



# **Complaints Policy and Complaints Handling Procedure**

**April 2024**

Owner: Vice Principal People, Performance and Improvement

Equality Impact Assessment: June 2024

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## History of Changes

Version	Description of Change	Authorised by	Date
1.1	Minor rewording and updating from 2016 version. Removal of reference to specific awarding bodies to comply with C&G systems verification requirements	J Stalker	19-1-17
1.2	Updated to include the escalation process for candidates to SQA Awarding Body and to SQA Accreditation for those on regulated qualifications.	J Stalker	28-6-17
1.3	Updated to include escalation process for City and Guilds in line with May 2018 guidance	J Stalker	25-6-18
1.4	Update to clarify investigation requirements.	G Hotchkiss	21-3-19
1.5	Update to incorporate latest SPSO guidance and findings from O’Gorman Review	B Brownlee	01-04-21
1.6	Amendment to wording to reflect all regulatory bodies pg. 15-17 and addition of Appendix 3 Addition of Appendix 4 and 5 to cover support for staff members named in complaints, and complaints handler wellbeing. Update of Equality Impact Assessment.	B Brownlee and S Fraser	04-06-2024

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.

We also acknowledge our responsibilities under The Human Rights Act 1998 to protect and promote fundamental human rights and freedoms, such as the right to life, personal liberty, an education, freedom of expression, and the prohibition of torture.

Please see end of this document for EIA.

## **Complaints Policy**

### **Introduction**

The Complaints Policy sets out the college's commitment to respond to complaints promptly, vigorously and fairly. The benefits of having an easy to follow, well supported and understood complaints handling procedure are recognised by the college. Where any of the college services fall short of acceptable standards the College will endeavour to rectify the failing and remove any resulting disadvantage experienced by the complainant. The college will use the outcomes from complaints to improve the quality of its services where this is applicable.

### **Scope**

The Complaints Policy and Complaints Handling Procedure apply in all circumstances where a student, applicant, employer, service provider or member of the public wish to complain about the service they have received from the college or the behaviour of any individual associated with the college. Third party complaints may be submitted, for example, by a parent or carer, but if the student is over 16 years of age, unless they agree to this being discussed with the college, we may be limited to the extent to which we can resolve this. Similarly, any anonymous complaints may be submitted, and will be investigated, although once again, we may be limited to the extent to which we can resolve these.

A complaint may be received in person, in writing or in any electronic format. Complaints should state what has gone wrong and what the complainant would like to happen to put it right. On receipt of a complaint the college will determine the seriousness of the complaint and implement the appropriate process from the Complaints Handling Procedure.

### **Key Principles**

The college endeavours to provide a high-quality service to all customers and to be fair and robust in our learner recruitment processes. It provides a wide range of services to support learners in being successful in their chosen qualification and in supporting employers to develop their workforces.

The college aims to deal with complaints swiftly and effectively. Most complaints can be dealt with satisfactorily by frontline staff. For more serious or complex complaints, the college has in place investigating and reporting procedures detailed in the Complaints Handling Procedure.

The Management Team are committed to a fair and robust Complaints Handling Procedure and are regularly updated on complaints' outcomes and trends.

Where a complaint involves the alleged misconduct of a member of staff or learner then the investigation may also lead to separate action under the staff or student disciplinary procedures.

## **Responsibilities**

The **Board of Governors** is responsible for monitoring trends in complaints and addressing any complaints relating to governance issues.

The **Principal** is responsible for ensuring that the college's complaints policy and procedures meets statutory requirements and national guidance.

The **Executive Leadership Team** is responsible for monitoring ongoing complaints and agreeing any necessary action and redress to resolve a complaint.

The **Vice Principal - People, Performance and Improvement** is the policy author and is responsible for the initiation of any investigations of Level 2 complaints and the monitoring of investigations and reporting activity. In the event that Vice Principal – People, Performance and Improvement is the subject of the complaint or is absent for an extended period of time then another Vice Principal will assume responsibility.

**Managers** will monitor complaints within their own areas of responsibility and will act as investigating managers for Level 2 complaints in other departments, but not their own area.

All **frontline staff**, including **lecturers**, will receive and recognise complaints, will identify and refer on serious complaints and will respond to less serious complaints by following the Complaints Handling Procedure.

## Complaints Handling Procedure

### Introduction

The college's complaints procedure follows the Guidance on a Model Complaints Handling Procedure published by the Scottish Public Services Ombudsman (SPSO), February 2011 (revised January 2020). The Public Services Reform (Scotland) Act 2010 (the Act) gave the SPSO the authority to lead the development of simplified and standardised complaints handling procedures across the public sector. The Act built on the work of the Crerar and Sinclair Reports that sought to improve the way complaints are handled in the public sector and requires all public bodies to have complaints procedures that comply with the principles contained within the guidance.

The college internal complaints procedure has two stages. There is a third external stage which may be pursued by the complainant if the issue has not been resolved to their satisfaction. Details on how to proceed to the third stage are also contained within this procedure.

The aim of the complaint's policy and procedure is to resolve any complaint quickly and at the lowest level possible.

### What is a Complaint?

***Definition – “A complaint is an expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation.”***

(SPSO Guidance on a Model Complaints Handling Procedure)

It is important to distinguish a complaint from a request for information, a request for a service or an appeal.

A complaint may relate to, for example:

- a failure to provide a service
- an inadequate quality or standard of service
- a request for a service or for information which has not been actioned or answered
- our policies
- our failure to follow the proper administrative process.

