

## UNIVERSITY OF HERTFORDSHIRE STUDENTS' UNION - COMPLAINTS PROCEDURE

### 1 INTRODUCTION

- 1.1 University of Hertfordshire Students' Union<sup>1</sup> (the “**Union**”) is a students' union within the meaning of the Education Act 1994. The Union is devoted to the educational interests and welfare of its members, being those students of the University of Hertfordshire (the “**University**”) who have not opted out of being a member of the Union.
- 1.2 The Union endeavours to deliver its work to the highest possible standards, and welcomes and encourages feedback when it has not met expectations. Complaints that are raised are received by the Union as useful feedback, and opportunities to learn and improve its work.
- 1.2 This procedure is to cover complaints submitted by individuals, organisations or groups about the Union, in particular its services, corporate activities and standards. The complaint could be about action taken by the Union, its lack of action, the standard of services provided by the Union, a claim to have been unfairly disadvantaged by reason of having exercised the right not to be a member of or to be represented by the Union, or general dissatisfaction about dealings with the Union.
- 1.3 Certain Union activities are supported by their own specific complaints procedures. Anyone wishing to raise a complaint in relation to such an activity should do so by means of that specific complaints procedure. These include:
- The Union Advice and Support Centre;
  - Union Elections;
  - Union licensed trade activities;
  - Staff grievances; and
  - Affiliated student groups
- 1.4 Where no alternative mechanism exists, the complaint will be dealt with in accordance with the following procedure. Any questions or disputes about the most appropriate procedure for dealing with a complaint will be determined by the Chief Executive of the Union.

### 2 TIMESCALES, PRINCIPLES & CONDUCT

- 2.1 The Union will make every effort to deal promptly, efficiently and fairly with all complaints. However it will not accept any complaints that, in the opinion of the Chief Executive of the Union, are frivolous, malicious or vexatious complaints. Anonymous complaints will also not be accepted unless the Chief Executive of the Union determines otherwise in their sole and absolute discretion<sup>2</sup>.
- 2.2 It is expected that all parties will act reasonably, fairly, courteously and in good faith towards each other and comply with the process set out in this procedure, all of which will be dealt with in confidence by all parties. Confidentiality is subject to the need to safeguard students and ensure a full and fair investigation. If an officer or member of the Union staff has been complained about, they will be informed about the complaint, unless there are exceptional reasons not to do so.

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<sup>1</sup> The University of Hertfordshire Students' Union is a charitable company limited by guarantee registered in England with company number 7703890 Charity Registration 1143101

<sup>2</sup> If the complaint is about the Chief Executive of the Union, any decision to accept an anonymous complaint or a decision as to whether a complaint is frivolous, malicious or vexatious shall be made by the Chair of the Union Board of Trustees.

- 2.3 All complaints will be objectively investigated by a lead officer appointed by the Chief Executive of the Union who is unbiased and does not have a conflict of interest. To facilitate effective investigations of complaints it is expected that matters will be raised with the Union as soon as possible after the incident or matter complained about arises. For this reason, complaints about matters which occurred more than 3 months previously will not usually be accepted unless (in their sole and absolute discretion) the Chief Executive of the Union considers that there are exceptional circumstances for doing so.<sup>3</sup>
- 2.4 In accordance with the Equality and Diversity Policies of the Union and the University, all complainants will be treated equally regardless of their status and will not be treated adversely as a result of having complained.
- 2.5 The Union will aim to respond in writing to the complainant (at both stage 1, and stage 2 of this procedure) within ten (**10**) working days of the receipt of the complaint, or as soon as possible thereafter. In this procedure working day means a day on which the University is open for business.
- 2.6 In the case of a group complaint (being a similar complaint made by more than one complainant), the expectation is that the complainants will nominate one individual to act as a group representative, liaise with other complainants concerned, and ensure that they are kept informed. The Union's responsibility under this procedure will be to liaise with that nominee as the group's representative.
- 2.7 The Chief Executive of Union is responsible for ensuring that complaints are dealt with in accordance with the procedures set out in this document and that the time limits for responding to complaints are adhered to. If the complaint is about the Chief Executive of the Union this responsibility shall be fulfilled by the Chair of the Union Board of Trustees.

### **3 STAGE 1 – INFORMAL STAGE**

- 3.1 The majority of complaints should be amicably resolved by the complainant contacting the relevant Union officer or staff member to discuss on a one-to-one basis. It is expected that all parties will have such discussions openly with a genuine desire to resolve the complaint at the earliest possible stage.
- 3.2 Only if the complaint cannot be satisfactorily resolved through informal discussions shall the Stage 2 formal complaints procedure set out below be followed.

