



**Dumfries and
Galloway College**

One step ahead

COMPLAINTS HANDLING PROCEDURE – PART 5 A GUIDE FOR COMPLAINANTS

Responsibility: Performance Manager

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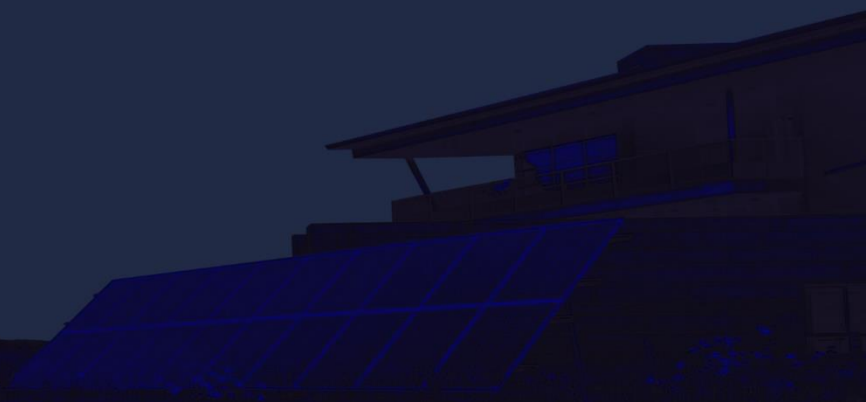


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Complaints Handling Procedure – Part 5

A Guide for Complainants

1. Purpose

The purpose of this procedure is to detail Dumfries and Galloway College's complaints handling procedure and provide a comprehensive guide for Complainants.

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 3 (The Complaints Handling Process)
- Complaints Handling Procedure Part 4 (Governance)
- Data Protection or Freedom of Information (Scotland) Acts
- [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 but also 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. 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 **Introduction**

- 6.1.1 Dumfries and Galloway College is committed to providing individuals, businesses and communities with the skills to flourish. We value complaints and use information from them to help us improve our services. If something goes wrong or you are dissatisfied with our services, please tell us.
- 6.1.2 This Procedure describes our complaints process and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

6.2 What is a complaint?

6.2.1 We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

6.3 What can I complaint about?

6.3.1 You can complain about things like:

- 👉 the admissions process;
- 👉 the disciplinary process;
- 👉 a request for a service or for information which has not been actioned or answered;
- 👉 wrong information about academic programmes or college services;
- 👉 the quality and availability of facilities and learning resources;
- 👉 accessibility of our buildings or services;
- 👉 failure or refusal to provide a service;
- 👉 inadequate quality or standard of service, or an unreasonable delay in providing a service;
- 👉 dissatisfaction with one of our policies / procedures or its impact on the individual;
- 👉 failure to properly 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); 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).

6.3.2 Your complaint may involve more than one Dumfries and Galloway College service or be about someone working on our behalf.

6.4 What can't I complain about?

6.4.1 There are some things we can't deal with through our complaints handling procedure. These include:

- a request for information or an explanation of policy or practice;
- a disagreement with academic judgment;
- a concern about student conduct;
- a routine first-time request for a service;
- a request for compensation only;
- issues that are in court or have already been heard by a court or a tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process);
- 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;
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts;
- 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, such as a whistleblowing concern);
- 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 organisation or staff where such actions would be covered by our Unacceptable Actions Guidance ([Form 1](#)); 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).

6.4.2 If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

6.5 Who can complain?

6.5.1 Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, we will require the consent from the customer that the complaint is in relation to. Please also read the section on getting help to make your complaint below – 6.11.

Under the UNCRC, a person under the age of 18 years old is defined as a Child but will be referred to as a customer for the purpose of the CHP.

6.6 How do I complain?

6.6.1 You can complain in person, by phone, in writing, by email or via our complaints form. It is easier for us to address complaints if you make them quickly and directly to the service concerned. So please talk to a member of our staff within the department you are complaining about. Then they can try to resolve the issue.

6.6.2 When complaining, please tell us:

- 👉 your full name and contact details;
- 👉 as much as you can about the complaint;
- 👉 what has gone wrong; and
- 👉 what outcome you are seeking.

If you are under the age of 18 years old, please refer to Appendix 3 for further guidance.