This list is not meant to be complete.

A complaint is not:

- a routine first-time request for a service
- a request for information or an explanation of policy or practice
- a disagreement with academic judgement

Any disagreement in relation to academic judgement (including selection for programme judgements) should be referred to the Faculty Director as an appeal.

Other issues will not be treated as complaints. Instead, direct customers to use the right college procedures.

### **Handling anonymous complaints**

The college value all complaints. This means we treat all complaints seriously including anonymous ones and will act to consider them further, wherever it is proper to do so. Generally, we will consider an anonymous complaint if it gives enough information for us to make further enquiries. Failing this, we may decide not to pursue it. A decision not to pursue an anonymous complaint must be authorised by the responsible senior manager. This will be recorded in the same way as all other complaints.

If an anonymous complaint contains serious allegations, it will be referred to a senior manager immediately.

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

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the customer has given their personal consent. Anyone who requires assistance to raise a complaint can contact the Student Association or Vice Principal – People, Performance and Improvement.

The college will support individuals or organisations wishing to complain about an aspect of its service. This is because we want to understand the nature of the complaint and how it might need to respond if a service is substandard or failing. This may include involving outside support, e.g. advocacy services, to help the customer.

## Level 1 Complaint – Frontline Resolution

### Receiving a Frontline Complaint

Frontline resolution should aim to resolve minor and straightforward complaints at the first point of contact and as quickly as possible. Any member of staff may be faced by a complaint from a student or a member of the public. For minor complaints, the member of staff is responsible for resolving the complaint or referring it to their line manager if they feel unable to resolve the complaint there and then.

Frontline staff most likely to be involved in resolving minor and straightforward complaints:

- Lecturers
- Receptionists
- Student Advice staff
- Administrators
- First line managers
- Student Association and Student Support

Complaints may be received in person, online, in writing or by telephone by a third party or anonymously. When receiving the complaint, the frontline member of staff must record the complaint and the action in the complaint tracking form. For complaints received on social media, marketing should direct the complainant to complete the form on the college website, [Complaints | West Lothian College \(west-lothian.ac.uk\)](https://www.west-lothian.ac.uk/complaints)

It is the nature of the complaint (i.e. non-complex/non-contentious), rather than the means by which it is presented, that should determine whether a complaint is handled at the frontline stage.

A complaint in writing could, therefore, be resolved at the frontline. Where a complaint has been successfully resolved at the frontline stage, and the outcome has been communicated to the complainant either by face-to-face, telephone or email communication, there is no additional requirement to send further written confirmation to the complainant. The resolution should be recorded in the complaint tracking form (see Appendix 1).

Frontline staff should respond to all complaints that they identify as appropriate for immediate resolution. The member of staff receiving the complaint should consider four key questions:

- What is the complaint and is it for frontline resolution or of a more serious or complex nature?
- What does the service user wish to achieve by complaining and is this realistic?
- Can I achieve this, or provide an explanation as to why not?
- If I can't resolve this who can I refer the complaint to for frontline resolution?



The staff member who is the subject of a complaint should not handle or respond to the complaint. Neither should frontline staff who may have a clear conflict of interest in the matter. Where a member of staff receives a complaint about themselves or where there is a conflict of interest, the complaint should be handed to a manager within the department. However, the member of staff has the right to know about the complaint against them.

There may be occasions where a complainant simply refuses to engage with attempts to achieve frontline resolution and insists that their complaint be fully investigated and a formal response provided. Although every effort should be made to resolve complaints at the frontline stage of the Complaints Handling Procedure (CHP), in these circumstances' complaints should be escalated to the investigation stage.

## **Responding to and Resolving Frontline Complaints**

The aim of frontline resolution is to provide a quick, informed response to a complaint without the need for a detailed investigation of the points raised. The issues are by definition those that can mostly be addressed 'on-the-spot' by staff responsible for a service. In this context it is likely that resolution will take place face-to-face or on the telephone, and should be achievable within a short period of time; 24 hours in the majority of cases.

In practice, frontline resolution means resolving the complaint at the first point of contact with the complainant. This can be done by the member of staff receiving the complaint or other appropriate staff.

In either case, you may settle the complaint by:

- providing an on-the-spot apology where suitable, and/or
- explaining why the problem occurred and, where possible, what will be done to stop it happening again.

## **What to do when you receive a complaint**

- a) On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint.
- b) If you have received and identified a complaint, record the details on our complaints system.
- c) Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before you can give the complainant a suitable response. You must escalate these complaints immediately to the investigation stage.
- d) Where you think frontline resolution is appropriate, you must consider four key questions:
  - What exactly is the customer's complaint (or complaints)?

- What does the customer want to achieve by complaining?
- Can I achieve this, or explain why not?
- If I can't resolve this, who can help with frontline resolution?

### **What exactly is the customer's complaint (or complaints)?**

It is important to be clear about exactly what the customer is complaining of. You may need to ask the customer supplementary questions to get a full picture.

### **What does the customer want to achieve by complaining?**

At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this, so you 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?**

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is suitable, you may wish to follow the SPSO's guidance on the subject:

You are likely to have to give the decision face to face or by telephone. If you respond face to face, by telephone or by email, you need not write to the complainant as well but you may choose to do so. It is important, however, to keep a full and accurate record of the decision you have reached and passed to the complainant.

### **If I can't resolve this, who can help with frontline resolution?**

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, pass details of the complaint to someone who can try to resolve it.

