

## **COMPLAINTS HANDLING PROCEDURE GUIDANCE**

### **A GUIDE FOR STAFF HANDLING COMPLAINTS**

Edinburgh Napier University is committed to providing an excellent personalised student experience and high quality services to our students from enquiry to graduation and beyond.

**We value complaints and use information from them to help us improve our services.**

If something goes wrong or someone is dissatisfied with our services and wishes to make a complaint the processes outlined in the Complaints Handling Procedure should be followed. The procedure is published in four parts with a supplementary guidance procedure. We recommend the document entitled *Procedural Guidance* is consulted.

[View Complaints Handling Procedure documents](#)

#### **What is a complaint?**

We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

#### **What can be complained about?**

A complaint may involve more than one of the University's services or be about someone working directly on our behalf.

People can complain about things like:

- the quality and standard of any service we provide
- the quality of our facilities and learning resources
- the quality and standards of academic services and personal support services available to them
- the quality and standards of administrative processes
- unfair treatment by a student or staff member; see section below on *Complaints about an individual(s)*.

#### **Complaints about an individual(s)**

Should a complaint be directly focussed on or contain allegations with regard to the behaviour, actions or treatment by an individual(s) connected to the University (e.g. a student, a member of staff or someone external contracted to work for the University) it may not be possible to fully investigate the complaint via the Complaints Handling Procedure. Complaints making conduct allegations against an individual(s) may be channelled as follows:-

- **Complaints against our students;** via the [Student Conduct Regulations](#)
- **Complaints against Edinburgh Napier staff;** [through Human Resources processes](#)
- **Complaints against contract staff;** these complaints may need to be handled in conjunction with the procedures of the direct employer of the person concerned. We will evaluate such cases before any decision is made.

We will advise the person making the complaint of the action we are taking within the timescales set out in the Complaints Handling Procedure. Due to our duty of care to all of our students and staff and our obligations with regard to confidentiality, it will not be possible to advise complainants the extent of any disciplinary action (or even whether any disciplinary action has been taken) against individuals they have filed a complaint against but we take any complaints made against our students, staff and anyone contracted to work for us seriously and investigate thoroughly, bringing sanctions against any individual where our investigations decree appropriate.

Any individual subject to a complaint will be afforded the support detailed in the relevant procedure above for example the [Students' Union Advice Service \(ENSA Advice\)](#) for students or line managers and/or Human Resources for staff. The Appeals, Complaints and Conduct Manager can provide advice to anyone with regard to such matters.

### **What can't people complain about?**

There are some things we can't deal with through our complaints handling procedure. These include:

- a routine first-time request for a service
- a request for information or an explanation of policy or practice
- a request made in line with [freedom of information](#) legislation
- direct requests for compensation from the University
- things that are covered by the [academic appeals process](#) such as an appeal against a Programme Board of Examiners decision with regard to a module mark or degree classification.
- an issue which is being, or has been, considered by a court or tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our **final** decision following an investigation. If you are still not satisfied, you can ask the Scottish Public Services Ombudsman (SPSO) for an independent review of the complaint. If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

### **Academic Judgement**

*If we believe any complaint made by a student is based purely on a question of a member of staff's academic judgement then it will not be upheld. For example, we will uphold complaints where it is proven teaching, supervision and assessments have not been delivered as outlined in the module descriptor without adequate mitigation being put in place or where it is found a student has been in receipt of poor service. We will not uphold complaints made on the basis of a student suggesting they believe they deserve a better mark without them evidencing why they believe they were disadvantaged and how this impacted their assessment performance.*

*The decision on whether any matters pertaining to a complaint are purely challenges of academic judgement will rest with the staff investigating the complaint in conjunction with senior academic staff. Those termed as senior academic staff include School Academic Leads, Programme Board Conveners and academic members of the University's Leadership*

*team. Senior staff may wish to take advice from a Professor or senior academic expert from the subject area concerned when making these decisions.*

## **Who can complain?**

Anyone who receives, requests or is directly affected by the services of the University can make a complaint to us, including the representative of someone who is dissatisfied with our service as long as they provide written consent from the individual providing permission for them to do so.

Members of staff will generally not use the CHP to make a complaint and should refer to the document [Guidance for Staff Making Complaints](#) should you wish to make a complaint about anything.

## **Dealing with a complaint made anonymously/protecting a complainant's anonymity**

Our CHP states that we will consider complaints submitted anonymously if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. However, the University may give consideration to the issues raised, and will record the complaint so that corrective action can be taken as appropriate.

Any decision not to pursue an anonymous complaint must be authorised by the University Secretary or his/her nominee. If an anonymous complaint contains serious allegations, it should be referred to the Dean of the School/ Director of Service concerned immediately for consultation with the University Secretary.

On rare occasions we may withhold the name of a person making a complaint during either stage of the CHP but this will only be done in exceptional circumstances with the recognition that withholding names may mean that it is not possible to investigate/pass judgement on the complaint.

## **How do they complain?**

People can complain in person, by phone, in writing, by email or via our [complaints form](#) though the form is normally only for stage 2 complaints.

It is easier for us to resolve complaints when they are made quickly and directly to the School/Service concerned and people with complaints should be encouraged to do this.

## **As a member of staff, what should I do when I receive a complaint?**

- If you believe you are in receipt of a complaint, where possible, you should notify your line manager or a senior colleague as soon as you can to discuss how it will be handled and by whom. Line managers may wish to apply discretion to empower staff to deal with certain types of complaint without their consideration.
- A discussion with your line manager and/or consideration of the [CHP](#) should determine whether the complaint is best initially handled at the first or second stages outlined in the [CHP](#). All complaints should be handled at stage 1 where possible.

