



## **COMPLAINTS PROCEDURE**

### **1 Scope:**

- 1.1 This policy is to be used when an individual or group wants to complain about their dealings with Beds SU, except where a more appropriate formal route of complaint is available or a complainant is ineligible to lodge a formal complaint (an overview of complaints ineligible or those with alternative routes is appended to this Policy).
- 1.2 Complaints submitted under this process will usually refer to complaints about the organisation, Beds SU, such as its services or something the SU has or has not done.
- 1.3 For the avoidance of doubt, this procedure covers complaints relating to a student's right *not* to be a member of Beds SU without being unfairly disadvantaged.
- 1.4 For the avoidance of doubt, complaints that refer to a member of staff will be dealt with as a complaint about their dealings with Beds SU rather than the individual member of staff.
- 1.5 In order to use our charitable funds proportionately, Beds SU do not investigate minor, misconceived, hypothetical, repetitious or vexatious complaints which are not supported by evidence (such as a breach of standards or protocol, or complaints that are abusive or offensive); nor does Beds SU consider complaints that are now longer relevant or refer to matters already considered.

### **2 Complaints Policy**

#### **2.1 Our commitment to individuals who submit complaints ("complainants"):**

We will treat anyone who complains with courtesy and respect. Your issue will be taken seriously and every effort will be made to try and resolve a complaint. In the first instance we will try to resolve complaints informally. Confidentiality will be respected. We will seek permission if persons outside the SU need to be involved. Any complaint will be acknowledged and will be dealt with by an appropriate person. A response will be provided within a reasonable timeframe and we will keep the complainant informed about that timeframe and any delays. You will not be penalised for submitting a complaint.

#### **2.2 Our expectation of complainants:**

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.

### 2.3 Our commitment to confidentiality:

At all times during investigations, confidentiality and discretion will be maintained by all those involved. However, should a complaint indicate or infer potential criminal activity or harm to an individual, Beds SU reserves the right to break confidentiality. If there is a need to break confidentiality, this will be approved by a senior official of Beds SU.

Complainants are expected to abide by the same rules and any breach of confidentiality will be investigated as a disciplinary matter.

### 2.4 Anonymous complaints will not be dealt with, however:

Beds SU will consider the circumstances of any anonymous submission and may, in exceptional circumstances, take forward the complaint.

If you have a particularly sensitive issue to raise, you can approach a member of the Student Advice team or University for help. Beds SU will endeavour to make sure that such a complaint is known to the smallest number of staff necessary to undertake a thorough investigation, and that staff deal with the complaint on a confidential basis.

### 2.5 Complaints on the same concern or topic:

A group of individuals affected by the same set of circumstances may wish to make a collective complaint through a single spokesperson. In such circumstances the spokesperson must at all times express the views of the group and relay and copy all correspondence to the group. Each member of the group must provide their names and contact details in the initial complaint submission.

Beds SU may investigate, consider and respond collectively to a group of complaints, submitted by different people at different time, affected by the same set of circumstances. Beds SU does not require the permission of complainants to do this.

### 2.6 Monitoring and Data Protection

Data and information collected during the complaints process will be treated as confidential. This information will be used for monitoring purposes and will be stored securely. Data will be retained in accordance with Beds SU's Data Protection Policy. See [bedssu.co.uk/dataprotection](http://bedssu.co.uk/dataprotection) for details.

By submitting their complaint, complainants automatically agree to Beds SU's processing of their data for the purpose of the complaint as Beds SU reasonably considers fit. Where a complaint requires Beds SU provide information or



evidence to a regulator in relation to one's complaint, the complainant's data will be shared for their purposes.

Beds SU seeks to improve its services. The Senior Leadership Team (SLT) monitor the complaints received, and the effectiveness of these procedures in addressing them; anonymous reporting may be provided to the charity trustees.

### **3 Complaint Stage: Making a complaint about Beds SU**

- 3.1 Before submitting a complaint formally, you – the complainant - are encouraged to discuss your complaint with the immediate provider of the service or staff member engaged in the activity. Where this is not appropriate, you may discuss it with the relevant Elected Officer of Beds SU.
- 3.2 To complain formally, you should refer your complaint in writing to [beds.su@beds.ac.uk](mailto:beds.su@beds.ac.uk), which will then be dealt with by a relevant manager of Beds SU.
- 3.3 A "relevant manager" shall refer to a Team, Middle or Senior Manager position and would ordinarily be dealt with by a manager with oversight or input into the service/activity area relevant to the complaint circumstances. The term "relevant manager" shall exclude the CEO, Executive Officers and any other Beds SU Trustees. Complaints received by Executive Officers shall be referred to a relevant manager.
- 3.4 The relevant manager will confirm receipt of the complaint and notify you of how it is to be dealt with. The relevant manager may decide to investigate your complaint further and may enlist colleagues to assist them.
- 3.5 At this stage, the people involved will investigate and evaluate the complaint. This may include obtaining written or verbal evidence from you, any witnesses or another relevant person(s). At Beds SU's discretion, you may be invited to attend in person where you will be permitted to be accompanied by a friend provided you seek our approval in advance. The accompanying person will not be permitted to present your case, but may attend to support you and to clarify issues as appropriate.
- 3.6 It is not normally necessary to be accompanied by a legally qualified person, but if you do decide to seek approval to be accompanied by such a person, Beds SU reserves the right to include a legally qualified colleague to participate in the meeting.
- 3.7 Upon completion of the complaint, the relevant manager will formally write to you and notify you of their decision to either: a) uphold your complaint in full; b) uphold some parts of your complaint; or c) reject your complaint. The relevant manager should explain clearly the reasons for their decision, which where relevant may include, for example:

- steps taken to investigate;
- a response to each of the points within the complaint;
- any actions and learning from the complaint;
- an apology, if mistakes have been made;
- referring the complaint to another body;
- an apology, if mistakes have been made;
- a defence of the SU's conduct; and/or
- signposting to the next stage of the complaints process.