### **Timelines**

Frontline resolution must be completed within **five working days**, although in practice we would often expect to resolve the complaint much sooner.

You may need to get more information from other departments to resolve the complaint at this stage. However, it is important to respond to the complainant within five working days, either resolving the matter or explaining that the college will investigate their complaint.

## **Extension to the timeline**

In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than five working days with the complainant. This must only happen when an extension will make it more likely that the complaint will be resolved through frontline resolution.

When you ask for an extension, you must get authorisation from the Vice Principal - People, Performance and Improvement who will decide whether you need an extension to effectively resolve the complaint. Examples of when this may be suitable include staff (or contractors) being temporarily unavailable. If, however, the issues are so complex that they cannot be resolved in five days, it is right to escalate the complaint straight to the investigation stage. Where appropriate you must tell the complainant about the reasons for the delay, and when they can expect your response.

If the complainant does not agree to an extension but it is unavoidable and reasonable, the Vice Principal – People, Performance and Improvement will decide on the extension. You must then tell the complainant about the delay and explain why the extension has been granted.

It is important that such extensions do not become the norm; only rarely should you extend the timeline at the frontline resolution stage. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date you receive the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics.

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

Once you believe the complaint is closed, it is important to communicate this with the complainant and check that they agreed that it is closed. You must let them know that they have six months to escalate the complaint should the matter arise again, or turn out not to be resolved.

When you have informed the complainant of the outcome, you do not have to write to them as well, but you may choose to do so or the complainant may ask you to do so. All letters must be approved by managers before being sent. You must ensure that our response to the complaint addresses all the topics we are responsible for and explains the reasons for our decision. It is also important to keep a full and accurate record of the decision you have reached and given to the complainant. You should then close the complaint and update the complaints record accordingly and pass this to your line manager who will pass this to the Executive Office

A copy of the completed Complaint Form should also be sent to the responsible manager where the details are held in a central record. The Management Team receive a report from the Vice Principal – People, Performance and Improvement quarterly on the complaints received, resolutions and lessons learned. The Board of Governors receive annual reports and a report is given quarterly to the Finance and General

Purposes Committee.

Heads of Service and Faculty Directors will pass the record of frontline resolved complaints to the Executive Office where a central record is held using the Complaints Record in Appendix 1.

Heads of Service and Faculty Directors should ensure that learning from complaints is sent to and discussed with relevant staff.

### **When to escalate to the investigation stage**

You must escalate a complaint to the investigation stage when:

- you tried frontline resolution but the complainant remains dissatisfied and requests an investigation. This may happen immediately when you communicate the decision at the frontline stage, or sometime later
- the complainant refuses to take part in frontline resolution
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

When you escalate a previously closed complaint from the frontline resolution stage, you should reopen the complaint on the complaints system.

Take special care to identify complaints that might:

- be serious, high risk or high profile, as these may require particular action, for example
- escalate to the college Principal, or raise critical issues that need senior management's direct input.

We define potential high-risk or high-profile complaints as involving:

- an allegation of corruption against a college employee (please see Financial Regulations)
- a claim of dereliction of duty by a college employee
- a claim of personal injury that has incapacitated the customer
- a potentially significant risk to the college's operations
- a claim of discrimination, with due regard to protected characteristics as set out in section 149(7) of the Equality Act 2010
- an allegation of significant harm or abuse or where there is a suspicion that someone may suffer significant harm
- serious service failure, for example major delays in providing, or repeated failures to provide, a service
- significant and ongoing press interest.

## **Level 2 Complaint – Internal Investigation**

### **Level 2 Complaint Criteria**

Certain issues will need to be investigated and resolved through more rigorous and formalised procedures. These include situations where:

- Frontline resolution was attempted, but the complainant remains dissatisfied. This may happen immediately when the decision at the frontline stage was communicated, or sometime later
- The complainant refuses to engage with the frontline resolution process
- The issues raised are complex and will require detailed investigation
- The complaint relates to issues that have been identified as serious, high risk or high profile.

Potential serious, high risk or high-profile complaints:

- involves a serious accident to staff, student or visitor
- involves alleged illegal activity or the potential for civil legal proceedings
- an allegation of corruption against a college employee
- a claim of dereliction of duty by a college employee
- a claim of personal injury that has incapacitated the customer
- a potentially significant risk to the college's operations
- a claim of discrimination, with due regard to protected characteristics as set out in section 149(7) of the Equality Act 2010
- an allegation of significant harm or abuse or where there is a suspicion that someone may suffer significant harm
- involves major delays in service provision or repeated failure of a service
- there has been press interest
- where there is a risk to the organisation's reputation.

At the investigation stage, staff should also be aiming to 'get it right first time'. Their goal is to establish all of the facts relevant to the points raised and provide a full, objective and proportionate response that represents the college's definitive position. Decisions reached at this stage of the Complaints Handling Procedure should communicate the views of the Principal and the College Team.

## **Receiving a Level 2 Complaint**

The recipient of a complaint in whatever form should make a judgement based on the criteria set out in this procedure as to whether the nature of the complaint is such that it should be investigated at Level 1 or 2. Where the recipient is unsure or believes it may be a Level 2 complaint, they should refer it to the Vice Principal People, Performance and Improvement and inform their line manager.

Level 2 complaints should be submitted in writing. It is important, however, that this does not present a barrier to the complainant and that they do not feel that it is being used as such. Where the complainant cannot provide the complaint in writing, for whatever reason, the complainant should be assisted in expressing the complaint and desired resolution. This should be recorded accurately and be endorsed by the complainant. In some instances, the complainant may seek support of the Student Association President or Vice President and/or the Support for Learning team.

