

Audit Committee Meeting

Date of Meeting	Friday 7 October 2016
Paper Title	Review of GCRB Complaints Handling Procedure
Agenda Item	16
Paper Number	AC1-L
Responsible Officer	Robin Ashton, GCRB Executive Director
Status	Disclosable
Action	For Discussion

1. Report Purpose

- 1.1. This paper provides for member review the approved GCRB complaints handling procedure.

2. Recommendations

- 2.1. The Committee is invited to:

- **review** the approved GCRB complaints handling procedure;
- **identify** any changes within the procedure which it wishes to recommend to the GCRB Board; and
- **consider** an appropriate review date for the procedure.

3. Background

- 3.1. GCRB is required to have adequate procedures in to implement the recommendations of the Committee of Standards in Public Life.
- 3.2. The complaints procedure ensures that we have an accessible and effective method to deals with issues regarding dissatisfaction by one or more members of the public or a stakeholder about the Board's actions, or a claim that it has failed to deal with a matter which falls within its statutory responsibilities properly and fairly
- 3.3. The attached complaints handling procedure was approved by the GCRB Board at its meeting on 6 October, 2014.
- 3.4. Review of the complaints handling procedure is not specifically stated with the Audit Committee's terms of reference. However, it does have responsibility to advise the Board on assurances relating to the corporate governance requirements for the organisation, within which an open and effective complaints handling scheme forms part of the expected standards of good governance.

4. Complaints handling procedure

- 4.1.** The attached procedure was developed with reference to the Scottish Public Services Ombudsman's standard template for Colleges, the Scottish Funding Council process, and the Education Scotland process.
- 4.2.** The Publication Scheme is based on the Information Commissioner's Model Scheme and Guide.
- 4.3.** The complaints handling procedure has not been reviewed since approval by the GCRB in October 2014. The current Executive Director is unaware of any complaint being made against GCRB since this time.
- 4.4.** As committee members have requested to review this procedure, it is suggested that the procedure, and any recommended changes, are considered by the GCRB Board at its meeting in October 2016, with a proposed review date of October 2018.

5. Risk Analysis

- 5.1.** A failure to have such schemes in place could lead to non-compliance with legislation, poor customer service and a risk to the Board's reputation in relation to openness and transparency.

6. Legal Implications

- 6.1.** The implementation of a clear complaints policy (and escalation process) ensures compliance with the Scottish Public Services Ombudsman Act 2002, helps to identify issues early and to deal with them appropriately, to avoid formal complaints to the SPSO and potential litigation.
- 6.2.** The procedure provides guidance on how to respond to public interest disclosures.

7. Financial Implications

- 7.1.** There are no specific financial implications arising from the draft paper.

8. Regional Outcome Agreement Implications

- 8.1.** Through the conditions of grant associated with the Regional Outcome Agreement, GCRB is required to conduct its affairs in accordance with the expected standards of good governance, which include establishing appropriate arrangements in relation to complaints handling.

Glasgow Colleges' Regional Board
Complaints Handling Procedure

1. INTRODUCTION

- 1.1 This document explains how you can make a complaint about the Glasgow Colleges' Regional Board.
- 1.2 For the purposes of this document 'the Board' means the Glasgow Colleges' Regional Board.
- 1.3 The Board is committed to being open and transparent and operating to the highest standards of public sector administration and management. If you are dissatisfied with our performance, we want to give you the opportunity to raise the matter with us and this procedure outlines the process for doing so.
- 1.4 The Board will receive reports on the nature of complaints received and their resolutions.

