



# **Complaints Handling Procedure**

**January 2024**

## History of Changes

<b>Version</b>	<b>Description of Change</b>	<b>Authored by</b>	<b>Date</b>
<b>1.1</b>	Introduction by Angela Cox. Updating of dates and reference to the Regional Board rather than the Board of Management. Inclusion of the categorization of complaints for reporting purposes	D Killean	01/03/2017
<b>1.2</b>	Updates to reflect changes in staffing and structure. Separation of Policy and Procedure	J Robertson	01/03/2018
<b>1.3</b>	Changes to SPSO contact details	J Robertson	07/01/2019
<b>1.3.1</b>	Inclusion of BCS contact information at request of EV	J Robertson	15/02/2019
<b>1.4</b>	Update and revision by April 2021 based on SPSO guidance	J Gracie	22/2/21
<b>1.5</b>	Update for new job roles	J Gracie	10/1/22
<b>1.6</b>	Update for new job roles	L Gilchrist	19/10/22
<b>2.0</b>	Update on Level 1 & 2 and responsibilities of Quality and SLT staff in line with SSPO procedures	L Gilchrist	30-10-23
<b>3.0</b>	Reduce content – Procedure in line with SSPO guidelines. Added Lessons learned procedure	Lynne Gilchrist	08/01/24

# Structure of the Complaints Handling Procedure

This Complaints Handling Procedure (CHP) explains to staff how to handle complaints.

Our complaints procedure has two stages. We expect the majority of complaints will be handled at Level 1. If the customer remains dissatisfied after Level 1, they can request that we look at it again, at Level 2.

If the complaint is complex enough to require an investigation, we will put the complaint into Level 2 straight away and skip Level 1.

Where the customer is not satisfied with the Level 2 response from the service provider, the Scottish Public Sector Ombudsman (SPSO) will assess whether there is evidence of service failure or maladministration not identified by the service provider.

Level 1: Frontline response	Level 2: Investigation	Independent external review (SPSO or other)
<p>For issues that are straightforward and simple, requiring little or no investigation</p> <p>'On-the-spot' apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances)</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)</p> <p>We will tell the customer how to escalate their complaint to Level 2</p>	<p>Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'</p> <p>Complaint acknowledged within <b>three working days</b></p> <p>We will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)</p> <p>Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised</p> <p>Senior Leadership Team (SLT) will monitor complaints and will act as investigating officers for Level 2 complaints. Or appoint a suitable person to investigate</p>	<p>Where the customer is not satisfied with the Level 2 response from the service provider</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p> <p>Some complaints may also have an alternative route for independent external review</p>



### Resolution



The complainant and organisation agree what action will be taken to resolve the complaint.

Where a complaint is resolved, it is not usually necessary to continue investigating, although an organisation may choose to do so, for example to identify learning.

We must signpost the customer to Level 2 (for Level 1 complaints) or to the SPSO as usual.

### Reporting, Recording and Learning

Action is taken to improve services on the basis of complaint findings, where appropriate.

We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends.

Senior management have an active interest in complaints and use complaints data and analysis to improve services.

Learning is shared throughout the organisation.

## What to do when you receive a complaint

When a complaint is made via the Complaints mailbox the Quality Manager (QM) will discuss with Assistant Principal Curriculum & Quality who will decide if the complaint is a Level 1 or Level 2. The QM will then contact the complainant to:

- Acknowledge the complaint
- Inform the complainant of level of complaint & timescales
- Name of the investigating officer