Complaints may be received and accepted from third parties where they have received consent from the individual on whose behalf the complaint is made, using the third party mandate.

The Vice Principal - People, Performance and Improvement should review the nature of the complaint and inform the Principal immediately where it may involve:

- a serious accident to staff, student or visitor
- alleged illegal activity or the potential for civil legal proceedings,
- press interest or a risk to the organisation's reputation

## **Investigating a Level 2 Complaint**

The Vice Principal – People, Performance and Improvement ensures that the nature of the complaint is understood by reviewing:

- The details of the complaint
- What the complainant wishes to achieve
- Whether the expectations are realistic.

Where the nature of the complaint is unclear, the Vice Principal – People, Performance and Improvement will contact the complainant to seek clarification. It is important that the points of the complaint and outcome sought are agreed with the complainant before the investigation commences.

The Vice Principal – People, Performance and Improvement will appoint a member of the College Team to act as the investigating manager. They will act as the single point of contact for the complaint. This provides reassurance for the complainant that someone sufficiently removed from the issue and senior within the college is attending to their complaint. It also ensures that one individual within the organisation has taken responsibility for investigating the points raised and responding to the complainant.

The investigating manager should have a thorough understanding of the Complaints Handling Procedure and a reasonable knowledge of the procedures of the department or function involved. They must be fully trained in how to plan and conduct investigations, including how to obtain and analyse evidence.

The investigating manager is responsible for establishing the precise detail of the complaint, for conducting a thorough review of the circumstances surrounding the complaint, for gathering the necessary information and for ensuring that the information gathered is of a suitable quality and accuracy to enable a full and informed response to be issued. Where confidential records need to be accessed, necessary permissions must be obtained.

All staff are required to comply with the investigating manager.

The scale of the investigation should be proportionate to the issue complained about.

The investigating manager should compile a record of events, recording what happened and who was involved. All source documents should be referenced within the report.

The investigating manager reports the findings of the investigation to the Vice Principal – People, Performance and Improvement, where a draft report and recommendations are agreed.

The report should include:

- The nature of the complaint
- The complainant's expectation for resolution
- The order of events
- What should have happened
- What went wrong
- What was the cause of the identified failings
- The proposed resolution to the complaint
- If the complainant's expectation cannot be met why this is the case
- Any necessary resulting changes to service

The report will be considered and approved by the Vice Principal – People, Performance and Improvement prior to a full explanation and outcome being given to the complainant.

Please see Appendix 2 for a suggested report layout.

## **Timescales for investigation**

Complaints should be acknowledged in writing within **3 working days**.

The investigation should be completed within **10 working days** of receiving the complaint.

A full response should be provided within **20 working days**.

Some complex complaints may take longer to resolve and there may be some complaints that are so complex they will require careful consideration and detailed investigation beyond the 20 working days target.

There may be occasions where the college has no option but to 'suspend' a complaint investigation in circumstances where the case cannot be closed but, for reasons out with the college's control, it cannot be progressed either. Examples of such situations may include cases where the college cannot get the information it requires as a result of incapacity, or in cases where a person cannot be contacted.

Suspending a complaint should happen only in exceptional circumstances, with any decision to suspend an investigation being agreed by the Vice Principal – People, Performance and Improvement. A decision to suspend should be formally recorded and be for a defined period of time, at the end of which it should be reviewed.

## **Outcome of the Investigation**

The Vice Principal – People, Performance and Improvement is responsible for communicating the outcome of the complaint investigation to the complainant and will ensure that any resulting changes are implemented by the college.

Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, we will consider using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating.

Mediation will help both parties understand what has caused the complaint, so is more likely to lead to mutually satisfactory outcomes. If the college and the customer agree to mediation, revised timescales will need to be agreed.

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

We will let the complainant know the outcome of the investigation in writing. The response to the complaint will address all areas the college is responsible for and explain the reasons for the decision. Consideration should be made of the complainant's literacy skills and whether English is a first language. Where there are barriers to clear communication by letter then contact can be made in person, by telephone or through the use of an interpreter. In all cases where alternative communication is used this should be followed up with a letter.



We will record the decision, and details of how it was communicated to the complainant, on the system for recording complaints. We will make clear to the complainant what their rights are.

### **Independent external review**

Once the investigation stage has been completed, if the complainant is still dissatisfied with the decision or the way we dealt with the complaint, they can ask the SPSO or the awarding organisation to look at it. If the complainant remains dissatisfied with the way the awarding body has handled the complaint then they may complain to the qualification's regulator (see Appendix 3 for a complete list of awarding bodies and their regulators)

Students should be advised that SPSO and the regulator do not have the power to revise course awards. Only the awarding bodies have the power to do this and students should always approach the awarding body through the relevant procedure where this is what they want to achieve as a result of their complaint, following completion of the college CHP.

**In all cases, the complaint must first have been considered by the college.**

Note: SPSO and SQA are in discussions about signposting arrangements to be included in the model CHP and the above text is subject to amendment.

### **Complaints to SQA**

Candidates of SQA qualifications also have the right to complain to SQA awarding body. SQA will only consider the complaint if the complainant has already gone through all stages of the College complaints procedure and remains dissatisfied with the outcome, or the way in which the complaint was handled.

