NORTH EAST SCOTLAND COLLEGE

# QA02 Complaints Policy

Version Date: March 2021

Review Date: March 2023

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## 1. About this Policy

1.1 North East Scotland College (NESCol) is committed to ensuring that all clients and customers receive the best possible service and seeks to resolve customer dissatisfaction as close as possible to the point of service delivery. The College endeavours to conduct thorough, impartial and fair investigations of customer complaints so that evidence-based decisions can be made based on the facts of each case.

1.2 The College requires all staff to be responsive to any difficulties encountered by students and other clients of the College. In particular we require teaching staff to develop a classroom atmosphere in which views can be expressed openly and in which problems can be dealt with directly and immediately.

1.3 Complaints will be administered by the Quality Team in the College. North East Scotland College is an equal opportunities College therefore all complaints are administered in compliance with the Data Protection Act 2018, The General Data Protection Regulation (GDPR) and Freedom of Information (Scotland) Act 2002.

1.4 All staff across the college will complete complaints handling training as part of their induction and will be given refresher training every three years. This will ensure staff are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply the procedure (including recording complaints).

## 2. Scope

2.1 Complaints provide the College with valuable information that can be used to improve service provision and customer satisfaction. The Complaints Handling Procedure will enable NESCol to address customer dissatisfaction and may help prevent the same problem from happening again. For staff, complaints provide a first-hand account of the customers' views and experience, and can highlight problems that may otherwise be missed. Handled well, complaints can give customers a form of redress when things go wrong, and can also help continuously improve college services.

2.2 The College's approach to handling complaints will be drawn to the attention of students in a range of publications, on the College's website and through MYNescol and Blackboard

2.3 Complaints about personal data - If an individual has made a complaint about use of their personal data via the College complaints process, this complaint will be logged as a data protection category complaint .The Director of Quality will forward the complaint to the Data Protection Officer (DPO) to be dealt with as a data breach. The complainant will receive an acknowledgement from the College informing them that this will be handled in line with the College's Breach Reporting Procedure. The

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dataprotection@nescol.ac.uk inbox will be copied into all communications with the complainant. The complaint will be sent to the DPO and this will not be counted in the complaint reporting process.

2.4 If anyone finds cause for complaint with any aspect of college services they can inform the College by whatever medium is most convenient, e.g. complaint form, telephone, letter, e-mail, face to face or through the website. Of course, the College will regret the fact that it has been unable to meet the complainants' needs fully, but will welcome the opportunity to investigate the problem, responding to the issues raised, and remedying any deficiency in College service.

**A complaint may relate to the following, but is not restricted to this list:**

- a failure or refusal to provide a service
- an inadequate quality or standard of service or an unreasonable delay in providing a service
- the admissions process
- the disciplinary process
- a request for a service or for information which the College has not actioned or answered
- dissatisfaction with one of the College policies or its impact on the individual
- wrong information about academic programmes or College services
- the quality and availability of facilities and learning resources
- accessibility of College buildings or services
- the quality and availability of facilities and learning resources
- a failure to follow the proper administrative process.
- a failure to properly apply law, procedure or guidance when delivering services
- conduct, treatment by or behaviour of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves):
- or
- disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

**What is not a complaint?**

There are some things the college cannot deal with through the complaints handling procedure. These include:

- a routine first-time request for a service
- a request for information or an explanation of policy or practice
- a disagreement with academic judgement
- a request for compensation
- issues that are in court or have already been heard by a court or tribunal
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or

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an established appeals process followed throughout the sector

- a request for information under the Data Protection or Freedom of Information Acts
- a grievance by a member of staff or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- a concern about a child or an adult's safety
- a concern about student conduct
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where the College has already given their final decision
- abuse or unsubstantiated allegations about the organisation or staff where such actions would be covered by the Safeguarding Child & Adult Protection policy, Disciplinary Policy & Procedure and our Complaints Unacceptable Actions Policy.
- a concern about the actions or service of a different organisation, where NESCol have no involvement in the issue (except where the other organisation is delivering services on their behalf)

If other procedures or rights of appeal can help to resolve concerns, the College will provide information and advice to help.

**Who can complain?**

Anyone who receives, requests, or is affected by College services can make a complaint. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.

NESCol also accepts complaints from the representative of a person who is dissatisfied with our service. If the person being represented is aged 16 or over, consent will be required in order to provide a thorough response in compliance with Data Protection protocol.

**3. Confidentiality and Data Protection**

3.1 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.

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

3.3 The College will always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information. If staff require assistance in relation to data protection, they can contact the college Data Protection Officer.

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3.4 Helpful examples of situations where a response to a complaint may be limited by confidentiality are as follows:

- where a complaint has been raised against a staff member, and has been passed to the People Services team, we will advise the customer that their complaint is under full investigation but would not share specific details affecting staff members, particularly where disciplinary action is taken.

