

# University of St Andrews

## Audit & Risk Committee

### UNIVERSITY COMPLAINT HANDLING PROCEDURE: REVIEW OF ACADEMIC YEAR 2018/19

#### 1. Introduction

- 1.1. This review provides an assessment of the University's operation of the Complaints Handling Procedure during the period 01 August 2018 through 31 July 2019 and in particular:
- Whether the existing resources and controls in place are sufficient to ensure that the University's responses to complaint management remain effective, support organisational learning from complaints and are in-line with the requirements of the Regulator, the Scottish Public Services Ombudsman ("the SPSO");
  - Key achievements during the reporting period;
  - An assessment of the level of challenges and key risks for the coming 12 months; and
  - Mitigating actions to be implemented.

#### 2. Action requested

- 2.1. Committee are asked to note this report.

#### 3. Consultation

- 3.1. This paper was reviewed and approved by the Vice-Principal, Governance. This report contains no areas of concern to management.

#### 4. Background / context

- 4.1. 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 SPSO with representation from the sector.
- 4.2. 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.

- 4.3. The CHP covers complaints relating to issues such as the standard and provision of services; the quality of facilities; the application and adequacy of University policies; and behaviour of staff, students or contractors. A list of issues that fall within and outwith the scope of the CHP is included in in the [CHP documentation](#) on the University website<sup>1</sup>.
- 4.4. 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 can become conflated. Issues of complaint received via stage 2 that contain academic related elements are first assessed with input from the Court and Senate Office, to ensure that issues are dealt with under the correct procedures.
- 4.5. A similar “triage” process is used in where issues of complaint relate primarily to interpersonal relationships between staff and/or students, which are more appropriately investigated and dealt with under the relevant Human Resources or Student Services policies. In both instances, the “triage” process is effective and is working well.

### Operation

- 4.6. 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.

## **5. Assessment of the management controls**

- 5.1. 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.

## **6. Revisions to the operation of the CHP**

- 6.1. The 20 working day period set by the SPSO for assessing and responding to stage 2 complaints can be extremely challenging. Stage 2 complaints are frequently very complex, and can require evidence to be taken from a number of individuals. Availability of witnesses and suitably skilled investigating officers can be an issue, particularly around examinations and the summer period. In addition, it can prove very time consuming to establish with the complainant the specific issues that are to be addressed and the resolution they are seeking. In practice, we consider that the 20 working day period for assessing and

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<sup>1</sup> Please note that some hyperlinks are temporarily “broken” pending the migration of policy documents to the University’s Governance Zone.

responding to an investigation under stage 2 does not commence until both the University and the complainant have agreed the scope of the complaint. It is not within our gift, though, to formalise that in the CHP, which is set by the SPSO.

- 6.2. SPSO have advised that the Higher Education Model CHP will be revised in 2019/2020. The Scottish Higher Education Complaints Forum have asked SPSO to consider a series of revisions, including (a) a requirement to set out and agree with the complainant the 'heads of complaint' before the investigation can begin; and (b) the timeframe for investigation and confirming the outcome(s) will not commence until the scope of the investigation has been agreed. These changes are important as very few HEIs now complete stage 2 complaint investigations within the 20 working day period.
- 6.3. To help manage expectations, in advance of SPSO revising the CHP, the University CHP will be revised to note that time taken by the University and the complainant agreeing the scope of the complaint, and other factors such as staff availability, mean that despite best endeavours, the University may not be able to complete an investigation within the 20 working day period.

## **7. Summary of the complaints managed under stages 1 and 2**

- 7.1. APPENDIX A, below, provides a breakdown of the complaints managed under the CHP for academic year 2018/19, with comparative figures for the previous reporting period.

### Complaints managed under stage 1 of the CHP

- 7.2. The number of stage 1 complaints reported (by Schools and Services) fell from 72 to 61 since the last reporting period, with a small number of complaints being escalated to stage 2, which suggests that Schools and Services continue to have robust processes in place for addressing concerns when these arise.
- 7.3. There was a small clustering of complaints, concerning the application of the University's Admissions Policy; these related to the generic nature of the feedback given to unsuccessful applicants. The University Information Compliance Group, which has responsibility for the oversight of the application of the Admissions Policy, will review in Q1 academic year 2019/20.