#### **SQA will deal with complaints about:**

- ◆ assessment — in the broadest sense, including the conduct of, preparation for, and environment for, assessment
- ◆ dissatisfaction with the way in which the centre handled the complaint

#### **SQA will not deal with complaints about:**

- ◆ assessment decisions (use Appeals or Post-results Services)
- ◆ the wider experience of being a candidate (e.g. support services, funding, facilities)

### **See SQA's Customer Complaints and Feedback web page**

Candidates enrolled on regulated qualifications (including all SVQs) also have the right to complain to SQA Accreditation (or Ofqual, if relevant) once they have exhausted the college complaints procedure and the SQA awarding body's complaints procedure. However, this does **not** apply to candidates on non-regulated

qualifications. See Appendix 3 for a list of our awarding organisations and their regulators

### **Complaints from City and Guilds Students**

If they are not satisfied with the provider's/centre's final decision, complainants can escalate their complaint. If they wish to take their complaint further they should submit details to [feedbackandcomplaints@cityandguilds.com](mailto:feedbackandcomplaints@cityandguilds.com) . If the complainant is then not satisfied with how City & Guilds has managed their complaint the final point of escalation for them is the regulatory body, SQA Accreditation, and should be contacted on [accreditation@sqa.org.uk](mailto:accreditation@sqa.org.uk) or the Scottish Public Services Ombudsman for public bodies on [www.spsso.org.uk](http://www.spsso.org.uk) .

### **Information about the SPSO**

The college will also tell the complainant about their right to complain to the SPSO should they be dissatisfied with the outcome of their complaint. It should provide contact details for the SPSO and inform the complainant that they should take their complaint to the SPSO within 12 months of becoming aware of the issue which gave rise to the complaint, using the standard SPSO wording below to inform complainants of their right to ask SPSO to consider the complaint. The SPSO also provides a leaflet, **The Ombudsman and your organisation**, which is helpful in deciding how and when to refer someone to the SPSO.

### **Other Awarding Bodies**

Each awarding body has its own complaints arrangements. For further information on escalating a complaint please contact Vice Principal – People, Performance and Improvement or seek advice from the Student Association.

### **Please Note**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish Colleges. If you remain dissatisfied with a College or co-operative after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not gone all the way through the college's complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

The SPSO's contact details are:

**SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS**

or

**Freepost SPSO (no stamp is required)**

Freephone **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)**  
Mobile site: **<http://m.spsso.org.uk>**

SQA Accreditation's contact details are

**SQA Accreditation  
The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ**

Or

**[SQA Accreditation - Complaint Form](#)**

OFQUAL's contact details are:

**Ofqual  
Spring Place  
Herald Avenue  
Coventry  
CV5 6UB**

or

Email: **[public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)**  
Telephone: **0300 303 3344**  
Website **[www.gov.uk/government/organisations/ofqual](http://www.gov.uk/government/organisations/ofqual)**

The details and outcomes of all complaints are held within college records for a period of five years.

## **Complaints Handling Procedure - Redress**

Where the complainant has proposed a form of redress that will resolve their complaint, the College Team will consider the service user's wishes and, if it is reasonable to meet them, the Vice Principal – People, Performance and Improvement will make the desired arrangements.

Where the complainant's wishes are not reasonable or the college is unable to provide certain remedies, any failures should be acknowledged and remedied quickly and fairly and in a way that best reflects the extent of the problems encountered by the complainant.

Appropriate redress could include:

- An apology
- An explanation
- Correcting the error

Where service failings have been identified, the college will try to ensure that the complainant is in no worse a position than they would have been if the service failure had not occurred. If this is not possible then other forms of redress will be considered, such as providing an explanation and apology.

The college will undertake to improve procedures or systems or implement staff training to address service failures where this is appropriate. The complainant will be told about action taken, excluding specific details that affect individual staff members.

In many cases, the complainant will simply want the college to acknowledge any shortcomings and apologise. Where an apology is necessary, the apology will be unequivocal with no blame attributed to the complainant.

## **Publicising the Complaints Procedure and Outcomes**

### **Accessing the Complaints Procedure**

The complaints procedure is made easily accessible from the home page of the college website.

Paper copies of the complaint's procedure can be requested from the Executive Office.

The college will publicise the complaints procedure through guidance available on the website.

The complaints procedure will be publicised at staff and student induction and regularly throughout the college year.

The procedure is published in a format that allows text help software to read the document.

### **Recording, Reporting, Learning and Publicising**

Complaints provide valuable customer feedback. One of the aims of this procedure is to identify opportunities to improve services across West Lothian College. We must record all complaints systematically so that we can use the data for analysis and management reporting. By doing so, we can identify and tackle what causes complaints. Also, where appropriate, we can identify training opportunities and improve our service.

#### **Recording complaints**

To collect suitable data the college must record all complaints in line with SPSO minimum requirements, as follows:

- The complainant's name and address.
- The date we received the complaint.
- The nature of the complaint.
- How we received the complaint.
- The department the complaint refers to.
- The date we closed the complaint at frontline resolution stage, if we did.
- The date we escalated the complaint to the investigation stage, if we did.
- Any action we took at the investigation stage.
- The date we closed the complaint was closed at the investigation stage, if we did.
- The complaint's outcome at each stage.
- The complaint's underlying cause and any remedial action we took.
- SPSO/Awarding Body involvement

The college has structured systems for recording complaints, their outcomes and any resulting action. These provide a detailed record of services that have failed to satisfy customers.

### **Reporting of complaints**

The college analyses complaint details for trend information to ensure we identify service failures and take appropriate action. By regularly reporting on our analysis, we can tell where services need to improve.

