



**Dumfries and  
Galloway College**

One step ahead

# **COMPLAINTS HANDLING PROCEDURE – PART 3 THE COMPLAINTS HANDLING PROCESS**

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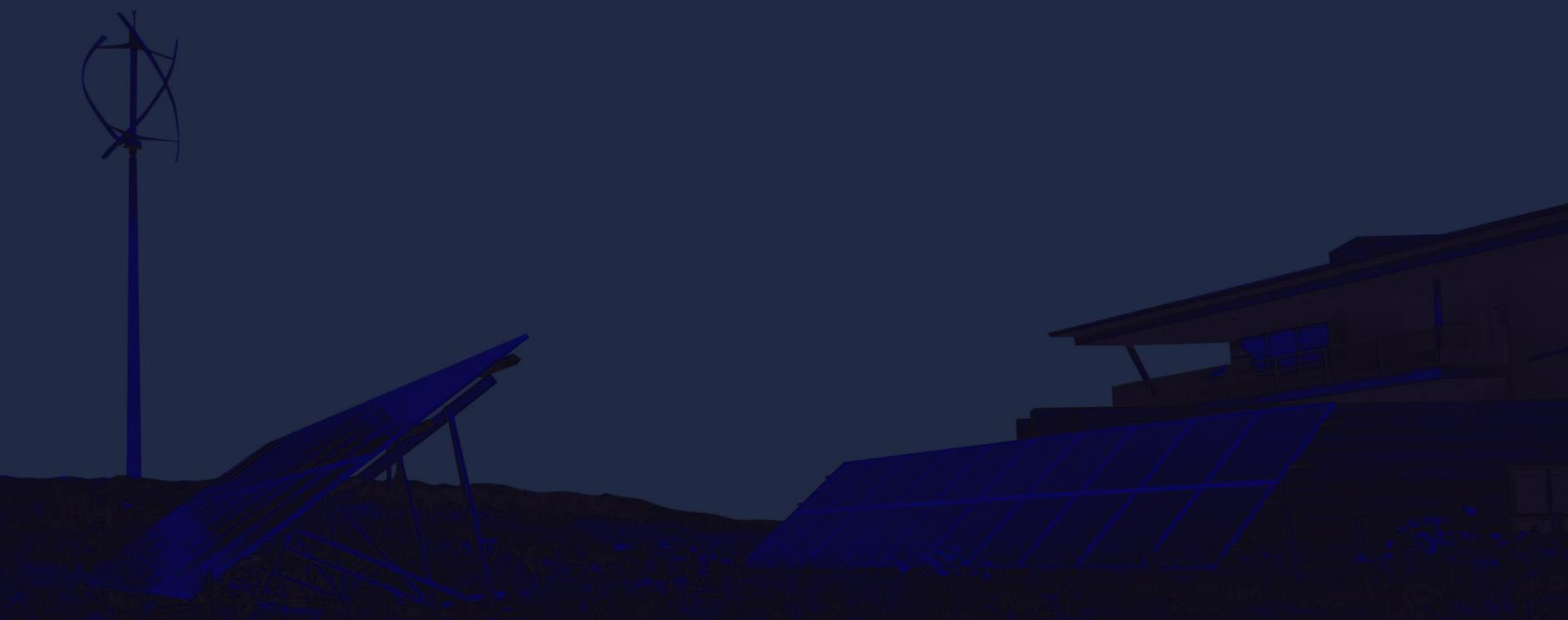
**Responsibility: Performance Manager**

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# Complaints Handling Procedure – Part 3

## The Complaints Handling Process

### 1. Purpose

The purpose of this procedure is to detail Dumfries and Galloway College's complaints handling procedure and the process.

### 2. Scope

This procedure is to be implemented at all College sites and applies to all staff with a responsibility for complaints handling.

### 3. References

- 🔑 Complaints Handling Procedure Part 1 (Overview and Structure)
- 🔑 Complaints Handling Procedure Part 2 (When to use this Procedure)
- 🔑 Complaints Handling Procedure Part 4 (Governance)
- 🔑 Complaints Handling Procedure Part 5 (A Guide for Complainants)
- 🔑 Dumfries and Galloway College Unacceptable Actions Statement ([Form 1](#))
- 🔑 Dumfries and Galloway College Template Decision Letter (Form 3)
- 🔑 [SPSO's Good Practice Guidance: Alternative Complaint Resolution Approaches](#)
- 🔑 [SPSO's Apology Guide.](#)
- 🔑 [SPSO Investigation plan template](#)
- 🔑 [SPSO Decision-making tool for complaint investigators](#)
- 🔑 [SPSO Child Friendly Complaints Handling Process Guidance](#)
- 🔑 [SPSO Child Friendly Complaints Handling Principles](#)

