

Union of students University of derby

Procedure for complaints against
the union of students

VERSION	AMENDMENTS	CREATED
2.0		23.11.17

Any Full Member, or student eligible for Full Membership but who has exercised the right not to be a member in accordance with the Education Act 1994, or group of eligible full members shall be entitled to complain about unfair or unreasonable treatment by the Union.

1. The Union hopes that the student experience will be a good one and that there will be few occasions when there is any dissatisfaction or disappointment with the service and facilities provided. We recognise however that occasionally this will not be the case and the procedures set out below describe how a complaint can be lodged and will be considered in good faith. The majority of complaints should be resolved informally by speaking promptly with a manager or supervisor concerned. The procedures below describe how this can be done and what to do in the case of very serious complaints or if you remain dissatisfied with the Union's response. If your complaint is about a member of staff you should refer to the Bye-law Complaints Against Union Staff.

Copies of both these policies are available on the Union's website and from Union Information Points at Kedleston Road, Derby and the Devonshire Dome, Buxton.

derbyunion.co.uk/feedback

2. PROCEDURE

Stage One - The informal stage

- 2.1 We expect that most complaints will be resolved by an informal discussion about the matter at the earliest opportunity. A student or group of students should therefore bring the matter to the attention of a manager, senior manager or Officer Trustee responsible for the activity or event in question. This can either be orally at the time or submitted electronically to info@derbyunion.co.uk. The recipient of informal complaints is responsible for responding to them promptly and fairly. This would normally be within seven working days of receiving the complaint.

Stage Two – The Formal Stage

- 2.3 If having pursued the informal stage the complainant remains dissatisfied with the outcome then they may then start the formal stage of the procedure by submitting a completed Complaints Form which is available on the Union's website and from the Union Information Point. When completed this should be sent electronically to president@derbyunion.co.uk, or should the complaint be in relation to the President then the form should be emailed to vpacademic@derbyunion.co.uk. The Complaints Form (Appendix A) should indicate why the complainant is dissatisfied with the outcome of Stage One – The Informal Stage and what outcome is sought from Stage Two – The Formal Stage. The Union will acknowledge receipt normally within seven working days not including days when the University and Union is closed.
- 2.4 The President shall
 - a) decide whether the complaint is within this procedure and if not, whether it requires to be dealt with by other means;

b) either decide whether there is, or is not, justification for the complaint;

or

refer the complaint to the relevant senior manager or Officer Trustee and an investigation will be carried out as the President deems necessary. In this respect, students and staff may be asked to provide evidence and, where necessary, may be accompanied by a friend to any meeting to which they are invited.

The investigator appointed will collate all available factual evidence in a fair and unbiased manner following the Complaints Procedure Investigator Guidance and will produce a Complaints Procedure Investigator Report.

c) The President shall then:

i) reject the complaint:

or

ii) accept the complaint in whole or in part

iii) if accepted in whole or part determine the proposed redress

2.5 A written response will be provided electronically normally within 15 working days of the receipt of the complaint and will confirm the right of appeal. An upheld complaint will automatically be referred to the Disciplinary Procedure.

2.6 Complaints against the President should be submitted to the Vice President Academic Affairs who shall follow the procedure outlined in document, fulfilling the responsibilities originally assigned to the President.

Stage Three – The Appeal Stage

2.7 If the complainant or complainants are dissatisfied with the decision at Stage Two – The Formal Stage then they may appeal to a panel of the Board of Trustees within 10 working days.

2.8 The following are the only permissible grounds for an appeal:

a) that there was a procedural irregularity which materially affected the outcome from Stage Two – The Formal Stage;

b) that the decision reached was not supported by the evidence provided;

c) that relevant evidence, that could not previously be made available, has subsequently emerged.

2.9 A complainant wishing to appeal a decision taken at Stage Two – The Formal Stage is required to submit an Complaint Appeal Form (Appendix B), including all relevant documents, electronically to the Chief Executive at victoria.hossack@derbyunion.co.uk within ten working

days of receipt of the decision taken at Stage 2. On receipt of the Complaint Appeal Form the Chief Executive will determine if permissible grounds for an appeal have been satisfied. The form is available from the Union's Website and from the Union Information Point.

2.10.1 A panel of no less than three Trustees will consider all documents submitted and any other documents it considers are relevant. Any Trustee who has been involved in deciding upon a complaint at either the formal or informal stages shall not be permitted to participate at Stage Three.

2.11 The panel can either

- i) uphold the decision reached at Stage 2 and dismiss the appeal or
- ii) can decide that the decision at Stage 2 was not justified in whole or part and determine how this will be redressed

2.10 A written response and decision shall be provided electronically normally within 25 working days of the receipt of the appeal.