The Executive Leadership Team will report to the Finance & General Purposes Committee on the activity under the Complaints Handling Procedure and will provide an analysis of trends and any consequential improvements to service as a result of complaints.

The college will publish complaints performance data quarterly including any resulting improvements to service and using case studies and examples to show how complaints have helped improve services, following the report to the Board of Governors.

Complaints data will be used to inform college self-evaluation and development planning to improve services.

### **Learning from complaints**

At the earliest opportunity after closing the complaint, the complaint handler must inform the complainant and staff of the relevant department about the investigation's findings and any recommendations.

The Executive Leadership Team will regularly review the information gathered from complaints and consider whether we could improve our services or update our internal policies and procedures.

As a minimum, we must:

- use complaints data to identify the root cause of complaints
- act to reduce the risk of recurrence
- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve service delivery.

Where we have found that our services should be improved, we must:

- authorise the action needed to improve services
- designate an officer (or team) as the issue's 'owner', with responsibility for ensuring the action is taken and by when
- ensure the designated officer follows up to ensure the action is taken by the agreed date
- where appropriate, monitor performance in the service area to ensure the issue has been resolved

- ensure that our staff learn from complaints.

## **Publicising complaints performance information**

We also report annually on our performance in handling complaints in line with SPSO requirements. This includes statistics showing the volume and type of complaint as well as key performance details, for example on the time we took to resolve complaints and at what stage they were resolved.

## **Staff Training**

Staff training will provide:

- A full understanding of the Complaints Handling Procedure and the individual's role in handling complaints
- A full understanding of the College's policy about which complaints are suitable for frontline resolution and which require level 2 investigation
- Customer service and complaints handling training
- Data protection and Freedom of Information training
- Training on the different types of redress available to resolve complaints and options for alternative dispute resolution
- A full understanding that they are empowered to resolve complaints and that they have the authority to do so
- Training in investigation and interview skills, and in a range of skills suited to gathering and evaluating evidence (investigative staff only)
- Specialist training for staff who may have to deal with complainants who are vulnerable, or who have specific needs.

## **Maintaining Confidentiality**

Confidentiality is important in complaints handling. It includes maintaining the complainant's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of complainants' information. The complainant's identity will have to be shared with the investigating manager and may have to be shared within an investigation.

## **Managing Challenging Behaviour**

In times of trouble or distress, people may act out of character. The circumstances leading to a complaint may result in the complainant acting unacceptably. Complainants who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A customer's reasons for complaining may contribute to how they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable

behaviour towards our staff. So, we will apply our policies and procedures to protect staff from behaviour such as unreasonable persistence, threats or offensiveness from complainants. If we decide to restrict a complainant's contact with us under our unacceptable actions policy, we have a procedure for communicating that decision to them, notifying them of their right of appeal, and reviewing any decision to restrict contact with us. This will allow the complainant to demonstrate a more reasonable approach later.

### **Supporting the Complainant**

Everyone has an equal right of access to the college's CHP. Complainants who do not have English as a first language may need help with interpretation and translation services. Others may have specific needs that we will seek to meet to ensure easy access to the procedure.

The college will always consider our commitment and responsibility to equality. Where appropriate, this includes making reasonable adjustments to our service to help the complainant.

Several support and advocacy groups are available to support complainants in pursuing a complaint. You should tell complainants about them if need be.

### **Supporting the subject of the Complaint**

Staff members who are the subject of the complaint must be given information about the complaint process and support available, and be kept updated of any timeframe extensions. For more information on this, please refer to Appendix 4.

### **No complainant will be disadvantaged**

All staff members must be careful to behave appropriately at all times. When presented with a complaint, they must not use words or behaviours which either expressly or impliedly, directly or indirectly suggest that they have power to influence the academic career of a student or other staff member who complains about their behaviour or conduct.

Such behaviour may merit disciplinary investigation itself and all staff will receive training on complaints handling which highlights the risk of this behaviour forming part of a separate complaint.

No complainant will be disadvantaged by raising a complaint.

### **Time Limit for Making Complaints**

The complainant has six months to put their complaint to us, starting from when they first knew of the problem. For us to accept a complaint outside this time, there have to be special circumstances.

We will use discretion when applying this time limit. In our decision making we will take



account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem, unless special circumstances mean we should consider complaints beyond this time.

Where you think special circumstances apply to your complaint, please contact us in writing to [complaints@west-lothian.ac.uk](mailto:complaints@west-lothian.ac.uk) to explain the circumstances and allow us to support you in this situation.

If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criterion. This will enable us to consider the complaint and try to resolve it.

### Supporting the Complaints Handler

From time to time, difficult matters will arise which will also be challenging for the college or the complaints handler to manage. Complaints handlers are people too and deserve the same respect that we aim to treat all our customers. For this reason, we have included guidance on Engagement in Appendix 5 which is based on the SPSO's own policy on Engagement and Difficult Behaviour.

### **Complaints forms are available on the college website**

**Appendix 1 Level 1 Complaint Recording Form**

Name of Person complaining: .....

Name of Staff Member addressing complaint: .....

<b>Nature of Complaint and date made:</b>		
<b>Agreed Complaint and Outcome Sought</b>		
Outcome (delete as appropriate)		
Upheld	Not Upheld	Resolved
<b>Description of Resolution and date agreed:</b>		
How was the Outcome Communicated to the Complainant and any improvement actions?		

