

The Further Education Model Complaints Handling Procedure (Model CHP)

Guide to Implementation

BACKGROUND	3
ABOUT THE CHP	4
> Complaints with an accrediting body involvement	4
> Services provided on behalf of the college	4
IMPLEMENTING THE CHP	5
> Adopting the CHP	5
> Publication and accessibility	6
> Recording complaints	6
MONITORING COMPLIANCE AND PERFORMANCE	6
> Compliance	6
> Performance	7
CSA ADVICE AND SUPPORT	9
> Training	9
> Valuing Complaints website	9
> Further education network of complaints handlers	9
APPENDIX 1	
Compliance statement and self-assessment	10

Contents

Background

The Public Services Reform (Scotland) Act 2010 (the Act) gave the SPSO the authority to lead the development of model complaints handling procedures (model CHPs) across the public sector. The Act took forward the recommendations of the Sinclair Report which sought to improve how complaints are handled, through the development of simplified, standardised CHPs.

The further education model CHP was developed by SPSO in partnership with Scotland's Colleges and a working group of further education complaints experts. It was produced within the framework of the Crerar and Sinclair Reports and the SPSO's Guidance on a Model Complaints Handling Procedure published in February 2011. It also reflects the SPSO Statement of Complaints Handling Principles approved by the Scottish Parliament and published in January 2011. These two documents took account of stakeholder views expressed through our public consultation at the end of 2010.

The purpose of the further education model CHP is to provide a standardised approach to dealing with customer complaints across the further education sector. In particular, the aim is to implement a consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages colleges to make best use of lessons from complaints.

About the CHP

The model CHP applies to all colleges and all further education services. It is presented in four sections which explain the end-to-end procedure to be followed in handling customer complaints:

- 1 How to use the CHP**
- 2 What is a complaint?**
- 3 The complaints handling process (frontline resolution and investigation)**
- 4 Governance of the CHP.**

There is also a 'customer-facing' CHP which is included as a separate but integral section of the CHP. This provides standardised information on the complaints procedure to customers of the college, ensuring that they receive the same information on complaints regardless of where they live or the college they deal with.

To be compliant with the model CHP, colleges must adopt both the CHP and the customer-facing CHP.

Awarding bodies

The SPSO and the Scottish Qualifications Authority (SQA) are in discussions about signposting arrangements to be included in the model CHP, and have been working together to ensure that colleges can comply both with SPSO's legislation and, in specific circumstances, with the regulations and criteria of awarding bodies, and additionally, with those of qualifications regulators.

The SPSO Act 2002 requires colleges to signpost to the SPSO on conclusion of their complaints procedure. SPSO consider complaints made about service failure and maladministration which may include issues relating to course delivery.

The SQA and other awarding bodies are responsible for ensuring the quality of courses for which they are the awarding body. Additionally, for qualifications that are regulated, SQA Accreditation is ultimately responsible for ensuring the quality of these qualifications, associated courses and the awarding bodies which award them.

SQA and other awarding bodies will consider complaints from members of the public about issues relating to course quality if they remain dissatisfied by the college's response.

As both organisations have an interest in complaints about elements of course delivery, the SPSO and SQA are working up scenarios to clarify the most appropriate route for the individual to raise their complaint along with appropriate signposting materials.

We are currently developing a protocol for handling complaints about courses and assessment to ensure that there is a clear and transparent mechanism for handling complaints within the further education sector. This will include scenarios about the potential types of complaint that should be considered by either SPSO or an awarding body. The protocol will also include published turnaround times for all procedures to make clear that there is a focus on as short a complaints procedure as possible

This information will be provided to develop a standardised approach for the sector to advise students how and to whom to address their complaint if they remain dissatisfied by a college's handling of their issue. Both organisations are committed to ensuring that students can raise complaints easily and have their complaints responded to as quickly and simply as possible. It is particularly important that they get access to the appropriate body depending on the desired outcome of their complaint.