6.7 Our contact details

6.7.1 Dumfries and Galloway College,
Bankend Road,
Dumfries
DG1 4FD

Telephone: 01387 734094

Email: performance@dumgal.ac.uk

6.8 How long do I have to make a complaint?

6.8.1 Normally, you must make your complaint within six months of:

- the event you want to complain about; or
- finding out that you have a reason to complain.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

6.9 What happens when I have complained?

6.9.1 We will always tell you who is dealing with your complaint. Our complaints procedure has two stages. If you are under the age of 18 years old, please refer to Appendix 3 for further guidance.

6.9.1.1 Stage 1: Frontline Response

We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

We will give you our decision at Stage 1 Frontline Resolution in five working days or less, unless there are exceptional circumstances.

If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to Stage 2 Investigation.

You must normally ask us to consider your complaint at Stage 2 Investigation either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your Stage 1 response (if this is later).

In exceptional circumstances, we may be able to accept a Stage 2 Investigation complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

If you do not wish your complaint to be handled at Stage 1 Frontline Resolution, you can ask us to handle it immediately at Stage 2 Investigation instead.

6.9.1.2 Stage 2: Investigation

Stage 2 deals with two types of complaint:

- ▶ Where the customer remains dissatisfied after Stage 1 Frontline Resolution.
- ▶ Those which are complex and will clearly require a detailed investigation, and so are handled directly at this stage.

When using Stage 2:

- ▶ we will acknowledge receipt of your complaint within three working days;
- ▶ we will confirm our understanding of the complaint we will investigate and what outcome you are looking for;
- ▶ we will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
- ▶ where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.

If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.

6.10 What if I'm still dissatisfied?

6.10.1 After we have given you our final decision, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) or the relevant awarding body to look at it. For qualifications that are regulated, if you remain dissatisfied with the way the awarding body has handled your complaint then you may complain to the qualifications regulator. Dumfries and Galloway College can provide further advice on which organisation you should approach.

6.10.2 In all cases, the complaint must first have been considered by the College.

6.10.3 The SPSO are not able to look at academic judgement and do not have the power to revise course awards. This can only be achieved through an academic appeals process. The SPSO consider complaints about the quality of service and maladministration, which may include issues surrounding course delivery.

6.10.4 The SPSO are an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support). 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 our final response to your complaint. You can do this online at:

SPSO

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)

FREEPOST SPSO (you do not need a stamp)

Freephone: 0800 377 7330

Online contact: www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

6.11 Getting help to make your complaint

6.11.1 We understand that you may be unable or reluctant to make a complaint yourself. You may wish to get independent support or advocacy to help you progress your complaint. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

For customers under the age of 18 year old please refer to Appendix 3.

If you have trouble putting your complaint in writing please contact the Performance Team. Contact details are as follows:

Dumfries Campus – Location: 2091 on the Second floor

Opening hours: 08:45 to 16:30 Monday to Friday

Tel: 01387 734094

performance@dumgal.ac.uk

Dumfries and Galloway College Student Association could also help and contact details are as follows:

studentassociation@dumgal.ac.uk

6.11.2 We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services.

We can also provide you with a copy of this procedure in other languages and formats (such as large print, audio and Braille), upon request.

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	11.1	Student Association email updated
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

THIS FORM TO BE UPDATED WHENEVER THERE IS A CHANGE IN ANY SYSTEM DOCUMENT				
Document Name	Document Owner	Revision Number	Date of Issue	Date of Withdraw
Part 5 Complaints Handling Procedure – A Guide for Complainants	Performance Manager	1	April 2021	
Part 5 Complaints Handling Procedure – A Guide for Complainants	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