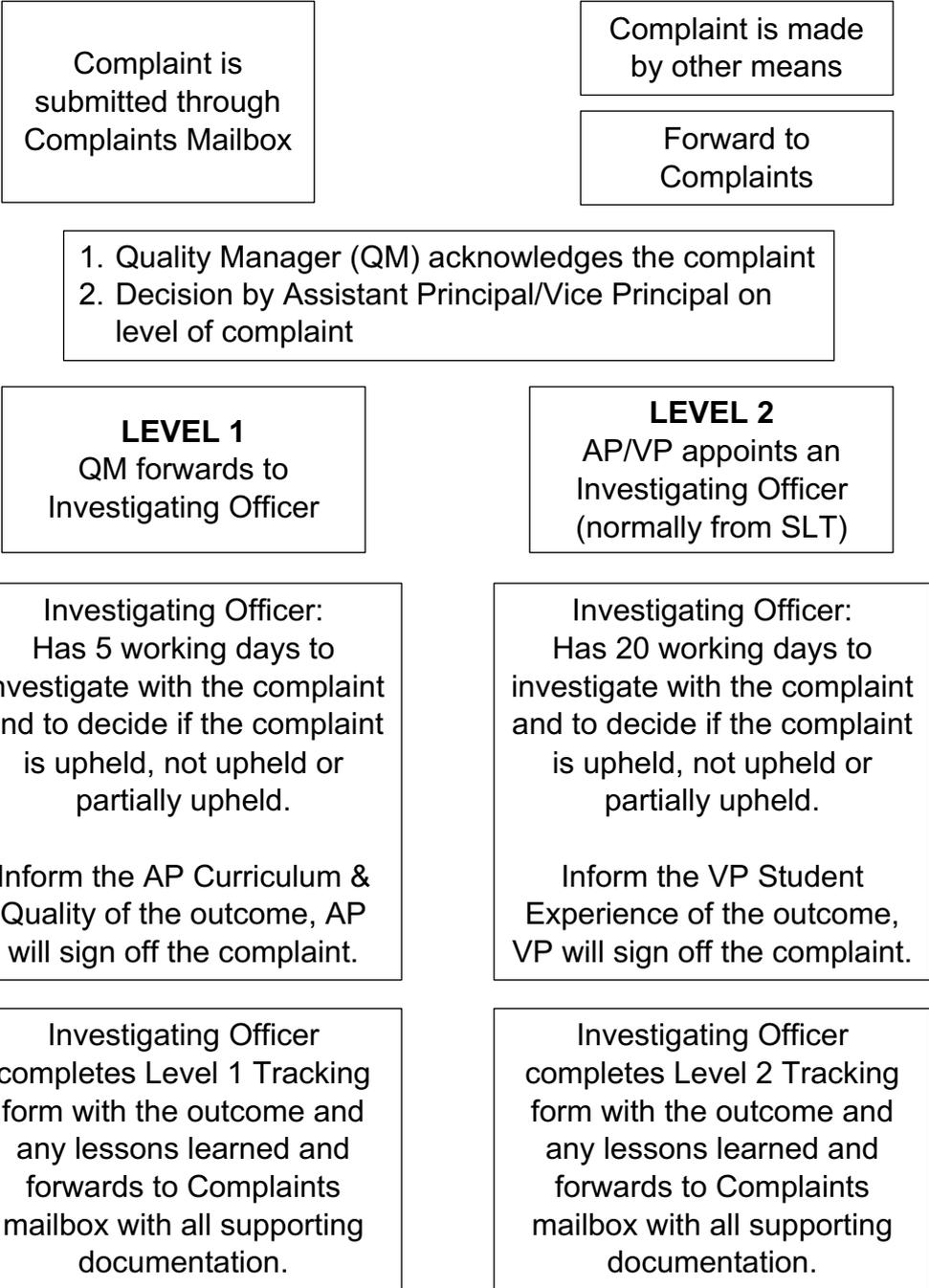
If the complaint is at Level 1, the QM will inform the manager with responsibility for the area that the complaint has been made. The relevant manager has responsibility to investigate the complaint. Should the complaint regard the manager with responsibility for the area, the Assistant Principal Curriculum & Quality will appoint an appropriate investigating officer (after discussion with appropriate SLT colleagues).

Members of staff receiving a complaint from other sources should pass on the complaint to our complaints inbox.