Services provided on behalf of the further education institution

Some colleges may use another organisation to deliver college services, for example accommodation, meals or maintenance services. While these organisations may be separate from the college, colleges are still responsible for ensuring the services provided on their behalf meet the required standard. It is for each college to ensure that these organisations meet the requirements of the model CHP. In doing so they must have mechanisms in place to identify and act on complaints handling performance issues of the organisation where this is appropriate.

Implementing the CHP

Adopting the CHP

The model CHP is provided as a template for colleges to adopt. Adopting the model CHP in its entirety will ensure that the college meets the SPSO's test of compliance.

We recognise the importance of providing scope to adapt the model CHP to reflect, for example, the college's organisational structure, operational processes and corporate style. The model CHP outlines areas where the college may adapt the CHP to provide additional guidance or reference to local processes. As an example, the roles and responsibilities in relation to signing-off complaints should be amended to suit individual college's circumstances. Similarly, internal processes for recording complaints or for approving extensions to timescales will vary across colleges.

Scope is also given to colleges to amend the language of the model CHP to comply with corporate writing conventions or style guides. We appreciate that the way in which a college presents its documented procedures is extremely important. A college's corporate identity puts its stamp on the services it delivers and we understand the importance of presenting one single corporate brand for all products and services.

For this reason there is flexibility for colleges to adapt the model CHP to ensure that, together with any supporting documentation developed by the college (for example staff guidance and complaints forms), their CHP reflects the college's corporate identity and language.

However, it is of equal importance that the model CHP is not amended to the extent that its purpose or substance is changed in a way which does not reflect the model CHP or its key aims. In particular, the following are elements of the model CHP which should not be amended given the importance of ensuring a standardised approach across all colleges:

- the definition of a complaint (although further guidance or examples may be included as indicated in the CHP)
- the number of stages
- timescales at each stage

- the requirements to record, report and publicise complaints information.

It is also important that the information contained in the customer-facing CHP is adopted in full by the college. The information presented may be included in a form appropriate to the college (for example, through leaflets or the college's website) or as part of wider information on how a customer can provide feedback. There may also be further information providing context but the information for customers should remain consistent with the published customer-facing CHP.

Publication and accessibility

It is important to make customers aware of their right to complain, and information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain. Arrangements about how to make a complaint must be widely publicised, simple and clear and made available in all areas of service provision. Colleges should, therefore, consider the most effective ways to ensure maximum accessibility, such as online information about how to access the procedure which should be clearly visible on the front page of the college's website. Traditional methods such as leaflets can also be helpful and colleges should consider where these can most effectively be displayed.

Customers must, where appropriate, have the support they need to articulate their concerns and successfully navigate the complaints procedure. A range of methods for complaining by whatever means is easiest for the customer should be provided and accepted to ensure accessibility to the procedure. This may include frontline staff assisting the customer by writing the complaint for them.

Colleges should take into account special needs, such as for people with learning difficulties, people who are deaf or hard of hearing, the visually impaired and non-English speakers. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, including provision of interpreting services, information in a variety of formats and languages, at suitable venues, and at suitable times.

Recording complaints

It is a requirement of the model CHP that all complaints are recorded. Recording and monitoring customer complaints is essential to the quality management process, while analysing the causes of complaints and their outcomes provides essential information to improve services.

Some colleges may have to amend their current complaints recording systems to reflect the two stage approach of the model CHP and the required timelines. Where this is the case colleges should detail how and when these system enhancements will be achieved in a clear and realistic implementation plan as referred to in the 'monitoring compliance and performance' section below.

Monitoring Compliance and Performance

Compliance

Compliance with the model CHP will be monitored by the SPSO, in conjunction with the Scottish Funding Council (SFC). In addition to the requirement to adopt the CHP under the SPSO Act 2002 (as amended) adopting the CHP will be a requirement of the SFC's Financial Memorandum. This sets out the formal relationship between the SFC and colleges, the expectations of colleges and the requirements which are a condition of the SFC's funding.

The current Financial Memorandum sets out the SFC's expectations that the college ensure that *'there are in place up-to-date and readily accessible procedures for handling complaints by students, staff and others'*. This will be revised with the addition of *'...which, with the exception of those for dealing with staff complaints, should comply with the SPSO Model Complaints Handling Procedure and its full requirements'*. The SFC will communicate this amendment to the current Financial Memorandum through correspondence with colleges.