## 4. *Definitions*

CHP	Complaints Handling Procedure
SPSO	Scottish Public Services Ombudsmen
CFCHP	Child Friendly Complaints Handling Process
UNCRC	United Nations Convention on the Rights of the Child

## 5. *Responsibility*

- 5.1 A complaint may be made to any member of college staff, therefore, **all staff** are responsible for Stage 1 Frontline Response complaints.
- 5.2 **Managers and Senior Managers** are responsible for investigating Stage 2 Investigation complaints.
- 5.3 Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
- 5.4 You must keep a full and accurate record of any complaint you handle and have this recorded on the complaints system via the Performance Team [performance@dumgal.ac.uk](mailto:performance@dumgal.ac.uk). This enables trends and issues causing complaints to be identified and tackled e.g. through improved training.
- 5.5 It is a Scottish Public Services Ombudsman (SPSO) requirement that statistical reports are published on the College website quarterly and annually. This is carried out by the Performance Team. This helps to ensure transparency in our complaints handling and reassure our customers that we value their complaints.





## 6. Procedure

### 6.1 The complaints handling process

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

### 6.2 Addressing the complaint

Complaints can have four possible outcomes:

- |  |   |
|--|---|
|  Resolved           | A complaint is resolved when both (the organisation) and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld |
|  Upheld           | Where the College is at fault   |
|  Partially Upheld | Where some points of complaints are upheld and others are not   |
|  Not Upheld       | Where the College is not at fault   |

- 6.2.1 We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.
- 6.2.2 A complaint may be resolved at any point in the complaint handling process, including during the Stage 2 Investigation. It is particularly important to try to resolve complaints where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.
- 6.2.3 It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. For further information on alternative

complaint resolution approaches please refer to Section 6.12.5 of this procedure or [SPSO's Good Practice Guidance: Alternative Complaint Resolution Approaches](#).

- 6.2.4 Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the customer's agreement to this as a final outcome. In some cases, it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.
- 6.2.5 In all cases, we must record the complaint outcome (Resolved, Upheld, Partially Upheld or Not Upheld) and any action taken and signpost the customer to Investigation Stage 2 (for Stage 1 complaints) or to Independent External Review as usual. For further information on Independent External Review please refer to Section 6.16 of this procedure.
- 6.2.6 If the customer and Dumfries and Galloway College are not able to agree a resolution, we must follow this CHP to provide a clear and reasoned response to each of the issues raised.

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

- 6.3.1 Members of staff receiving a complaint should consider four key questions. This will help them to either respond to the complaint quickly at Stage 1 or determine whether the complaint is more suitable for Stage 2.
- 6.3.2 **Key Question 1 – What exactly is the customer's complaint (or complaints)?**
  - 6.3.2.1 It is important to be clear about exactly what the customer is complaining about. We may need to ask the customer for more information and probe further to get a full understanding.
  - 6.3.2.2 We will need to decide whether the issue can be defined as a complaint

and whether there are circumstances that may limit our ability to respond to the complaint; such as the time limit for making complaints, confidentiality, anonymity or the need for consent. We should also consider whether the complaint is serious, high-risk or high-profile.

6.3.2.3 If the matter is not suitable for handling as a complaint, we will explain this to the customer and signpost them to SPSO.

6.3.2.4 In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at Stage 2. For further information on Stage 2 Investigation please refer to Section 6.8 of this procedure.

6.3.3 **Key Question 2 – What does the customer want to achieve by complaining?**

6.3.3.1 At the outset, we will clarify the outcome the customer wants. Of course, the customer may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied.

6.3.4 **Key Question 3 – Can I achieve this, or explain why not?**

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

6.3.4.2 The customer may expect more than we can provide. If so, we will tell them as soon as possible.

6.3.4.3 Complaints which can be resolved or responded to quickly should be managed at Stage 1. For further information on Stage 1 Frontline Response please refer to Section 6.4 of this procedure.

6.3.5 **Key Question 4 – If I cannot respond, who can help?**

6.3.5.1 If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly.

- 6.3.5.2 If it is not a simple and straightforward complaint that can realistically be closed within five working days (or ten, if an extension is appropriate), it should be handled immediately at Stage 2 Investigation. If the customer refuses to engage at Stage 1 Frontline Response, insisting that they want their complaint investigated, it should be handled immediately at Stage 2 Investigation.