It is the responsibility of the QM to ensure the investigating officer receives the necessary templates and advice on completing an investigation (e.g. timelines for completion, reference to SPSO guidance).

<p style="text-align: center;"><b>What exactly is the customer's complaint (or complaints)?</b> <b>It is the responsibility of the QM to make contact with the complainant and</b></p>
<p><b>Key Points to Consider</b></p> <ol style="list-style-type: none"><li><b>1. It is important to be clear about exactly what the customer is complaining about.</b> We may need to ask the customer for more information and probe further to get a full understanding.</li><li><b>2. We will need to decide whether the issue can be defined as a complaint</b> and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile.</li><li><b>3. In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at Level 2</b> and forwarded to <a href="mailto:complaints@borderscollege.ac.uk">complaints@borderscollege.ac.uk</a></li></ol>
<p style="text-align: center;"><b>What does the customer want to achieve by complaining?</b></p>
<ol style="list-style-type: none"><li><b>1. At the outset, we will clarify the outcome the customer wants.</b> Of course, the customer may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied.</li></ol>
<p style="text-align: center;"><b>Can I achieve this, or explain why not?</b></p>
<ol style="list-style-type: none"><li><b>1. If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology or explaining why they cannot achieve it, they should do so.</b></li><li><b>2. The customer may expect more than we can provide. If so, we will tell them as soon as possible.</b></li><li><b>3. Complaints which can be resolved or responded to quickly should be managed at Level 1</b></li></ol>

## Internal Complaints Procedure



QA – summarises Lesson Learned on Data Base

Level 2 Investigating Officer invited to APs meeting to present on the lessons learned

APs/VP agree on actions from Lessons Learned and allocate to relevant SLT manager

AP C&Q reports quarterly to SLT/CQSE

## What is a complaint?

Borders College definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the standard of service provided by or on behalf of Borders College'.

A complaint may relate to the following, but is not restricted to this list:

- the admissions process
- the disciplinary process
- a request for a service or for information which has not been actioned or answered
- Incorrect information about academic programmes or college services
- the quality and availability of facilities and learning resources
- accessibility of our buildings or services
- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves):
- disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector)

Provides a range of examples of complaints we may receive, and how these may be handled.

A complaint is **not**:

- a request for information or an explanation of policy or practice
- a disagreement with academic judgment
- a concern about a student
- a routine first-time request for a service
- a request for compensation
- issues that are in court or have already been heard by a court or a tribunal
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)

- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf: see Complaints about contracted services)

We will not treat these issues as complaints and will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the customer, and tell them what (if any) action we will take, and signpost to alternative procedures or organisations.

### **Who can make a complaint?**

Anyone who receives, requests, or is affected by our services can make a complaint. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.

We also accept complaints from the representative of a person who is dissatisfied with our service.

### **Time limit for making complaints**

The customer must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).

Where a customer has received a Level 1 response, and wishes to escalate to Level 2 unless there are special circumstances, they must request this either:

- within six months of when they first knew of the problem; or
- within two months of receiving their Level 1 response (if this is later)

We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the customer or useful learning for the organisation.

We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

## **Anonymous complaints**

We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised and recorded by an appropriate Senior Leadership Team manager.

If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.

If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

## **What if the customer does not want to complain?**

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through the CHP. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If the customer insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

Borders College has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

## **Complaints about academic staff**

Complaints about academic staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We have strong governance arrangements in place that set out clear procedures for handling such complaints. The Director of People Services should be involved at this stage.

## **Complaints and other processes**

Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

## **Complaints and appeals**

In some cases, an issue may be raised as a complaint which should be considered under alternative arrangements (for example, an academic appeal or fitness to practice appeal), or vice versa. Complaints and appeals are handled under separate processes. It is not appropriate for the same issue to be considered under both procedures.