In 2013 the CSA will monitor whether or not a college has implemented the CHP. Colleges are required to respond by 28 June 2013 with confirmation that they have implemented the CHP or a commitment to do so by 30 August 2013. Colleges should also provide an assessment of how their implemented CHP and complainant-facing leaflet, or drafts for implementation, meet the requirements of the model CHP. This information must be provided by completing the pro-forma in Appendix 1. This can be completed as soon as the college adopts the model CHP, or at any time before 28 June 2013. This will enable the CSA to follow up with those colleges that have made little or no progress by that date. It is expected that all colleges will have a CHP in place that is compliant with the model CHP by this time. If a college fails to provide any indication that they are making clear progress towards compliance with the model CHP by August 2013 the SPSO will assess that college as non-compliant. The pro-forma returns from colleges should be sent to **CSA@spsso.org.uk**.

The CSA will assess the returns from colleges and respond to indicate compliance or otherwise with the model CHP. There will be the following categories of compliance:

- confirmed compliance with model CHP by August 2013
- non-compliant by August 2013.

The return should also provide a self-assessment which indicates that the college's CHP meets the core requirements of the model CHP, and confirm whether the following has been or will be achieved in advance of compliance in August 2013.

- a compliant draft CHP and complainant-facing leaflet have been approved by the relevant senior official / executive team / committee or board
- the CHP has been rolled out or piloted in some service areas
- IT systems have been upgraded or currently are being upgraded
- a training and awareness programme has been implemented or is currently being implemented.

Please note that pilots, training or systems upgrades are not requirements but that this information will be used by the CSA for information purposes.

It is a requirement to obtain formal approval for the college's draft CHP. The CSA will report its assessment of compliance to the SFC. However, any feedback on issues which affect compliance will be provided directly to the college, in order to allow the institution to ensure compliance prior to the CSA's notification to the SFC.

The CSA will report their assessment of compliance to the SFC. In future years, we expect each college to have appropriate self-assessment arrangements in place to assure itself that its CHP is operating in

accordance with the model CHP. The CSA will also monitor compliance with the model CHP on an ongoing basis through quality checks of published and available college complaints procedures. Any feedback on issues which could affect compliance will be provided directly to the college prior to notification to the SFC.

Under the terms of the Act the Ombudsman may also declare that an college is non-compliant. We intend to use this option as a means of last resort in the event that attempts to work with the college to facilitate implementation have failed. If the Ombudsman does declare a CHP to be non-compliant with the model CHP he will, in line with the Act, give reasons in writing and specify any modifications to the CHP which would result in the declaration being withdrawn.

Performance

From 2013/14 colleges will be required to publish complaints handling performance information around a range of high-level performance indicators related to the CHP. This is designed to help colleges assure themselves of how they are performing against the model CHP and to provide transparency and facilitate continuous improvement and benchmarking between colleges.

The performance indicators related to the CHP will be developed by SPSO in consultation with college stakeholders over the course of 2013. Our intention is to introduce a reasonable number of key high-level indicators which are broadly consistent with those for other sectors. The focus will be on, in particular, how colleges are performing against the two-stage process and timescales. They will also aim to capture performance in relation to the organisational learning derived from complaints and how effective an college is in using the outcomes of complaints to improve service delivery.

A suggested indicative list of indicators developed by SPSO is as follows:

- the total number of complaints received
- the number and percentage of complaints considered at the frontline resolution stage of the CHP
- the number and percentage of complaints closed at the frontline resolution stage within 5 working days
- the number and percentage of complaints where an extension to the 5 working day timeline has been authorised
- the number of complaints upheld / not upheld at the frontline resolution stage as a percentage of all complaints closed at this stage
- the average time in working days to resolve complaints at the frontline resolution stage
- the number and percentage of complaints considered at the investigation stage of the CHP
- the number and percentage of complaints resolved at the investigation stage within 20 working days
- the number and percentage of complaints where an extension to the 20 working day timeline has been authorised
- the number of complaints upheld at the investigation stage as a percentage of all complaints closed at this stage
- the average time in working days to resolve complaints at the investigation stage
- a statement outlining changes or improvements to services or procedures as a result of the consideration of complaints
- a measure to assess complainant satisfaction with the complaints service provided (as opposed to their satisfaction with the outcome of their complaint).

