

Board Meeting

Date of Meeting	Monday 06 October 2014
Paper Title	Draft Complaints Procedure and Publication Scheme
Agenda Item	8
Paper Number	BM3-F
Responsible Officer	Julia Henderson, Advisor to the Board
Status	Disclosable
Action	For approval

1. Report Purpose

1.1 To seek the Board's approval in relation to a draft customer complaints procedure (appendix 1) and a draft Publications Scheme (appendix 2).

2. Recommendations

2.1 The Board recommends that both documents are adopted and published, subject to any proposed amendments made in advance of or at the Board Meeting with the agreement of Members.

3. Background Rationale

3.1 The Board is clear in its desire to promote openness, accountability and transparency in its operations and in its decision making. The launch of our website in August and the proactive publication of a range of information about the Board and its operations was an example of this. The early adoption of the publication scheme provides an effective route for customers to access information easily and helps to reinforce the tone for the Board in its desire for open and accountable governance. The complaints procedure ensures that we have an easy route for customer feedback and for issues to be addressed, whilst giving the Board an opportunity to consider service improvements in light of feedback.

4. References

4.1 In preparing the complaints procedure we looked at the Scottish Public Services Ombudsman's standard template for Colleges, the Scottish Funding Council process and the Education Scotland process and devised the best model to fit our current minimal staffing

model. This can of course be amended and developed as the organization changes and takes on its new funding role etc.

4.2 We have not at this stage developed a companion staff guide to complaints handling on the basis of the very low volume of complaints anticipated and the small staff team.

4.3 The Publication Scheme is based on the Information Commissioner's Model Scheme and Guide. The Advisor to the Board discussed the approach being taken in publishing the scheme, setting out when information would be likely to become available, with the Commissioner's office, who commended our proactive approach and our desire to publish a scheme so early in the organisation's life.

5. Risk Analysis

5.1 There are no identifiable risks in proceeding to implement both documents. 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 the Publication Scheme ensures compliance with the relevant section of the Freedom of Information (Scotland) Act 2002 and associated guidance and with the Scottish Funding Council's Fundable Body Criteria. 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.

7. Financial Implications

7.1 No immediate cost implications for implementation.

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.

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 Advisor to the Board.

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 Advisor to the Board at the following address:

Julia Henderson
Advisor to the Board
Glasgow Colleges' Regional Board
Glasgow Caledonian University
Cowcaddens Road
Glasgow
G4 0BA

- 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 within a time limit of six months from when an individual 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 Advisor to the Board. If the Advisor to the Board 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 Advisor to the Board'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.

Glasgow Colleges' Regional Board

Publication Scheme

1. Introduction

1.1 The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to produce and maintain a publication scheme. Authorities are under a legal obligation to:

- Publish the classes of information that they make routinely available;
- Tell the public how to access the information and whether information is available free of charge or on payment.

The Act also allows for the development of model publication schemes which can be adopted by more than one authority.

2. About this Scheme

2.1 The Glasgow Colleges' Regional Board has adopted the Scottish Information Commissioner's Model Publication Scheme.

2.2 The scheme commits the Glasgow Colleges' Regional Board to:

- Publishing the information, including environmental information, that it holds and which falls within the classes of information listed in the Model Scheme; and
- Producing a guide for the public to that information.

3. Guide to Information

3.1 This guide:

- Allows the public to see what information is available (and what is not available) in relation to each class of information;
- States what charges may be applied;
- Explains how to find the information easily;
- Provides contact details for enquiries and to get help with accessing information; and
- Explains how to request information that has not been published.

3.2 Availability and formats

3.2.1 The information published through this scheme should, wherever possible, be available on our website www.gcrb.ac.uk. We offer an alternative arrangement for people who do not want to, or cannot, access the information either online or by inspection at our office. We can, for example, arrange to send out information in paper copy on request (although there may be a charge for this).

3.3 Exempt Information

3.3.1 We will publish the information we hold that falls within the classes of information listed. If a document contains information that is exempt under Scotland's freedom of information laws (for example sensitive personal data or a trade secret), we will remove or delete the information before publication and explain why.

3.4 Copyright

3.4.1 Where the Glasgow Colleges' Regional Board holds the copyright in the information made available in accordance with this scheme, that information may be copied or reproduced without formal permission, provided that:

- It is copied or reproduced accurately;
- It is not used in a misleading context; and
- The source of the material is identified.

Where the Glasgow Colleges' Regional Board does not hold the copyright in information it publishes, we will make this clear.

4. Charges

4.1 This section explains when we may make a charge for our publications and how any charge will be calculated. There is no charge to view information on our website or at our premises.

We may charge for providing information to you, but we will charge you no more than it actually costs us to do so. We will always tell you what the cost is before providing the information to you.

4.2 Our photocopying charge per side of paper is shown in the tables below:

- Black and white photocopying

Size of paper	Pence per sheet
A4	10p

- Colour photocopying

Size of paper	Pence per sheet
A4	20p

- Information provided on CD-Rom will be charged at 50p per computer disc.

