

# Students' Union Complaints Procedure

## Section 1: Definition and Scope

### 1) *What is a complaint?*

A complaint is a formal expression of dissatisfaction made by either an individual student or a group of students about the quality of service, the acceptability of standards, the appropriateness of communications provided by Lancaster University Students' Union (the "Union"), or in connection with an officially authorised Union activity; for which an identifiable outcome is sought.

Complaints may be brought by any member of the Students' Union however any student who has chosen to opt out of the Union shall in the first instance take any complaint regarding the Union directly to the Pro Vice Chancellor for Education.

### 2) *What is not classified as a complaint under this procedure?*

Complaints which:

- i) are made anonymously<sup>1</sup> and/or;
- ii) are made by a third party<sup>2</sup> (including parents, guardians or friends of registered students) and/or;
- iii) relate to the conduct of union staff<sup>3</sup> and/or;
- iv) have already been investigated and disposed of by the union and/or;
- v) have already been investigated and disposed of by the university and/or;
- vi) are outside the scope of the procedure and/or;
- vii) are made without disclosing adequate grounds and/or;
- viii) are made outside of the time limit and/or;
- ix) are malicious, vexatious or frivolous;

will not be dealt with under this procedure.

A complaint is also not the way to express dissatisfaction against union policy or the political decisions of elected officers/representatives. Dissatisfaction on this should be directed to the appropriate Students' Union governance structure and/or full-time officer, advice on which is available via the LUSU President.

The complaints procedure does not interfere with licensees' obligations to the Courts concerning the running of licensed premises. A licensee has the right to exclude persons from the premises in appropriate circumstances.

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1. Anonymous complaints won't be investigated unless there is compelling evidence of a valid case and good reason why individuals in the case would need to protect their anonymity. Advice of exceptions is available from the Union Complaints Co-ordinator

2. Only in very exceptional circumstances can a complaint be made by someone else acting as a third party advocate. Advice of exceptions is available from the Union Complaints Co-ordinator

3. Complaints regarding Union staff should be made directly to the Chief Executive to be dealt with via University procedures.

The complaints procedure does not interfere with complaints relating to Students' Union elections which shall be dealt with via the procedure as laid out in Schedule B: B1 Elections Byelaw.

If the complaint is about the service provision of the students' union then that is covered by this policy, however any complaints concerning the behaviour or performance of specific members of Students' Union staff shall be made to the Chief Executive and dealt separately through University procedures. If complaints concern the Chief Executive, they shall be discussed between the Trustee Board. If they cannot be resolved internally, the Trustees shall have the power to refer the matter to the Pro-Vice Chancellor.

### **3) Principles**

The complaints procedure shall abide by the following principles.

- i) If complainants feel they have reasonable grounds for complaint, they will not be hindered or victimised in making a complaint. The Union will act without bias or prejudice, with the objective of establishing the facts and coming to a reasonable and just resolution, which is relevant and proportionate.
- ii) Any complainant seeking guidance on how to make a complaint to the Union shall have access to timely and accurate advice.
- iii) A complaint must be notified within 20 working days of the event or circumstances which are its cause; only in exceptional circumstances will extensions to this time limit be considered by the Students' Union President. If the complaint relates to a series of events, the complaint should normally be within 20 working days of the most recent event.
- iv) Anonymous complaints will not be investigated.
- v) Complaints will be dealt with in a timely manner and the complainant will be kept informed of the progress of the investigation at every stage. The timescales for handling a complaint are highlighted below.
- vi) No complainant should be disadvantaged for making complaints in good faith, and all reasonable complaints will be taken seriously and dealt with according to this procedure. However, if it is established that complaints are malicious, vexatious or frivolous, then they will not be considered reasonable, and the Union may consider taking formal disciplinary action against students making such a complaint.
- vii) All complaints shall be dealt with confidentially, and it is expected all parties involved in a complaint shall honour this approach. Any suspected breaches of confidentiality will be investigated and may result in formal disciplinary action under University procedures.
- viii) Any person who is the subject of a complaint has the right to be supplied with a copy of the complaint, and to comment on it.
- ix) The Union will make reasonable adjustments for all parties during all stages of the complaints procedure as required under the Equality Act 2010.
- x) The student may be accompanied at any meeting or hearing under this Procedure by a representative of his/her choice and that representative may speak on the student's behalf. In the normal instance the representative should be a member of the University

i.e. another friend/student, a College Advisor, Personal Tutor or a member of academic/administrative staff and he/she must be willing to act in that capacity. The student must provide the name of the representative to the Union before the meeting or hearing.

The Union will appoint a Complaints Co-ordinator(s) who will oversee the complaints procedure. The Complaints Co-ordinator(s) will be a Union staff member, appointed by the Chief Executive.

The Union Complaints Co-ordinator(s) is available to all, both students and those subject to complaint, to provide advice and guidance on process. The Complaints Co-ordinator(s) is not, however an advocate for either parties and will neither hear evidence nor take any decisions about the outcome of any complaints at any stage. The Complaints Co-ordinator(s) will play an advisory role in appeals and act as the primary liaison person with the University (or equivalent independent body) if a student invokes their right to appeal, as set out in section 4 of this procedure.