Section CP3.38 in procedure document 3 provides some examples of situations where a complaint may be handled at stage 2.

- If you and/or your line manager are in doubt as to whether a communication you have received should be considered as a complaint, refer to the definitions of a complaint in Section 1 of document 2 of the [CHP](#) and if, after considering this you are still in doubt, please the Appeals, Complaints and Conduct Manager (ACCM).
- Where possible, address and resolve the matter personally at stage 1 within 5 working days of your receipt of the complaint. If this timescale is not possible, with the permission of your line manager, advise the person making the complaint that you will resolve the matter within the maximum of ten working days. If it is considered that the complaint is better handled at stage 2 from the outset, please contact the ACCM.
- If you have any doubts with regard to the resolution of the complaint or how this should be communicated, discuss with your line manager or the ACCM.
- When providing a final response to the complainant at stage 1, ensure that you advise the complainant to contact the ACCM if they remain dissatisfied. Any stage 2 complaints will be addressed by a trained complaints investigator following discussions between the ACCM and the Dean/Director of Service.
- Once the response has been sent, record the complaint in line with the procedures for recording complaints in your area. Each School/Service within the University has a Complaints Records Coordinator. If you are unsure who your area's is or what the process in your area is, please consult your line manager or the ACCM.
- If there are any emails, notes from any meetings/interviews and letter which have taken place in relation to the complaint you should file these within your area. Again, if you are unsure, consult your line manager.

### **How long do people have to make a complaint?**

Normally, complaints must be made with six months of:

- the event complained about, or
- finding out that you have a reason to complain.

In exceptional circumstances, we may be able to accept a complaint after the time limit. In cases such as these, is at the discretion of a Senior Manager who can consult the ACCM for advice.

### **I'm a Line Manager, what is expected of me?**

- To assist staff and support with anything related to complaints.
- Where required, to make decisions related to resolving complaints.
- To ensure complaints are reported in line with your area's local reporting procedures and to be able to advise staff on what they must do to record and report complaints.

- To implement any lessons learned from complaints received.

## **Inclusivity**

We are committed to making our services easy to use for all. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help access and use our services. If anyone you are dealing with has trouble putting their complaint in writing, or wants this information in another language or format, such as large font, or Braille, contact us 0131 455 2396 or email [complaints@napier.ac.uk](mailto:complaints@napier.ac.uk) and we can arrange it for them.

## **Training for Staff**

There is [online training](#) available in relation to Stage 1 (Frontline Response) of the procedure which all staff who may have to deal with complaints are strongly encouraged to undertake. This is provided by the SPSO in the form of training modules covering the essentials of the Model Complaints Handling. *All staff are strongly encouraged to complete this training.* The University has a number of trained Investigators who will investigate complaints at Stage 2 (Investigation). These individuals are senior members of staff and have undergone appropriate training.

## **Information for staff who wish to make a complaint**

Members of staff wishing to make a complaint about anything are recommended to discuss the issue with their line manager in the first instance and/or consider the content in the document - [Guidance for Staff Making Complaints](#).

## **Support for Staff**

On occasion, complaints can bring about stressful situations for those who make them, those who handle them and those who are subject to a complaint about them. If any member of staff experiences stress or any other difficulty as a result of making, dealing with or being the subject of a complaint they should inform their line manager and/or read the information available [here](#) on the Human Resources webpage.

All staff are entitled to be supported during all aspects of a complaint whether they have made the complaint or have had a complaint made against them. Staff may be accompanied to any meetings/interviews taking place, by a trade union representative or work colleague.

If you are handling a complaint and you believe the person who has made the complaint is behaving unreasonably then you should consult your line manager, the Appeals, Complaints and Conduct Manager or refer to the [Unacceptable Actions Policy](#) referenced directly below.

## **Unacceptable Actions Policy**

The University believes that complainants have a right to be heard, understood and respected. Occasionally, the behaviour of individuals using our Complaints Procedure may make it very difficult for us to deal with their complaint. In a very small number of cases, the behaviour becomes unacceptable because it involves abuse of our staff or our processes. When this happens we have to take action to protect our staff. We consider the impact of the

behaviour on our ability to do our work and provide a service to others. University's [Unacceptable Actions Policy](#) explains how we will approach these situations.

**Useful contact details:**

*University Complaints Office*

Appeals, Complaints and Conduct Manager  
Governance and Compliance  
Edinburgh Napier University  
Sighthill Campus  
Edinburgh  
EH11 4BN

Tel 0131 455 2396

Email [complaints@napier.ac.uk](mailto:complaints@napier.ac.uk)

*Edinburgh Napier University Students Association Advice Service (ENSA Advice)*

Room B34  
Merchiston Campus  
Edinburgh  
EH10 5ST


Tel 0131 229 8791

Email [ensa.advice@napier.ac.uk](mailto:ensa.advice@napier.ac.uk)

### **Complaints procedure**


You can make your complaint in person, by phone, by email or in writing.

We have a two-stage complaints procedure. We will always try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, we will tell you and keep you updated on our progress.



### **Stage 1: frontline response**

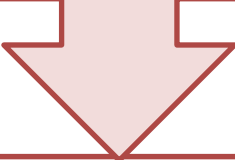
We will always try to resolve your complaint quickly, within five working days if we can. If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.



### **Stage 2: investigation**

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if it is clear that they are complex or need detailed investigation.

We will acknowledge your complaint within three working days. We will give you our decision as soon as possible. This will be after no more than 20 working days unless there is clearly a good reason for needing more time.



### **The Scottish Public Services Ombudsman**

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we handled your complaint, you can ask the SPSO to consider it.

We will tell you how to do this when we send you our final decision.