## Appendix 2 Investigation Report

<b>Complaint Number</b>	
<b>Investigating Manager</b>	
<b>Agreed Complaint and Outcome Sought</b>	
<b>Order of Events</b>	
<b>What went wrong</b>	
<b>Proposed resolution</b>	<b>Upheld/Not Upheld/Resolved</b>
<b>Recommendations</b>	
<b>Reason for decisions made</b>	

## Appendix 3 West Lothian College Regulated Awarding Organisations

(current as at date in footer)

### Scottish Legislation and SQA Accreditation:

In Scotland, courses that are regulated under Scottish legislation are typically overseen by SQA Accreditation. The Scottish Qualifications Authority (SQA) accredits and quality assures qualifications in Scotland, ensuring they meet specific standards.

### UK Legislation and Ofqual:

For courses that fall under UK-wide legislation, the Office of Qualifications and Examinations Regulation (Ofqual) is usually the regulator. Ofqual regulates qualifications, exams, and tests in England. While Scotland has its own system, some qualifications may be regulated by Ofqual if they are intended to be recognised across the UK.

### Awarding Organisations and Bespoke Courses:

Some awarding organisations offer their own bespoke courses. These organisations often have their own mechanisms for quality assurance and external verification to ensure the courses meet certain standards. They self-regulate these bespoke courses through rigorous internal processes.

Awarding Body	Regulator
<b>SQA</b> (Scottish Qualifications Authority) The Optima Building 58 Robertson Street Glasgow G2 8DQ	SQA Accreditation
<b>EAL</b> Customer Services Team <a href="mailto:customercare@eal.org.uk">customercare@eal.org.uk</a> 01923 652400	SQA Accreditation
<b>City and Guilds (also includes ILM)</b> 1 Giltspur Street London EC1A 9DD Phone: 0207 294 2468	SQA Accreditation
<b>HABC</b> (Highfield Awarding Body for Compliance Limited) Highfield House Heaven's Walk Lakeside Doncaster DN4 5HZ	SQA Accreditation

<p><b>IMI (Institute of the Motor Industry)</b>  Institute of the Motor Industry  Fanshaws  Brickendon  Hertford  SG13 8PQ  T: 44 (0)1992 519025</p>	<p>SQA Accreditation  OFQUAL for electric vehicle qualifications</p>
<p><b>VTCT</b>  Aspire House  Annealing Close  Eastleigh  Hampshire  SO50 9PX  T: +44 (0) 23 8068 4500  Email: <a href="mailto:customersupport@vtct.org.uk">customersupport@vtct.org.uk</a></p>	<p>SQA Accreditation</p>
<p><b>COSCA (Counselling &amp; Psychotherapy in Scotland)</b>  16 Melville Terrace  Stirling  FK8 2NE  T: 01786 475 140  Email: <a href="mailto:info@cosca.org.uk">info@cosca.org.uk</a></p>	<p>SQA Accreditation</p>
<p><b>AAT</b>  Association of Accounting Technicians (AAT)  140 Aldersgate Street  London  EC1A 4HY  T: +44(0)20 3735 2443  Email: <a href="mailto:centre.support@aat.org.uk">centre.support@aat.org.uk</a></p>	<p>SQA Accreditation</p>
<p><b>BPEC</b>  1-2 Mallard Way,  Derby  DE24 8GX  T: 1332 376000  Email: <a href="mailto:services@bpec.org.uk">services@bpec.org.uk</a></p>	<p>Ofqual</p>
<p><b>Instructus</b>  Unit 3 Cherry Hall Road  North Kettering Business Park  Kettering NN14 4DJ  T: 01536 738631  Email: <a href="#">Contact Us – Instructus Skills</a></p>	<p>SQA Accreditation</p>

## **Appendix 4 Support for Staff Members Named in a Complaint**

Where a complaint alleges actions of an employee, the complaint will be investigated as detailed in the above policy, using complaint investigation techniques to establish the facts. The outcome is then reported.

It is not necessary to share the full wording of the initial complaint with the member of staff, as it may refer to other staff or teams. However, during the investigation, the investigating officer should let any member of staff being interviewed know what the complaint is and what stage the complaint is being investigated at. They should also share the timeline for closing off the complaint to the complainant.

For Stage 1 complaints, it will usually be the line manager who conducts the investigation. However, at Stage 2, the complaint will usually be investigated by an independent manager and in this case the complaint will also be communicated to the member of staff's line manager, so that they are aware and therefore available to support the member of staff.

Regardless of the stage of the complaint, once it is concluded, the outcome, recommendations and/or actions and the reasons for these should be communicated by the Complaints Handling Officer to the member of staff and their line manager within 5 working days of the conclusion of the complaint. The line manager should consider whether or not to record a personal file note, as per the informal stage of the disciplinary procedure.

Where multiple staff are named in the complaint, all should be advised of the outcome, privately, but at the same time.

Should the college establish that the complaint should become a formal disciplinary matter, the staff member will be advised in line with the disciplinary procedure.

There may be occasions where the complaint raises a serious allegation which requires to be handled as a formal disciplinary matter before being handled as a complaint. In this case, the complaint should be acknowledged and the complainant advised that it is being dealt with at Stage 2. The complainant will be told that there may be a delay in resolving the complaint whilst the investigation takes place, however it must not be disclosed to the complainant that it is being investigated as a disciplinary. It would be ideal if the disciplinary investigation could be concluded within the 20 day deadline for Stage 2, but if this is not possible, the complainant should be kept advised of any delays and the realistic resolution date.