If a student suspects a breach of the principles as set out above, then they should bring this to the attention of the Complaints Co-ordinator(s) for investigation. If a student wished to register a complaint against the Complaints Co-ordinator(s) it should be sent to the Union Chief Executive.

#### ***4) Stages in the Complaints Procedure***

The complaints procedure comprises of three stages;

- Stage 1 or the informal stage (see section 2 for further details);
- Stage 2 or the formal stage (see section 3 for further details);
- Stage 3 or the review/appeal stage (see section 4 for further details);

#### **Timescales for handling a complaint**

Stage 1 – maximum 10 working days

- Acknowledgement within 3 working days
- Full response within 10 working days

Stage 2 – maximum 20 working days

Stage 3 – approximately 10 -12 weeks

## **Section 2: Stage 1 - Informal Stage**

The Union recognises that most complaints can usually be easily and amicably resolved informally and where possible these should be dealt with as soon as the matter arises. Therefore, in the first instance, complainants should initially approach those directly responsible.

The list below highlights who should be approached in the first instance to seek resolution of an informal complaint:

- Complaints relating to the facilities or services of the Union should be directed to the relevant service manager.
- Complaints relating to any Union communications should be directed to the Advocacy & Governance Manager.
- Complaints relating to societies or student groups should be directed to the Student Engagement Manager.
- Complaints relating to elections should be directed to the Deputy Returning Officer to be handled through the elections complaints procedure as laid out in the democracy byelaw.
- Complaints relating to members of staff should be directed to the Chief Executive.
- Complaints relating to student officers, including Full-time officers, should be reported to the SU President, or if the complaint relates to the SU President, then it should be directed to the Chief Executive and the Deputy Chair of the Trustee Board.
- Complaints relating to the Chief Executive should be directed to the Chair of the Board of Trustees

The Union will attempt to resolve the complaint informally. The nominated staff member/officer shall enquire into the complaint, discuss it with the complainant and advise the complainant of his/her decision normally within 10 working days after the complaint is received.

If a complaint has still not been resolved in accordance with this informal procedure, or the complainant feels unable to approach the relevant person directly, the complainant should invoke the formal complaints procedures, as outlined in section 3.

Where possible in stage 1 complaints, the Union will offer a confidential mediation service for students to support them to try to resolve complaints, informally and at the earliest opportunity. Mediation is entirely voluntary for all parties concerned and participants must be willing to engage in facilitated discussion, which aims to seek a suitable, mutual agreement between both parties for an acceptable way forward. During the process, both parties retain responsibility for resolving their differences rather than a decision being imposed by others in a formal process. For further information on the mediation process please contact [su.complaints@lancaster.ac.uk](mailto:su.complaints@lancaster.ac.uk)

## **Section 3: Stage 2 - Formal Stage**

### **Submission**

All complaints must be submitted by the student, to the Union Complaints Co-ordinator using the Union complaints webform the SU website. If a student is unable to use the webform for any reason they can email [su.complaints@lancaster.ac.uk](mailto:su.complaints@lancaster.ac.uk). This form must be submitted within 20 working days of the event or circumstances which the student is wishing to make a complaint on. If a complaint relates to a series of events the form should be submitted within 20 working days of the most recent event. The receipt of complaints outside of this time limit is subject to a decision by the SU President/Chief Executive.

The complaints webform requires the student to give details of the following:

- i) The name(s) and contact details for the complainant;
- ii) The outline of the nature of the complaint;

- iii) Any action(s) taken so far to resolve the issue(s) under stage 1 of this complaints procedure;
- iv) The outcome/resolution the student is seeking in order to resolve the matter which is the subject of the complaint;
- v) Any supporting evidence which relates to the complaint e.g. emails, copies of letters, witness statements and any other relevant supporting documentation, should be attached to the form when submitted.

### **Receipt**

On receipt of a complaint, the Union Complaints Co-ordinator(s) will officially log the complaint request, along with any supporting documentation and dispatch a standard letter of acknowledgement. This should be sent out within 3 working days of the date of submission.

The submission of a completed form constitutes the formalisation of the complaint, and all future correspondence regarding the complaint will be kept on record.

### **Initial Consideration/Confirmation**

Upon the receipt of a complaints form, the Union Complaints Co-ordinator(s) will confirm whether the complaint is eligible to be heard under the Union Complaints Procedure. Ideally complaints that should be dealt with at Stage 1 won't come into the webform, however in the rare occurrence where this does happen, and the Complaints Co-ordinator believes that complaint is likely to be able to be resolved by a Stage 1 resolution – the informal stage, then someone should be appointed to do an initial investigation.