2. DEFINITION OF A COMPLAINT

- 2.1 A complaint is an expression of dissatisfaction by one or more members of the public or a stakeholder about the Board's actions, or a claim that it has failed to deal with a matter which falls within its statutory responsibilities properly and fairly.
- 2.2 The procedure does not cover complaints about the merits of a decision or action taken by the Board, its committees or its staff, but rather the way in which the decision or action has been taken.
- 2.3 If you wish to complain about the merits of a decision or action taken by the Board then you should seek independent legal advice in relation to challenge by judicial review.
- 2.4 The procedure does not cover matters which are or have already been the subject of litigation, legal proceedings or other forms of regulatory investigation.
- 2.5 The procedure does not cover attempts to reopen a previously concluded complaint or to have a complaint reconsidered where have already given our final decision.

3. COMPLAINTS REGARDING THE BOARD'S ASSIGNED COLLEGES

- 3.1 The Colleges assigned to the Board are:
 - City of Glasgow College
 - Glasgow Clyde College
 - Glasgow Kelvin College

Complaints about any of the Board's assigned colleges should be raised directly with the college and not with the Board.

- 3.2 The Board has a responsibility to consider alleged serious weaknesses in the governance, management and conduct of its assigned colleges, including, for example, an alleged breach of the Financial Memorandum, the document which governs the relationship between the Board and the assigned colleges. Complaints of this nature should be directed to the Executive Director.

4. HOW TO COMPLAIN

- 4.1 If you are dissatisfied with the Board or its staff and wish to complain then please write to the Executive Director at the following address:

Glasgow Colleges' Regional Board
City of Glasgow College
60 North Hanover Street
Glasgow
G1 2BP

- 4.2 To help us deal fairly with your complaint, your letter should state clearly the details of your complaint, focussing only on the essential issues.
- 4.3 We will acknowledge your complaint within three working days of receipt.
- 4.4 We will consider complaints from you within a time limit of six months of when you became aware of the problem, unless there are special circumstances for considering complaints beyond this time.

5. OUR COMPLAINTS HANDLING PROCEDURE

- 5.1 Our complaints procedure has two internal stages which are outlined below:

5.2 Stage 1: Frontline Resolution

- 5.2.1 We would like to try to resolve a complaint informally in the first instance, which avoids the, sometimes lengthy, formal complaint process for you and for us. This could involve us apologising to you, explaining where something has gone wrong, and taking immediate action to resolve the issue.
- 5.2.2 It is likely that resolution will take place at this stage either over the phone, in person or via email exchange.
- 5.2.3 We will endeavour to facilitate an informal resolution within five working days, unless there are exceptional circumstances which mean that this is not possible. In

such circumstances we will agree an extension of no more than five working days with you.

5.2.4 If we are unable to agree an informal resolution of your complaint with you, we will carry out a formal investigation as set out in stage 2 of this procedure.

5.2.5 If you are unhappy with our response to your complaint at this stage, then you can ask for your complaint to be considered at stage 2 of this procedure.

5.3 **Stage 2: Investigation**

5.3.1 An investigation will take place when the nature of the complaint is complicated and requires detailed investigation, or where we cannot agree a resolution of your complaint with you through stage 1 of this procedure. We will advise you in writing that a formal investigation is under way.

5.3.2 The investigation will normally be carried out by the Executive Director. If the Executive Director has had any material involvement in the matter under investigation, then the investigation will be conducted by a person appointed by the Board for this purpose.

5.3.3 The purpose of the investigation will be to establish the facts; decide whether the complaint should be upheld or rejected; and consider what action, if any, should be taken. We will provide you with reasons for our decision(s).

5.3.4 We will seek to notify you of the outcome of the formal investigation within 20 working days. In some instances, the nature of the complaint may be sufficiently complex to require a longer period of investigation in the interest of fairness to you, as the complainer, and the Board. In such a case, we will notify you of our proposed timetable for the investigation and keep you informed of progress.

5.3.5 The Executive Director's decision will be final and will complete this procedure. This letter will inform you of your right to appeal to the Scottish Public Services Ombudsman.