## **Complaints and student conduct procedures**

A concern about the conduct of another student is not a complaint and should be handled under the Positive Behaviour & Anti Bullying Policy. However, the customer may wish to complain about how Borders College handled the situation (for example, where a teacher allowed a student's behaviour to disrupt a class or exam). Where the complaint is about our service, we will consider it under the CHP.

## **What is not a complaint?**

A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively, and the customer has to keep on asking for the service.

A customer may also be concerned about college decisions, which may have their own specific review or appeal procedures. Therefore, where appropriate, the college must direct customers to the relevant procedure. The following examples give details of the type of issues or concerns for which you should not use the CHP. This is not a full list, and you should decide the best route for each individual case.

Remember that although the customer may have another form of redress as detailed above, you must consider carefully whether you should manage a customer's comments within the CHP. Dissatisfaction with certain college decisions may simply require an explanation and direction to the correct route. If, however, a customer says they are dissatisfied with the administrative process we have followed in reaching a decision, you may consider that dissatisfaction through the CHP. An example may be a complaint from a customer who is dissatisfied with a decision and alleges that we failed to follow or apply the appropriate guidance in making it.

Example 1:

Appeal against an academic decision (separate appeals procedure)

Example 2:

Appeal against a student funding award/non-award

Example 3:

Claim for compensation against the college

Example 4:

Request under the Data Protection or Freedom of Information Acts

Example 5:

National qualification results

Example 6:

College exam results

## **Resolving the complaint**

We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases. We will tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)

A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the customer, or where the complaint relates to an ongoing issue that may give rise to future complaints, if the matter is not fully resolved.

It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint.

Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the customer's agreement to this as a final outcome. In some cases, it may still be appropriate to continue looking into the issue, for example, where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.

In all cases, we must record the complaint outcome (resolved) and any action taken, and signpost the customer to stage 2 (for stage 1 complaints) or to independent external review as usual.

If the customer and Borders College are not able to agree a resolution, we must follow this CHP to provide a clear and reasoned response to each of the issues raised.

## **Level1: Frontline Response Procedure (refer to Appendix 1)**

Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.

Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.

Complaints, which are not suitable for frontline response, should be identified early, and handled immediately at Level 2: Investigation.

### **Extension to the timeline**

In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with an appropriate manager. We will tell the customer about the reasons for the extension, and when they can expect a response. The maximum extension that can be granted is five working days (that is, no more than ten working days in total from the date of receipt).

If a complaint will take more than five working days to look into, it should be handled at Level 2 immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at level 1 if it is clear that it can be handled within the extended timeframe of up to ten working days.

If a complaint has not been closed within ten working days, it should be escalated to Level 2 for a final response.

### **Closing the complaint at the frontline response stage**

If we convey the decision face-to-face or on the telephone, we are not required to write to the customer as well (although we may choose to).

We must:

- tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
- explain the reasons for our decision (or the agreed action taken to resolve the complaint; and
- Explain that the customer can escalate the complaint to Level 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the customer has completed Level 2).

We will forward an accurate record of the decision given to the customer by submission of Complaints tracking form along with **all related paperwork** to [complaints@borderscollege.ac.uk](mailto:complaints@borderscollege.ac.uk) all documentation is stored by the Executive PA team. This paperwork should be retained in line with JISC retention period by Executive team.

All paperwork/ emails held by the investigating officer relating to the complaint should be deleted, and/or shred from the Investigating Officer's mailbox after sending to the PA Executive Team.

If we are not able to contact the customer by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.

If a Level 1 complaint is about the actions of a particular staff member/s, the line manager will feedback to them any part of the complaint response, which relates to them, (unless there are compelling reasons not to) after discussion and agreement from either Assistant principal Curriculum and Quality or Director of People Services.

The complaint should then be closed, and the complaints system updated accordingly.

At the earliest opportunity after the closure of the complaint, the Quality Manager should summarise any learning has been identified.