### **4 STAGE 2 - FORMAL PROCEDURE**

- 4.1 Formal complaints must be sent in writing to the Chief Executive of the Union<sup>4</sup>. The complaint must be made within three (3) months of the incident which has given rise to the complaint, or, if later within ten (10) working days of the completion of Stage 1 of this procedure.

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<sup>3</sup> If the complaint is about the Chief Executive of the Union any decision to accept a complaint made more than 3 months after the matter complained of arose shall be made by the Chair of the Union Board of Trustees.

<sup>4</sup> If the complaint is about the Chief Executive of the Union the complaint must be sent in writing to the Chair of the Union Board of Trustees who will fulfil all the responsibilities of the Chief Executive as set out in this procedure for the purposes of that complaint.

- 4.2 To be accepted as a formal complaint the complainant must provide:
- Full contact details of the complainant;
  - Full details of the event or occurrence which gave rise to the complaint; and
  - Details of what the complainant feels would put things right.
- 4.3 Upon receipt of the formal complaint, the Chief Executive of the Union will decide whether the complaint should be dealt with under this procedure or whether it would be more appropriate to deal with it under another procedure, and will notify the complainant accordingly within ten (10) working days of the receipt of the complaint or as soon as possible thereafter.
- 4.4 If the Chief Executive of the Union accepts the complaint as a formal complaint under this procedure, they will nominate an appropriate lead officer (the “Lead”) to investigate the complaint and report back to them. The conduct of the investigation will be determined by the Lead in consultation with the Chief Executive of the Union and may include (but is not required to include) the request of written statements from and/or meetings with relevant parties as necessary to establish the facts surrounding the complaint. The complainant shall fully cooperate with the investigation and shall promptly respond to all requests made of them by the Lead.
- 4.5 The Lead shall aim to complete the investigation within twenty (20) working days of their appointment. In exceptional or complex cases, timescales may need to be extended; this will include circumstances where the complainant has not provided full information or full cooperation with the investigation. The Lead shall keep the complainant updated on the progress of the investigation and advise of any delays.
- 4.6 On completion of the investigation, the Lead shall report to the Chief Executive of the Union on the results of the investigation following which the Chief Executive of the Union shall (in the light of any appropriate advice received) determine what action is to be taken with regard to the complaint and shall inform the complainant in writing of:
- their decision - which will be to either uphold or reject the complaint;
  - the reasons for the decision;
  - the appropriate remedy where the complaint is upheld; and
  - information on the next steps available to the complainant
- (the “**Complaint Outcome**”).

## 5 APPEAL – REVIEW BY AN INDEPENDENT PERSON

- 5.1 Complainants who remain dissatisfied with the Complaint Outcome following the completion of the Stage 2 formal procedure may appeal in writing by forwarding full details of the complaint, the Complaint Outcome and the reasons for their appeal to the Secretary and Registrar of the University<sup>5</sup> (the “**Appeal**”). Appeals must be lodged with the Secretary and Registrar within ten (10) working days of the date of the Complaint Outcome. Appeals lodged outside this timescale will not usually be accepted unless there are exceptional circumstances in the sole and absolute discretion of the Secretary and Registrar.

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<sup>5</sup> If the complaint is about the Secretary and Registrar, or in the absence of the Secretary and Registrar, the Deputy Secretary and Registrar or the Deputy Vice-Chancellor of the University will fulfil all the responsibilities of the Secretary and Registrar as set out in this procedure for the purposes of that Appeal.

- 5.2 Within ten **(10)** working days of the receipt of the Appeal or as soon as possible thereafter, the Secretary and Registrar will refer the Appeal to an independent person appointed by the University's governing body to investigate the complaint (the "**Independent Person**").
- 5.3 The Independent Person will consider any further comments submitted by the complainant, along with any new material or evidence produced by the complainant. The Independent Person will then consider the process of the formal complaint, whether appropriate procedures were followed in the investigation, and whether the decision was reasonable and will advise the Secretary and Registrar on possible courses of action.
- 5.5 In the light of advice received, the Secretary and Registrar will determine what action is to be taken with regard to the complaint and notify the complainant and the Union of the reasons for any decision and a statement of outcome of the Appeal.
- 5.6 The aim is that requests for an Appeal are dealt with within fifteen (15) working days of the request. In exceptional circumstances when the timescales become extended the Independent Person will keep relevant parties informed on progress.
- 5.7 An Appeal is the final course of action available to a complainant as the Office of The Independent Adjudicator (OIA) has no remit to consider complaints about the Union because the Union is a separate entity and is not part of the legal entity that is the University of Hertfordshire Higher Education Corporation (unless the complaint concerns the University's obligations in respect of the Union).