



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

EDINBURGH NAPIER UNIVERSITY ADAPTATION

PART 1 of 4: INTRODUCTION AND OVERVIEW

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1. **Foreword**

Edinburgh Napier University's Complaints Handling Procedure (CHP) reflects our commitment to valuing complaints. It seeks to resolve dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidenced based decisions on the facts of the case.

This procedure was first developed by the Scottish Public Services Ombudsman (SPSO), in collaboration with representatives of the Higher Education sector. The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to the Higher Education sector. Our complaints handling procedure complies with the SPSO's guidance on MCHPs.

This CHP aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable well trained staff. All new Edinburgh Napier University staff are made aware of this procedure as part of their induction and quarterly reminders of the procedure are sent to staff via a local contact within their own School or Service as part of our complaints recording and reporting process. This helps staff to identify complaints, empowers them to resolve on the spot and familiarise themselves with all aspects of complaints handling at Edinburgh Napier University.

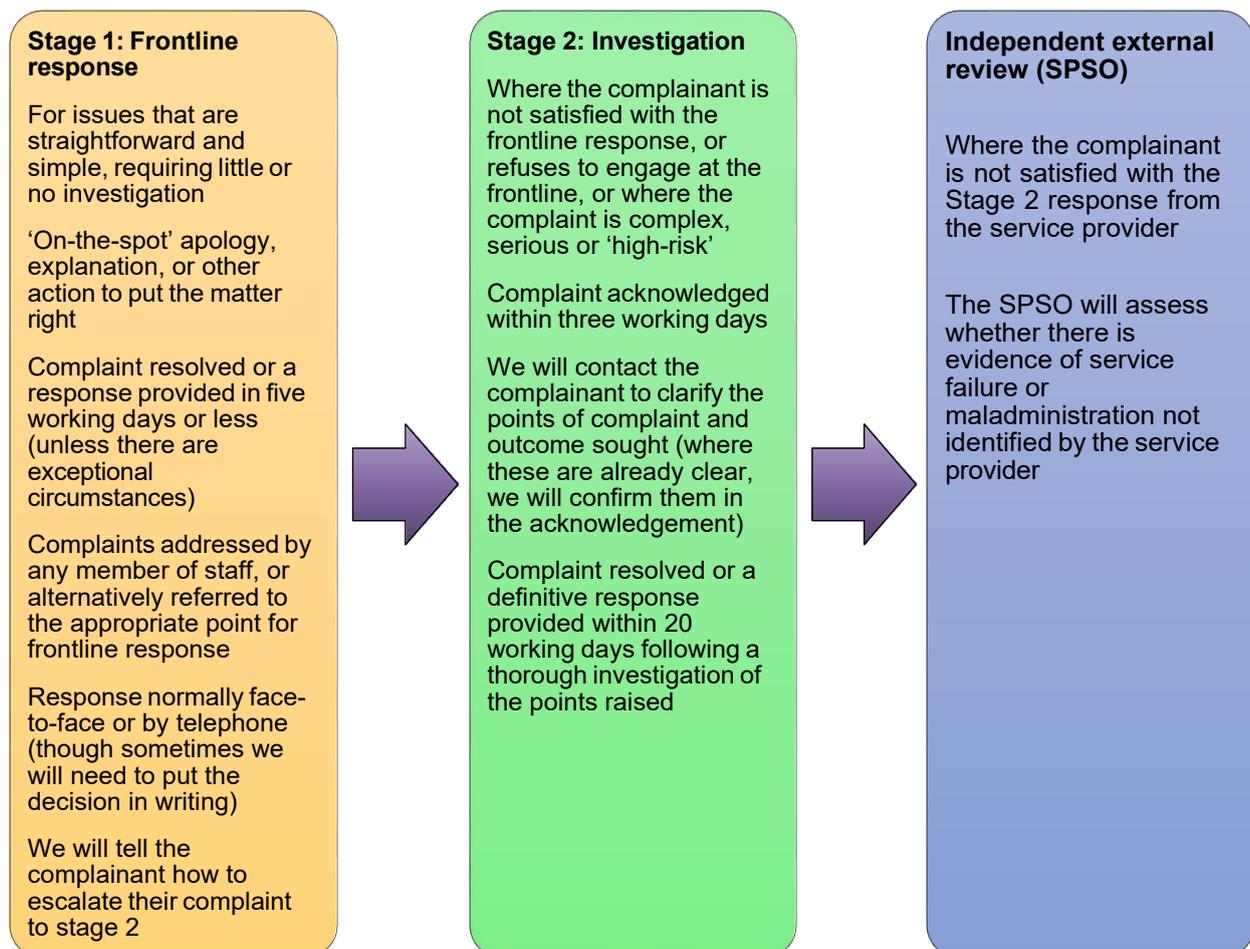
Complaints give us valuable information we can use to improve. Our CHP will enable us to address a complainant's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the complainants' views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our students and our other stakeholders a form of redress when things go wrong, and can also help us continually improve our services.