### **Level 2 Complaints Procedure:**

Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that. Level 2 is appropriate where:

- The customer is dissatisfied with the frontline response or refuses to engage at the frontline stage, insisting they wish their complaint to be investigated. Unless exceptional circumstances apply, the customer must escalate the complaint within six months of when they first knew of the problem or within two months of the Level 1 response, whichever is later.
- the complaint is not simple and straightforward (for example where the customer has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened); or
- the complaint relates to serious, high-risk or high-profile issues.

An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective, and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area).

**The Assistant Principal Curriculum and Quality, or the Vice-principal Student Experience will appoint the investigating officer.**

Details of the complaint must be recorded on the complaints system. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information, which are stored by the Executive PA team.

## **Acknowledging the complaint**

Complaints must be acknowledged within three working days of receipt at Level 2. Acknowledgement is normally completed by the Quality Manager, who will advise the complainant of the name investigating officer who will contact them and timescales for a Level 2 complaint.

We must issue the acknowledgement in a format, which is accessible to the customer, taking into account their preferred method of contact.

## **Agreeing the points of complaint and outcome sought**

It is important that the investigating officer is clear from the start of Level 2 about the points of complaint to be investigated and what outcome the customer is seeking. We may also need to manage the customer's expectations about the scope of our investigation.

Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the customer when acknowledging the complaint.

We will normally need to speak to the customer (by phone or face-to-face) to do this effectively. In some cases, it may be possible to clarify complaints in writing. The key point is that we need to be sure the customer and we have a shared understanding of the complaint. When contacting the customer, we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the customer.

## **What are the points of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.

We will make every effort to agree the points of complaint with the customer.

In very rare cases, it may not be possible to agree the points of complaint (for example, if the customer insists on an unreasonably large number of complaints being separately investigated or on framing their complaint in an abusive way).

## Are the customer's expectations realistic and achievable?

It may be that the customer expects more than we can provide, or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the customer as soon as possible.

## Meeting with the customer during the investigation

To effectively investigate the complaint, it may be necessary to arrange a meeting with the customer. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

As a matter of good practice, a written record of the meeting should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

## Timelines for a Level 2

The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday). Academic holidays should be counted as normal working days (except for weekends or public holidays).

- Complaints must be acknowledged within **three working days**
- A full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

## Extension to the timeline

It is important to be realistic and clear with the customer about timeframes, and to advise them early if we think it will not be possible to meet the 20-day timeframe, and why. We should bear in mind that extended delays might have a detrimental effect on the customer.

Any extension must be approved by an appropriate manager. We will keep the customer and any member/s of staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the customer and any member/s of staff complained about at least once every 20 working days to update them on the progress of the investigation.

The reasons for an extension might include the following:

- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but the person is not available because of long-term sickness or leave
- we cannot obtain further essential information within normal timescales; or
- The customer has agreed to alternative complaint resolution approaches as a potential route for resolution. These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.

### **Closing the complaint at the investigation stage**

The response to the complaint should be in writing (or by the customer's preferred method of contact) by the investigating officer.

Prior to contacting the complainant, the outcome of the complaint, the decision must be signed off by the Assistant Principal Curriculum & Quality (Level 1) or Vice Principal Student Experience (Level 2) who have responsibility signing off complaints, they should be satisfied that the investigation is complete, and that the investigating officer has addressed all aspects of the complaint.

The Investigating officer:

Will tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:

- be clear and easy to understand, written in a way that is person-centred and non-confrontational
- try to avoid technical terms, but where these must be used, an explanation of the term should be provided
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong (this is different to an expression of empathy: see the **SPSO's guidance on apology**)
- highlight any area of disagreement and explain why no further action can be taken
- indicate that a named member of staff is available to clarify any aspect of the letter; and
- indicate that if they are not satisfied with the outcome of the local process, they may seek a review
- **Complete Level 2 complaints outcome tracking form (appendix 2)**

Where a complaint has been resolved, the response does not need to provide a decision on all points of complaint but should instead confirm the resolution agreed.

