



**THE SCOTTISH HIGHER EDUCATION
MODEL COMPLAINTS HANDLING PROCEDURE (CHP)**

EDINBURGH NAPIER UNIVERSITY ADAPTATION

PROCEDURAL GUIDE

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PROCEDURAL GUIDE

Introduction

1. Edinburgh Napier University is committed to providing an excellent education and high-quality services to our students from matriculation to graduation. We also aim to provide high-quality services to all of our other stakeholders and to maintain good relations with the local community. We value complaints and use information from them to help us improve our services.
2. If something goes wrong or you are dissatisfied with anything you believe we have some responsibility for, please tell us. This document 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.
3. Details on our Complaints Handling Procedure, including important contact details and details of our support services, can be found at the links below.

Procedural information for students - <https://my.napier.ac.uk/Student-Administration/Complaints/Pages/Complaints.aspx>

Procedural information for non-students - <https://www.napier.ac.uk/about-us/university-governance/making-a-complaint>

Support Services for Students - <https://my.napier.ac.uk/talkinghelps>

External Support Services –

- Scottish Independent Advocacy Alliance - <https://www.siaa.org.uk/>
- Citizen's Advice Scotland - <https://www.cas.org.uk/>

What is a complaint?

4. 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?

5. 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
 - the quality of facilities or learning resources
 - dissatisfaction with one of our policies or its impact on the individual (although it is recognised that policy is set at the discretion of the institution)
 - 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; see section [Complaints About An Individual](#))

- 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. Your complaint may involve more than one Edinburgh Napier University School or Professional Service or be about someone working on our behalf.

What can't I complain about?

7. 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 response to an invitation to provide feedback through a formal mechanism such as a questionnaire or committee membership
 - a concern about student conduct (see section [Complaints About An Individual](#))
 - a routine first-time request for a service
 - a request for compensation only
 - an insurance claim
 - 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 (such as an appeal about an academic decision on assessment or admission)
 - 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, such as a whistleblowing concern)
 - concerns about services out with the institution's delegated responsibilities (e.g. conference and accommodation services to commercial clients)
 - a concern about a child or an adult's safety (though we ask that you report these to complaints@napier.ac.uk)
 - 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 equivalent*]
 - 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).
8. If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

Complaints about an Individual

9. Should your complaint be directly focussed on or contain allegations with regard to the behaviour, actions or treatment of you by an individual(s) connected to the University (e.g. a student, a member of staff or someone externally contracted to work for the University) it may not be possible to fully investigate your complaint via the Complaints Handling Procedure. Complaints making allegations against an individual(s)'s conduct may be channelled as follows:-
- Complaints against our students; via the Student Conduct Regulations
 - Complaints against Edinburgh Napier staff; through Human Resources processes
 - Complaints against contract staff; these complaints may need to be handled in conjunction with the procedures of the direct employer of the person concerned. We will evaluate such cases before any decision is taken.
10. We will advise you of the action we are taking within the timescales set out in the Complaints Handling Procedure. Due to our duty of care to all of our students and staff as well as our obligations with regard to confidentiality, it will not always be possible to advise complainants of the nature and outcomes of any action taken (and indeed whether any action has been taken) against individuals they have filed a complaint against. However we take any complaints made against our students, staff and anyone contracted to work for us seriously and investigate thoroughly bringing appropriate sanctions against any individual where our investigations decree appropriate.
11. We assure any students complaining that there will be no negative repercussions for you in doing so, in terms of an impact on your studies or engagement, via anyone against whom you have complained about or anyone associated with them. We will take action to investigate any reports of misuse of power as a separate complaint if we are advised anyone has suggested or threatened they can negatively impact your experience should you submit a complaint. We have robust procedures in place to ensure our assessment marking is free from bias.

Academic Judgement – Information for Students

12. If we believe any complaint made by a student is based purely on a question of a member of staff's academic judgement then it will not be upheld. For example, we will uphold complaints where it is proven teaching, supervision and assessments have not been delivered as outlined in the module descriptor without adequate mitigation being put in place or where it is found a student has been in receipt of poor service. We will not uphold complaints made on the basis of a student suggesting they believe they deserve a better mark without them evidencing why they believe they were disadvantaged and how this impacted their assessment performance.
13. The decision on whether any matters pertaining to a complaint are purely challenges of academic judgement will rest with the staff investigating the complaint in conjunction with senior academic staff. Those termed as senior academic staff include School Academic Leads, Assessment Board Conveners and members of the University's Leadership teams. Senior staff may wish to take

advice from a Professor or senior academic expert from the subject area concerned when making these decisions.

