



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

**CHANGES TO THE
EDINBURGH NAPIER UNIVERSITY ADAPTATION
AS OF 1ST SEPTEMBER 2020**

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1. Background

The Higher Education Model Complaints Handling Procedure (MCHP) was developed by the [Scottish Public Sector Ombudsman \(SPSO\)](#) in consultation with key stakeholders, including Universities Scotland and complaints experts from the sector. It was published on 19 December 2012, with full implementation required by 30 August 2013.

In addition to the requirement to adopt the MCHP under the SPSO Act 2002 (as amended), adoption of the MCHP was a requirement of the SFC's Financial Memorandum.

Edinburgh Napier University introduced an adaptation of the policy at the start of academic year 2013/14 which has remained in place ever since.

2. Revised Procedure

In 2018-19, SPSO conducted a review of the MCHP to establish its effectiveness and usability. Following consultation across all sectors, the MCHPs were revised to:

- standardise the core text across all of Scotland's public services (to remove minor inconsistencies in how the MCHP operates within different sectors), while retaining individualised sector-specific content and examples in each version
- update the MCHPs in line with:
 - feedback from organisations under jurisdiction (via a consultation survey and individual feedback from contacts with SPSO)
 - issues identified in casework
 - recent research and good practice in relation to using alternative resolution approaches, promoting positive complaint behaviours and improving access to complaints for vulnerable groups.

The updated MCHPs have been published under section 16B(5) of the Scottish Public Services Ombudsman Act 2002 on **31 January 2020** to give public sector organisations time to implement any changes by **1 April 2021**.

Edinburgh Napier University finalised our adaptation of the revised procedure in summer 2020 and the procedure is to be used from the start of the new academic year 2020-21, commencing in September 2020.

A summary of the changes to the Edinburgh Napier University Complaints Handling Procedure following the new adaptation of the SPSO's revised MCHP can be found on the following page.

It is noted that the revised procedure is exceptionally lengthy, detailed and differs in style from existing Edinburgh Napier University regulations, policy and procedure documents. The length, detail and overwhelming majority of the text is set by SPSO and cannot be changed by the organisations and institutions required to adopt the procedure.

3. Summary of changes

The changes are limited. The new adaptation tends to enhance and provide more detail on what was in place in the previous adaptation rather than serve as a new procedure. There are some relatively minor changes and these are as follows:

- i. The CHP is now published in four parts (as opposed to a single publication for the previous model) entitled: -
 - Part 1: Introduction and Overview
 - Part 2: When to use
 - Part 3: The Complaints Handling Process
 - Part 4: Governance
- ii. There is also a guidance document to accompany the four parts; the guidance document is an updated and enhance version of guidance already published on our webpages.
- iii. The first stage of the procedure is now known as *Frontline Response* (previously known as *Frontline Resolution*).
- iv. There is now a two month limit imposed on complainants to escalate their complaint from receipt of their response at *Stage 1: Frontline Response* to *Stage 2: Investigation*. Previously reference to this was not as specific and in theory complainants could escalate their complaints up to six months after receiving their first response.
- v. *Stage 2: Investigations* are no longer required to be investigated by those who have undertaken the training offered by the University's lawyers though Deans and Directors of Service are still encouraged to use their trained investigators where possible. If a trained investigator is not available then the Dean or Director of Service may appoint a senior member of staff who has not undertaken the training, at their discretion. All investigators at stage 2 will continue to be supported by the Appeals, Complaints and Conduct Manager during the investigation.
- vi. The accompanying policy on behaviour of those using the procedure has been detached into a standalone, separate document and has been renamed as the *Unacceptable Actions Policy* having been previously known as the *Unacceptable Behaviour Policy*.
- vii. There is greater focus on the impact complaints can have on staff, both those subject to complaints and those handling them, following research undertaken on behalf of SPSO.
- viii. Complaints about student conduct will no longer be recorded in the University's complaints record. Instead these will be recorded in a separate record. This comes following a request from SPSO that, as these complaints can generally not be handled via the complaints procedure, they should not be recorded in the statistical records alongside other complaints which are considered via the complaints procedure.

- ix. The procedure now promotes the availability of the [Scottish Advocacy Alliance](#) and [Citizens Advice Scotland](#) so that not only those who are current students can access independent support when using the procedure.

4. Training for staff

Edinburgh Napier University staff were previously encouraged to undertake the training modules available on the Scottish Public Services Ombudsman's (SPSO) website for stage 1 complaints handling.

At the time this document was drafted (July 2020) the SPSO were considering withdrawing the online training modules.

The Appeals, Complaints and Conduct Manager will be kept aware of the situation and the future provision of training for stage 1 will be reviewed. Meantime, any queries should be directed to complaints@napier.ac.uk.

The University's lawyers will still provide training for the *Stage 2 Investigation* stage as and when required. Any Deans or Directors of Service who believe they require more trained investigators should email complaints@napier.ac.uk.

5. Sources of information

For students:

<https://my.napier.ac.uk/Student-Administration/Complaints/Pages/Complaints.aspx>

For staff (both for those advising students and handling complaints):

<https://staff.napier.ac.uk/services/governance-compliance/governance/AppealsComplaintsConduct/Pages/Complaints.aspx>

For the general public:

<https://www.napier.ac.uk/about-us/university-governance/making-a-complaint>

6. Contact details

For any queries, emails to complaints@napier.ac.uk are appreciated in the first instance though telephone enquires may be made by calling 0131 455 2396.