## 6.4 Stage 1 – Frontline Response

- 6.4.1 Frontline Response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.
- 6.4.2 **Any member of staff** may deal with complaints at this Stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.
- 6.4.3 Complaints raised by a customer under the age of 18 years old, the principles of the SPSO Child Friendly Complaints Handling Guidance should be followed. Please also refer to Appendix 3 for further guidance on responded to CFCHP.
- 6.4.3 We may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we consider an apology is appropriate, we may wish to follow [SPSO's Apology Guide](#).
- 6.4.4 For all complaints addressed through our CFCHP, each response must be in writing.
- 6.4.5 Complaints which are not suitable for Stage 1: Frontline Response should be identified early, and handled immediately at Stage 2: Investigation.

- 6.4.6 Part 2 of our Complaint Handling Procedure ‘When to use this procedure’ gives examples of the types of complaint we may consider at this Stage, with suggestions on how to handle them.

## **6.5 Stage 1 – Notifying staff members involved**

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

## **6.6 Stage 1 – Timelines**

- 6.6.1 Frontline Response must be completed within five working days, although in practice we would often expect to respond to the complaint much sooner. ‘Day one’ is always the date of receipt of the complaint where it is received before midday or the next working day if the complaint is received after midday, on a weekend or on a public holiday. Academic holidays will be counted as normal working days (except for weekends or public holidays).
- 6.6.2 In exceptional circumstances, a short extension of 5 working days may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with the Performance Manager.
- 6.6.3 We will tell the customer about the reasons for the extension, and when they can expect a response. The maximum extension that can be granted is five working days (that is, no more than ten working days in total from the date of receipt).
- 6.6.4 If a complaint will take more than five working days to look into, it should be handled at Stage 2 Investigation immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at Stage 1 Frontline Resolution if it is clear that it can be handled within the extended timeframe of up to ten working days.

6.6.5 If a complaint has not been closed within ten working days, it should be escalated to Stage 2 Investigation for a final response.

## **6.7 Stage 1 – Closing the complaint at the Frontline Response Stage**

6.7.1 If we convey the decision face-to-face or on the telephone, we are not required to write to the customer as well (although we may choose to), unless being addressed through our CFCHP, where feedback is required to be provided in writing. We must:

- tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld);
- explain the reasons for our decision (or the agreed action taken to resolve the complaint; see Section 6.2 Addressing the complaint); and
- explain that the customer can escalate the complaint to Stage 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the customer has completed Stage 2 Investigation)

6.7.2 We will keep a full and accurate record of the decision given to the customer. This will include details on whether the complaint has been upheld, partially upheld, not upheld or resolved. If we are not able to contact the customer by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.

6.7.3 For all complaints raised by a customer 18 years and under, a written record of the outcome must be provided to the customer, as per the SPSO Child Friendly Complaints Handling Guidance. Please refer to Appendix 3 for further guidance.

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

6.7.5 The complaint should then be closed, and the complaints system updated accordingly.

- 6.7.6 At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified and have this documents via the Performance Team.

## **6.8 Stage 2 – Investigation**

- 6.8.1 Not all complaints are suitable for Stage 1 Frontline Response and not all complaints will be satisfactorily addressed at that Stage. Stage 2 Investigation is appropriate where:
- ▶ the customer is dissatisfied with the Stage 1 Frontline Response or refuses to engage at this stage, insisting they wish their complaint to be investigated. Unless exceptional circumstances apply, the customer must escalate the complaint within six months of when they first knew of the problem or within two months of the Stage 1 Frontline Response, whichever is later.
  - ▶ the complaint is not simple and straightforward, for example where the customer has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened; or
  - ▶ the complaint relates to serious, high-risk or high-profile issues
- 6.8.2 Investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area).
- 6.8.3 Details of the complaint will be recorded on the complaints system by a member of the Performance Team. Where appropriate, this will be done as a continuation of Stage 1 Frontline Response. If the Investigation Stage follows a Frontline Response, the individual responsible for the investigation should have access to all case notes and associated information.
- 6.8.4 The beginning of Stage 2 Investigation is a good time to consider whether complaint resolution approaches other than Investigation may be helpful.

6.8.5 Where Stage 2 Investigation complaints are raised by a customer under the age of 18 years old, the principles of the SPSO Child Friendly Complaints Handling Guidance should be followed. Please refer to Appendix 3 for further guidance.

## **6.9 Stage 2 – Acknowledging the complaint**

6.9.1 Complaints must be acknowledged within three working days of receipt at Stage 2 Investigation.

6.9.2 We must issue the acknowledgement in a format which is accessible to the customer, taking into account their preferred method of contact.

