

HAUSU Complaints Policy (amended 2018)

Background

In the course of life at University students may encounter problems that will lead them to consider making a complaint. This policy is designed to clarify what processes exist within the Students' Union in relation to SU membership and where and how complaints about the SU can be made.

Complaints Policy

- **Conduct** This complaints procedure covers allegations of misconduct that breach the HAUSU Code of Conduct and By Laws. For example aggressive behaviour at a student union function, bullying by a club or society executive member, inappropriate use of SU/Club/Society social media.

Members of the Students' Union (see Section 1.9 for definition) are expected to conduct themselves in a reasonable and responsible manner particularly when acting in any Union capacity (e.g. as an officer, Councillor, Executive Committee member, society, club or student group member) whilst using Union facilities or participating in any Union activity/ event including club and society events, or whilst representing or acting on behalf of the Union.

- **Union activity** The procedure also enables students to raise concerns regarding the delivery of Union services, support, and the behaviour of Student Officers and Union staff.

1.1 Context

This policy has been developed in line with best practice and takes account of relevant legislation including but not limited to the Data Protection Act 1998, Equalities Act 2010, Education Act 1994 and the Charities Act 2011.

1.2 Exclusions

Items that are NOT covered by this complaints procedure include:

- A general enquiry or feedback - address this to the SU President.

- A complaint from a member of the public. Complaints from members of the public will be addressed by the SU President or the Union Manager. Any complaint from a member of the public will be responded to within 5 working days.
- A difference in political opinion
- A complaint regarding the conduct of SU elections. This should be raised with the Elections Adjudication Panel.
- A complaint regarding academic issues or services provided by the University. Such complaints should be directed to the University's own complaints processes.
- Items related to contractual or legal issues such as Memoranda of Understanding or partnership agreements. Such legal documents will have their own specific channels for raising complaints.
- Employment issues – these should be addressed via the staff Grievance Procedure.
- Request for disclosure of personal information – this is covered by the Data Protection Act and should be submitted via a Subject Access request to the Union Manager.
- A disagreement about policy content– this should be raised through contacting the SU President and the Board of Trustees.

Harper Adams University Students' Union encourages respect and tolerance and all organisations, clubs, societies and other student groups that we work with commit to these values. We will work with clubs and societies to resolve complaints, but we will not intervene where individuals, not acting in an official capacity, have disagreements. We will offer guidance and support on coping in these situations wherever we can.

1.3 Scope

In order to use our charitable funds proportionately we do not investigate minor, misconceived, hypothetical, repetitious or vexatious complaints which are not supported by evidence of a breach of standards or complaints that are abusive or offensive.

1.3.1 Screening we will endeavour to address all informal concerns raised with us. At Stage 2, the complaint will be reviewed by the Investigating officer to ensure that the complaint is within the scope (above) of this policy. Should the complaint be identified as not falling within the scope, this will be communicated to the complainant. Should the complainant not accept this

decision, this should be raised with the Union Manager who will ensure the remaining Sabbatical officer reviews the complaint. If the exclusion is confirmed, this decision is final (subject to recourse to 2.4- independent review).

1.4 Objectives

- To clarify the roles and responsibilities of the complainant and HAUSU
- To increase transparency so that all involved know what to expect of the process
- To encourage the resolution of issues and complaints informally and at the earliest stage possible
- To adopt best practice in dealing with complaints fairly and independently.
- To learn from complaints and make improvements where appropriate
- To provide an independent view at each stage of the process
- To provide a mechanism for appeal

1.5 What Complainants Can Expect from the SU

We will treat anyone who complains with courtesy and respect. The issue will be taken seriously and every effort will be made to try and resolve the complaint. In the first instance we will try to resolve complaints informally. Confidentiality will be respected. We will seek permission where others need to be involved. Any complaint will be acknowledged and will be dealt with by an appropriately knowledgeable person. A response will be provided within a reasonable timeframe and we will keep the complainant informed about that timeframe and any delays.

1.6 What the SU Expects from any Complainant

We expect to be treated with courtesy and respect and reserve the right to discontinue correspondence if a complainant does not behave in this way. We expect honesty and patience and the complainant's cooperation in resolving the issue. We ask that the complainant follow the process described including a clear initial description of the issue and a statement of the resolution they

would like to see. We expect that the complainant keeps appointments and keeps to any agreed actions.

1.7 Confidentiality

At all times during investigations, confidentiality and discretion will be maintained by all those involved. If the complaint indicates evidence of potential criminal activity or harm to an individual, HAUSU reserves the right to break confidentiality. If there is a need to break confidentiality, this will be approved by the President or their representative. Complainants are expected to abide by the same rules and any breach of confidentiality will be investigated as a disciplinary matter.