5.4 **Scottish Public Services Ombudsman**

5.4.1 The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. If you remain dissatisfied with the outcome of your complaint, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- Where you have **not** gone all the way through the organisation's complaints handling procedure;

- More than 12 months after you became aware of the matter you want to complain about; or
- That have been or are being considered in court.

The SPSO's contact details are:

SPSO
4 Melville Street
Edinburgh
EH3 7NA

Freephone: 08003777330
Online contact: www.spsso.org.uk/contact-us
Website: www.spsso.org.uk
Mobile site: <http://m.spsso.org.uk>

6. CONFIDENTIALITY AND DATA PROTECTION

- 6.1 The Board will respect your confidentiality and comply with data protection legislation. If your complaint concerns a member of the Board or its staff, we will share the details of the issue you raise with the person or persons concerned to give them the opportunity to respond. Unless there are exceptional reasons not to do so, we will always let the individual know who has raised the issue.
- 6.2 If you raise an issue that suggests that a vulnerable person may be at risk we will take the necessary steps to address this, which may involve passing the information on to other agencies.
- 6.3 For investigation purposes, we may need to share your personal data with a third party. In these instances, we will ask for your consent before sharing any personal data. You must be aware however, that a refusal to share your data may potentially hinder a satisfactory resolution to the complaint.

7. FREEDOM OF INFORMATION

- 7.1 As the Board is a public body, we are subject to the access provisions of the Freedom of Information (Scotland) Act 2002 (FOI). This means that if we receive information requests about your case, we have a duty to consider disclosure.
- 7.2 Where any FOI request is received, we will release details of the complaint (subject to paragraph 7.3 below), except where your personal data would be disclosed. Where specifically requested we may seek consent from you to release any personal data.
- 7.3 Other exemptions to disclosure may also apply, such as legal advice or commercially sensitive information. However, any non-disclosure exemptions can in turn be overruled by the Scottish Information Commissioner on appeal and all or part of the information about your complaint may ultimately be released.

8. GETTING HELP TO MAKE YOUR COMPLAINT

8.1 We understand that you may be unable, or reluctant, to make a complaint yourself. 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. If a complaint is made on someone else's behalf, the Board will require explicit written consent.

8.2 You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance.

Scottish Independent Advocacy Alliance

Telephone: 0131 260 5380

Fax: 0131 260 5381

Website: www.siaa.org.uk

8.3 We are committed to making our service easy to use for all members of the community. We will always ensure that reasonable adjustments are made to help customers access and use our services. If you have trouble putting your complaint in writing or want this information in another format, please tell us in person.

9. UNREASONABLY PERSISTENT COMPLAINERS

9.1 We do not view a complainer as being unreasonably persistent simply because he or she pursues a complaint in a determined manner.

9.2 The Board regards unreasonably persistent complaints as:

- unfounded, unreasonable or trivial complaints which are made in bad faith or with the intention of wasting time and resources;
- repeated attempts to deviate from the complaints procedure as outlined in this document;
- repeated demands that the Board reconsider a decision which has been reached in accordance with this procedure;
- repeated contact with the Board or its staff in relation to a complaint which has been dealt with in full, unless the complainer wishes to bring new facts to the Board's attention;
- repeated contact with the Board or its staff to attempt to present information which, in the Board's view, is not relevant to the complaint; or
- abusive or threatening behaviour towards any member of the Board or its staff, including during any telephone calls or in any written correspondence.

9.3 If a complainer is viewed as being unreasonably persistent during the course of an ongoing investigation, the Board may decide to restrict or discontinue contact with the complainer. This may be by telephone, fax, letter or electronically, or by any combination of these.

- 9.4 Complainers will be advised in writing why a decision has been made to restrict contact with them, they will be given details of the restricted contact arrangements, and if relevant, the length of time that these restrictions will be in place.
- 9.5 If the complaints procedure has been exhausted, we may refuse to enter into any further correspondence or discussion about the matter with the complainer. We will however ensure that complainer is given information regarding the Scottish Public Services Ombudsman.