

The Public Sector Equality Duty (PSED) and protected characteristics are detailed at the end of this form.
Refer to the EqIA Guidance Document for more Information on how to complete this form.

Title of Policy, Procedure, or Relevant Practice:	Complaint Handling Procedure	Lead Officer:	Director of Excellence
Type of Policy, Procedure, or Relevant Practice:	New: <input type="checkbox"/> Existing/Reviewed/Revised: <input checked="" type="checkbox"/>	Date of Assessment:	May 2023

Step 1: Outcomes and Potential Impacts

What are the intended consequences (outcomes) of the policy, procedure or practice?

The purpose of this Policy and Procedure is to ensure complaints are handled in accordance with the criteria overseen by the Scottish Public Services Ombudsman.

The procedure seeks to ensure complaints are dealt with within set timescales.

The policy and procedure promote inclusion, respect and dignity for both students, as complainants and staff who might be the subject of a complaint.

The policy has a zero-tolerance approach to discrimination, seeking to ensure all students receive acceptable standards of service, making clear how they can raise a complaint and how this will be treated fairly; and providing staff with clear assurances over their experience if the subject of a complaint, including the expected behaviours of complainants.

The procedure outlines the process to be followed to ensure that all students who may raise a complaint and all staff who may be subject to a complaint are dealt with in a fair and equitable manner, whilst taking into account the individual circumstances of each student.

Step 2: Consideration of Evidence and Information

2A. What information do you plan to use as the basis of this EQIA?

(What information is available and if information is lacking, how will you address this shortfall?)

Enhancements to the procedure have been informed by cross College workshops held with staff representatives and the Union. Feedback was collected on the Staff experience in relation to how the complaints process is understood and staff are supported when part of it. Annual complaint reports, which review complaint handling times, the nature of complaints and the lessons learned were reviewed as part of this process. Equality data is collected where relevant within these reports, in terms of informing the nature and types of complaints. No material inequalities were identified from this data, for example in terms of the types of students complaining or the types of staff being complained about.

2B. Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

(What does the information indicate about potential **positive, neutral and negative** impacts on people who share protected characteristics? Are the needs of people with different characteristics met? Does the policy, procedure, or practice affect some groups differently?)

Protected Characteristic	Check the relevant box and provide an explanation for each option chosen, with reference to evidence, or information. Note: in some cases, impacts can be both positive and negative.		
Age	Positive	Neutral <input checked="" type="checkbox"/> It is not anticipated that age could result in a differential equality impact in the application of this Policy and procedure.	Negative <input type="checkbox"/>

2B. cont'd - Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

Protected Characteristic	Check the relevant box and provide an explanation for each option chosen, with reference to evidence, or information. Note: in some cases, impacts can be both positive and negative.		
Disability	Positive <input type="checkbox"/> <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/> It is not anticipated that disability could result in a differential equality impact in the application of this Policy and procedure. The handling of the Complaints process in accordance with SPSO standards ensures that information on complaints is explained in clear and plain English, and that documentation is accessible to all students and their supporters. The College makes reasonable adjustments to support students and staff to participate in complaint investigations, including extending complaint handling timelines.	Negative <input type="checkbox"/>

Gender Reassignment	Positive	Neutral <input checked="" type="checkbox"/> It is not anticipated that the application of this Policy could result in differential impact on people who have undergone or who intend to undergo gender re-assignment.	Negative
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2B. cont'd - Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

Protected Characteristic	Check the relevant box and provide an explanation for each option chosen, with reference to evidence, or information. Note: in some cases, impacts can be both positive and negative.		
Marriage & Civil Partnership	Positive <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/> It is not anticipated that the application of this Policy and procedure could result in differential impact on people based on their marital status.	Negative <input type="checkbox"/>
Pregnancy & Maternity	Positive <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/> It is not anticipated that the application of this Policy could result in differential impact on people who are pregnant or who have recently taken maternity leave. Any complaint investigation meetings will, where possible, be scheduled at a time to suit new parents.	Negative <input type="checkbox"/>

2B. cont'd - Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

Protected Characteristic	Check the relevant box and provide an explanation for each option chosen, with reference to evidence, or information. Note: in some cases, impacts can be both positive and negative.		
Race	Positive <input type="checkbox"/>	Neutral <input type="checkbox"/>	Negative <input checked="" type="checkbox"/> The College has a diverse community which a number of ethnic minority students who do not speak English as a first language. If a student or staff member is involved in a complaint or investigation, the College will ensure to communicate in clear and plain English. Any student is permitted (and encouraged) to bring a supporter to the proceedings to help them engage successfully with the process.
Religion or Belief	Positive <input type="checkbox"/>	Neutral <input type="checkbox"/>	Negative <input checked="" type="checkbox"/> The College will ensure, where possible, that any investigation meetings scheduled are not arranged at times where students or staff may wish to attend religious events/worship or during religious festivals.

2B. cont'd - Please indicate potential positive, neutral and negative impacts in relation to each protected characteristic.

Protected Characteristic	Check the relevant box and provide an explanation for each option chosen, with reference to evidence, or information. Note: in some cases, impacts can be both positive and negative.		
Sex	Positive <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/> It is not anticipated that a person's sex could result in a differential equality impact in the application of this Policy. Where possible, the College will ensure that there is a diverse range of male and female staff involved in the conduct decision making process.	Negative <input type="checkbox"/>
Sexual Orientation	Positive <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/> It is not anticipated that the application of this Policy could result in differential impact based on a student's sexual orientation.	Negative <input type="checkbox"/>

Step 3: Consider Alternatives and Mitigation

3A. Are you able to reduce any potential negative impacts identified above?

