

**THE SCOTTISH HIGHER EDUCATION
MODEL COMPLAINTS HANDLING PROCEDURE (CHP)**

EDINBURGH NAPIER UNIVERSITY ADAPTATION

PART 3 of 4: THE COMPLAINTS HANDLING PROCESS

CONTENTS AND QUICK LINKS

	<u>Page</u>
1. <u>Process Flowchart</u>	3
2. <u>Resolving the complaint</u>	5
3. <u>What we will do when we receive a complaint?</u>	5
4. <u>Stage 1: Frontline response</u>	6
a. <u>Notifying staff members involved at Stage 1: Frontline response</u>	7
b. <u>Timelines applicable at the frontline response stage</u>	7
c. <u>Extension to the timeline at the frontline response stage</u>	8
d. <u>Closing the complaint at the frontline response stage</u>	8
5. <u>Stage 2: Investigation</u>	9
a. <u>Acknowledging the complaint at stage 2</u>	10
b. <u>Agreeing the points of complaint and outcome sought at stage 2</u>	10
c. <u>Notifying staff members involved</u>	11
d. <u>Investigating the complaint</u>	12
e. <u>Alternative complaint resolution approaches</u>	12
f. <u>Meeting with the complainant during the investigation</u>	13
g. <u>Timelines applicable at the investigation stage</u>	13
h. <u>Extension to the timeline at the investigation stage</u>	14
i. <u>Closing the complaint at the investigation stage</u>	15
6. <u>Signposting to the Scottish Public Services Ombudsman</u>	16
7. <u>Information about the SPSO</u>	17
<u>Appendix 1 – Timelines</u>	18
<u>Appendix 2 – The complaint handling process (flowchart for staff)</u>	20

1. Process Flowchart

CP3.1 Our Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well trained staff. Where possible, we will resolve the complaint to the complainant's satisfaction. Where this is not possible, we will give the complainant a clear and reasoned response to their complaint.

The process is demonstrated in the flowchart on the following page.

Complaint received
A person may complain either verbally or in writing including face-to-face, by phone, letter or email

Stage 1: Frontline response
For issues that are straightforward and simple, requiring little or no investigation

'On-the-spot' apology, explanation, or other action to put the matter right

Complaint resolved or a response provided in five working days or less (unless there are exceptional circumstances)

Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response

Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)

Stage 2: Investigation
Where the complainant is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'

Complaint acknowledged within three working days

We will contact the complainant to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)

Complaint resolved or a definitive response provided within 20 working days following a thorough investigation of the points raised

Independent external review (SPSO)
Where the complainant is not satisfied with the stage 2 response from the service provider

The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider

Resolution
We agree what action will be taken to resolve the complaint with the complainant.

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

We will signpost the complainant to stage 2 (for stage 1 complaints) or to the SPSO.

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.

2. Resolving the complaint

CP3.2 A complaint is **resolved** when we come to an agreement with the complainant regarding what action (if any) will be taken to provide full and final resolution for the complainant, without making a decision about whether the complaint is upheld or not upheld.

CP3.3 We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.

CP3.4 A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. We regard it as particularly important to try to resolve complaints where there is an ongoing relationship with the complainant or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.

CP3.5 It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. See [Alternative complaint resolution approaches](#).

CP3.6 Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. We will keep a clear record of how the complaint was resolved, what action was agreed, and the complainant'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.

CP3.7 In all cases, we must record the complaint outcome (resolved) and any action taken, and signpost the complainant to stage 2 (for stage 1 complaints) or to the SPSO as usual. See [Signposting to the SPSO](#).

CP3.8 If we cannot agree a resolution with the complainant, we will follow this CHP to provide a clear and reasoned response to each of the issues raised.

3. What we will do when we receive a complaint?

CP3.9 Members of staff receiving a complaint should consider four key questions. This helps them to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2.

What exactly is the complaint (or complaints)?

CP3.10 It is important for us to be clear on exactly what the complaint is about. It may be necessary to ask the complainant for more information and probe further to get a full understanding.

CP3.11 We will need to decide whether the issue can be defined as a complaint 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 will also consider whether the complaint is serious, high-risk or high-profile.

CP3.12 If the matter is not suitable for handling as a complaint, we will explain this to the complainant (and signpost them to SPSO). There is detailed guidance on this step in the section entitled **When to use this procedure** in the document **Part 2**.

CP3.13 In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage 2. See [Stage 2: Investigation](#).

What does the complainant want to achieve by complaining?