Once the investigation is concluded, an update should be provided to the Complaints Handling Officer, who will then use this information to decide what the outcome of the complaint is and write to conclude this with the complainant, along with any actions, but once again, ensuring that no personal confidential information about staff is communicated in this letter.

## **Appendix 5 Engagement Guidance**

We believe that complainants have a right to be heard, understood and respected. We work hard to be open and accessible to everyone.

Occasionally, the behaviour or actions of individuals using our service makes it very difficult for us to deal with their complaint. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our process.

If this happens, we have to act to protect our staff. We also consider the impact of the behaviour on our ability to do our work and provide a service to others.

This guidance explains how we will interact with people and approach these situations.

### **Working with us: respecting each other**

- We believe that everyone who contacts us has the right to be treated with respect and dignity.
- We will listen with empathy and kindness.
- We will treat everyone fairly and justly.

### **To do this, we need your help**

- Tell us what you need.
- Tell us the best way we can communicate with you.
- Tell us what method of communication works best for you.

We will do our best to meet your needs. We can share examples of what changes have helped others. It is okay to change your mind or realise something else will work better at any time.

### **Tell us if something is going wrong**

- We want to fix problems and to know if you are unhappy. Please tell us; we will check what we have done against our standards and make changes if we can.

### **Remember we are people too**

- We know you may be frustrated, distressed or angry because of something that has happened.
- Our staff have the same rights to be treated with respect and dignity as our customers, and we must provide a safe working environment for them.
- We must also provide a service to *all* our customers

This means we need to handle any situation or actions which could have a negative impact on our staff or our ability to work. We may need to speak with you about this or we may need to change the way we engage with you. If this happens, we will explain what we are doing and why.

## Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the College's EIA Policy Statement and Guidance, along with further information and resources which are available on SharePoint

EIA covers **strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services**, but will be referred to hereinafter as 'policy/practice'.

<b>Policy/Practice (name or brief description):</b>	<b>Complaints Policy and Complaints Handling Procedure</b>
<p><b>Strategy/Policy includes Equalities Statement of Inclusiveness?</b></p>	<p><b>Yes</b></p> <p><b>Text to be included in strategy/policy:</b></p> <p><b>Statement of Inclusiveness</b></p> <p>West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p> <p>We also acknowledge our responsibilities under The Human Rights Act 1998 to protect and promote fundamental human rights and freedoms, such as the right to life, personal liberty, an education, freedom of expression, and the prohibition of torture.</p>
	<p><b>Reason for Equality Impact Assessment (choose from the following options):</b></p>
<ul style="list-style-type: none"> <li>• Proposed new policy/practice</li> <li>• Proposed change to an existing policy/practice</li> <li>• Undertaking a review of an existing</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed change to an existing policy/practice</li> </ul>



policy/practice • Other (please give detail):	
<b>Person responsible for the policy area or practice:</b>	
Name:	Beth Brownlee
Job title:	Head of Student Experience and Improvement
<b>An Equality Impact Assessment must be carried out if the policy/practice:</b>	
<ul style="list-style-type: none"> <li>• affects <b>operational</b> or <b>strategic functions</b> of the College</li> <li>• is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance)</li> </ul>	
Why the EIA is being carried out	It affects the operational functions of the college and is also relevant to the promotion of equality under the Public Sector Equality Duty.
<b>Equality Groups</b>	
Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:	
<ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• Race (including ethnicity and nationality)</li> <li>• Religion or belief</li> <li>• Sex</li> <li>• Sexual orientation</li> <li>Gender reassignment</li> <li>• Pregnancy and maternity</li> </ul>	Relevant to all protected groups.

**Record your assessment against the following statements:**

Statement	Equality assessment
Which equality groups or communities have been consulted in the development and review of this policy/practice?	West Lothian College Student Association

Detail the evidence of the needs of the identified equality groups and any gaps in information	See below
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
State how this policy/practice will foster good relations:	The policy promotes the right to complain about perceived short comings with the college's services, thus promoting openness and transparency about decision making and thus support good relations with all protected groups.
Will the policy/practice create any barriers for any other groups?	
Considering The Human Rights Act 1998, does this policy/practice impact negatively upon any of the following rights: The right to life The right not to be tortured or treated in an inhuman way The right to protection of property The right to education The right to private and family life The right to personal liberty and security The right to a fair trial The right to freedom of religion and belief The right to freedom of expression The right to non-discrimination in connection with human rights	There will be a positive impact, particularly relating to the right to an education.

If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
--	--

**Equality Impact Assessment Outcome**

Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):

<p><b>Option 1:</b> No change required – the assessment is that the policy/practice is/will be robust.</p>	
<p><b>Monitoring</b></p>	
When will the policy/practice next be reviewed?	April 2027
<p><b>Publication of EIA</b></p>	
<p>Can this EIA be published in full, now? Please state Yes or No</p> <p>If No – please specify when it may be published or indicate restrictions that apply:</p>	Yes
<p><b>Sign-off</b></p>	
<p>EIA undertaken by</p> <p>Name:</p> <p>Date:</p> <p>Accepted by person responsible for the policy/practice named above:</p> <p>Name:</p> <p>Date:</p>	<p>Beth Brownlee</p> <p>04.06.2024</p> <p>Simon Earp</p> <p>04.06.2024</p>

Once completed, updated documents should be agreed with the Executive Leadership Team then uploaded to the college website and Sharepoint. The approved copy is then the source document.