3.8 It should normally take between 10 and 21 days for your complaint to be considered; the relevant manager may require longer, and if so, they should communicate this with you.

3.9 If you do not hear regarding your complaint, or you feel the complaint is taking too long to resolve, you can assume that Beds SU has not upheld your complaint and, in which case, should you continue to be dissatisfied you may proceed to the Appeal Stage.

#### **4 Appeal Stage: Appealing if you are dissatisfied with the complaint outcome**

4.1 If you are dissatisfied with the outcome of your complaint you will then have 14 days to request a review of the decision by the Chief Executive Officer (CEO). You will be expected to provide an 'appeal request', which is a written response outlining reasons as to why you are not satisfied with the initial outcome of your complaint.

*Please note, an exception to this time limit may be authorised in the case of an exceptional circumstance such as illness or disability.*

4.2 You must submit your appeal request to the CEO, referring to contact details on the Beds SU "Contact US" page or emailing [beds.su@beds.ac.uk](mailto:beds.su@beds.ac.uk) and asking for the email to be forwarded on to the CEO.

4.3 Complaints that are deemed to be trivial, vexatious, malicious or mischievous will be dismissed at the earliest opportunity in this stage. The CEO shall have absolute discretion to determine whether and how a complaint submitted under this part of the procedure is progressed, subject to a student's right to proceed to the University review stage (below).

4.4 The CEO (or their delegate) will acknowledge receipt of your complaint in writing; they will consider the complaint and carry out their own investigation. The CEO (or delegate) has authority to investigate the complaint as they see fit, which may involve your participation or attendance; they may also choose to appoint advisors to assist them, and/or consider the complaint in closed forum with their Senior Leadership Team or engage the charity trustees in the complaint.



4.5 The CEO (or delegate) shall normally respond formally to the complainant and provide a resolution (or ruling of an appropriate kind) on the complaint. This might normally occur within 28 days of your submitting the appeal.

4.6 If you remain dissatisfied with the outcome of your complaint after the appeal stage, provided you were a registered student at the University of Bedfordshire when your initial complaint was submitted, you may wish to complain to the University of Bedfordshire (University review stage, below).

*For avoidance of doubt, if you are not a student, there is no further recourse to your complaint and the CEO's decision is final.*

## **5 The University review stage: should students wish to take their complaint further**

5.1 Beds SU is regulated by the University of Bedfordshire and, in accordance with the Education Act 1994, any student may submit a complaint to the University regarding Beds SU wherein they may request an independent person appointed by the University to review their complaint or to investigate and report on complaints more generally.

5.2 Students may also submit their complaints on the basis that they are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having opted out of membership of the students' union.

5.3 Students should refer to the University to find out how to submit their complaint and should refer to the University of Bedfordshire *Student Complaints Policy and Procedure*.

5.4 Where a student takes their complaint further via University review, Beds SU will share all complaint correspondence, personal data processed as part of the complaint and evidence with the appointed University representative.

5.5 Beds SU reserves the right to withdraw any support of Beds SU advisory services or representational support strictly in relation to their complaint against Beds SU but for no other reason.

5.6 Students who continue to be dissatisfied with any outcome of their complaint via the University's processes may request necessary documentation to take the complaint forward to the Office of the Independent Adjudicator (OIA) strictly on the basis that the University has failed in their statutory duties in relation to students' unions.

5.7 Students should note that the OIA is limited in its powers to sanction students' unions and may only confer on complaints relating to the University's oversight of students' unions under Part II Section 22 of the Education Act 1994 (*Requirements to be observed in relation to students' unions*).

## 6 Monitoring

6.1 This policy will be reviewed every two years.

Policy Number:	Approving Body:	Date Ratified by Board:	Renewal Date:
16.V1	Senior Leadership Team (SLT)	January 2017	January 2019
16.v2	SLT	January 2019	January 2021
16.v3	SLT	July 2020	July 2022

## 7 Appendix to Complaints Procedure: complaints not dealt with by this

**procedure** Here is listed the areas not [ordinarily] deal with by this procedure:

- i) Complaints about Members of Beds SU. Individuals who wish to make a complaint about a Member should refer to the By-Laws and the Members Code of Conduct.
- ii) Internal employment matters or grievances, which are dealt with via internal employee procedures detailed in employee handbook.
- iii) Matters better considered in other formal procedures, such as those covered by the sports and societies code of practice, and election rules and regulations.
- iv) Complaints regarding the performance and/or behaviour of Elected Officers, the processes for which are otherwise set out in the Beds SU By-Laws.
- v) General enquiries, feedback or SU-initiated consultation.
- vi) Differences in political opinion or disagreements about policy content set democratically by Beds SU.
- vii) Complaints regarding academic issues or services provided by the University.
- viii) Matters related to contractual or legal issues, which have their own specific channels for addressing issues.
- ix) Requests for disclosure of personal information, which are otherwise covered in our data protection policies at [www.bedssu.co.uk/dataprotection](http://www.bedssu.co.uk/dataprotection).