6.9.3 Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the customer to get in touch with us immediately if they disagree.

6.9.4 Where the points of complaint and expected outcomes are not clear, we must tell the customer we will contact them to discuss this.

## **6.10 Stage 2 – Agreeing the points of complaint and outcome sought**

6.10.1 It is important to be clear from the start of Stage 2 Investigation about the points of complaint to be investigated and what outcome the customer is seeking. We may also need to manage the customer's expectations about the scope of our investigation.

6.10.2 Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the customer when acknowledging the complaint.

6.10.3 Where the points of complaint and outcome sought are not clear, we must contact the customer to confirm these. We will normally need to speak to the customer (by phone or face-to-face) to do this effectively. In some cases it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the customer have a shared understanding of the complaint. When contacting the customer we will be respectful of their stated preferred method of contact. We should

keep a clear record of any discussion with the customer.

6.10.4 In all cases, we must have a clear shared understanding of:

6.10.4.1 What are the points of complaint to be investigated?

- ▶ While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue
- ▶ We will make every effort to agree the points of complaint with the customer (alternative complaint resolution approaches may be helpful at this stage). In very rare cases, it may not be possible to agree the points of complaint (for example, if the customer insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). We will manage any such cases in accordance with our **Unacceptable Actions Statement (Form 1)** bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

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

- ▶ We must explain if there are any points that are not suitable for handling under the CHP.

6.10.4.3 What outcome does the customer want to achieve by complaining?

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

6.10.4.4 Are the customer's expectations realistic and achievable?

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

## **6.11 Stage 2 – Notifying staff members involved**

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

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

6.11.2 If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met.

## **6.12 Stage 2 – Investigating the complaint**

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

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

6.12.2 In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).

6.12.3 If we need to share information within or out with the organisation, we will be mindful of our obligations under data protection legislation.

6.12.4 The SPSO has resources for conducting investigations, including:

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

6.12.5 Alternative complaint resolution approaches

6.12.5.1 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 matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.

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

6.12.5.3 The SPSO has guidance on [Alternative complaint resolution approaches](#).

6.12.5.4 If Dumfries and Galloway College and the customer (and any staff members involved) agree to use alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

## **6.13 Stage 2 – Meeting the customer during the investigation Stage**

6.13.1 To effectively investigate the complaint, it may be necessary to arrange a meeting with the customer. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any

meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

- 6.13.2 As a matter of good practice, a written record of the meeting should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting. Please refer to Appendix 3 for further guidance in relation to CFCHP.

## **6.14 Stage 2 – Timelines**

- 6.14.1 The following deadlines are appropriate to cases at the Investigation Stage (counting day one as the day of receipt as long as it is before midday, or the next working day if the complaint was received on a weekend or public holiday). Academic holidays should be counted as normal working days (except for weekends or public holidays):

- Complaints must be acknowledged within three working days
- A full response to the complaint should be provided as soon as possible, but not later than 20 working days from the time the complaint was received for investigation.

### **6.14.2 Extension to the timeline**

- 6.14.2.1 Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. It is important to be realistic and clear with the customer about timeframes, and to advise them early if we think it will not be possible to meet the 20 day timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the customer.
- 6.14.2.2 Any extension must be approved by the Performance Manager. We will keep the customer and any member(s) of staff complained about updated on the reason for the delay and give them a revised timescale

for completion. We will contact the customer and any member(s) of staff complained about at least once every 20 working days to update them on the progress of the investigation.

6.14.2.3 Some reasons for an extension might include the following:

- essential accounts or statements crucial to establishing the circumstances of the case are needed from staff, customers or others, but the person is not available because of long-term sickness or leave
- we cannot obtain further essential information within normal timescales; or
- the customer has agreed to alternative complaint resolution approaches as a potential route for resolution.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.

## **6.15 Stage 2 – Closing the complaint at the Investigation Stage**

- 6.15.1 The response to the complaint should be in writing (or by the customer's preferred method of contact) and must be signed off by a manager who is empowered to provide the final response on behalf of Dumfries and Galloway College.
- 6.15.2 For all complaints raised by a customer 18 years and under, a written record of the outcome must be provided to the customer, as per the SPSO Child Friendly Complaints Handling Guidance. Please also refer to Appendix 3 for further guidance on responded to CFCHP.
- 6.15.3 Using the Template Decision Letter Form 3, we will provide feedback to the customer on the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:
- be clear and easy to understand, written in a way that is person-centred and non-confrontational;

- 👉 avoid technical terms, but where these must be used, an explanation of the term should be provided;
- 👉 address all the issues raised and demonstrate that each element has been fully and fairly investigated;
- 👉 include an apology where things have gone wrong;
- 👉 highlight any area of disagreement and explain why no further action can be taken;
- 👉 indicate that a named member of staff is available to clarify any aspect of the letter; and
- 👉 indicate that they are not satisfied with the outcome of the local process they may refer to the SPSO.