Further discussion is required with stakeholders on potential indicators, how these can be built into existing self-assessment arrangements and how performance information is used. We intend to take this discussion forward through existing groups under the guidance of Scotland's Colleges. We would be keen to do this through the proposed network of further education complaints handlers discussed on page 9.

Future revisions of the model CHP

Our current aim is for the model CHP to be reviewed on a three year cycle. There may also be a requirement to review the model CHP for minor issues within the formal three year review cycle. Revisions to the model CHP will be managed by the CSA). Where a college considers that an amendment to the model CHP or complainant-facing CHP is required they should prepare and submit a request for change to the CSA. This should include a brief description of the change requested, explain why the change is proposed and highlight any associated issues in relation to costs, time, quality or risks.

The CSA will consider and decide upon the request, in consultation with Scotland's Colleges and other relevant stakeholders. This will help to ensure consistency of approach across the sector by ensuring that only the current agreed version of the model CHP is available to the sector at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

While colleges may use the model CHP as a template to develop their CHP, it is important to remember that the model CHP itself may only be altered, amended or changed by the CSA.

CSA Advice and Support

Training

The model CHP places a strong emphasis on early resolution of complaints, effective recording of complaints and staff being properly trained and empowered to deal with complaints.

All staff need to have an understanding of how to deal with complaints and the appropriate knowledge and skills to do so effectively.

This includes being aware of how to identify complaints and when they are authorised to use a range of measures to achieve resolution such as a simple apology where appropriate.

It is for each college to identify the training needs of appropriate staff to ensure they have the skills and confidence to use the authority delegated to them. In considering the training requirements of sectors that have already adopted a Model CHP we found that, primarily, there is a requirement to develop awareness of the role of 'frontline resolution' and the skills required to fulfil this function. Online access to such training modules has also been identified as the optimum way in which to deliver this training.

Our training unit has, therefore, developed a number of e-learning training modules to support the introduction of the model CHP. These e-learning training modules have been designed to support staff to deal with complaints as close to the point of service delivery as possible and in the most appropriate way to achieve early resolution. It is our intention to provide free access to this training material through the SPSO online training centre. Further details are available at www.valuingcomplaints.org.uk.

We also recognise that investigative staff must have the skills and training to effectively investigate and reach robust decisions on more complex complaints. Our training unit provides training on complaints investigation covering the skills required to investigate a complaint from initial receipt to conclusion, including techniques for effectively planning and managing the investigation. It also provides training courses in relation to listening, problem solving and conflict resolution. Further details may be obtained from www.spsotraining.org.uk.

Valuing Complaints website (www.valuingcomplaints.org.uk)

Valuing Complaints is the SPSO's CSA website. It provides a centre for best practice in complaints handling. It contains information to help support improvement in public sector complaints handling, including: model CHPs for Scotland; implementation and compliance guidance; and best practice and training resources.

The website also includes a community forum which aims to generate discussion and sharing of best practice amongst the professional complaints handling community, both within and between different sectors. We aim to facilitate effective and professional social networking amongst complaints handlers and create a forum that supports the sharing of experiences and learning in complaints handling.

Further education network of complaints handlers

Building on the work of the further education complaints handlers working group we will also coordinate and support a further education complaints handling network. The remit of this group will include identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance. The network will be used to help take forward the ongoing work of the CSA in areas such as developing standardised complaints recording categories and performance indicators.

If your college is interested in joining the network please contact the CSA at CSA@spsso.org.uk.

Appendix 1

Compliance statement and self-assessment

[NAME OF COLLEGE]

[CONTACT DETAILS]

This information on this pro forma must be provided to the Scottish Public Services Ombudsman's Complaints Standards Authority (CSA) as soon as the college adopts the further education model CHP, or by 28 June 2013 at the latest. Please send the completed form to **CSA@spso.org.uk**.

