upon the request. This will help to ensure consistency of approach across the sector by ensuring that only the current agreed version of the model CHP 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 universities may use the model CHP as a template to develop their own CHP, it is important to remember that the model CHP itself may only be altered, amended or changed by the CSA.

CSA Advice and Support

Training

The model CHP places a strong emphasis on early resolution 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 achieve resolution, such as a simple apology where appropriate.

It is for each HEI 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 is developing a number of e-learning training modules to support the introduction of the model CHP. These e-learning training modules are being designed to support staff to deal with complaints as close to the point of service delivery as possible and in the most appropriate way to achieve early resolution. It is our intention to provide free access to this training material through the SPSO online training centre. Further details will be made available at **www.valuingcomplaints.org.uk**.

We also recognise that investigative staff must have the skills and training to effectively investigate and reach robust decisions on more complex complaints. Our training unit provides training on complaints investigation covering the skills required to investigate a complaint from initial receipt to conclusion, including techniques for effectively planning and managing the investigation. It also provides training courses in relation to listening, problem solving and conflict resolution. Further details may be obtained from **www.valuingcomplaints.org.uk**.

Valuing Complaints website (www.valuingcomplaints.org.uk)

Valuing Complaints is the SPSO's CSA website. It provides a centre for best practice in complaints handling. It contains information to help support improvement in public sector complaints handling, including: model CHPs for Scotland; implementation and compliance guidance; and best practice and training resources.

The website also includes a community forum which aims to generate discussion and sharing of best practice amongst the professional complaints handling community, both within and between different sectors. We aim to facilitate effective and professional social networking amongst complaints handlers and create a forum that supports the sharing of experiences and learning in complaints handling.

Higher education network of complaints handlers

Building on the work of the higher education complaints handlers working group we are keen to coordinate and support a higher education complaints handling network. The remit of this group would include identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance. The network will be used to help take forward the ongoing work of the CSA in areas such as developing standardised complaints recording categories and performance indicators.

If your HEI is interested in joining the network please contact the CSA at **CSA@spso.org.uk**.

Appendix 1

Compliance statement and self-assessment

[NAME OF UNIVERSITY]

[CONTACT DETAILS]

The information on this pro forma must be provided to the Scottish Public Services Ombudsman's Complaints Standards Authority (CSA) as soon as the University adopts the Scottish Higher Education model CHP, or by 28 June 2013 at the latest. Please send the completed form to **CSA@spso.org.uk**.

Please provide, at **Section 1**, confirmation that the institution has adopted both the model CHP and the complainant-facing CHP and has introduced the CHP across all services, or that the institution will do so by 30 August 2013 at the latest. Please also provide details on approval, pilots, systems and training where appropriate.

At **Section 2** please complete a self–assessment of your institution's CHP, or draft CHP for implementation by August 2013, against the requirements of the model CHP.

The CSA will assess the information provided by the University, and respond to indicate compliance or otherwise with the model CHP. The categories of compliance are:

> confirmed compliance with model CHP by August 2013

> non-compliant by August 2013

SECTION 1
Statement from Principal / Secretary of [NAME OF UNIVERSITY].

[Please complete as applicable]

The University has adopted both the model CHP and the complainant-facing CHP and has introduced the CHP across all services from **[Insert Date]**.

or

The University will adopt both the model CHP and the complainant-facing CHP and will introduce the CHP across all services by 30 August 2013

Please √

Please confirm whether the following has been or will be achieved in advance of compliance in August 2013. Please note that pilots, training or systems upgrades are not requirements but that this information will be used by the CSA for information purposes.

	Yes	No	Not Applicable
> a compliant draft CHP and complainant-facing leaflet have been approved by the relevant senior official / executive team / committee or board			
> CHP has been rolled out or piloted in some service areas			
> IT systems upgraded or currently being upgraded			
> training and awareness programme implemented or currently being implemented.			

SECTION 2
[NAME OF UNIVERSITY] Self-assessment of compliance

Requirement of CHP	Met? Yes/No	Comment
Does the CHP adopt the text and layout of the published model CHP, subject to necessary amendments, to reflect, for example, the organisational structure, operational processes and corporate style?		
Does the complainant-facing CHP adopt the text and layout of the published model complainant-facing CHP, subject to necessary amendments?		
Does the CHP include an appropriate foreword from the institution's Principal?		
Does the CHP provide an appropriate definition of a complaint?		
Does the CHP explain the types of issues which may be considered as a complaint?		
Does the CHP explain the types of issues which may not be considered through the CHP (for example, appeals, requests for service etc)?		
Does the CHP include appropriate guidance on handling anonymous complaints?		
Does the CHP clarify who can make a complaint?		
Does the CHP cover complaints involving more than one department?		
Does the CHP cover complaints involving other organisations or contractors who provide a service on behalf of the institution?		
Does the CHP explain how a complainant may make a complaint?		

Requirement of CHP	Met? Yes/No	Comment
Does the CHP explain the issues to be considered on receipt of a complaint?		
Does the CHP include the correct timeline for frontline resolution?		
Does the CHP explain the basis for an extension to the timeline at frontline resolution?		
Does the CHP explain the action to take in closing the complaint at the frontline resolution stage?		
Does the CHP explain when to escalate a complaint to the investigation stage?		
Does the CHP explain what to do when a complaint is received at the investigation stage?		
Does the CHP explain the requirement to acknowledge complaints within three working days at the investigation stage?		
Does the CHP explain the requirement to provide a full response to complaints within 20 working days at the investigation stage?		
Does the CHP explain the basis for an extension to the timeline at the investigation stage?		
Does the CHP explain the required action when closing the complaint at the investigation stage?		
Does the CHP explain the requirement to provide information about the SPSO at the conclusion of the investigation?		
Does the CHP explain the roles and responsibilities of all staff involved in complaints handling?		
Does the CHP cover complaints about senior staff?		

Requirement of CHP	Met? Yes/No	Comment
Does the CHP include the requirement to record all appropriate details in relation to the complaint?		
Does the CHP commit to publishing complaints outcomes, trends and actions taken on a quarterly basis?		
Does the CHP include the requirement to learn from complaints?		
Does the CHP include the requirement to report performance in complaints handling annually?		
Does the CHP refer to legal requirements in relation to confidentiality issues?		
Does the CHP refer to managing unacceptable behaviour?		
Does the CHP refer to support for the complainant?		
Does the CHP set a time limit of six months to consider the complaint, unless there are special circumstances for considering complaints beyond this time?		