

SFC'S COMPLAINTS HANDLING PROCEDURE



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SFC's Complaints Handling Procedure

1. We value complaints and use information from them to help us improve our organisation. SFC is committed to being an open and transparent organisation that operates to the highest standards of public sector administration and management. Despite this, we recognise that occasionally things may go wrong and if you are dissatisfied with our performance, please tell us.
2. This leaflet describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

What is a complaint?

3. 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.

What can I complain about?

4. You can complain about things like:
 - 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 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).
 - Disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process).
5. Your complaint may involve more than one of SFC's functions or be about someone working on our behalf.

What can't I complain about?

6. There are some things we can't deal with through our complaints handling procedure. These include:
 - A routine first-time request for a service.
 - A request for compensation only.

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- 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.
 - 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.
 - 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).
7. If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.
 8. With the exceptions of circumstances set out in the paragraph below, complaints about Scottish colleges and universities should be addressed to the college or university in the first instance and not SFC.
 9. SFC has a responsibility to consider alleged serious weaknesses in the governance, management and conduct of a college or university including, for example, an alleged breach of the Financial Memorandum – the document that governs the relationship between SFC and individual colleges or universities . Complaints of this nature should be directed to the Deputy Director, Governance and Planning at the address below.

Who can complain?

10. Anyone who receives, requests or is directly affected by our services and our organisation 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, you will normally need their written consent. Please also read the section on '*Getting help to make your complaint*' below.

How do I complain?

11. You can complain in person at our office, by phone, in writing, or by email.
12. It is easier for us to address complaints if you make them quickly and directly to the team concerned. So please talk to a member of our staff in the team you are complaining about. They can then try to resolve the issue.
13. When complaining, please tell us:
 - Your full name and contact details.
 - As much as you can about the complaint.
 - What has gone wrong.
 - What outcome you are seeking.

OUR CONTACT DETAILS

14. Our contact details are:

Deputy Director, Governance and Planning
The Scottish Further and Higher Education Funding Council
Apex 2
97, Haymarket Terrace
Edinburgh EH12 5HD
Telephone: 0131 313 6500 / Email: complaints@sfc.ac.uk

How long do I have to make a complaint?

15. 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.
16. 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.

What happens when I have complained?

17. We will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

Stage 1: Frontline Response

18. 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.
19. We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.
20. 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. You must normally ask us to consider your complaint at stage 2 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).
21. In exceptional circumstances, we may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

Stage 2: Investigation

22. Stage 2 deals with two types of complaint: where the complainant remains dissatisfied after stage 1 and those complaints that clearly require investigation because of their nature or complexity, and so are handled directly at this stage. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at stage 2 instead.
23. 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, by sending you a summary.
 - 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.
24. If our investigation will take longer than 20 working days, we will tell you.
25. We will tell you our revised time limits and keep you updated on progress.
26. The investigation will always be carried out objectively and impartially and, wherever possible, by someone who has not had any material involvement in the issue previously.

What if I'm still dissatisfied?

27. 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) to look at it.

The SPSO is 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 our 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 www.spsso.org.uk/complain/form or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on 'Getting help to make your complaint' below.

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) Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk

Getting help to make your complaint

28. 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.

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

Scottish Independent Advocacy Alliance

Tel: 0131 510 9410 Website: www.siaa.org.uk

30. You can find out about advisers in your area through Citizens Advice Scotland:

Citizens Advice Scotland

Website: www.cas.org.uk or check your phone book for your local Citizens Advice Bureau.

31. 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. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, contact us on 0131 313 6500 or email us at complaints@sfc.ac.uk.

Our contact details

32. Please contact us by the following means:

Deputy Director Governance and Planning

The Scottish Further and Higher Education Funding Council

Apex 2

97, Haymarket Terrace

Edinburgh EH12 5HD

Telephone: 0131 313 6500 / Email: complaints@sfc.ac.uk

33. We can also give you this leaflet in other languages and formats (such as large print, audio and Braille).

Trivial, unreasonably persistent and vexatious complaints

34. While we promote positive engagement, we will not respond to vexatious or unreasonably persistent complainants. Annex A sets out how SFC deals with trivial, unreasonably persistent and vexatious complaints or complainants.