CP3.14 At the outset, we will clarify the outcome the complainant wants. Of course, the complainant 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.

Can I achieve this, or explain why not?

CP3.15 If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology or explain why they cannot achieve it, they should do so.

CP3.16 The complainant may expect more than we can provide. If so, we will tell them as soon as possible.

CP3.17 Complaints which can be resolved or responded to quickly should be managed at stage 1. See [Stage 1: Frontline response](#).

If I cannot respond, who can help?

CP3.18 If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly. If they are unsure of where to route the complaint, they should contact the Appeals, Complaints and Conduct Manager at complaints@napier.ac.uk.

CP3.19 If it is not a simple and straightforward complaint that can realistically be closed within five working days (or ten, if an extension is appropriate), it should be handled immediately at stage 2. If the complainant refuses to engage at stage 1, insisting that they want their complaint investigated, it should be handled immediately at stage 2. Before any complaint is referred to stage 2, the member of staff handling the complaint should contact the Appeals, Complaints and Conduct Manager at complaints@napier.ac.uk. See [Stage 2: Investigation](#).

4. Stage 1: Frontline response

CP3.20 At Frontline response we aim to respond quickly (within five working days) to straightforward complaints that require little or no investigation.

CP3.21 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.

CP3.22 We may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we believe an apology is appropriate, we will consider the [SPSO guidance on apology](#).

CP3.23 Complaints which are not suitable for frontline response should be identified early, and handled immediately at [Stage 2: Investigation](#).

a. Notifying staff members involved at Stage 1: Frontline response

CP3.24 If the complaint is about the actions of another staff member, the complaint should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly, for example where it is clear that an apology is warranted).

b. Timelines applicable at the frontline response stage

CP3.25 Frontline response must be completed within **five working days** (unless there are exceptional circumstances; see [Extension to the timeline](#), although in practice we would often expect to respond to the complaint much sooner. 'Day one' is usually the date of receipt of the complaint; or the next working day if the complaint is received on a weekend or date the University is closed for a holiday. Aside from weekends or days the University is closed for a holiday, we will usually acknowledge complaints the same day as we receive them.

CP3.26 We may check, by sending a link to our CHP information pages, to confirm that the complainant consents to us handling their complaint in line with the CHP if it is not clear from their initial contact. In such cases we will regard 'Day one' as the day the complainant comes back to us to confirm their consent. Should the complainant decline to consent, we will seek to reassure them of the robustness of our procedure and offer to discuss whether there is anything we can do to alleviate any concerns they have relating to the process.

CP3.27 We will mark any correspondence received after 4pm as having been received on the next working day. The University's working days are Monday to Friday. Whilst subject to change, the University is open Monday to Friday all year round with the exception of Good Friday, Easter Monday and for almost two weeks over the Christmas and New Year period; generally closing around two to three working days before 25th December and reopening on the working day falling on or just after 2nd or 3rd January. Precise dates are published [here](#) on our main website.

c. Extension to the timeline at the frontline response stage

- CP3.28** In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances; for example the availability of a key staff member. Extensions must be agreed with an appropriate manager; for example the manager of the team handling the complaint or the Appeals, Complaints and Conduct Manager. We will advise the complainant 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).
- CP3.29** If a complaint appears that it will take more than five working days to look into, we will consider escalating it to stage 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 stage 1 if it is clear that it can be handled within the extended timeframe of up to ten working days.
- CP3.30** If a complaint has not been closed within the ten working days, it may be escalated to stage 2 of this procedure for a final response.
- CP3.31** [Appendix 1](#) provides further information on timelines.

d. Closing the complaint at the frontline response stage

- CP3.32** If we convey the decision face-to-face or on the telephone, we are not required to write to the complainant though in most cases we will send a brief email outlining the action taken and agreed to allow for a more accurate record of what occurred to be retained.
- CP3.33** In closing a complaint, we will:
- tell the complainant the outcome of the complaint e.g. whether it is upheld, partially upheld, resolved or not upheld.
 - explain the reasons for our decision or the agreed action taken to resolve the complaint (see [Resolving the complaint](#))
 - explain that the complainant can escalate the complaint to stage 2 if they remain dissatisfied and tell them they can do this by contacting the Appeals, Complaints and Conduct Manager at complaints@napier.ac.uk. The Appeals, Complaints and Conduct Manager will invite the individual to complete form CP1 to allow their complaint to move to stage 2. We will not signpost to the SPSO until the complainant has completed stage 2.
- CP3.34** We will keep a full and accurate record of the decision given to the complainant. We will cover the points above with the complainant by phone, speak to them in person or we will provide a written response to the complaint where an email or postal address is provided.