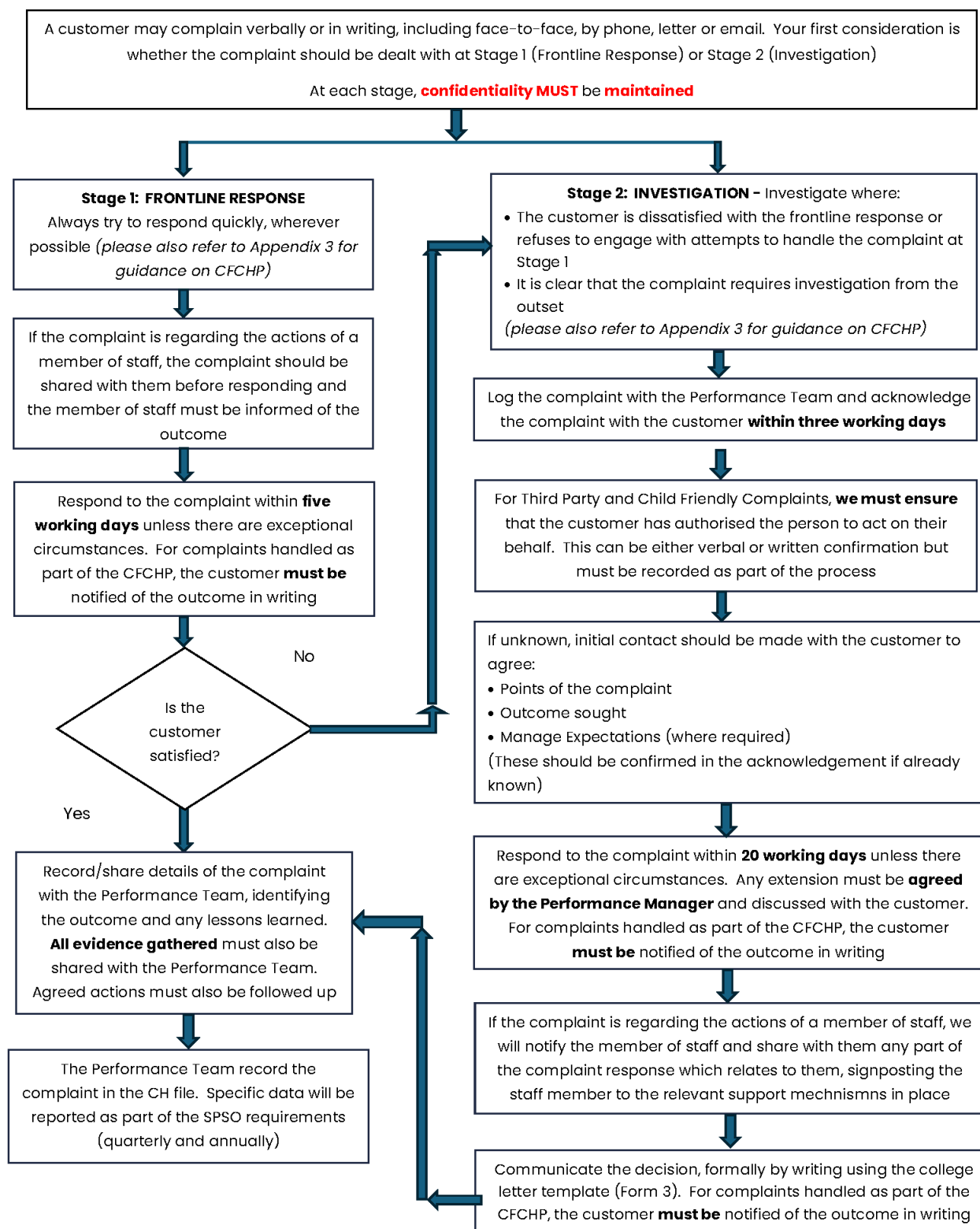
	Commentary
Age	This procedure will enable all customers the ability to raise a complaint regardless of any protected characteristics, with a view to improving future services. In turn this should make people more comfortable to perform at their best as both staff and students, increasing equality of opportunity.
Disability	
Gender	
Gender Based Violence	
Gender identity/ reassignment	
Marriage/civil partnership	
Pregnancy/maternity	
Religion or Belief	
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

Everyday business

- Have conversation with adult and 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 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 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 and their supporting adult.

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 and their supporting adult.

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 at this stage.
- **Make a written record** of the outcome and share this with the child and their supporting adult.
- Provide a decision letter, if the child or their supporting adult wants one.

Escalation

- Explain to the adults involved that the SPSO are the independent final stage of the complaints process and provide materials to explain the process of complaining to the SPSO.
- Ensure this option is explained to the child in a way that feels **safe and manageable**.

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.

Stage 2: Investigation

- Carry out full investigation into the complaint.
- Give due weight to the views of the child and consider their **best interests.**
- Provide decision letter 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.

Escalation

- Explain to the adults involved that the SPSO are the independent final stage of the complaints process and provide materials to explain the process of complaining to the SPSO.
- Ensure this option is explained to the child in a way that feels **safe and manageable.**