

UNIVERSITY OF ST ANDREWS**AUDIT & RISK COMMITTEE****COMPLAINT HANDLING PROCEDURE:
REVIEW OF ACADEMIC YEAR 2015/16****1. BACKGROUND**

The Scottish Public Services Ombudsman Act 2002 (“the Act”) established an independent complaints function, operating across the public sector. In academic year 2013/14, all Scottish higher education institutions were required to manage complaints following a standard approach, developed specifically for the sector i.e. *The Scottish Higher Education Model Complaints Handling Procedure* (“the CHP”). This standard was developed by the Scottish Public Services Ombudsman (“the SPSO”) with representation from the sector.

The CHP is a 2 stage process. Issues of complaint that are straightforward and easily resolved, requiring little or no investigation, are managed at stage 1. For issues that cannot be resolved at stage 1, or those that are complex or of a serious nature, a more involved investigation process is available, i.e. stage 2. Complaints managed via stage 2 require senior management involvement, where the University’s definitive response is provided, normally within 20 working days. If a complainant is dissatisfied following the conclusion of stage 2, they have the option to seek a review of the University’s management of a complaint from the SPSO.

There is no provision within the CHP for academic decisions to be questioned. Academic appeals are dealt with separately, although in the minds of students they are often conflated. All issues of complaint received via stage 2 are first assessed with input from the Court & Senate Office, to ensure that issues are dealt with under the correct procedures. This “triage” process is effective and is working well.

2. ASSESSMENT OF MANAGEMENT CONTROLS

It is considered that the University’s approach to managing the CHP continues to be appropriate. This paper provides the underlying details as to how the assessment on the appropriateness of management controls for compliance with SPSO requirements for the operation of the University’s CHP was reached.

3. OPERATION

In January 2015 responsibility for day to day management of the CHP moved to the University’s Information Assurance and Governance function. The processes of managing stage 2 complaints and responding to the SPSO (non-academic) reviews requires a similar skills set to managing freedom of information requests, internal reviews and Regulator case management: the intention being to manage complaints more efficiently and effectively, fulfilling obligations while limiting the resource burden of compliance.

During the reporting period the following changes were made, improving the operation of the CHP. These provides the University with a greater degree of control to prevent unreasonable abuses of the CHP and the opportunity to address subsequent resource wastage:

- A. **University Policy on Dealing with Abusive, persistent or Vexatious Complaints and Complainants**, was implemented following Principal's Office approval in February 2016. This policy sets out how the University will reach a view as to when a complainant's behaviour is assessed to be unacceptable, and what actions will then be undertaken in those circumstances. The provisions that the policy provides are designed to help ensure that access to the CHP is reasonably available to all who require to make use of it, and that the University's ability to provide services is not unduly degraded, through unacceptable behaviour and/or vexatious use. The Policy has been applied to 4 complaints submitted by a single complainant during the reporting period. In a previous reporting period (2013/14) the same complainant had submitted 17 stage 2 complaints. And,
- B. **Increased issuance of notice that a complaint will not be considered under stage 2 of the CHP**. In addition to the 4 (vexatious) stage 2 complaint submissions noted above, 3 stage 2 complaint submissions were refused by the University, with the applicants being directed to SPSO should they wish to challenge that decision. While there remains a requirement to write to the complainant setting out the justification why a stage 2 investigation will not be undertaken, refusal to progress a complaint under the CHP removes the requirement for a member of the Principal's Office to undertake an investigation.

4. REVISIONS TO THE OPERATION OF THE CHP

Although no requirement to substantially amend or revise the University's operation of the CHP is required, the following steps and/or improvements are noted as areas to be addressed in academic year 2016/17:

- A. **SPSO Jurisdiction: scope of powers of investigation**. The powers of investigation available to SPSO via the Act are limited. SPSO can only investigate a service failing (an issue of complaint) where this arises from an activity, which it was the function of the authority to provide. SPSO have signalled that some contractual and/or commercial services provided by higher education institutions to third-parties other than students may fall outwith the scope of the CHP. During 2016/17 work will commence with other Scottish HEIs to understand further what activities undertaken by a HEI may fall outwith the scope of the CHP and how issues of complaint arising from those areas of work could be managed.
- B. **Identifying learning points from complaints: understanding contributory factors**. Demonstration of organisational learning (from issues of complaint) is part of the CHP. To help identify with more clarity learning points that may bring about positive change and improvement, straightforward mechanisms for capturing and considering the contributory factors that brought about a complaint(s) will be developed and implemented. Complaint investigations tend to be weighted towards understanding what happened – normally these do not explicitly question why did an event happen?