CP3.35 If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, unless there are compelling reasons not to.

CP3.36 The complaint will then be recorded as closed and our records updated accordingly.

CP3.37 At the earliest opportunity after the closure of the complaint, the team handling the complaint should consider whether any learning has been identified during the process. See the section entitled **Learning from complaints** in document **Part 4**.

5. Stage 2: Investigation

CP3.38 Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:

- the complainant 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 complainant must escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later (see the section entitled **Time limits for making a complaint** in document **Part 4**)
- the complaint is not simple and straightforward; for example where the complainant 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
- the complaint relates to serious, high-risk or high-profile issues (see the section entitled **Serious, high-risk or high profile complaints** in document **Part 2**).

CP3.39 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 complainant a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint.

CP3.40 Each School and Professional Service has senior members of staff who have undertaken training delivered by the University's lawyers to enable them to investigate complaints at stage 2. Stage 2 investigations should be conducted by one of these members of staff though if this is not possible, an appropriately senior member of staff may conduct the investigation.

CP3.41 Details of the complaint will be recorded. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the member of staff responsible for the investigation should have access to all case notes and associated information.

CP3.42 At the beginning of stage 2 we will consider whether complaint resolution approaches other than investigation may be helpful (see [Alternative complaint resolution approaches](#)).

a. Acknowledging the complaint at stage 2

CP3.43 Complaints will be acknowledged within three working days of receipt at stage 2. If form CP1 has not been submitted, the complainant will be contacted by the Appeals, Complaints and Conduct Manager and invited to complete it. Completion of the form is not mandatory though it is very helpful for all parties if the complainant completes the form. The Appeals, Complaints and Conduct Manager can assist the complainant with completion of the form.

CP3.44 We will issue the acknowledgement in a format which is accessible to the complainant, taking into account their preferred method of contact if they have specified this to us. We will contact out students at their Edinburgh Napier University email address unless they advise us of an alternative, preferred method of contact. For those complainants who are not current students, we will respond to them at the point of contact they contacted us from unless they advise us of an alternative, preferred method of contact.

CP3.45 Where the points of complaint and expected outcomes are clear from the complaint, we will set these out in the acknowledgement and ask the complainant to get in touch with us immediately if they disagree. See [Agreeing the points of complaint and outcome sought](#)

CP3.46 Where the points of complaint and expected outcomes are not clear, we will contact the complainant to seek clarification.

b. Agreeing the points of complaint and outcome sought at stage 2

CP3.47 It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the complainant is seeking. We may also need to manage the complainant's expectations about the scope of our investigation.

CP3.48 Where the points of complaint and outcome sought are clear, we will confirm our understanding of these with the complainant when acknowledging the complaint. See [Acknowledging the complaint](#)

CP3.49 Where the points of complaint and outcome sought are not clear, we will contact the complainant to confirm these. We may need to speak to the complainant (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 we and the complainant have a shared understanding of the complaint. When contacting the complainant we will be respectful of their stated preferred method of contact. We will keep a clear record of any discussion with the complainant.

CP3.50 In all cases, we must have a clear shared understanding of:

- ***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 complainant; alternative complaint resolution approaches may be helpful at this stage. See [Alternative complaint resolution approaches](#). In very rare cases, it may not be possible to agree the points of complaint; for example, if the complainant insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way. We will manage any such cases in accordance with our *Unacceptable Actions Policy* noting that we should continue to investigate the complaint (as we understand it) wherever possible.

- ***Is there anything we can't consider under the CHP?***

We must explain if there are any points that are not suitable for handling under the CHP. See the section entitled **What to do if the CHP does not apply** in document **Part 2**.

- ***What outcome does the complainant want to achieve?***

Asking what outcome the complainant is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

- ***Are the complainant's expectations realistic and achievable?***

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

c. Notifying staff members involved

CP3.51 If the complaint is about the actions of a particular staff member/s, we will notify the staff member/s, involved including where the staff member is not named but can be identified from the complaint. We will:

- share the complaint information with the staff member/s; unless there are compelling reasons not to
- advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
- discuss their willingness to engage with alternative complaint resolution approaches where applicable
- signpost the staff member/s to a contact person who can provide support and information on what to expect from the complaint process. This will

not be the person investigating or signing off the complaint response. It will likely be the Appeals, Complaints and Conduct Manager or a member of the Human Resources team.

