

## **Complaints Procedure**

1. This document explains how you can make a complaint about APUC Ltd or its staff.

### **Introduction**

2. APUC Ltd is committed to being an open and transparent organisation that operates to the highest standards of administration and management. Despite this, we recognise that occasionally things may go wrong. If you are dissatisfied with our performance, then we want to give you the opportunity to raise the matter with us. We will do our best to respond to your concern and - if we have made a mistake - to put things right and learn any lessons.
3. In the first instance, if you are dissatisfied with any aspect of APUC's performance or operation, you may wish to discuss the issue informally with our Deputy Chief Executive. S/he will consider whether it is possible to rectify the situation to your satisfaction without the need to make a formal complaint. The contact details for our Deputy Chief Executive are given below.
4. If you decide to make a formal complaint, you should follow the procedure set out below. We explain below what we mean by a complaint and how we would seek to put matters right. We will still seek to reach an informal resolution to your complaint wherever possible.

### **What is a complaint?**

5. A complaint is a claim that APUC has failed to deal with a matter properly and fairly. It may involve:
  - an allegation of failure to follow proper procedures or meet accepted standards because of impropriety, irregularity, poor performance or inefficiency;
  - an allegation of discrimination or injustice; or
  - an allegation of discourtesy.

In short, a complaint is a claim of dissatisfaction about the way in which APUC has handled its business.

### **What complaints are not covered by this procedure?**

6. The procedure does not cover complaints about the merits of a decision or action taken by APUC Ltd, its Board, committees or its staff, but rather the way in which the decision or action has been taken. There are separate procedures for appeals against decisions taken by APUC Ltd on the release of information.

See the Freedom of Information section of our website <http://www.apuc-scot.ac.uk/foi.htm>

7. The procedure does not cover matters which are, or have already been, the subject of litigation, legal proceedings or other forms of regulatory investigation.
8. This procedure does not cover complaints about higher education institutions or colleges. Complaints against colleges or universities which cannot be resolved

using procedures available within the institution can be taken to the Scottish Public Sector Ombudsman.

The contact details are:

Scottish Public Services Ombudsman  
4 Melville Street  
Edinburgh  
EH3 7NS

Telephone: 0870 011 5378

Text: 0790 049 4372

Fax: 0870 011 5379

Email: [enquiries@scottishombudsman.org.uk](mailto:enquiries@scottishombudsman.org.uk)

Website: <http://www.scottishombudsman.org.uk/>

9. We will not respond to vexatious or unreasonably persistent complainants. We have a policy for managing a vexatious or persistent complainant which is set out in Annex 1 at the end of this document.

### **How to complain**

10. If you are dissatisfied with APUC Ltd or its staff and wish to complain then please write to our Deputy Chief Executive at the following address:

Deputy Chief Executive  
APUC Ltd.  
14 New Mart Road  
Edinburgh  
EH14 1RL

11. To help us deal fairly with your complaint, your letter should state clearly:

- the details of your complaint, focusing on the essential issues;
- the consequences for you; and
- an indication of the remedy that you are seeking.

12. We will acknowledge your complaint within five working days and will send you a summary of the issues which you have raised. We will ask you to agree to this summary. This will help us to ensure that we have properly understood your complaint.

### **How will we deal with your complaint?**

13. Our complaints procedure has three stages, as described below.

## **Informal resolution**

14. We believe that most cases of dissatisfaction about APUC Ltd or its staff can be resolved informally. Our Deputy Chief Executive will discuss your complaint with the relevant member of staff concerned and his or her line manager and take any other appropriate steps to consider whether an informal resolution can be reached.
15. Our Deputy Chief Executive will write to you within ten working days of receiving your agreement to our summary of the complaint, informing you of the outcome. If we have made a mistake, we will apologise and explain how we will rectify the situation. If we are unable to agree an informal resolution of the complaint, we will carry out a formal investigation.

## **Formal investigation**

16. If it is necessary to carry out a formal investigation of your complaint, we will notify you in writing. We will seek to notify you of the outcome of the formal investigation within a further 20 working days. In some circumstances, the nature of the complaint may be sufficiently complex to require a longer period of investigation in the interests of fairness to both the complainant and APUC Ltd. In such a case, we will notify you of our proposed timetable for the investigation and keep you informed of progress.
17. The formal investigation will be carried out by the Deputy Chief Executive. The purposes 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. You will have the opportunity to present your complaint in person to the Deputy Chief Executive if you wish.
18. If the Deputy Chief Executive has had any material involvement in the matter under investigation, then the investigation will be conducted by APUC's Chief Executive. The investigation will always be carried out objectively and impartially and, wherever possible, by someone who has not had any material involvement previously.
19. If you are a supplier and your complaint relates to the practices which APUC Ltd has adopted, you may appeal against the outcome of the formal investigation by asking for your complaint to be reviewed by the Supplier Relationship Management-Supplier Escalation Panel (SRMSE)

## **The Supplier Relationship Management-Supplier Escalation Panel**

20. The SRMSE Panel provides a mechanism for reviewing complaints that have been through the first two stages of APUC's complaints procedure and includes independent scrutiny of the case. It was established by the Scottish Procurement Directorate to act as a single point of enquiry for suppliers seeking advice and/or raising issues relating to public procurement with a view to making improvements and raising standards. It will not take up issues which could be addressed through existing formal means of redress available to suppliers e.g. through the Courts or the European Commission.