- where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.

## 4. Process

4.1 Complaints can be raised in person, by phone, in writing, by email, or by using the complaints form available at various feedback boxes and on the College website.

4.2 It is easier for the College to resolve complaints if they are made quickly and directly to the college service concerned. In the first instance, a complainant should talk to a member of college staff in the department being complained about, to allow the staff the opportunity to try and resolve any problems on the spot.

**When complaining, tell the College:**

- your full name and address
- as much as you can about the complaint
- what has gone wrong
- how you want us to resolve the matter.

4.3 Complainants who are college students should, if possible, report the problem to their lecturer, Curriculum Manager or Academic Tutor. If they cannot help a Complaint Form should be completed. They are available at each College Centre Reception Office and should be left in the box provided. Alternatively, forms can be completed and submitted online through the College website – www.nescol.ac.uk

4.4 Complaints will be logged on receipt and will be answered within either five working days from receipt for a Stage 1 (Frontline) or 20 working days from receipt for a Stage 2 (Investigation) complaint, depending on the complexity of the investigation required. Progress in dealing with each complaint will be monitored systematically. The College will ensure that all complaints are treated in a confidential manner.
In the event that the College requires additional time to fully address a complaint, a 5 day extension can be applied to the Frontline response deadline. If an investigation will take longer than 20 working days, the complainant will be informed. Both parties will agree revised time limits and the College will keep the complainant updated on their progress.

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## 5. Resolving the complaint

5.1 A complaint is **resolved** when both the College and the complainant agree what action (if any) will be taken to provide full and final resolution, without making a decision about whether the complaint is upheld or not upheld.

5.2 The College will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.

5.3 A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the complainant or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.

5.4 Where a complaint is resolved, the College does 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 complainant'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. The College will use its professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.

5.5 In all cases, the College must record the complaint outcome (resolved) and any action taken, and signpost the customer to stage 2 (for stage 1 complaints) or to independent external review as usual

5.6 If the complainant and the College are not able to agree a resolution, we must follow the Complaints Handling Procedure to provide a clear and reasoned response to each of the issues raised.

**The College complaints procedure has two stages**

It is expected that the majority of complaints will be handled at stage 1. If the customer remains dissatisfied after stage 1, they can request that the College look at it again, at stage 2. If the complaint is complex enough to require an investigation, this will proceed to stage 2 straight away and skip stage 1.

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<table>
<tr><td colspan="3">Complaint received<br>A customer may complain either verbally or in writing, including face-to-face, by phone, letter or email.</td></tr>
<tr><td>Stage 1: Frontline response<br>For issues that are straightforward and simple, requiring little or no investigation. ‘On-the-spot’ apology, explanation, or other action to put the matter right<br>Complaint resolved or a response provided in five working days or less (unless there are exceptional circumstances)<br>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response<br>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)<br>The College will tell the customer how to escalate their complaint to stage 2</td><td>Stage 2: Investigation<br>Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'<br>Complaint acknowledged within three working days.<br>The College will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, they will be confirmed in the acknowledgement)<br>Complaint resolved or a definitive response provided within 20 working days following a thorough investigation of the points raised</td><td>Independent external review (SPSO or other)<br>Where the customer is not satisfied with the stage 2 response from the service provider<br>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider<br>Some complaints may also have an alternative route for independent external review</td></tr>
<tr><td colspan="3">Resolution<br>The complainant and organisation agree what action will be taken to resolve the complaint.<br><br>Where a complaint is resolved, it is not usually necessary to continue investigating, although an organisation may choose to do so, for example to identify learning.<br><br>We must signpost the customer to stage 2 (for stage 1 complaints) or to the SPSO as usual.</td></tr>
<tr><td colspan="3">Reporting, recording and learning<br>Action is taken to improve services on the basis of complaint findings, where appropriate.<br>We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends.<br><br>Senior management have an active interest in complaints and use complaints data and analysis to improve services.<br><br>Learning is shared throughout the organisation.</td></tr>
</table>

5.7 Should complainants still be dissatisfied after receiving a Stage 1 response they can ask for their complaint to be treated as a Stage 2 investigation complaint resulting in further investigation into the issue.

**When using Stage 2 the College will:**

- acknowledge receipt of the complaint within three working days
- discuss the complaint with the complainant to understand why they remain dissatisfied and what outcome they are looking for

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- provide a full response to the complaint as soon as possible and within 20 working days.

5.8 If the investigation will take longer than 20 working days, the College will inform the complainant. Both parties will agree revised time limits and the College will keep the complainant updated on the progress.