A quick guide to our complaints procedure

Complaints procedure

You can make your complaint in person, by phone, by email or in writing.

We have a two-stage complaints procedure. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress.



Stage 1: Frontline Response

We will always try to respond to your complaint quickly, within five working days if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.



Stage 2 Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this state, if it is clear that they need investigation.

We will acknowledge your complaint within three working days

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than 20 working days *unless* there is clearly a good reason for needing more time.



Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

We will tell you how to do this when we send you our final decision.

Annex A: Trivial, Unreasonably Persistent or Vexatious Complaints

35. This Annex describes how SFC deals with trivial, unreasonably persistent and vexatious complaints or complainants.

Introduction

36. We do not view a complainant as being vexatious or unreasonably persistent simply because he or she pursues a complaint in a forceful or determined manner. However, complainants who make unreasonable, frequent or trivial complaints to SFC and its staff, as set out below, may be regarded as vexatious or persistent, in which case we will not investigate their complaint.

What are trivial, vexatious or unreasonably persistent complainants?

37. While we cannot define every set of circumstances that would result in SFC reasonably assessing an individual complaint as trivia, we consider that such complaints include:
- Matters that we judge as being clearly minor and/or immaterial in terms of their consequences, financial or other effect (including the public interest)
 - Matters that we judge are outside our legal responsibilities or where the case to link them to our legal responsibilities is particularly weak.
 - Matters that are so general and/or wide ranging in nature that it is not practical to deal with them through a complaints process.
 - Matters we assess as being futile, perhaps because they deal with something that has already been addressed.
 - Matters we assess as being frivolous, because they lack any serious purpose. This can include a 'fishing expedition' designed to elicit information from us in order to pursue a grievance.
 - A matter that has insufficient evidence to substantiate the assertions made by the complainant
38. A vexatious or unreasonably persistent complainant is a person who makes a complaint which, in SFC's reasonable opinion, is:
- Unfounded, unreasonable or trivial and is made with the intention of wasting SFC's time and resources, preventing SFC from carrying out its business, or harassing SFC and its staff, or is otherwise made in bad faith.
 - Likely to cause a disproportionate or unjustified level of work, disruption or distress in seeking to deal with it, whether or not benefits may accrue from pursuing the complaint.

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- Where the complaints is indicative of a personal grudge against a member of SFC staff or office holder, including where unfounded or unsubstantiated accusations are made against SFC or its staff or office holders.

39. SFC defines a complainant as vexatious or unreasonably persistent if the person:

- Has been advised of the terms of the complaints procedure as outlined in this document but repeatedly and, in SFC's reasonable opinion, unreasonably fails to follow that procedure.
- Repeatedly demands that SFC reconsider a decision which has been reached in accordance with this complaints procedure.
- Repeatedly contacts SFC in relation to a complaint which has been dealt with fully in terms of this complaints procedure, unless the complainant wishes to bring to SFC's attention new facts that were not previously available.
- Repeatedly complains about the same or closely related issues or makes frequent or regular complaints about similar or different issues.
- Repeatedly seeks to raise issues or present information in relation to an existing complaint which, in SFC's reasonable opinion, are not relevant to the complaint; or
- Behaves in an abusive or threatening way towards any member of SFC's staff, including during any telephone calls or in any written correspondence and is unwilling to alter their behaviour when reasonably asked to do so.

How we will manage vexatious and unreasonably persistent complaints

40. SFC receives a relatively small number of complaints, and vexatious and unreasonably persistent complainants are rare. However, when they do occur, they can take up a disproportionate amount of time and resources. If the complainant's behaviour adversely affects our ability to carry out our business, we will consider whether to restrict or discontinue contact with the complainant. We may restrict contact in person, by telephone, letter or electronically or by any combination of these. We will try to maintain at least one form of written contact, unless our complaints procedures have been exhausted.
41. Complainants 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. For example, a complainant may be advised that, pending a decision being taken under a particular stage of the procedure, contact will be made only by letter.
42. If we have already carried out an investigation into a complaint and the SFC's complaints procedure has been exhausted, we may refuse to enter into any further correspondence or discussion about the matter with the complainant. We will however ensure that the

complainant is given information about his or her right to contact the Scottish Public Services Ombudsman.