### Complaints managed under stage 2 of the CHP

- 7.4. 8 complaint submissions were received, with the complainants seeking investigation under stage 2 of the University CHP. However, of these only 6 were found to be eligible for investigation. The 2 complaints that were not investigated under the CHP concerned allegations of bullying and harassment. Since these related primarily to interpersonal relationships and not to University policies, services or facilities, they were investigated by Human Resources under the relevant policy and procedures;
- 7.5. In terms of outcomes of the complaints that were assessed under stage 2:
  - 7.5.1. 3 were not upheld;

7.5.2. 2 remain under investigation;

7.5.3. the heads of complaint for the remaining complaint have not yet been agreed with the complainant.

7.6. Complaints surrounding contractual matters, where a complainant's main objective is financial compensation, do not fall within the scope of the CHP. During the reporting period a small number of requests were received via the CHP, seeking refunds for teaching fees in light of industrial action. These were not treated as complaints and responses were issued by the Proctor's Office, outlining the measures that the University had put in place to minimise the impact of industrial action.

### Analysis

7.7. Analysis of the 3 completed complaints addressed via stage 2 of the CHP during the reporting period did not reveal any patterns which may suggest a failing in how University services and/or operations are delivered. Each area of complaint was unique: all concerned different areas of the University's operation, with no connections to complaints received in the previous reporting period.

## **8. Complaints referred to SPSO for a decision during the reporting period**

8.1. 4 individuals sought assistance from SPSO during the reporting period, seeking to challenge the University's management of their respective complaints. SPSO can provide assistance once the University's handling of a complaint has been concluded, following a stage 2 complaint investigation. SPSO can provide an initial assessment with no further investigation, or move to a full investigation of the concerns raised with that Office, with a decision issued.

8.2. Of the 4 requests for assistance made during the reporting period, 1 progressed to full investigation:

8.2.1. The SPSO investigation concerned a series of claims from a complainant's solicitor that the University's actions when investigating a stage 2 complaint were unreasonable. The SPSO investigation commenced in March 2019 and concluded in August 2019, finding that the University had acted reasonably and there were no grounds to uphold the claims presented to SPSO.

8.3. Of the remaining matters:

8.3.1. A complainant disagreed with the outcome of a stage 1 complaint investigation. On approaching SPSO, the applicant was advised that as complaint had not yet been considered by the University under stage 2 of the CHP, SPSO could not assist. A stage 2 investigation was undertaken; the complaint was not upheld.

8.3.2. SPSO did not uphold the claims made by the remaining 2 complainants that the University had acted unreasonably and did not take these to investigation.

- 8.4. The relatively low number of concerns formally investigated by SPSO for a decision, along with the fact that the findings (thus far) fall for the University, suggests that the University's operation of the CHP (at stage 2) is robust and fit for purpose. I.e. 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.

## **9. Organisational learning**

- 9.1. Organisational learning from complaints managed via stage 2 of the CHP is effective:

9.1.1. 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, 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;

9.1.2. All complaint outcomes are reviewed by the Head of Information Assurance and Governance – any potential issues or areas for further assessment are identified and communicated to the Vice Principal, Governance. Where appropriate, a follow-up lessons learned assessment review, involving all relevant parties and chaired by the Vice-Principal, Governance is undertaken: to agree on the contributory factors (why the complaint arose) and to agree and implement lessons learned.

9.1.3. The Head of Information Assurance and Governance produces a separate assessment, focusing on complaints related to academic provision is presented to the Proctor for review by the University Academic Monitoring Group.

9.1.4. Of the 3 stage 2 complaints investigated and concluded in the reporting period, there were no specific areas of organisational learning directly resulting from the issues under investigation. However, the management of these complaints, along with that of other related policies such as Grievances and Dignity and Respect at Work, highlighted the importance of ensuring the effective deployment and training of the "pool" of investigators (see below).