If the complaint is at Stage 2 – formal complaints (determined by the nature and seriousness of the complaint or the inability for this complaint to be resolved at Stage 1) they shall send the complaint to the SU President and Chief Executive (or an appointed nominee) for an 'initial consideration' of the complaint. If the complaint meets both eligibility and after initial consideration it is felt that it warrants 'further consideration', the complaints co-ordinator(s) will then continue with the implementation of this procedure. If after the informal stage it is clear that this is a Stage 2 complaint this should also be sent at this stage to the SU President and Chief Executive (or appointed nominee) for consideration on next steps.

If the complaint is deemed to be either in-eligible to be heard, or if, after initial consideration, a decision is made to reject the complaint, the Complaints Co-ordinator(s) shall write to the complainant to notify them of this decision. This should be sent out within 10 working days of the decision date and will provide details as to the complainants right to appeal, as laid out in section 4 of this procedure. This appeal must be lodged in writing within 10 working days of the receipt of the letter.

### **Further Consideration/Investigation**

If the complaint has been deemed as requiring 'further consideration', the Union Complaints Co-ordinator(s) shall write to the complainant to notify them of this decision. This should be sent out within 10 working days of receipt of complaint and reference the nature of the complaint, state what action is being undertaken, who is the 'Investigating Officer' and indicating when the

complainant can expect to receive a comprehensive response. The Investigating Officer should work towards completing their investigation and informing the complainant of the outcome within 20 working days.

It is the responsibility of the Union Complaints Co-ordinator(s), in agreement with the SU President and Chief Executive, to appointment an independent person to act as the 'Investigating Officer' who will be responsible for leading a formal investigation into the complaint. This person shall usually be either a member of the Union Management Team and/or a Full-Time officer (excluding the Chief Executive and SU President), the Union withholds the right to appoint an external/independent investigator depending on the nature of the complaint and the capacity/resource available to hear the complaint within the timeframe. The Union Complaints Co-ordinator(s) may also wish to appoint an independent 'Complaints Handler', to support with the complaint who will be responsible for co-ordinating any administrative tasks associated with the investigation of the complaint e.g. minute taking, the compilation of documents etc...

The Investigating Officer will investigate the evidence surrounding the complaint, including but not limited to that supplied by the student; a personal hearing with the student will always be offered as part of the process of evidence gathering, this hearing shall be minuted and the student has the option to be accompanied by a fellow member of the University. It is also expected that the investigating officer will meet the person(s) that are the subject of the complaint.

### **Reports**

Following the investigation, the Investigating Officer will produce a written report which summarises the evidence and will state whether the complaint has been ***upheld, partially upheld or rejected***, the reason(s) for this decision, any recommendations and the student's right to appeal the decision(s). This will be sent to all parties in the complaint normally within 20 working days of the formal complaint having been received and officially logged. Should additional time be required this will be communicated along with the reasons why. It is the responsibility of the Investigating Officer to make sure that a copy of the final report is sent to the Union Complaints Co-ordinator(s), who will add this to the case file.

### **Outcomes**

If the Investigating Officer makes a decision to 'Uphold' or 'Partially Uphold' the complaint they are able to offer the following:

- i) An apology;
- ii) Access to further procedure i.e. the Union or University Disciplinary Procedures;
- iii) Change of arrangements;
- iv) Make recommendation for review to other bodies e.g. SU Executive, Trustee Board etc...
- v) Make recommendations for financial compensation or restitution (as deemed appropriate following advice and subject to approval of the Trustee Board and/or the SU Executive).

The investigating Officer cannot however offer any of the following:

- i) Changes to Union policy or procedures;

- ii) Arrangements which ill effects other students;
- iii) Discipline of Union staff.

## **Section 4: Stage 3 – Appeal Stage**

### **Appeal Stage**

Should both the formal stage of the complaints procedure fail to reconcile the parties i.e. either the student(s) or the person(s) at whom the complaint was raised refuse to accept the recommendations/outcome of the complaint report, they have right to appeal the decision with the University. The request for an appeal should be submitted in writing to the Union Complaints Co-ordinator(s) within 10 working days of the student receiving the complaints report from the formal complaints stage.

The only purpose of the final stage of appeal is to review the process by which the complaint was considered; it is not an opportunity to have a complaint heard owing to dissatisfaction with the outcomes. Normally an appeal will only take place if the student can demonstrate:

- i) That there is new evidence, not previously made available to the process, which could not reasonably have been brought to attention of the 'investigating officer' and/or the SU President/Chief Executive, before or at the time he/she made their outcome decision(s); or
- ii) An alleged procedural irregularity on the part of the 'investigating officer' and/or the LUSU President/Chief Executive.

Upon the receipt of a formal request for appeal to the University the Union Complaints Co-ordinator(s) will refer the appeal to the University, who will appoint a panel of senior officers of the University and an external panellist independent of the University to hear the appeal.

The panel members will then initiate an appeal, and inform the student what action they plan to take and the time scale over which the appeal will take place. The panel members will conduct an investigation and have the authority to either uphold the Union complaint outcome or to overturn in the student favour.

Following the appeal the panel will write to the student detailing the findings and what actions will be taken if appropriate. The decision of the panel is final, and constitutes formal completion of procedures. A copy of the response will be sent to the Union Complaints Co-ordinator who will add this to the case file.