4.3 Postage costs will be recharged at the rate we paid to send the information to you. Our charge is for sending information by Royal Mail First Class.

4.4 When providing copies of pre-printed publications, we will charge no more than the cost per copy, pro rata, of the total print run. We do not pass on any other costs to you in relation to our published information.

5. Contact

5.1 You can contact us for assistance with any aspect of this publication scheme:

Wendy Odedina
Executive Assistant
Glasgow Colleges' Regional Board
Glasgow Caledonian University
Cowcaddens Road
Glasgow
G4 0BA

Tel: 0141 333 1073

Email: wendy.odedina@gcrb.ac.uk

5.2 We will also advise you how to ask for information that we do not publish or how to complain if you are dissatisfied with any aspect of this publication scheme.

Guide to Information

The Classes of Information

We publish information that we hold within the following classes. Once information is published under a class we will continue to make it available for the current and previous two financial years.

Where information has been updated or superseded, only the current version will be available. If you would like to see previous versions, you may make a request to us for that information.

CLASS 1: About the Authority	
Class Description:	
Information about the GCRB, who we are, where to find us, how to contact us, how we are managed and our external relations	
The information we publish under this class	How to access it
Who we are and what we do	http://www.gcrb.ac.uk/aboutus/
Role of the Board	http://www.gcrb.ac.uk/aboutus/roleoftheboard/
Composition	http://www.gcrb.ac.uk/aboutus/compositionoftheboard/
Membership	http://www.gcrb.ac.uk/boardmembers/
Constitution	http://www.gcrb.ac.uk/media/gcrb/GCRB-Constitution-Final.pdf
Board Regulations	http://www.gcrb.ac.uk/media/gcrb/GCRB-BoardRegulation-Final.pdf
Code of Conduct	http://www.gcrb.ac.uk/media/gcrb/Code%20of%20Conduct%20-%20Regional%20Board%20for%20Glasgow%20Colleges%20-%2027%20June%202014.pdf

Complaints again the Board	Once approved by the Board, this will be posted on our website
Financial Memorandum	Pending issue from Scottish Funding Council Once approved by the Board, this will be posted on our website
Who we fund	http://www.cityofglasgowcollege.ac.uk/ http://www.glasgowclyde.ac.uk/ http://www.glasgowkelvin.ac.uk/
Founding Legislation	http://www.legislation.gov.uk/asp/2013/12/contents
Access to Information	Once approved by the Board, this will be posted on our website

CLASS 2: How we deliver our functions and services

Class Description:

Information about our work, our strategy and policies for delivering functions and services and information for our service users.

The information we publish under this class	How to access it
Strategic Plan	Once approved by the Board, this will be posted on our website
Funding	Once approved by the Board, this will be posted on our website
Capital Funding	Once approved by the Board, this will be posted on our website
Funding decisions	Once approved by the Board, this will be posted on our website
News and Information	http://www.gcrb.ac.uk/news/

Reports and Publications	http://www.gcrb.ac.uk/reportsandpublications/
--------------------------	---

CLASS 3: How the authority takes decisions and what it has decided

Class Description:
Information about the decisions we take, how we make decisions and how we involve others

The information we publish under this class	How to access it
Board Papers	http://www.gcrb.ac.uk/governance/boardpapers/
Board Minutes	http://www.gcrb.ac.uk/governance/boardminutes/
Committee Papers	Once approved by the Board, this will be posted on our website
Committee Minutes	Once approved by the Board, this will be posted on our website

CLASS 4: What the authority spends and how it spends it

Class Description:
Information about our strategy for, and management of, financial resources

The information we publish under this class	How to access it
To be published once GCRB has fundable body status - current estimate end March 2015. In the meantime information in relation to the Glasgow Region can be accessed from the Scottish Funding Council: http://www.sfc.ac.uk/	

CLASS 5: How the authority manages its human, physical and information resources

Class Description:

Information about how we manage the human, physical and information resources of the authority

The information we publish under this class	How to access it
---	------------------

To be published once GCRB has fundable body status - current estimate end March 2015.

CLASS 6: How the authority procures goods and services from external providers

Class Description:

Information about how we procure goods and services, and our contracts with external providers

The information we publish under this class	How to access it
---	------------------

To be published once GCRB has fundable body status - current estimate end March 2015.

In the meantime information in relation to the Glasgow Region can be accessed from the Scottish Funding Council:

<http://www.sfc.ac.uk/>

CLASS 7: How our authority is performing

Class Description:

Information about how the authority performs as an organisation, and how well it delivers its functions and services

The information we publish under this class	How to access it
---	------------------

The organisation came into legal existence in August 2014 so there is no information available to date.	
---	--

CLASS 8: Commercial Publications

Class Description:

Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g. bookshop, museum or research journal.

The information we publish under this class	How to access it
---	------------------

We will not hold or publish information under this class.	
---	--