21. Consideration by the Panel is the final process for dealing with complaints from suppliers.
22. Complainants who are dissatisfied with APUC's decision or suppliers who are not satisfied with the Panel's decision or recommendations may take their complaint to the Scottish Public Services Ombudsman.

### **The Scottish Public Services Ombudsman**

23. The Scottish Public Services Ombudsman was established in 2002 to provide members of the public with a free independent response to complaints about public services in Scotland. The Ombudsman's staff will tell you whether or not your particular complaint is one that they can consider. They will normally expect you to take your complaint to them within 12 months of you knowing about the issue which has given rise to your complaint. You can contact the Ombudsman for further information, or to make your complaint at:

Scottish Public Services Ombudsman  
4 Melville Street  
Edinburgh  
EH3 7NS

Telephone: 0870 011 5378  
Text: 0790 049 4372  
Fax: 0870 011 5379

Email: [enquiries@scottishombudsman.org.uk](mailto:enquiries@scottishombudsman.org.uk)

Website: <http://www.scottishombudsman.org.uk/>

### **Confidentiality**

24. Unless APUC has expressly agreed otherwise in writing, it will not accept obligations of confidentiality in relation to information provided to it in relation to complaints. Any person who provides information to APUC Ltd with a request that it be kept confidential shall be advised within five working days whether APUC is prepared to accept an obligation of confidentiality and, if it does, the nature and extent of the obligation it is prepared to accept. However, APUC will not accept obligations of confidence which will mean that it will not be able to deal properly with, and resolve the complaint nor be able to pass information to third parties in terms of paragraph 25 below. If the complainant does not agree to this APUC will not be able to handle or resolve the complaint.
25. Any obligations of confidentiality to which APUC may agree shall be subject to its obligations under the Freedom of Information (Scotland) Act 2002 and any related obligations.
26. In the course of dealing with complaints, it may occasionally be necessary to pass information provided by a complainant to a third party, where disclosure to that party is necessary to resolve the complaint. So, for example, where a complaint has been referred to the Scottish Public Services Ombudsman, APUC reserves the right to pass all information which is relevant to the determination of the complaint to the Ombudsman. However, where APUC considers it practicable

to do so, and as a matter of courtesy but without legal obligation, APUC will seek to notify persons whose interests may be affected by onward transmission of the information to the third party concerned that it proposes to pass information to that third party.

27. Complainants agree that if the complaint contains their personal data (in terms of the Data Protection Act 1998) APUC may process that data for the purposes of handling and resolving the complaint and may pass that data to third parties in accordance with paragraph 26 above. If a complainant does not agree to this then, again, APUC will not be able to handle or resolve the complaint.
28. If a complaint is made on someone else's behalf, APUC will require to be satisfied that the person who makes the complaint is entitled to deal with the complaint on the other person's behalf. APUC will also require to be satisfied that the person on whose behalf the complaint is made consents to APUC handling and processing his/her information (including personal data) in accordance with these paragraphs.

### **Further information**

29. For further information about the APUC's complaints procedure, please contact our Deputy Chief Executive on 0131 442 8969 or email [enquiries@apuc-scot.ac.uk](mailto:enquiries@apuc-scot.ac.uk)

## **Annex 1**

### **Vexatious and unreasonably persistent complainants**

1. This Annex describes APUC's policy towards vexatious and unreasonably persistent complainants.

### **Introduction**

2. 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 APUC and its staff may be regarded as vexatious or persistent.

### **What are vexatious or unreasonably persistent complainants?**

3. A vexatious or unreasonably persistent complainant is a person who:
  - makes a complaint which, in APUC's reasonable opinion, is unfounded, unreasonable or trivial and is made with the intention of wasting APUC's time and resources, preventing APUC from carrying out its business, or harassing APUC and its staff, or is otherwise made in bad faith;
  - has been advised of the terms of the complaints procedure as outlined in this document but repeatedly and, in APUC's reasonable opinion, unreasonably fails to follow that procedure;
  - repeatedly demands that APUC reconsider a decision which has been reached in accordance with this complaints procedure;
  - repeatedly contacts APUC in relation to a complaint which has been dealt with fully in terms of this complaints procedure, unless the complainant wishes to bring to APUC'S attention new facts that were not previously available;
  - repeatedly seeks to raise issues or present information in relation to an existing complaint which, in APUC's reasonable opinion, are not relevant to the complaint; or
  - behaves in an abusive or threatening way towards any member of APUC's staff, including during any telephone calls or in any written correspondence.

### **How we will manage vexatious and unreasonably persistent complainants**

4. 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, then APUC's Chief Executive will consider whether to restrict or discontinue contact with the complainant. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these.

We will try to maintain at least one form of contact, unless our complaints procedures have been exhausted.

5. 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.
6. If we have already carried out an investigation into a complaint and APUC'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.