If the complaint is about the actions of a particular staff member/s, their manager will meet with them to inform and discuss with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

We will record the decision, and details of how it was communicated to the customer, on the complaints system.

At the earliest opportunity after the closure of the complaint, the Investigating Officer manager should consider whether any learning has been identified.

### **Signposting to the SPSO**

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. We must make clear to the customer:

- their right to ask the SPSO to consider the complaint
- the time limit for doing so; and
- how to contact the SPSO

The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are out with the SPSO's jurisdiction, but it is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must signpost to the SPSO.

The SPSO recommends that we use the wording below to inform customers of their right to ask the SPSO to consider the complaint. This information should only be included on Borders College's final response to the complaint.

## Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about the Further Education sector. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied when you have had a final response from Borders College, you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

- you have gone all the way through the Borders College Complaints Handling Procedure
- it is less than 12 months after you became aware of the matter you want to complain about, and
- The matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at [www.spsso.org.uk/complain](http://www.spsso.org.uk/complain) or call them on Free phone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- Citizens Advice Bureau
- Scottish Independent Advocacy Alliance

The SPSO's contact details are:

SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS

*(if you would like to visit in person, you must make an appointment first)*

Their freepost address is: FREEPOST SPSO

Free phone: 0800 377 7330

Online contact: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

## Roles and responsibilities

All staff will be aware of:

- the Complaints Handling Procedure (CHP)
- how to handle and record complaints at the frontline response stage
- who they can refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery as possible; and
- Their clear authority to attempt to resolve any complaints they may be called upon to deal with.

Training on this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.

**Senior Leadership Team** will ensure that:

- Borders College final position on a complaint investigation is signed off by Assistant principal Curriculum & Quality of Vice Principal Student Experience in order to provide assurance that this is the definitive response of Borders college and that the complainant's concerns have been taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
- it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels
- Complaints information is used to improve services, and this is evident from regular publications.

**The Principal/Chief Executive Officer** provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective Complaints Handling Procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Principal/Chief Executive may take an interest in all or some complaints, or may delegate responsibility for the CHP to senior staff. Regular management reports assure the Principal/Chief Executive of the quality of complaints performance.

The Principal/Chief Executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:

- ensuring performance monitoring for complaints is a feature of the service/management agreements between Borders College and contractors
- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide Borders College with an overview of how the contractor is meeting its objectives

**Vice-principals:** On the Principal/Chief Executive's behalf, vice-principals are responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints; and
- deputising for the Principal/Chief Executive on occasion.
- Signing off Level 2 complaints

**SLT Directors/Assistant Principals:** will be involved in the investigation of level2 complaints.

**Complaints Investigator:** The complaints investigator is responsible and accountable for the management of the investigation and will be involved in the investigation and in coordinating all aspects of the response to the customer.

This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the organisation.

The investigating officer will forward an accurate record of the decision given to the customer by submission of Complaints tracking form along with **all related paperwork** to [complaints@borderscollege.ac.uk](mailto:complaints@borderscollege.ac.uk) all documentation will be stored by the Executive PA team. This paperwork should be retained in line with JISC retention period by Executive team.

The investigating officer is responsible to reach a decision on the complaint.

The investigation officer is responsible for completing a lesson learned as a result of their conclusion of the complaint.

**Quality Manager:** Will oversee the CHP. The QM will acknowledge both Level 1 and Level 2 complaints within timescales. Support the investigation officer (as required), ensure completion of complaints tracking documentation and that supporting evidence is stored within JISC guidelines and finally compiles a report for SLT and CQSE on complaints data including lessons learned.

**People Services:** The People Services team are responsible for ensuring all new staff receive training on the CHP as part of the induction process, and that refresher training is provided for current staff on a regular basis.

Where the complaint is made about a member of staff and that complaint is determined to be of such a serious nature that the disciplinary process should be considered, the investigating officer will liaise with People Services. The line manager will determine if the disciplinary process should be invoked with advice from People Services. In any event, the disciplinary process will not be invoked until the complaint investigation is concluded.