- C. **Stage 1 complaint management.** Over the next 4 - 6 months utilisation of an existing incident reporting system will be extended to allow Schools and Units to record Stage 1 complaints as these are raised. This will reduce the reporting burden, and will allow for more detailed analysis of issues of complaint to help identify root causes, with a view to improving the student experience and the operation of the University. Implementation of this change was planned for early 2016, but was not progressed as additional system changes to the reporting service were required beyond those anticipated.

5. RESULTS

- A. **Complaints managed under stage 2 of the CHP.** 18 complaint submissions were received, with the complainants seeking investigation under stage 2 of the University CHP. Of these, 11 were found to be eligible for investigation as a stage 2 complaint.

The 11 stage 2 complaints received during the reporting period are a significant fall compared with the 21 complaints received and managed under stage 2 of the CHP in academic year 2014/15.

Of the 11 Stage 2 complaints considered in the reporting period:

Outcome

- 9 not upheld; and
- 2 partially upheld.

Response within 20 working day time limit

- 8 concluded within the prescribed time limit (20 working days); and
- 3 concluded outwith the prescribed time limit, by prior arrangement.

Patterns of complaints compared received in 2015/16 with the previous reporting period

- While there was a relatively small cluster of complaints related to the quality of undergraduate and PhD supervision in 2014/15 (2), no complaints concerning the quality of supervision were received in 2015/16.
- While it is too early to suggest an emerging trend, there was a notable cluster of complaints received in 2015/16 (4), where students maintained that course delivery or progression to further areas of study was not provided in line with the published literature and/or offers made by the University. While only 1 of those complaints was partially upheld, failings to uphold consumer protection legislation may become a source of complaint, where unregulated or uncontrolled changes are made.

- B. **Complaints referred to SPSO during the reporting period.** No referrals to SPSO for a decision, following the University's consideration of a complaint via stage 2 of the CHP were made in the reporting period. In one instance a complainant sought a decision, which SPSO refused to accept as the complainant only sought financial compensation as a complaint outcome. As only a Court can determine whether financial compensation is merited, investigation of that complaint fell outwith the SPSO's jurisdiction.

It was noted in the 2014/15 report to Committee that SPSO still had to return with a decision concerning 2 complaints that has been submitted to the Ombudsman's Office. Of those referrals:

- SPSO did not find for the complainant - the University was found to have managed the complaint correctly; and
- Following an initial decision, where SPSO partially upheld the complaint in favour of the applicant, the University appealed that finding to the Ombudsman. One element of the initial SPSO decision was reversed following that appeal. The remaining elements of the complaint that were upheld related to how the University communicated with the complainant – they had submitted 17 stage 2 complaints in 2013/14, some of which have become conflated. The University was found to have not followed the CHP correctly, as it had not provided the complainant with sufficient notice that their use of the CHP was vexatious, before refusing to accept additional complaints from them. The University apologised for that oversight.

The relatively low number of complaints referred to SPSO for a decision and the single incidence, where the Ombudsman partially found in favour for a complainant, suggests that the University's operation of the CHP is robust and fit for purpose. I.e. that when issuing stage 2 outcome letters following investigation or when refusing to accept a complaint under the said procedure, the decisions reached tend to be right first time.

C. Organisational learning: stage 2 complaints

Care needs to be taken to ensure that changes are not made to courses where these will materially alter an offer that has been made to an applicant.

D. ORGANISATIONAL LEARNING

Organisational learning at Stage 2 is effective:

- All stage 2 complaints are investigated by a senior University Officer, who is normally a member of the Principal's Office. The final decision on each complaint (as communicated via an outcome letter) is usually made by the Vice Principal (Planning and Governance) or on rare occasion the Principal and Vice Chancellor (where a complaint directly involves a member of the Principal's Office). Thus, issues can be promptly identified and steps put in place to remedy these, or further work can be commissioned;
- All complaint outcomes are reviewed by the Associate Chief Information Officer (Information Assurance and Governance) – any potential issues or areas for further assessment are identified and communicated to the Vice Principal (Governance and Planning). On occasion a follow-up lessons learned assessment review, involving all relevant parties, Chaired by the Vice Principal is undertaken: to agree on the contributory factors (why the complaint arose); to agree and implement lessons learned. Notable areas of organisational learning feature in this annual report; and
- A separate assessment, focusing on complaints related to academic provision is now presented to the Vice Principal (Proctor) and is reviewed by the Academic Monitoring Group.