Who can complain?

14. 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, you will normally need their written consent. Please also read the section on [Getting help to make your complaint](#) below.

How do I complain?

15. You can complain in person to any of our staff, by phone, in writing and via email. If you are unsure who to make your complaint to or are uncomfortable in making your complaint directly, we recommend emailing complaints@napier.ac.uk as being the best way to make initial contact regarding your complaint.
16. It is easier for us to address complaints if you make them quickly and directly to the School or Service concerned. Where possible, your concerns should be raised with the relevant staff member or, if you are not comfortable doing this, students can use their Programme Leader, Personal Development Tutor and all parties can consider seeking the support detailed in the section [Getting help to make your complaint](#)
17. When complaining, please provide detail of:
- your full name, matriculation number (if you are a student) and contact details
 - as much as you can about the complaint e.g. relevant dates, times, locations, names and roles of those involved
 - what has gone wrong
 - what outcome/resolution you are seeking

How long do I have to make a complaint?

18. 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.
19. 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. Examples of why we might forgo the time limit include but are not limited to; evidenced recent illness/bereavement and reports of sexual misconduct.

What happens when I have complained?

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

Stage 1: Frontline Response

21. 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.
22. We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.
23. 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
24. 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

25. Stage 2 deals with two types of complaint: where the complainant remains dissatisfied after stage 1 and those that clearly require investigation, and so are handled directly at this stage.
26. 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);
 - where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.
27. 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.

What if I am still dissatisfied?

28. 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. Details of how to do this can be found on the following page.

The Scottish Public Services Ombudsman (SPSO)

29. 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; students may use our [Students' Association](#) and others may use [Scottish Independent Advocacy Alliance](#) or [Citizen's Advice Scotland](#).
30. 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.
31. The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint.
32. You can do this online at www.spsso.org.uk/complain/form or call them on Freephone **0800 377 7330**.
33. 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.
34. 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:	FREEPOST SPSO
Freephone:	0800 377 7330
Online:	www.spsso.org.uk/contact-us
Website:	www.spsso.org.uk

Getting help making your complaint

- 35.** We understand that you may be unable or reluctant to make a complaint. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, member of our staff or an advocate, if you have given them your consent to complain for you.
- 36.** In order for us to accept a complaint from someone acting on your behalf, you must email complaints@napier.ac.uk and confirm the name of the person you are consenting to making the complaint for you and confirm that you are aware they may be given full detail on any matters we consider relevant to the complaint, as part of our response. We will not fully communicate with anyone making a complaint on behalf of someone else until we are satisfied we have an appropriate level of consent for them to handle the complaint, from the person they are making the complaint on behalf of.
- 37.** Useful contact details and sources of information/suport:
- The Appeals, Complaints and Conduct Manager; email: complaints@napier.ac.uk in the first instance.
 - [Complaints Handling Procedure \(information for students\)](#)
 - [Complaints Handling Procedure \(information for non-students\)](#)
 - [Student Wellbeing and Support Services](#)
 - [Edinburgh Napier University Students' Association Advice Service](#)
 - [Scottish Independent Advocacy Alliance](#)
 - [Citizen's Advice Scotland](#)
- 38.** 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 offered to help you access and use our services.
- 39.** 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 at any of our receptions or iPoints, contact us on 0131 455 2396, email us at complaints@napier.ac.uk or write to us at Complaints, Governance Services, Edinburgh Napier University, Sighthill Campus, 9 Sighthill Court, Edinburgh, EH11 4BN.

Quick guide to our complaints procedure

Complaints Procedure

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

We have a two stage complaints procedure.

We will always try to deal with your complaint quickly. If it is clear the matter 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 5 working days if we can. If you are dissatisfied with your 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 will also look at some complaints immediately at this stage if it is clear that they need investigation.

We will acknowledge your complaint within three working days.

We will confirm the points of investigation 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 (SPSO)

If, after our final decision on your complaint, you remain dissatisfied with our decision of 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 advise you of our final decision following the completion of our complaints handling procedure.