CP3.52 If it is likely that the Staff Disciplinary process may be invoked, the Appeals, Complaint and Conduct Manager will work with colleagues in the Human Resources team to ensure that obligations under this and the CHP are met. See also the section entitled **Complaints and staff disciplinary or whistleblowing processes** in document **Part 2**.

d. Investigating the complaint

CP3.53 It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need about:

- what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
- what should have happened? (this should include any relevant policies or procedures that apply)
- is there a difference between what happened and what should have happened, and is the University responsible?

CP3.54 In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue; for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint. Advice will be taken from Human Resources before contact is made with any former employee.

CP3.55 If we need to share information within or outwith the organisation, we will be mindful of our obligations under data protection legislation. See the section entitled **Maintaining confidentiality and data protection** in document **Part 1**.

CP3.56 Advice and guidance for staff investigating complaints can be found on the [complaints pages of the University's staff intranet](#). The Appeals, Complaints and Conduct Manager will provide advice, support and guidance to staff investigating complaints at stage 2 before and during the investigation period.

CP3.57 The SPSO also has resources for conducting investigations, including:

- [Investigation plan template](#)
- [Decision-making tool for complaint investigators](#)

e. Alternative complaint resolution approaches

CP3.58 Some complex complaints, or complaints where complainants and other interested parties have become entrenched in their position, may require a different approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter

and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.

CP3.59 Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the complainant's desired outcome.

CP3.60 The SPSO has [guidance on alternative complaint resolution approaches](#).

CP3.61 If the University and the complainant (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage any party from making use of these approaches though it is noted that some complaints will be time critical making some alternative approaches unsuitable.

f. Meeting with the complainant during the investigation

CP3.62 To effectively investigate the complaint, it may be necessary to arrange a meeting with the complainant. 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.

CP3.63 The investigator will provide a written record of the meeting to the complainant. 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.

g. Timelines applicable at the investigation stage

CP3.64 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 of receipt**
- 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.

CP3.65 At the investigation stage, 'Day one' is usually the date of receipt of the completed CP1 form, the next working day if the complaint is received on a weekend or date the University is closed for a holiday. Aside from weekends

or days the University is closed for a holiday, we will usually acknowledge complaints the same day as we receive them.

CP3.66 We may check, by sending a link to our CHP information pages, to confirm that the complainant consents to us handling their complaint in line with the CHP if it is not clear from their initial contact. In such cases we will regard 'Day one' as the day the complainant comes back to us to confirm their consent. Should the complainant decline to consent, we will seek to reassure them of the robustness of our procedure and offer to discuss whether there is anything we can do to alleviate any concerns they have relating to the process.

CP3.67 We will mark any correspondence received after 4pm as having been received on the next working day. The University's working days are Monday to Friday. Whilst subject to change, the University is open Monday to Friday all year round with the exception of Good Friday, Easter Monday and for two weeks over the Christmas and New Year period; generally closing around two to three working days before 25th December and reopening on the working day falling on or just after 2nd or 3rd January. Precise dates are published [here](#) on our main website.

h. Extension to the timeline at the investigation stage

CP3.65 Not all investigations will be able to meet the 20 working day deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. We aim to be realistic and clear with the complainant about timeframes, and to advise them early if we think it will not be possible to meet the 20 day timeframe, and state why. We recognise that extended delays may have a detrimental effect on the complainant and will always try to avoid undue delays.

CP3.66 Extensions must be agreed with an appropriate manager; for example the manager of the team handling the complaint or the Appeals, Complaints and Conduct Manager. We will keep the complainant and any member/s of staff complained about updated on the reason for the delay and give them a revised timescale for completion. Should the investigation exceed 20 working days, we will contact the complainant and any member/s of staff complained about at least once every 20 working days to update them on the progress of the investigation.

CP3.67 The reasons for an extension might include, but are not limited to, those the following:

- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff or others but the person is not available because of long-term sickness or leave
- we cannot obtain further essential information within normal timescales
- the complainant 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.

CP3.68 [Appendix 1](#) provides further information on timelines.

i. Closing the complaint at the investigation stage

CP3.69 The final response to the complaint will be in writing (or by the complainant's preferred method of contact if indicated) to the email address they have provided us. If the complainant is a student, we will use their Edinburgh Napier University email address as default unless they request otherwise. Final responses will be come from the investigator having first been approved by an appropriate senior manager.

