

GCU Complaint Handling Procedure: When to use this procedure (Part 2)

Contents

What is a complaint?	3
Who can make a complaint?	4
Supporting the complainant	5
How complaints may be made	6
Time limit for making complaints	7
Particular circumstances	7
Complaints by (or about) a third party	7
Serious, high-risk or high-profile complaints	8
Anonymous complaints	8
What if the person does not want to complain?	9
Complaints involving more than one area or organisation	9
Complaints about contracted services	10
Complaints about senior staff	10
Complaints and other processes	11
<i>Complaints and appeals</i>	11
<i>Complaints and student conduct procedures</i>	11
<i>Complaints and service requests</i>	12
<i>Complaints and staff disciplinary or whistleblowing processes</i>	12
<i>Contact from MPs, MSPs or Councillors</i>	13
<i>Complaints and compensation claims</i>	13
<i>Complaints and legal action</i>	13
What to do if the CHP does not apply	13

What is a complaint?

1. The University's definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about the University's action or lack of action, or about the standard of service provided by or on behalf of Glasgow Caledonian University'.
2. This policy is for the use of students, applicants, members of the the public and others who interact with the University. Where an employee also receives a service from Glasgow Caledonian University as a member of the public, they may complain about that service using this procedure. If a member of staff wishes to complain about a matter relating to their employment this should be done via the [Staff Conflict and Complaints Policy](#).
3. A complaint may relate to the following, but is not restricted to this list:
 - failure or refusal to provide a service
 - inadequate quality or standard of service, or an unreasonable delay in providing a service
 - the quality of facilities or learning resources
 - dissatisfaction with one of our policies or its impact on the individual (although it should be recognised that policy is set at the discretion of the institution)
 - failure properly to apply law, procedure or guidance when delivering services
 - failure to follow the appropriate administrative process
 - conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves), including, racist behaviour and actions that fall within the definition of gender based violence as outlined in the University's [Preventing and Responding to Gender Based Violence Policy](#); or
 - disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process, for example [academic appeals](#)).
4. A complaint **is not**:
 - a request for information or an explanation of policy or practice
 - a response to an invitation to provide feedback through a formal mechanism such as a questionnaire or committee membership
 - a concern about student conduct. This is addressed via the [Code of Student Conduct](#) and concerns about student conduct should be sent to sdg@gcu.ac.uk
 - a routine first-time request for a service (see **Complaints and service requests**)
 - a request for compensation only (see **Complaints and compensation claims**)

- an insurance claim
 - issues that are in court or have already been heard by a court or a tribunal (see **Complaints and legal action**)
 - 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 an established appeals process followed throughout the sector (such as an appeal about an academic decision on assessment or admission - see **Complaints and appeals**)
 - a request for information under the Data Protection or Freedom of Information (Scotland) Acts, or the Environmental Information Regulations
 - a grievance by a staff member 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, or a whistleblowing concern)
 - concerns about services outwith the institution's delegated responsibilities
 - a concern about a child or an adult's safety
 - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
 - abuse or unsubstantiated allegations about our institution or staff where such actions would be covered by our Unacceptable Actions Policy or
 - a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf: see **Complaints about contracted services**).
5. The University will not treat these issues as complaints, and will instead direct people to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis. If you are unsure of the correct route to follow, please contact the Department of Governance on complaints@gcu.ac.uk or by calling 0141 331 8226 for advice.
6. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the complainant, and tell them what (if any) action we will take, and why. See **What if the CHP does not apply**.

Who can make a complaint?

7. Anyone who receives, requests, or is affected by our services can make a complaint.
8. This includes, although is not limited to:

- a student's experience during their time at the University (all referred to as 'students' through the remainder of this document);
 - members of the public, where they have a complaint about matters which are (or which were at the time the issue arose) the responsibility of the University; and
 - members of the public who are applying for admission to the University and whose complaint does not relate to academic judgement.
9. The basic processes for investigating complaints are the same for students, members of the public and applicants to the institution – however appeals/complaints regarding a decision not to admit an applicant will be dealt with through admissions procedures.
10. We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

Supporting the complainant

11. Everyone has the right to equal access to our complaints procedure. It is important to recognise the barriers that some people may face complaining. These may be physical, sensory, communication or language barriers but can also include their anxieties and concerns. Complainants may need support to overcome these barriers.
12. For students who wish to submit a complaint, support and advice is available from the [Advice Centre](#) in the Students' Association.
13. For complainants who are not students, we ask that they let us know of any reasonable adjustments the University can make to support them to fully engage with the procedure. Please contact complaints@gcu.ac.uk or telephone 0141 331 8226.
14. We have legal duties to make our complaints service accessible under equalities and mental health legislation. For example:
- the Equality Act (Scotland) 2010 – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and
 - the Mental Health (Care and Treatment) (Scotland) Act 2003 – this gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.
15. Examples of how we will meet our legal duties are:
- proactively checking whether members of the public who contact us require additional support to access our services

- providing interpretation and/or translation services for British Sign Language users; and
- helping complainants access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).