Please provide, at **Section 1**, confirmation that the college has adopted both the CHP and the complainant-facing CHP and has introduced the CHP across all services or that the college will do so by 30 August 2013 at the latest. Please also provide details on approval, pilots, systems and training where appropriate.

At **Section 2** please complete a self-assessment of your college's CHP, or draft CHP for implementation by August 2013, against the requirements of the model CHP.

The CSA will assess the information provided by the college, and respond to indicate compliance or otherwise with the model CHP. The categories of compliance are:

- > confirmed compliance with model CHP by August 2013
- > non-compliant by August 2013

SECTION 1

Statement from Principal / Chief Executive of [NAME OF COLLEGE].

[Please complete as applicable]

The college has adopted both the CHP and the complainant-facing CHP and has introduced the CHP across all services from **[Insert Date]**.

The college will adopt both the CHP and the complainant-facing CHP and will introduce the CHP across all services by 30 August 2013

Please ✓

Please confirm whether the following has been or will be achieved in advance of compliance in August 2013. Please note that pilots, training or systems upgrades are not requirements but that this information will be used by the CSA for information purposes.

- > a compliant draft CHP and complainant facing leaflet have been approved by the relevant senior official/executive team/committee or board
- > CHP has been rolled out or piloted in some service areas
- > IT systems upgraded or currently being upgraded
- > training and awareness programme implemented or currently being implemented.

Yes	No	Not Applicable
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 2

[NAME OF COLLEGE] Self-assessment of compliance

Requirement of CHP	Met? Yes/No	Comment
Does the CHP adopt the text and layout of the published model CHP, subject to necessary amendments, to reflect, for example, the organisational structure, operational processes and corporate style?		
Does the complainant-facing CHP adopt the text and layout of the published model complainant-facing CHP, subject to necessary amendments?		
Does the CHP include a an appropriate foreword from the college's Principal / Chief Executive?		
Does the CHP provide an appropriate definition of a complaint?		
Does the CHP explain the types of issues which may be considered as a complaint?		
Does the CHP explain the types of issues which may not be considered through the CHP (for example, appeals, requests for service etc)?		
Does the CHP include appropriate guidance on handling anonymous complaints?		
Does the CHP clarify who can make a complaint?		
Does the CHP cover complaints involving more than one department?		
Does the CHP cover complaints involving other organisations or contractors who provide a service on behalf of the college?		
Does the CHP explain how a complainant may make a complaint?		

Requirement of CHP	Met? Yes/No	Comment
Does the CHP explain the issues to be considered on receipt of a complaint?		
Does the CHP include the correct timeline for frontline resolution?		
Does the CHP explain the basis for an extension to the timeline at frontline resolution?		
Does the CHP explain the action to take in closing the complaint at the frontline resolution stage?		
Does the CHP explain when to escalate a complaint to the investigation stage?		
Does the CHP explain what to do when a complaint is received at the investigation stage?		
Does the CHP explain the requirement to acknowledge complaints within three working days at the investigation stage?		
Does the CHP explain the requirement to provide a full response to complaints within 20 working days at the investigation stage?		
Does the CHP explain the basis for an extension to the timeline at the investigation stage?		
Does the CHP explain the required action when closing the complaint at the investigation stage?		
Does the CHP explain the requirement to provide information about the SPSO at the conclusion of the investigation?		
Does the CHP explain the roles and responsibilities of all staff involved in complaints handling?		
Does the CHP cover complaints about senior staff?		

Requirement of CHP	Met? Yes/No	Comment
Does the CHP include the requirement to record all appropriate details in relation to the complaint?		
Does the CHP commit to publishing complaints outcomes, trends and actions taken on a quarterly basis?		
Does the CHP include the requirement to learn from complaints?		
Does the CHP include the requirement to report performance in handling complaints annually?		
Does the CHP refer to legal requirements in relation to confidentiality issues?		
Does the CHP refer to managing unacceptable behaviour?		
Does the CHP refer to support for the complainant?		
Does the CHP set a time limit of six months to consider the complaint, unless there are special circumstances for considering complaints beyond this time?		