1.8 Monitoring Complaints

A report to the Trustees on complaints made through this process will be prepared on an annual basis. This will review the number and nature of complaints and identify lessons learned and improvements that can be made. Information will be anonymised unless there is a specific reason to waive this.

1.9 Who can complain?

Any person, including the Union acting through the Union Manager or a Trustee, can make a complaint against a Member, club or society whose behaviour contravenes the Union's Code of Conduct or By-Laws or amounts to general misconduct.

Anonymous complaints will not be dealt with. If a student wishes to remain anonymous they can submit general feedback and address it to the SU President and post to the SU offices.

1.10 Data Protection and Retention

Data and information collected during the complaints process will be treated as confidential as per 1.7. This information will be used for monitoring purposes and will be stored securely. Data will be retained in line with the HAUSU Data Protection Policy and will be destroyed after seven years.

2. Complaints procedure.

There is a three stage resolution process, but all complaints start at the same point with an individual making the decision to lodge a complaint. In order to allow the Union to effectively address the concern, complaints should always be made as soon as is feasible.

2.1 Stage 1: Informal complaints. In the first instance, any problems or complaints should be referred directly to the SU staff or officer responsible for the area of dissatisfaction, to allow for the problem to be resolved immediately wherever possible, and normally within 7 days. Where the complaint is in regards to the staff/ SU officer, this should be raised with the Union Manager.

The staff member/ SU officer addressing the complaint at this stage will log the complaint, and ensure that the complainant receives notification of the actions taken.

2.2 Stage 2: Formal complaints. If there is an issue that cannot be resolved or something to which this approach cannot apply OR if you are unhappy with the resolution delivered you should use the Union complaints form (available from the SU offices and website) which requires you to;

- Describe the specific complaint/ allegation(s), including (if relevant) the person who dealt with the informal complaint and their resolution.
- Identify what remedy you are seeking (what is the outcome you are hoping for)
- Provide any evidence to support your complaint.

The completed form should be submitted via the Union web page OR handed into the union, addressed to the Union Manager.

You will receive confirmation of receipt of the complaint within 5 working days, and such confirmation will identify the investigating officer (either President or Vice-President, supported by the Union Manager), and a further member of the Executive, who together will make up the Complaints panel.

The role of the Investigating Officer will be to establish the facts of the case promptly, obtain written evidence, interview witnesses and keep written records. In conducting interviews the Investigating Officer will state the issues as known; ask for information and explanations, and inform the person of the next steps and timelines. The panel will reach a conclusion based on the

information gathered and will try to resolve all the issues within 7 days; if we can't, we will explain why. If something went wrong we will try to make it right and learn the lessons for the future. We will let you know what we propose to do by email and ask you if that would resolve the issue.

2.3 Third stage-Appeal. If you are unhappy with the outcome of Stage 2, you can refer the issue to the Unions trustees. Such an appeal must be lodged in writing within 10 working days of the outcome of stage 2 being communicated, by emailing the Union Manager (who's address will be provided to you in the stage 2: outcomes communication). Your email should detail the reasons you remain unhappy, and the outcome you are hoping for.

You will be notified of the designated trustee who will review your appeal, and they will endeavour to deliver a final decision in writing to you within 28 days. A record will be taken of the actions taken and information collated in reaching that decision.

2.4 Recourse to independent review. If you feel the matter remains unresolved, you may refer the matter to the University Secretary who will ensure your complaint is considered by an independent person appointed by the University Board of Governors (and agreed by the Union Trustee Board), in accordance with Ordinance 22 of the 1994 Education Act.

You should send your request for such a review to boardofgovernors@harper-adams.ac.uk The appointed Independent Reviewer will endeavour to conclude their investigations within 28 days. They will advise you if they require additional time to conclude their investigations. Their decision will be final and will be fully complied with by the Students' Union and will be reported to the SU Board of Trustees and the University's Board of Governors. The Union's senior manager and President shall report formally to the Student's Union Trustee Board and the Board of Governors on progress made to implement the final outcome and any associated actions.

3. Referral to the Disciplinary process

If any stage concludes that the disciplinary process should be followed, then this will be conducted. A disciplinary hearing may result in a range of sanctions and includes a provision for an Appeals process.

4. Withdrawal of a Complaint

An individual may choose to withdraw a complaint at any stage of the process. A decision to withdraw the complaint must be made in writing and submitted to the SU President. In these circumstances the Students' Union will assess the information submitted to identify any potential risks or legal responsibilities. If there is a potential risk the Students' Union may continue to investigate and will retain information in line with 1.10.

If there is no risk identified the Students' Union will review whether there is any need to retain information, and if not, the information will be destroyed.