16. In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:

- helping vulnerable people identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)
- helping complainants access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the [Scottish Independent Advocacy Alliance](#) or [Citizen's Advice Scotland](#)); and
- providing a neutral point of contact for complaints (where the relationship between complainants and frontline staff is significant and ongoing).

17. These lists are not exhaustive, and we must always take into account our fundamental commitment and responsibilities to equality and accessibility.

How complaints may be made

18. Complaints may be made orally or in writing, including face-to-face, by phone, letter or email.

19. Where a complaint is made **orally**, we will make a record of the key points of complaint raised. Where it is clear that a complex complaint justifies immediate consideration at stage 2 (investigation), it may be helpful to complete a complaint form with the complainant's input to ensure full details of the complaint are documented together with desired outcome. However, there is no requirement for the person to complete a complaint form, and it is important that failure to complete or difficulties in the completion of a complaint form do not present a barrier to people complaining.

20. Complaint issues may also be raised on digital platforms (including social media).

21. Where a complaint issue is raised via a digital channel managed and controlled by the University (for example an official Twitter address or Facebook page):

- we will normally respond by explaining that we do not normally take complaints on social media and telling the person how they can complain;
- in exceptional circumstances, we may respond to very simple complaints on social media. This will normally only be appropriate where an issue is likely to affect a large number of people, and we can provide a very simple response (for example, an apology for late *cancellation of a class*).

22. *We may also become aware that an issue has been raised via a digital channel not controlled or managed by us (for example a youtube video or post on a private facebook group). In such cases we **may** respond, where we consider it appropriate, by telling the person how they can complain.*

23. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See **Part 1: Maintaining confidentiality and data protection**.

Time limit for making complaints

24. The complainant must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).

25. Where a complainant is dissatisfied with a stage 1 response and wishes to escalate the complaint to stage 2, unless there are special circumstances they must request this either:

- within six months of when they first knew of the issue giving rise to the complaint; or
- within two months of receiving their stage 1 response (if this is later).

26. The University will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, whether an investigation is likely to lead to a practical benefit for the complainant or useful learning for the institution.

27. We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year of origin of the complaint). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

Particular circumstances

Complaints by (or about) a third party

28. Sometimes a complainant may be unable or reluctant to make a complaint on their own. The University will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a complainant, we must ensure that the complainant has authorised the person to act on their behalf. It is good practice to ensure the complainant understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.

29. If an individual wishes to nominate someone to make and handle a complaint on their behalf, they should send us a signed document giving the name and role or office of the person authorised to handle the complaint and acknowledging that in designating them to do this we will communicate with them and disclose to them rather than the complainant details of any matter pertaining to the complaint. For our students, we will accept an email from their Glasgow Caledonian University email address with this information. Advice on this can be sought from the Department of Governance on complaints@gcu.ac.uk or by calling 0141 331 8226.

30. In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

31. See also **Part 1: Maintaining confidentiality and data protection.**

Serious, high-risk or high-profile complaints

32. We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2. For advice please contact the Department of Governance on complaints@gcu.ac.uk (see also **Part 3: Stage 2: Investigation**).

33. We define potential high-risk or high-profile complaints as those that may:

- *involve a risk to life, death or terminal illness*
- *involve serious service failure, for example major delays in service provision or repeated failures to provide a service*
- *generate significant and on-going press interest*
- *pose a serious operational risk to the Institution; or*
- *present issues of a highly sensitive nature.*

Anonymous complaints

34. We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint will be taken by the Head of Governance or an alternative appropriate senior member of staff.

35. If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.

36. If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

What if the person does not want to complain?

37. If someone has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage them to submit their complaint and allow us to handle it through the CHP. This will ensure they are updated on the action taken and get a response to their complaint.

38. If the person insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

Complaints involving more than one area or organisation

39. If a complaint relates to the actions of two or more departments / faculties / schools, we will tell the complainant who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised. The nature of the complaint may also require parallel procedures to be initiated (such as academic appeal or disciplinary procedures). See **Complaints and appeals**.

40. If we receive a complaint about the service of another organisation or public service provider, but we have no involvement in the issue, the complainant should be advised to contact the appropriate organisation directly.

41. If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about the University through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection.

42. Such complaints may include, for example:

- a complaint made in relation to provision of third-party services, for example externally provided IT systems and functions
- a complaint made about a service that is contracted out, such as catering services; or
- a complaint made to the institution about a student loan where the dissatisfaction relates to the service we have provided and the service the Student Awards Agency for Scotland has provided.