## 6. Complaints Handling Questionnaire

6.1 The complainant will receive a Satisfaction Questionnaire within 15 days following the closure of the complaint to establish their satisfaction with the complaints process.

6.2 Should the complainant remain dissatisfied with the outcome of the investigation into their complaint, following both the initial response and the follow up contact, they have a right to refer their complaint to the Scottish Public Services Ombudsman (SPSO) where, as an aggrieved person, they believe they have sustained injustice or hardship as a result of maladministration or service failure.

## 7. Escalation

7.1 The SPSO is the final stage for complaints about most organisations providing public services in Scotland. Their service is independent, free and confidential.

7.2 Complainants may contact the SPSO directly but they cannot normally look at complaints more than 12 months after the complainant becomes aware of the matter they want to complain about or that have been (or are being) considered in court. Their details are below:

**Contact details for SPSO**
**By post/in person:**

SPSO
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS
(Should you require a freepost envelope, the SPSO will be able to provide this. Please call SPSO on 0800 3777 330 to arrange.)

**Advice line Freephone** 0800 377 7330
**Website** www.spso.org.uk
**Online contact form** www.spso.org.uk/contact-form

7.3 Should the complainant remain dissatisfied with the outcome of a complaint relating to a matter such as registration, assessment or certification of a qualification the matter should first be referred to the appropriate Qualification Awarding Body.

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**Complaints to SQA**

For assessment-related complaints, candidates have the right to escalate their complaint to SQA. However, disagreement about academic judgement will not be handled through the complaints procedure and must be processed through the appeals procedure.

For assessment-related complaints, candidates of SQA qualifications may also have the right to complain to SQA awarding body. SQA will only consider your complaint if you have already exhausted all stages of the College's complaints procedure and you remain dissatisfied with the outcome or the way in which your complaint was handled, or you believe that the college has unreasonably failed to apply the procedure correctly.

**SQA may consider 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 consider complaints about:**

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

The two main Qualification Awarding Bodies for the College's provision are the Scottish Qualifications Authority (SQA) and City & Guilds. Their details are below:

Scottish Qualifications Authority (SQA)
The Optima Building
58 Robertson Street GLASGOW
G2 8DQ
Telephone: 0345 279 1000

A complaint form is available on the SQA website:
**SQA's Customer Complaints and Feedback web page**

City & Guilds
Feedback and Complaints Team City & Guilds
1 Giltspur Street LONDON
EC1A 9DD
Telephone: 0844 543 0033
Email: feedbackandcomplaints@cityandguilds.com

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## 8. Regulated qualifications

8.1 It should be noted that learners registered and working towards regulated qualifications, including all Scottish Vocational Qualifications, have the right to ask the relevant regulator (SQA Accreditation, Ofqual or Qualifications Wales) to look at their complaint if they remain dissatisfied after the final response has been issued. This does not apply to candidates on non-regulated qualifications.

8.2 If complaints relate to a Qualification Awarding Body other than those mentioned above, please refer to Appendix 1.

## 9. Retention of Records

9.1 Complaints records, including materials, evidence and tracker, will be retained by the College for the current academic year plus previous 9 academic years.

## 10. Related Documents

- QA05 Complaints Unacceptable Use Policy
- Procedure 341 Complaints Management
- Procedure 1093 NESCol Complaints Procedure
- Complaints Handling Governance Guide

| Status: | Approved for Use | **Summary of changes** |
|---|---|---|
| Approved by: | Executive Team | Complaints about personal data (5) reviewed and updated by the College's Data Protection Officer and added to the Policy. (May 2019)<br><br>Reviewed By DPO March 2021, no change to content required |
| Date of version: | March 2021 | |
| Responsibility for Policy: | Vice Principal (Curriculum & Quality) | |
| Responsibility for Review: | Director of Quality | |
| Last Reviewed by DPO: | May 2019 | |
| Latest DPO Review: | March 2021 | |
| Review date: | March 2023 | |
| DPIA date: | March 15th 2021 | |
| EIA date: | March 2021 | |

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**DATA PROTECTION IMPACT ASSESSMENT (DPIA)**

| | |
|---|---|
| **1. Does the activity that this policy or procedure relates to use personal data in any way?**<br>(Use may refer to collecting and gathering; storing electronically; storing by paper; sharing with other parties (internal or external to college); use of images as well as written information; retaining and archiving; or erasing, deleting and destroying) | Yes |
| **2. Does the activity that this policy or procedure relates to use special category personal data in any way?**<br>(Special category data is data about: race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation) | Yes |
| **3. Does the activity that this policy or procedure relates to involve the use of social media or a third-party system?** | No |

If the answer is 'yes' to one or more of the above questions, the Data Protection Officer must be consulted.