6.15.4 Where a complaint has been resolved, the response does not need to provide a decision on all points of complaint, but should instead confirm the resolution agreed.

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

6.15.6 The Performance Team will record the decision, and details of how it was communicated to the customer, on the complaints system. All evidence gathered by the staff member investigating the complaint must also be shared with the Performance Team

6.15.7 At the earliest opportunity after the closure of the complaint, the staff member investigating the complaint should consider whether any learning has been identified and advise the Performance Team.

6.15.8 To ensure compliance with the CHP, the Performance Team will request feedback from customers regarding their satisfaction with the service they received, and not the circumstances or outcome of their actual complaint.

## **6.16 Independent External Review**

6.16.1 Once the Investigation Stage has been completed, if the customer is still dissatisfied with the decision or the way we dealt with the complaint, they can ask the SPSO and/or, the Scottish Qualifications Authority (SQA) or other

awarding body to look at it. For qualifications that are regulated, if the customer remains dissatisfied with the way the awarding body has handled a complaint they may complain to the qualifications regulator, SQA Accreditation.

6.16.2 It is important for customers to be given full and clear information about the types of Independent External Review available, to ensure that they can progress their complaint to the organisation best-placed to achieve the outcome they are seeking as follows:

- The SPSO considers complaints about the quality of service and maladministration, which may include issues surrounding course delivery (for example, poor quality of photocopying on course materials, or failure to properly communicate changes to class times and locations). The SPSO may also look at the way we have handled a complaint. There are some subject areas that are out with the SPSO's jurisdiction. Importantly, the SPSO are not able to look at academic judgment, and they do not have the power to revise course awards. It is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent), and all Investigation Stage responses must signpost to the SPSO, as well as to the SQA or other awarding body where relevant.
- The SQA or other awarding body is responsible for safeguarding quality in assessment and certification of the qualifications that it awards through Colleges and other approved centres. The SQA or other awarding body stipulates how further education centres must operate and fulfil their functions in terms of qualifications assessment and certification, via a set of standard terms. Examples of complaints that the SQA or other awarding body may consider include situations where a candidate believes that there has been perceived unfairness in assessment arrangements, assessment feedback or reassessment opportunities.

Students seeking a change to academic judgement can only do this through an academic appeals process. If a student is dissatisfied with the response from the awarding body, they may ask SQA Accreditation to consider their complaint further.

- 👉 SQA Accreditation accredits a wide range of qualifications other than degrees and regulates those awarding bodies that submit qualifications for accreditation. SQA Accreditation may investigate complaints about the accredited qualification or the awarding body. SQA Accreditation may also investigate complaints of malpractice and/or maladministration in relation to the qualification delivery, assessment and certification (once these have been considered by the awarding body).

6.16.3 In all cases, the complaint must first have been considered by Dumfries and Galloway College.

## **6.17 Signposting to the SPSO**

6.17.1 Once the Investigation Stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. We must make clear to the customer:

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

6.17.2 The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are out with the SPSO's jurisdiction, but it is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All Investigation Stage responses must signpost to the SPSO.

6.17.3 The SPSO recommends that we use the wording below to inform customers of their right to ask the SPSO to consider the complaint. This information should only be included on Dumfries and Galloway College's final response to the complaint.

## Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final Stage for complaints about public services in Scotland. This includes complaints about the College sector. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied when you have had a final response from Dumfries and Galloway College you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

- 👉 you have gone all the way through Dumfries and Galloway College's Complaints Handling Procedure
- 👉 it is less than 12 months after you became aware of the matter you want to complain about, and
- 👉 the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at [www.spsso.org.uk/complain](http://www.spsso.org.uk/complain) or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- 👉 Citizens Advice Bureau
- 👉 Scottish Independent Advocacy Alliance

The SPSO's contact details are:

SPSO

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:  
FREEPOST SPSO

Freephone: 0800 377 7330  
Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)  
Website: [www.spsso.org.uk](http://www.spsso.org.uk)

## 6.18 Post-closure contact

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

## 7. Distribution

All Staff  
Repository

## 8. Revision Log

Revision Log		
Date	Section	Description
February 2021	Whole procedure	Major review based on revised SPSO Model Handling Procedure
April 2021	Distribution	Quality Manual changed to Repository
September 2024	Format	Format updated to reflect current Document Control Procedure
September 2024	Whole procedure	Content reviewed throughout to support the complaints handling process along with the addition of recently published SPSO guidance for the Child Friendly Complaints Handling Process.