Regard should be given to the Support for Staff Involved in an Investigation Policy and Procedure

**The SPSO liaison officer** is Assistant Principal Curriculum & Quality: Our SPSO liaison officer's role may include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

## **Recording, reporting, learning from and publicising complaints**

Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve services across Borders College. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this CHP.

### **Recording complaints**

It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record:

- the customer's name and contact details
- the date the complaint was received
- the nature of the complaint
- the service the complaint refers to
- staff member responsible for handling the complaint
- action taken and outcome at frontline response stage
- date the complaint was closed at the frontline response stage
- date the investigation stage was initiated (if applicable)
- action taken and outcome at investigation stage (if applicable)
- date the complaint was closed at the investigation stage (if applicable); and
- The underlying cause of the complaint and any remedial action taken
- The outcome of the SPSO's investigation (where applicable)

### **Learning from complaints**

We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:

- seek to identify the root cause of complaints
- take action to reduce the risk of recurrence; and
- systematically review complaints performance reports to improve service delivery.

On Completion of Investigation:

- Executive PA will forward a lessons learned form to the investigating officer for completion.
- On return the report is discussed at the APLS (Assistant Principals & Vice Principal meeting). If possible, the Investigating officer attends to report findings
- The APLs will decide if there are any actions, amendments to service etc. from lessons learned.
- The SLT manager with responsibility of the service area will have responsibility for actions from lessons learned.
- QM includes lessons learned to quarterly report for SLT & CQSE

SLT will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

### **Reporting of complaints**

We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

We will report at least quarterly to Senior Leadership Team & Curriculum Quality Student Experience committee on:

- performance statistics, in line with the complaints performance indicators published by SPSO
- analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).

### **Publicising complaints information**

We report and publish information on complaints outcomes and actions taken to improve services at Senior Leadership Team and through minutes of Curriculum, Quality and Student experience Committee.

This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our customers that we value their complaints.

We will publish an annual complaints performance report on our website, in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

- performance statistics, in line with the complaints performance indicators published by the SPSO; and
- Complaint trends and the actions that have been or will be taken to improve services as a result.

These reports must be easily accessible to members of the public and available in alternative formats as requested.

## Complaints Tracking Form – Level 1



### Complaints Tracking Form Level 1 (Frontline)

**Name of person making the complaint:**

**Contact details of complainant:**

**Date of complaint:**

**Result of complaint:**

**Issue raised:**

**Was the complaint resolved: Yes  No**

**Was the complainant satisfied with the resolution: Yes  No**

**Date of resolution:**

**Lessons learned (to be agreed at APLs meeting):**

**Was complainant satisfied with the way in which the complaint was dealt with:  
Yes  No**

**Provide details if "No":**

**Was the complainant satisfied with the outcome of the complaint: Yes  No**

**Provide details if "No":**

**Member of staff:**

**Signature:**

*Completed form to be returned to [complaints@borderscollege.ac.uk](mailto:complaints@borderscollege.ac.uk)*

## Complaints Tracking Form – Level 2



### Complaints Tracking Form Level 2

**Name of person making the complaint:**

**Contact details of complainant:**

**Date of complaint:**

**Details of complaint (reason for level 2):**

**Investigating Officer:**

**Date of commencement of Level 2 Complaint:**

**Result of complaint:**

**Issue raised:**

**Was the complaint resolved: Yes  No**

**Date of resolution:**

**Lessons learned (to be agreed at APLs meeting):**

**Was complainant satisfied with the way in which the complaint was dealt with:  
Yes  No**

**Provide details if "No":**

**Was the complainant satisfied with the outcome of the complaint: Yes  No**

**Provide details if "No":**

**Date forwarded to QM:**

**Member of staff:**

**Signature:**

*Completed form to be returned to [complaints@borderscollege.ac.uk](mailto:complaints@borderscollege.ac.uk)*

Status: Noted at JCCP  
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