| | |
|---|---|
| Date of DPO consultation: | March 2021 |
| Description of outcome and actions required (if any):<br>DPO reviewed the DPIA initial screening completed and concluded a full DPIA screening is not required. | |
| DPIA screening/full DPIA required: | No |

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## EQUALITY IMPACT ASSESSEMENT (EIA)

**Part 1. Background Information**

| | |
|---|---|
| **Title of Policy:** | Complaints Policy |
| **Person Responsible:** | Director of Quality |
| **Date of Assessment:** | March 2021 |
| **What are the aims of the Policy?** | To ensure that all clients and customers receive the best possible service and to respond to any problems quickly and remedy any issues as soon as possible. |
| **Who will this Policy impact upon?** | Staff, SPSO; Students; Qualification Awarding Bodies; Employers; Stakeholders; Potential clients |

**Part 2. Public Sector Equality Duty Comparison**

(Consider the proposed action against each element of the PSED and describe potential impact, which may be positive, neutral or negative. Provide details of evidence.)

| Need | Impact | Evidence |
|---|---|---|
| **Eliminating unlawful discrimination, harassment and victimisation** | The Policy states that the College is committed to ensuring that **all** clients and customers receive the best possible service and is anxious to respond to any problems quickly and remedy any defect as soon as possible. **(positive)** | Any issues reported in relation to unlawful discrimination, harassment or victimisation are highlighted by regular monitoring processes throughout the academic year e.g. Quarterly complaints reports, and annually through SPSO Performance Indicators and an internal Complaints Audit and Complaint Management Report. |
| **Advancing Equality of Opportunity** | The Policy states that North East Scotland College is an equal opportunities college.<br><br>The Policy also states that complaints can be made through various media – complaints form, telephone, letter, fax, email, face-to-face, website - ensuring complainants with disabilities or additional needs are not disadvantaged in any way when complaining to the College. **(positive)** | The Policy meets SPSO and Qualification Awarding Body requirements. |

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| | | |
|---|---|---|
| **Promoting good relations** | The Policy states that the College welcomes the opportunity to investigate problems, and is committed to ensuring that all client and customers receive the best possible service. **(positive)** | Full responses to complaints are provided which meet SPSO requirements and timescales. Feedback on the process is sought through the issuing of satisfaction surveys to complainants. |

**Part 3. Action & Outcome** (Following initial assessment, describe any action that will be taken to address impact detected)

No action is required but policy will be reviewed should new guidance from SPSO or Awarding Bodies impact on required content.

| **Sign-off *** | |
|---|---|
| Name: | Gill Griffin |
| Position: | Director of Quality |
| Date of original EIA: | April 2016 |
| Date EIA last reviewed: | March 2021 |

**Please note that an electronic sign-off is suffice*

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**Appendix 1**

## Qualification Awarding Bodies for the College's Provision

Excellence, Achievement & Learning **(EAL)** Ltd

If you are not satisfied with the service you have received from EAL, please send a written complaint to customercare@eal.org.uk using EAL's Feedback and Complaints Form located on the EAL website - Complaints Form. Written complaints should be submitted within one month of the event or issue occurring which you are complaining about.

Learners registered on a Scottish Vocational Qualification have the right to complain directly to the SQA Accreditation as the regulator of Scottish Vocational Qualifications. In the event of a complaint against an EAL recognised centre, the centre's own complaints procedure must have been exhausted before referring to EAL.

EAL Customer Experience,
Unit 2 Greycaine Road,
Watford,
Herts WD24 7GP
Email: customercare@eal.org.uk Northern Council for Further Education (NCFE)
In writing:
Customer Recovery Team
NCFE Q6
Quorum Business Park Benton Lane
Newcastle upon Tyne NE12 8BT

By Phone: 0191 240 8950
By Email: complaints@ncfe.org.uk
Complaints Webform

Chartered Institute of Personnel and Development **CIPD)**

CIPD has jurisdiction to consider complaints against a centre from all CIPD qualification candidates but it is important to stress that candidates approaching CIPD to complain about a centre should only do so once all appropriate internal centre procedures have been exhausted.

Complaints must be made in writing to:

Qualifications Manager
CIPD
151 The Broadway
London
SW19 IJQ

CIPD Complaints Policy

The Institute of the Motor Industry **(IMI)**

Complainants must first of all go through their centres own process before bringing the matter to the attention of IMI. If, having exhausting the centres complaints process you are unhappy with the outcome, you can submit a formal complaint to IMI for review.

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Complaints Form

If you have a complaint about the quality of teaching or delivery of an apprenticeship standard programme, as opposed to the end point assessment element, and this has been raised with the training provider but you are unhappy with the outcome, you can complain to the Education and Skills Funding Agency (ESFA) directly via complaints.ESFA@education.gov.uk

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