## **10. Next steps**

- 10.1. No significant challenges or risks are anticipated to emerge during academic year 2018/19 in relation to the University's ability to manage complaints - the operation of the CHP across the Scottish Higher Education Sector is well established. That said, the experience of the University and the sector is that

stage 2 complaints rarely conclude within 20 working days, and steps need to be taken to manage the expectations of individuals.

10.2. During 2019/20 a review of the management of University investigations undertaken under a range of processes including the CHP and University HR policies and procedures will be undertaken. That review may establish a 'common-pool' of trained investigators and where relevant the strengths that exist will be shared to improve effectiveness and efficiency in the assessment and learning from issues of concern that are subject to formal investigation.

## **11. Recommendations**

11.1. Committee are asked to note the:

- Key achievements to date;
- The assessment of the challenges and risk position, for the next academic year;
- The proposed revision to the University CHP (paragraph 6.3, above) and
- Planned actions to be implemented.

## **12. Further information**

12.1. Additional information can be provided by Mr Christopher Milne, Head of Information Assurance and Governance, author of this paper.

Christopher Milne  
Head of Information Assurance and Governance,  
Office of the Principal,  
23 August 2019

## APPENDIX A

## STAGE 1 AND STAGE 2 COMPLAINTS: 2017/18 – 2018/19

Stage	Schools/Services	Number		Completed within time frame		SPSO Decision 2017/18 (following formal investigation stage)	SPSO Decision 2018/19 (following formal investigation stage)
		2017/18	2018/19	2017/18	2018/19		
1	Schools	8	9	-	-	NA	NA
	Services	64	52	-	-	NA	NA
	<b>Total</b>	<b>72</b>	<b>61</b>				
2	Schools	1	3	0	0	0	0
	Services	2	3	0	1	0	1 SPSO found University did not act unreasonably
	<b>Total</b>	<b>3</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>

## STAGE 1 COMPLAINTS: FRONTLINE RESOLUTION 2017/18 – 2018/19

School	Outcome			Service	Outcome		
	Received at stage 1		Escalated to stage 2 from stage 1		Resolved at stage 1		Escalated to stage 2 from stage 1
	2017/18	2018/19			2017/18	2018/19	
			2018/19				2018/19
Art History	0	0		Academic Registry	6	0	
Biology	0	0		Admissions	2	4	1
Chemistry	0	0		CAPOD	1	0	
Classics	0	0		Careers	2	0	
Computer Science	1	0		Chaplaincy	0	1	
Divinity	0	0		Chief Legal Officer	0	0	
Economics and Finance	0	2		Corporate Communications	0	0	
English	0	0		Development	8	3	
English Language Teaching	1	0		Environmental Health and Safety Services	0	0	
Geography and Geosciences	0	0		Estates and Campus Services	4	0	
History	0	0		Finance	0	6	
International Relations	0	1		HR Services	0	0	
Management	0	1	1	IT Services	2	2	
Mathematics and Statistics	0	0		Knowledge Transfer Centre	0	0	
Medicine	1	1	1	Library	2	3	
Modern Languages	1	0		Principal's Office	0	1	
Philosophical, Anthropological and Film Studies	0	0		Procurement	0	0	
Physics and Astronomy	1	0		Residential and Business Services	31	11	
Psychology and Neuro Sciences	3	3		Saints Sport	0	7	
Graduate School	0	1	1	Study Abroad	0	0	
				Student Services	6	14	1
<b>Total</b>	<b>8</b>	<b>9</b>	<b>2</b>	<b>Total</b>	<b>64</b>	<b>52</b>	

**STAGE 2 COMPLAINT SUBMISSIONS 2018/19**

Course Type	School/Service	Category	Reason for complaint	Outcome	Closed within 20 working days	Escalated from stage 1 to stage 2
NA	Admissions/Graduate School	Applicant	Service based	Not upheld	Yes	Yes
MSc	Medicine	Current student	School based	Not upheld	No	Yes
NA	Residential and Business Services	External	Service based	Not upheld	No	No