This is the end of the Union's internal complaints procedure

2.11 The 1994 Education Act requires the University to ensure that the Union "operates in a fair and democratic manner". If you feel that consideration of your complaint has not been consistent with this you may submit a further appeal to the Academic Registrar (or their nominee) within ten working days. Such further appeals will be limited to a consideration of the argument that the complaints procedure was not operated in a "fair and democratic manner" by the Union. The Academic Registrar (or their nominee) will consider any such submission and either reject the further appeal or uphold the further appeal and return the complaint to the Union to reconsider in the light of their analysis. On completion of their investigation of the further appeal the Academic Registrar (or their nominee) will commission the issue of a 'Completion of Procedures Letter'.

3. COMPLAINTS AGAINST UNION STAFF

3.1 Complaints against Union staff shall be considered in accordance with the Union's Procedure for Complaints Against Union Staff. This is available for download on the Union's website and from the Union Information Point.

COMPLAINTS FORM

This form is to be completed in support of complaints made by students in accordance with the **Procedure for Complaints Against the Union**. Please read this before completing this form. You should especially note that it is expected that you first attempt to resolve the complaint informally. If you remain dissatisfied you should submit this Complaints Form. Complaints received in any other format will not be accepted for consideration and you will be advised to complete a pro forma.

In investigating your complaint we will take every care to safeguard your privacy and confidentiality. However, any member of staff or Officer Trustee mentioned in the complaint will be made aware of the issues raised and will have an opportunity to comment on them. In addition, it may be necessary to share your complaint with other parties within the Union likely to be helpful in providing a solution.

1. Personal Details

Your Name: _____ Student Number: _____

College: _____

Programme of Study: _____

Contact Address: _____

Contact Telephone Number: _____ Contact e-mail Address: _____

Date/s of event(s) or incident (s) about which you are complaining:

2. My Formal Complaint

Add additional sheets as necessary

N.B. Should you wish to utilise additional supporting documentation, please attach these to this form

3. Informal Complaint Details

Please summarise your attempts to resolve your complaint informally:

4. Outcome Sought to the Complaint

You should indicate the outcome you seek in making this complaint

N.B. You are asked to note that this is your preference only, and places no restriction on the outcome of the operation of the Complaints Procedure.

5. Documentation Attached

Please list any documents supplied in the space below and attach to this form.

6. Name and Position of the Person to whom the Complaint is submitted

7. Data Protection

I give my consent for any information contained in this pro forma and attached documents, and personal data held elsewhere within the Union, to be shared with relevant members of Union staff and Officer Trustees on a 'need to know basis' as part of the investigation into my complaint.

I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.

Signature: _____ Date: _____

Please note:

Should you require advice or assistance in completing this form, or in relation to any other aspect of the Complaints Procedure, this may be obtained from victoria.hossack@derbyunion.co.uk

Please submit the completed Complaints Form to president@derbyunion.co.uk

The Procedure for Complaints Against the Union is available online on the Union website derbyunion.co.uk/feedback

COMPLAINTS APPEAL FORM

This form is to be completed to appeal an outcome of complaint made by students in accordance with the **Procedure for Complaints Against the Union**. Please read this before completing this form. You should especially note that it is expected that you are able to provide additional information relating to your complaint for the appeal to be considered.

In investigating your appeal of an outcome of complaint we will take every care to safeguard your privacy and confidentiality. However, any member of staff or Officer Trustee mentioned in the complaint will be made aware of the issues raised and will have an opportunity to comment on them. In addition, it may be necessary to share your complaint with other parties within the Union likely to be helpful in providing a solution.

When submitting this form please ensure you have included your original COMPLAINT FORM plus ANY ADDITIONAL INFORMATION YOU MAY HAVE IN RELATION TO YOUR COMPLAINT.

1. Personal Details

Your Name: _____ Student Number: _____

College: _____

Programme of Study: _____

Contact Address: _____

Contact Telephone Number: _____ Contact e-mail Address: _____

Date/s of event(s) or incident (s) about which you are complaining: _____

2. Reason for appeal:

This might be due to the process not being followed, the complaint investigator demonstrating bias or that you have found additional information to support your original complaint which was not initially available. Please aim to include as much information as possible.

3. Data Protection

I give my consent for any information contained in this form and attached documents, and personal data held elsewhere within the Union, to be shared with relevant members of Union staff and Officer Trustees on a 'need to know basis' as part of the investigation into my complaint.

I declare that to the best of my knowledge all of the information I have supplied is true, accurate and complete.

Signature: _____

Date: _____

Please note:

Should you require advice or assistance in completing this form, or in relation to any other aspect of the Complaints Procedure, this may be obtained from victoria.hossack@derbyunion.co.uk

Please submit the completed Complaints Form to president@derbyunion.co.uk

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