Yes: No:

**For 3B and 3C, please detail relevant protected characteristics and refer to evidence/information.
Note: In some cases, both “yes” and “no” may be suitable responses.**

3B. If “Yes”, what arrangements could be implemented to reduce any potential negative impacts identified above?

Mandatory equality and unconscious bias awareness training for all staff, including an understanding of any identified support needs of those of different faith groups or none, and being responsive to those needs.

Ensure that communication/documentation is accessible and in clear and plain English.

Ensure that students and staff are asked if they require reasonable adjustments, including ensuring that the locality/room is accessible. Ensure that students and staff are aware that they are permitted, and encouraged, to bring a supporter to any investigation meetings.

Ensure that complaint investigation meetings are not arranged at times which could conflict with a prayer times/ religious festivals. Ensure that correct pronouns are used and recorded correctly.

Where possible, ensure there is a mix of gender involved in complaint investigations.

3C. If “No”, it may be appropriate if the policy, procedure, or relevant practice affects groups differently where this is a proportionate means of achieving a legitimate aim. If this is the case, please provide explanatory details to objectively justify this decision.

(Note: you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Equality, Diversity & Inclusion for direction.)

Step 4: Compliance with the Public Sector Equality Duty (PSED)

4A. Does the policy, procedure or relevant practice comply with the three parts of the PSED?

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Yes: No:

For 4B- 4D, please detail relevant groups who share a protected characteristic and refer to evidence/information.
Note: In some cases, both “yes” and “no” may be suitable responses.

4B. If “Yes”, how?

The policy and procedure complies with the PSED. Any safeguarding or vulnerability issues are to be taken into account prior to a complaint investigation progressing.

4C. If “No”, what are the negative impacts and the associated risks?

As mentioned, the College has a diverse community with a number of students who do not speak English as a first language. If a student is involved in an investigation, the College will ensure that staff communicate in clear and plain English. All students and staff are encouraged to bring a supporter to investigation meetings to help them engage with the process.

4D. If “Yes” or “No”, what changes could be implemented to better comply with the PSED?

Staff training on unconscious bias and conducting disciplinary investigations.

Step 5: The Involvement of Individuals, Groups and Organisations Representing Protected Characteristics

5A. Who has been involved in the undertaking of this assessment?

(Please detail the staff/student/stakeholder groups, in particular those representing protected characteristics)

Consultation has taken place with the College trade Union, representatives of the workforce and the SMT. Relevant committees are also given the opportunity to comment on this policy.

The process is reviewed annually based on the nature and type of complaints, their outcomes and handling.

5B. If you have further involvement to carry out, please list who you are going to involve, when and why?

Staff and students will continue to be involved in the development of additional guidance and promotional materials related to the policy and in ensuring that the College continues to use inclusive language, imagery and discourse in communication with students and staff.

Step 6: Making a decision and outcome

6A. What is your decision? (Please select an option from below)

- A. A positive impact is explicitly intended and very likely.
- B. A negative impact is not expected. There is clear potential to have a positive impact by minimising or eliminating barriers and inequalities that currently exist.
- C. A negative impact is not expected, but positive impact is also unlikely.
- D. A negative impact is probable or certain for some groups but the policy as a whole can nevertheless be justified as a proportionate means of achieving a legitimate aim.

(Note: you may be required to obtain legal advice to verify your decision. If you suspect this may be the case, please contact Equality, Diversity & Inclusion for direction.)

6B. Are you able to introduce the policy, procedure, or relevant practice without making any changes?

Yes: No:

6C. If "Yes", clearly explain upon which basis this decision was made

This policy and procedure has been revised to make the process clearer for staff and students, and to include additional information around support available to students and data protection information.

6D. If "No", what changes will you make before implementation?

Step 7: Taking action and monitoring

7D. Once implemented, how will the policy, procedure, or relevant practice be monitored, by whom and by when?

Data of those who are involved in complaint proceedings will be collected and analysed annually by Performance. This data will be included within the College's Quality Annual Report. Any actions arising from this analysis will be included within the Quality action plan which accompanies the College's Equality Outcomes.

Step 8: Approval and Publishing

- **The information contained within this EqIA needs to be confirmed and approved as the completed EqIA will be published on the College web-site.**
- **As such, EqIAs must be approved by a Dean/Director or above.**
- **Following completion, send the electronic copy to both the Quality Unity Administrator and the Equality, Diversity & Inclusion Manager.**
- **An electronic signature is acceptable, as long as a scanned or paper copy follows.**

Name:	Jon Gray
Position:	Director of Excellence
Signature:	
Date:	23 March 2023

Miscellaneous

Please insert any supporting information, evidence sources, or data here.

Summary of the Public Sector Equality Duty (PSED) of the Equality Act 2010

<p>Components</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to:</p>	<p>Due Regard</p> <p>Having due regard specifically involves taking steps to:</p>
<p>a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act. (Fairness)</p>	
<p>b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. (Opportunity)</p>	<p>a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic *</p> <p>b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.</p> <p>c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.</p>
<p>c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (Respect)</p>	<p>a) Tackle prejudice.</p> <p>b) Promote understanding.</p>

'Due regard' comprises two linked elements: proportionality and relevance. The weight that public authorities give to equality should be proportionate to how relevant a particular function is to equality. In short, the more relevant a policy, procedure or practice is to equality and people, then the greater the regard that should be paid.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership *
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

* Although Marriage and Civil Partnership applies to section a) in employment only, this will be considered for all stakeholders.