September 2024	Appendix 2	Flowchart added as Appendix 2
September 2024	Appendix 3	Child Friendly Complaints Handling Process added

<b>THIS FORM TO BE UPDATED WHENEVER THERE IS A CHANGE IN ANY SYSTEM DOCUMENT</b>				
Document Name	Document Owner	Revision Number	Date of Issue	Date of Withdraw
Part 3 Complaints Handling Procedure – The Complaints Handling Process	Performance Manager	1	April 2021	
Part 3 Complaints Handling Procedure – The Complaints Handling Process	Performance Manager	2	24.10.2024	

## Appendix 1 – Equality Impact Assessment

Document:	Complaints Handling Procedure
Executive Summary:	This procedure is expected to comply with the Equality Act and promotes a culture of inclusivity across all protected characteristics and additional considerations groups.

### Duties:

1: Eliminate discrimination, harassment and victimisation

2: Promote equality of opportunity

3: Promote good relations

\* Human Rights to privacy and family life, freedom of thought and conscience, education, employment

### PSED Impacts

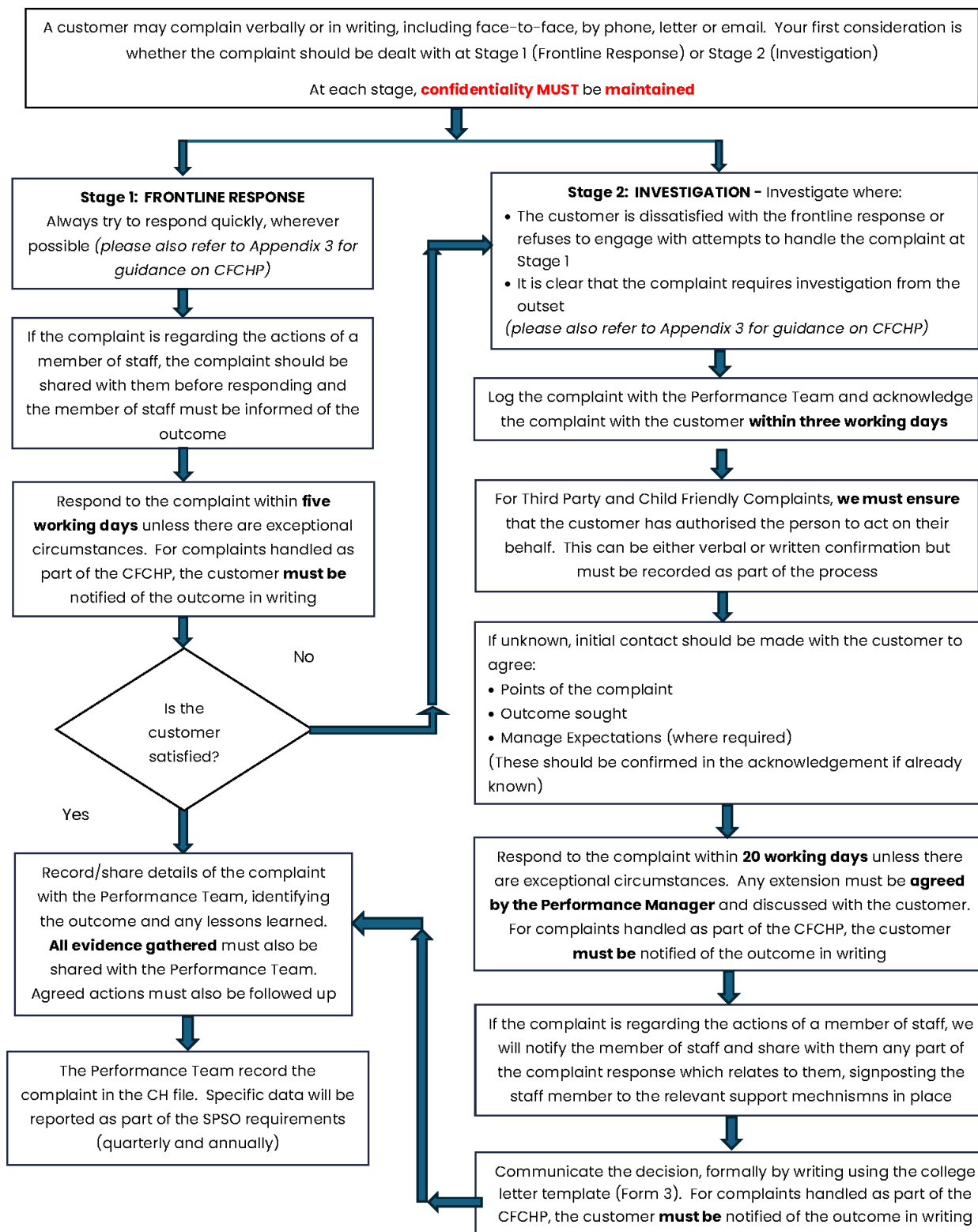
	Commentary
Age	This procedure will enable all customers the ability to raise a complaint regardless of any protected characteristics, with a view to improving future services. In turn this should make people more comfortable to perform at their best as both staff and students, increasing equality of opportunity.
Disability	
Gender	
Gender Based Violence	
Gender identity/ reassignment	
Marriage/civil partnership	
Pregnancy/maternity	
Religion or Belief	The procedure is accessible to individuals of all ages, including children and young people. The document incorporates the Child Friendly Complaints Handling Process, ensuring that young individuals under the age of 18 are supported to make complaints in a manner that respects their rights under the United Nations Convention on the Rights of the Child (UNCRC).
Race	
Sexual Orientation	