6. CONCLUSIONS AND NEXT STEPS

The operation of the CHP across the sector is relatively new, this being the third academic year of operation. The University has robust and effective systems in place to manage complaints. In moving forward, steps can be taken to simplify and reduce the resource burden of recording, reporting and monitoring stage 1 complaints. In addition, by placing more emphasis on understanding why complaints arose (establishing and capturing the contributory factors during and/or following a stage 2 investigation) will improve organisational learning and help the University to further improve.

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August 2016

STAGE 1 AND STAGE 2 COMPLAINTS: 2014/15 – 2015/16

Stage	School/Unit	Number		Completed within time frame	SPSO Decision 2014/15	SPSO Decision 2015/16
		2014/15	2015/16			
1	Schools	11	8	75%	NA	NA
	Units	79	62	94%	NA	NA
	Total	<u>90</u>	<u>70</u>			
2	Schools	13	8	67% (2 extensions agreed)	1 Not upheld	1 SPSO refused request for a decision. University not asked to respond.
	Units	8	3	67% (1 extension agreed)	2 Pending	1* Not upheld 1* Partially upheld
	Total	<u>21</u>	<u>11</u>			

Notes

* Decision carried over from previous reporting period.

STAGE 1 COMPLAINTS: FRONTLINE RESOLUTION 2015/16

School	Outcome		Unit	Outcome	
	Received at stage 1	Escalated to stage 2 from stage 1		Resolved at stage 1	Escalated to stage 2 from stage 1
Art History	1	1	Admissions	-	-
Biology	-	-	CAPOD	-	-
Chemistry	1	1	Corporate Communications	-	-
Classics	-	-	Chaplaincy	-	-
Computer Science	-	-	Development	21	0
Divinity	-	-	Estates	2	-
Economics and Finance	1	1	Finance	-	-
English	-	-	HR Services	1	0
English Language Teaching	-	-	IT Services	13	0
Geography and Geosciences	-	-	Knowledge Transfer Centre	-	-
History	-	-	Library	4	-
International Relations	-	-	Principal's Office	-	-
Management	5	1	RBS	15	0
Mathematics & Statistics	-	-	Sport and Exercise	-	-
Medicine	-	-	Study Abroad	1	1
Modern Languages	-	-	Student Services	5	0
Philosophical, Anthropological and Film Studies	-	-			
Physics and Astronomy	-	-			
Psychology and Neuro Sciences	-	-			
Total	<u>8</u>	<u>4</u>	Total	<u>62</u>	<u>1</u>

Notes

1. There is an emerging trend over the last 2 reporting periods, whereby stage 1 complaints made to a School often remain unresolved and then are escalated to stage 2.

STAGE 2 COMPLAINT SUBMISSIONS 2015/16

Course Type	School/Unit	Category	Reason for complaint	Outcome	Closed within 20 working days	Escalated from stage 1 to stage 2
IFM	ELT	Former student	School based service	Not upheld	Yes	No
UG	School of Art History	Former student	School based service	Partially upheld	Yes	No
NA	NA	Former student	School based service	Vexatious behaviour: complaint not accepted	NA	No
NA	NA	Former student	School based service	Vexatious behaviour: complaint not accepted	NA	No
NA	NA	Former student	School based service	Vexatious behaviour: complaint not accepted	NA	No
NA	NA	Former student	School based service	Vexatious behaviour: complaint not accepted	NA	No
UG	Economics & Statistics	Current student	School based service	Not upheld	Yes	No
NA	NA	Former student	Unit based service	Complaint not accepted under CHP	Yes	No
UG	(Study Abroad)	Current student	Unit based service	Not upheld	No. Extension agreed with complainant.	Yes
PGR	International Relations	Current student	School based service	Complaint not accepted under CHP	NA	No
NA	NA	Member of the public	Unit based service	Not upheld	Yes	No
PGT	School of Management	Current student	School based service	Not upheld	No. Extension agreed with complainant.	Yes
NA	IT Services	Member of the public	Unit based service	Not upheld	Yes	No
UG	School of Art History	Current student	School based service	Not upheld	No. Extension agreed with complainant.	Yes
PGT	School of Chemistry	Current student	School based service	Not upheld	Yes	Yes
UG	School of Management	Current student	School based service	Not upheld	Yes	No
IFM	ELT	Current student	School based service	Partially upheld	Yes	No
PGR	School of History	Current student	School based service	Complaint not accepted under CHP	NA	No