Handling complaints early creates better relations with our students and our other stakeholders. Handling complaints close to the point of service delivery means we can deal with them locally and quickly, so that they are less likely to escalate to the next stage of the procedure.

Our CHP helps us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

2. Overview of the CHP

- CP1.1** Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
- CP1.2** We will try to resolve complaints to the satisfaction of the complainant wherever this is possible. Where this isn't possible, we will give the complainant a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
- CP1.3** Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the complainant remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1. If a complainant remains unhappy at the conclusion of the second stage, they may ask the Scottish Public Services Ombudsman (SPSO) to review their complaint. Details of who SPSO are and what they do can be found in the document [Part 3: The Complaints Handling Process](#).
- CP1.4** For detailed guidance on the process, see the document entitled [Part 3: The Complaints Handling Process](#).



3. Expected Behaviours

- CP1.5** We expect anyone using our Complaints Handling Procedure, be that someone who is making a complaint or a member of staff who is handling the complaint, to be respectful and courteous at all times.
- CP1.6** We expect all staff to behave in a professional manner and treat complainants with courtesy, respect and dignity.
- CP1.7** We also ask those bringing a complaint to treat our staff with respect. We ask complainants to engage actively with the complaint handling process by:
- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
 - working with us to agree the key points of complaint when an investigation is required
 - responding to reasonable requests for information in good time
- CP1.8** We remind students of our expectations of them as outlined in the [Student Code of Conduct](#) and that if their behaviour falls below the standards we expect over the course of using our Complaints Handling Procedure then they may be subject to investigation in line with our [Student Conduct Regulations](#).
- CP1.9** If anyone using our Complaints Handling Procedure does not meet our expected standards for behaviour there is more on action we may take in our [Unacceptable Actions Policy](#).
- CP1.10** We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the complainant acting in an unacceptable way.
- CP1.11** People who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some complainants may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from complainants. Where we decide to restrict access to a complainant under the terms of our policy, we have a procedure in place to communicate that decision, notify the complainant of their right of appeal, and review any decision to restrict contact with us. This is outlined in our [Unacceptable Actions Policy](#).
- CP1.12** If we decide to restrict a complainant's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the complainant's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for

example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the complainant. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the complainant to the SPSO (see document entitled [Part 3: The Complaints Handling Process](#)).

CP1.13 The [SPSO](#) has guidance on promoting positive behaviour and managing unacceptable actions.

CP1.14 For our students, we have a number of support services they may wish to access to assist them through their use of this procedure. Please see the information found at [this link](#), visit one of our campus iPoints or email wellbeingteam@napier.ac.uk with any general enquiries.

4. Maintaining confidentiality and data protection

CP1.15 Confidentiality is important in complaints handling. This includes maintaining the complainant's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.

CP1.16 This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we will be clear about why the information is being shared and our expectations on how the recipient will use the information.

CP1.17 We will always consider legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of individuals' information. We have information on data protection at the links below.

For students - <https://my.napier.ac.uk/your-studies/regulations-conduct-and-safety/data-protection>

For staff - <https://staff.napier.ac.uk/services/governance-compliance/governance/DataProtection/Pages/default.aspx>

Our main external webpage - <https://www.napier.ac.uk/privacy-policy>

CP1.18 There may be occasions where a response to a complaint may be limited by confidentiality. These examples listed are not exhaustive:

- Details of whether any disciplinary action has been taken against one of our students or a member of staff as a consequence of a complaint.
- Where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we will look into this to

check whether the safety concern had been properly dealt with, but we will not share any details of our findings in relation to the safety concern.

- Where we believe, with good reason, the disclosure of a certain level of detail could have implications for the safety and wellbeing of any member of the University Community.

5. Recording and the use of recordings

CP1.19 Audio/video recording of meetings/hearings associated with this procedure will generally not be permitted. Requests of this nature will be considered where required as a reasonable adjustment pending consideration of an appropriate disability assessment.

CP1.20 With regard to requests related to recording, any decision taken will involve input from the Disability and Inclusion team and/or the Information Governance team where appropriate.

CP1.21 For students, covert recording will be considered a misconduct matter in its own right and any student found to have undertaken this will be subject to action in line with the [Student Conduct Regulations](#).

CP1.22 The [Unacceptable Actions Policy](#) may be invoked for any non-student found to have undertaken covert recording.

CP1.23 Recordings submitted as evidence to support complaints will be considered at the discretion of the Complaint Investigator and/or relevant Dean of School/Director of Service.