## Additional Considerations

Care experienced	The ability to bring a complaint and have it effectively dealt with should support the human rights to a private and family life, to education and to employment.
Carers	
Mental Health	
Socio-economic status	
Veterans	
Human Rights*	

Lead Officer:	Performance Manager		
Facilitator:	Performance Manager		
Date initiated:	21.08.24		
Consultation:	Consulted with SPSO; Guidance and sharing of good practice from Complaints Handling Advisory Group		
Research:			
Signature	Sonya Rutter	Date	21.08.24

## Appendix 2 – Flowchart



## *Appendix 3 – Child Friendly Complaints Handling Process*

### **1. Definition of a child**

- 1.1 For the purposes of this procedure, a child is defined as “anyone under 18”.
- 1.2 The word child is used in the procedure to mirror the language of the UNCRC and is intended to refer to any child or young person under the age of 18.
- 1.3 While the process should always be used when anyone under the age of 18 is involved, there are elements of this process that may be beneficial for others. It should, in particular, be considered for those who have turned 18 during the course of the complaint, or for care experienced young people.

### **2. When to use this process**

This process should be used whenever a child is involved in a complaint. This is when:

- 2.1 A child raises a complaint directly.
- 2.2 An adult raises a complaint at the request of a child.
- 2.3 An adult raises a complaint about all matters which affect a child.
- 2.4 The definition of “all matters affecting the child” is provided by Article 12 of the UNCRC, which provides children with the right to express their views, be heard, and be given due weight in accordance with their capacity. This is a deliberately broad definition intended to capture a wide range of topics, and this should be borne in mind when assessing whether a complaint raised by an adult meets the standard in 2.3 above.

### **3. Responsible Adults**

- 3.1 The term “responsible adult” is used throughout to refer to any adults with primary caring rights and/or responsibilities. The responsible adults in a child’s life will depend on their individual circumstances, but includes:
  - 3.1.1 anyone with parental rights for the child.
  - 3.1.2 any other legally appointed guardians or carers.
- 3.2 These two groups are not intended to be exclusive. It may be that an adult who does not meet these definitions might be the person best placed to support or represent a child through the complaints process. Decisions on who to consider “responsible adults” for the purposes of this process should be taken in full consideration of the circumstances of the child, their familial and caring relationships, any existing support plans, and the nature of the complaint.

## 4. Process

### 4.1 Child-led – child makes a complaint

#### Everyday business

- Have conversation with the child.
- Provide immediate response or action.
- Check whether the child is satisfied with the outcome.
- If not, offer the complaints process in a way that feels **safe and manageable**.
- **Make a written record** of the conversation and any actions or outcomes.

#### Accessing the complaint process

- Ask the child whether they would like to nominate someone to support them, or would like to be signposted to advocacy.
- If that person is not a member of staff, ask the child to nominate a member of staff to be their point of contact.
- Have **first discussion** with the child to understand their complaints and decide next steps.
- If the child wants any adult supporting them to act on their behalf, seek their **informed consent**.
- Consider whether **contact needs to be made with responsible adult/s**.
- **Make a written record** of the key points discussed and share this with the child.

#### Stage 1: Responding

- Consider stage 1 complaints through the normal process.
- Give due weight to the views of the child and consider their **best interests**.
- Have an **outcome discussion** with the child to explain the outcomes reached.
- **Make a written record** of the outcome and share this with the child.