Complaints involving other organisations or contractors who provide a service on behalf of the University

43. If an individual complains to the University about the service of another organisation, but the University has no involvement in the issue, the individual should be advised to contact the appropriate organisation directly.
44. Where a complaint relates to a University service and the service of another organisation, the University will investigate its own involvement in the matter in accordance with the Complaints Handling Procedure. When entering into a formal agreement relating to the provision of services (such as with partner institutions and contractors) the University will, where reasonable, include the requirement that the other organisation will investigate complaints – or co-operate with University complaints investigations – in accordance with the principles of this procedure. Where there is no formal agreement between the University and the other organisation, the University will make the other organisation aware of the terms of the Complaints Handling Procedure and request the other organisation's cooperation in addressing complaints in accordance with the principles of the Complaints Handling Procedure.
45. If enquiries to an outside organisation in relation to the complaint are required, care will be taken to comply with Data Protection legislation and the guidance on handling personal information. Such complaints may include, for example:
- *A complaint made in relation to provision of third-party services, for example IT systems.*
 - *A complaint made about a service that is contracted out, such as catering services.*
 - *A complaint made to the University about a student loan where the dissatisfaction relates to both the service the University has provided and the service the Student Awards Agency for Scotland has provided*

Complaints about senior staff

46. Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.
47. Should we receive a complaint against a member of the Executive Board, the University Secretary or their nominee will liaise with the Principal or their nominee regarding how the complaint will be handled. If the University Secretary is the subject of a complaint then the complaint will be referred directly to the Principal or their nominee. Should the Principal be the subject of a complaint, consideration of how the

complaint is handled will be undertaken by the Chair of University Court or their nominee.

48. Where complaints against senior staff are concerned, we reserve the right to appoint a complaint investigator, who is external to the University, where we deem this to be appropriate.

Complaints and other processes

49. Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

Complaints and appeals

50. In some cases, an issue may be raised as a complaint which should be considered under alternative arrangements (for example, an academic appeal or fitness to practise appeal), or vice versa. Complaints and appeals are handled under separate processes. The same issue will not be considered under both procedures. If a complainant needs advice about the appropriate procedure, they should contact the [Students' Association Advice Centre](#) or the [Department of Governance](#).
51. Where the complaint and appeal issues can be clearly distinguished, we will identify the points to be investigated as a complaint and progress those in line with this procedure. This will include confirming the points of complaint and outcomes sought. We will also identify and set out the issues of appeal.
52. In determining which process applies, we may need to clarify our approach with the complainant (for example, where the complainant is focussed solely on the appeal outcome they may not wish also to pursue a complaint). However, we will not normally require the complainant to resubmit issues they have already raised (for example, to reframe part of their appeal as a complaint). Unless it is in their interests to do so.
53. Of particular relevance for student complainants, we may also decide to complete consideration under one procedure before considering residual issues under another procedure (for example, we may delay consideration of any complaint until the academic appeal has been concluded, or vice versa). This would normally be appropriate only where it is difficult to distinguish which issues should be dealt with under which procedure or if there is a clear logic in the sequencing.
54. In all cases, we will explain to the student which issues have been considered under which process, and signpost them to the appropriate independent review by the SPSO.

Complaints and student conduct procedures

55. A concern about the conduct of a student is not a complaint, and should be handled under the [Code of Student Conduct](#) and reported to the University by emailing sdcc@gcu.ac.uk. However, the person may wish to complain about how the University

handled the situation (for example, where a member of staff allowed a student's behaviour to disrupt a class or exam). Where the complaint is about our service, we will consider it under the CHP.

Complaints and service requests

56. If someone asks the University to do something (for example, provide a service or deal with a problem), and this is the first time they have contacted us, this would normally be a routine service request and not a complaint.

57. Service requests can lead to complaints, if the request is not handled promptly or the person is then dissatisfied with how we provide the service.

Complaints and staff disciplinary or whistleblowing processes

58. If the issues raised in a complaint overlap with issues raised under a staff disciplinary or [whistleblowing process](#), we still need to respond to the complaint.

59. Our response must be careful not to share confidential information obtained by the University under a different procedure (such as anything arising from use of the whistleblowing or disciplinary procedures, or outcomes for individual staff members). It should focus on whether the University failed to meet the required standard of service and what we have done to improve things, in general terms.

60. Normally, investigations under the CHP will be separate to a staff disciplinary or whistleblowing investigation, however information may be shared between investigations where relevant and appropriate. Staff investigating such complaints will need to take extra care to ensure that:

- The University complies with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
- the University will keep records of the investigation that can be made available to the SPSO if required. This can be problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).

61. The University recognises the impact being named in a complaint can have on a member of staff and we want to ensure staff are appropriately supported. Information on support for staff can be found [here](#). The SPSO has a useful [document](#) which we follow carefully relating to the support of staff who are the subject of complaints.

Contact from MPs, MSPs or Councillors

62. Should we receive complaints on behalf of someone from MPs, MSPs or Councillors we will either ask that the person on whose behalf they are making the complaint provides confirmation that they consent to the elected member raising a complaint on their behalf, or ask the elected member to provide evidence that they have consent to raise the matter as a complaint with the University.

Complaints and Compensation Claims

63. Where someone is seeking financial compensation only, this is not a complaint. However, in some cases the person may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint to consider the financial claim first. If this arises, please seek advice from the Department of Governance on complaints@gcu.ac.uk.

Complaints and legal action

64. Where a complainant indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the Department of Governance via complaints@gcu.ac.uk and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.

65. Where a complainant says that legal action is being actively pursued, this is not a complaint.

66. If an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

What to do if the CHP does not apply

67. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the complainant why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.

68. Where a complainant continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our Unacceptable Actions Policy .