CP3.70 We will tell the complainant the outcome of the complaint; whether it is resolved, upheld, partially upheld or not upheld. We aim to ensure the following with regard to our responses at the conclusion of investigations:

- to be clear and easy to understand, written in a way that is person centred and non-confrontational
- avoid technical terms, but where these must be used, provide an explanation of the term
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong. 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
- indicate that if the complainant is not satisfied with the outcome, they may seek a review by the SPSO. See [Signposting to the SPSO](#).

CP3.71 Where a complaint has been **resolved**, the response will not always provide a decision on all points of complaint, but will confirm the resolution agreed. See [Resolving the complaint](#).

CP3.72 If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, unless there are compelling reasons not to.

CP3.73 We will record the decision, and details of how it was communicated to the complainant.

CP3.74 The SPSO has guidance on responding to a complaint:

- [Template decision letter](#)
- [Apology guidance](#)

CP3.75 At the earliest opportunity after the closure of the complaint, the staff member handling the complaint will consider whether any learning has been identified. See the section entitled **Learning from complaints** in the document **Part 4**.

6. Signposting to the Scottish Public Services Ombudsman

CP3.76 Once the investigation stage has been completed, the complainant has the right to approach the SPSO if they remain dissatisfied. We will make the following clear to the complainant:

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

CP3.77 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 will signpost to the SPSO.

CP3.78 The SPSO recommends that we use the wording on the next page to inform complainants of their right to ask the SPSO to consider the complaint. This information will only be included in our final response to complaints.

CP3.79 If a complainant contacts us for clarification when they have received our final response, we may have further discussion with the complainant to clarify our response and answer their questions. However, if the complainant is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and remind them of their right to contact the SPSO.

7. **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 Edinburgh Napier University. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service; though there are other organisations who can help you with advocacy or support, including.

- [ENSA - The Edinburgh Napier Students Association](#) (students only)
- [Citizens Advice Scotland](#)
- [Scottish Independent Advocacy Alliance](#)

If you remain dissatisfied when you have considered our final response from you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

- we have confirmed to you that you have reached the completion of our complaints handling procedure.
- it is less than 12 months after you became aware of the matter you want to complain about.
- 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 our final response to your complaint. You can do this online at www.spsso.org.uk/complain or call them on Freephone **0800 377 7330**.

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**

Freephone: **0800 377 7330**

Online: www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

Appendix 1 – Timelines

General

1. References to timelines throughout the CHP relate to working days. We do not count non-working days, for example weekends, days the University is closed for scheduled holidays (for example Good Friday, Easter Monday and the Christmas/New Year holiday period) and days of industrial action where our service has been interrupted.

Timelines at frontline response (stage 1)

2. We aim to achieve frontline response within five working days. The date of receipt is **day one**, and we aim to provide the response (or escalate the complaint) on **day five**, at the latest where at all possible.
3. If we have extended the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on **day ten**, at the latest.

Transferring cases from frontline response to investigation

4. If the complainant wants to escalate the complaint to the investigation stage, the case will be passed for investigation without delay. In practice this will mean on the same day that the complainant is told this will happen.

Timelines at investigation (stage 2)

5. For complaints at the investigate stage, day one is:
 - the day the case is transferred from the frontline stage to the investigation stage
 - the day the complainant asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage
 - the date we receive the complaint, if it is handled immediately at stage 2.
6. We will acknowledge the complaint within three working days of receipt at stage 2 i.e. by **day three**.
7. We will endeavour to respond in full to the complaint by **day 20**, at the latest.
8. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.
9. Exceptionally, we may need longer than the 20 working day limit for a full response. If so, we will explain the reasons to the complainant, and update them (and any staff involved) at least once every 20 working days.

Frequently asked questions

What happens if an extension is granted at stage 1, but then the complaint is escalated?

10. The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was escalated; we have 20 working days from this date, unless an extension is granted.

What happens if we cannot meet an extended timeframe?

11. If we cannot meet the extended timeframe at stage 1, the complaint should be escalated to stage 2. The maximum timeframe allowed for a stage 1 response is ten working days.
12. If we cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. This should only occur in exceptional circumstances as the original extension should usually allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, we should explain the situation to the complainant and give them a revised timeframe for completion. We must update the complainant and any staff involved in the investigation at least once every 20 working days.

What happens when a complainant asks for stage 2 consideration a long time after receiving a frontline response?

13. Unless exceptional circumstances exist, complainants should bring a stage 2 complaint within six months of learning about the problem, or within two months of receiving the stage 1 response (whichever is latest). See the section entitled **Time limits for making a complaint** in document **Part 2**.

Appendix 2 – The complaint handling process (flowchart for staff)