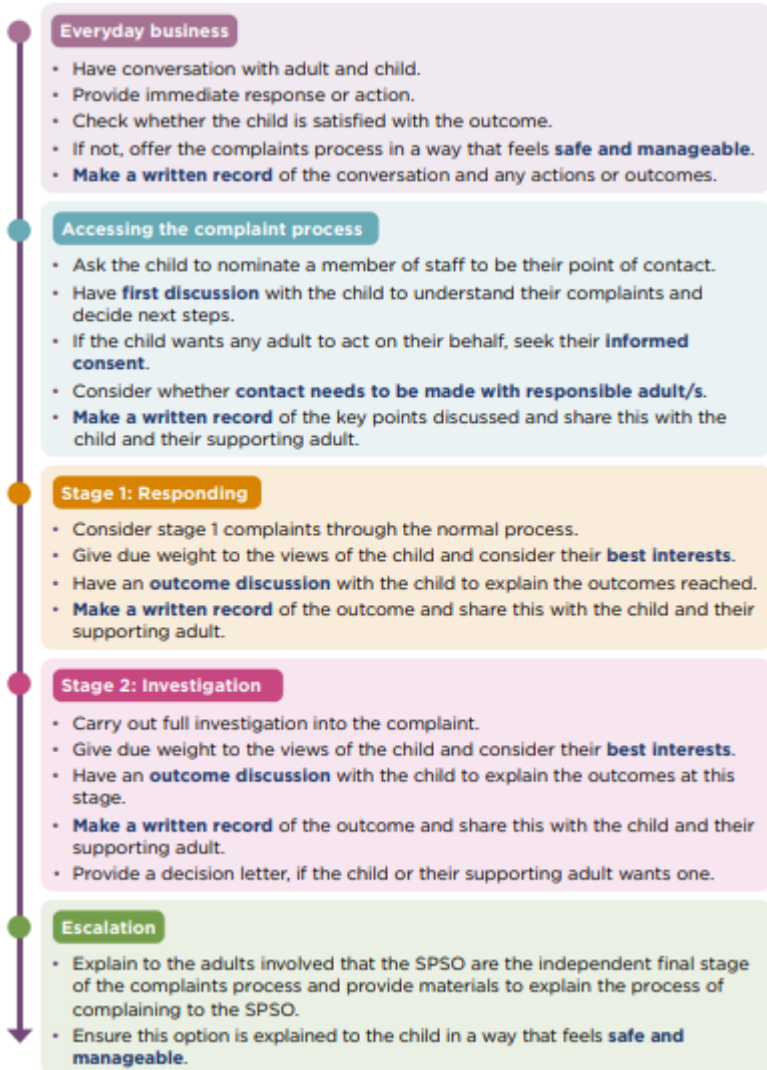
#### Stage 2: Investigation

- Carry out full investigation into the complaint.
- Give due weight to the views of the child and consider their **best interests**.
- Have an **outcome discussion** with the child to explain the outcomes reached.
- **Make a written record** of the outcome and share this with the child.
- Provide a decision letter, if the child wants one.

#### Escalation

- Explain that the SPSO are the independent final stage of the complaints process and provide materials to explain the process of complaining to the SPSO.
- If the child would like additional support to complain to the SPSO, ask them to nominate someone to support them and/or consider signposting for independent advocacy.

## 4.2 Child-led – adult makes a complaint on behalf of the child



## 4.3 Adult-led – adult complains about an issue that affect a child

### Everyday business

- Any children affected have the right to provide their views, so the two stage process below should be followed.

### Accessing the complaint process

- Clarify and agree the adult's complaints through the normal process.
- **Ascertain ownership of the complaint.**
- Clarify the adult's relationship to the child and **consider whether contact with any responsible adults is needed.**
- Ask the adult whether the child is aware of the complaint and explain their right to provide their views.
- Ask the child whether they would like to nominate someone to support them (this can be the adult complaining).
- If that person is not a member of staff, ask the child to nominate a member of staff to be their point of contact.
- If the child has ownership of the complaint, seek their **informed consent** to decide how and whether to proceed.
- Have **first discussion** with the child to understand their views on the complaints being raised.
- **Make a written record** of the discussion and share this with the child.

### Stage 1: Responding

- Consider stage 1 complaints through the normal process.
- Give due weight to the views of the child and consider their **best interests.**
- Give decision to adult through normal process.
- If the child wishes, have an **outcome discussion** with them to explain the outcomes reached.
- **Make a written record** of the outcome and discussion and share this with the child.