

# University of St Andrews

## Audit & Risk Committee

### UNIVERSITY COMPLAINT HANDLING PROCEDURE: REVIEW OF ACADEMIC YEAR 2019/20

#### 1. Introduction

- 1.1. This review provides an assessment of the University's operation of the Complaints Handling Procedure during the period 01 August 2019 through 31 July 2020 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. In the reporting period SPSO consulted on revisions to the Model CHP, the University and others via the Scottish Higher Education Complaints Forum lobbied for a number of changes, many of which were accepted; SPSO published the revised Model CHP in February 2020 – all HEIs are required to implement by 01 April 2021.
- 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 the [CHP documentation](#) on the University website.
- 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 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. As introduced in paragraph 4.1, above, the Scottish Higher Education Complaints Forum asked SPSO to consider a series of revisions to the Model CHP, which included (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. Element (a) was agreed, however, SPSO were unable to agree element (b).
- 6.3. To help manage expectations, the revised 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 2019/20, 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 59 to 36 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. In the previous reporting period 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. Revisions to the Admissions Policy and procedures for the provision of feedback were made, which appears to have addressed the issues which previously arose.

### Complaints managed under stage 2 of the CHP

- 7.4. 9 complaint submissions were received, with the complainants seeking investigation under stage 2 of the University CHP. This is comparable with the 6 requests received for the previous reporting period, as only 5 were found to be eligible for investigation. 2 of the 4 complaints were found to be 'excluded' matters in that they concerned matters previously brought before a Court; 1 complaint was a repeated matter which had been investigated and a decision provided, the other was time bound – the claimed events having occurred more than 12 months previously, with the complainant seeking compensation only.

When a stage 2 investigation is refused the applicant is referred to SPSO, as that Office is the final adjudicator as to whether a complaint should be investigated under the CHP or otherwise.

- 7.5. In terms of outcomes of the complaints that were assessed under stage 2:
- 7.5.1. 1 was partially upheld – 1 element of a multi-faceted complaint, and an apology was given.
  - 7.5.2. 2 were not upheld; and
  - 7.5.3. 2 remain under investigation.

### Analysis

- 7.6. Analysis of the 5 complaints which passed into 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, or having only contacted that Office with an issue of concern. SPSO can provide assistance once matters have 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 is concerned with establishing whether the University had investigated claims of serious inappropriate staff behaviour under the correct procedures – the University had investigated under HR procedures, SPSO believe the University may have made an error, and should have investigated under the CHP. To date, SPSO have not issued their decision notice.
- 8.3. Of the remaining matters:
- 8.3.1. A complainant disagreed with the University's interpretation of a contractual clause. SPSO advised that such matters are reserved for the courts, and they cannot comment on decisions which the University has discretion to make.
  - 8.3.2. A complaint sought an investigation on the basis that it was claimed that findings in an academic journal were inaccurate and that had an impact on the complainant's family heritage. SPSO advised that this is a matter of academic judgement, which is

reserved for the University, and they cannot comment on decisions which the University has discretion to make.

- 8.3.3. The University had written to a complainant in 2018, setting out why historical issues raised could not be investigated. The individual sought assistance from SPSO, who in response noted that the University was reasonable in setting out why the issues raised could not be investigated, and that the matter would not now be investigated.
- 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 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 2020/21 - the operation of the CHP across the Scottish Higher Education Sector is well established, and the changes to the Model CHP refine the existing procedures.
- 10.2. During 2020/21 as part of the work to implement the revised CHP, based on a planned review of the management of University investigations undertaken under a range of processes including the CHP and University HR policies it is anticipated that a ‘common-pool’ of trained investigators will be established, 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,  
24 August 2020

## APPENDIX A

## STAGE 1 AND STAGE 2 COMPLAINTS: 2018/19 – 2019/20

Stage	Schools/Services	Number		Completed within time frame		SPSO Decision 2018/19 (following formal investigation stage)	SPSO Decision 2019/20 (following formal investigation stage)
		2018/19	2019/20	2018/19	2019/20		
1	Schools	9	6	-	-	NA	NA
	Services	50	30	-	-	NA	NA
	<b>Total</b>	<b>59</b>	<b>36</b>				
2	Schools	3	1	0	0	0	0
	Services	3	8	1	2	1	1 (decision pending)
	<b>Total</b>	<b>6</b>	<b>9</b>	<b>1</b>	<b>2</b>	<b>1</b>	

## STAGE 1 COMPLAINTS: FRONTLINE RESOLUTION 2018/19 – 2019/20

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
	2018/19	2019/20			2018/19	2019/20	
Art History	0	0		Academic Registry	0	1	1
Biology	0	0		Admissions	4	1	1
Chemistry	0	0		CAPOD	0	0	
Classics	0	0		Careers	0	2	
Computer Science	0	0		Chaplaincy	1	0	
Divinity	0	0		Chief Legal Officer	0	0	
Economics and Finance	2	0		Corporate Communications	0	0	
English	0	0		Development	3	0	
English Language Teaching	0	1		Environmental Health and Safety Services	0	0	
Geography and Geosciences	0	0		Estates and Campus Services	0	0	
History	0	0		Finance	6	2	
International Relations	1	0		HR Services	0	0	
Management	1	1		IT Services	0	0	
Mathematics and Statistics	0	0		Knowledge Transfer Centre	0	0	
Medicine	1	0		Library	3	1	
Modern Languages	0			Principal's Office	1	0	
Philosophical, Anthropological and Film Studies	0	3		Procurement	0	0	
Physics and Astronomy	0	0		Research and Innovation Services	-	1	
Psychology and Neuro Sciences	3	0		Residential and Business Services	11	11	
Graduate School	1	1		Saints Sport	7	3	
				Study Abroad	0	0	
				Student Services	14	8	
<b>Total</b>	<b>9</b>	<b>6</b>		<b>Total</b>	<b>50</b>	<b>30</b>	

## STAGE 2 COMPLAINT SUBMISSIONS 2019/20

School/Service	Category	Reason for complaint	Outcome	Closed within 20 working days	Escalated from stage 1 to stage 2
Service	Former student	Welfare concerns not addressed and failure to follow University policy and procedures	Not upheld	No	No
Service	Parent	Claimed University's application of Fee Status Regulations are unlawful	Stage 2 CHP investigation refused – issue of complaint excluded matter – referred to SPSO	NA	No
Service	Former student	Claimed that University did not follow module registration processes correctly	Stage 2 CHP investigation refused – issue of complaint time bound and complainant sought compensation as only form of resolution - matter – referred to SPSO	NA	NA
Service	Former student	Welfare concerns not addressed and failure to follow University policy and procedures	Stage 2 CHP investigation refused – issues of complaint previously investigated and response provided – referred to SPSO	NA	NA
Service	Former student	University Policy not correctly followed	Not upheld	Yes	Yes
Service	Student	University did not explain why terms and conditions of a contract applied	Not upheld	Yes	No
School	Student	University did not put in place adequate arrangements for teaching and learning during industrial action and following Covid-19 pandemic	Assessment of complaint not yet concluded	No	No
Service	Student	University policy/provision for providing reasonable adjustments is inadequate	Assessment of complaint not yet concluded	No	No
Service	Former student	University did not provide reasonable adjustments	Stage 2 CHP investigation refused – issue of complaint excluded matter- issues of complaint previously a mater before a Court (case withdrawn by pursuer) – referred to SPSO	NA	NA