

STUDENT UNION - CODE OF PRACTICE - COMPLAINTS PROCEDURE

1 INTRODUCTION

1.1 A registered student or groups of students of the University of Hertfordshire whose normal place of study is at the University of Hertfordshire, who wishes/wish to raise a complaint against the University of Hertfordshire Students' Union (UHSU) should do so by means of the following procedures which have been approved by the Board of Governors of the University¹.

1.2 A complaint can be made on the basis of:

- i dissatisfaction with their dealings with UHSU, or
- ii a claim to be unfairly disadvantaged by reason of their having exercised the right not to be a member of the UHSU and, having exercised that right, has been unfairly disadvantaged with regard to the provision of services or otherwise.

1.3 Certain Students' Union activities (specifically UHSU Solutions Ltd) are supported by their own specific complaints procedures. A student wishing to raise a complaint in relation to such an activity should do so by means of that complaints procedure. Where no such mechanism exists, the student should direct his or her complaint in accordance with the following procedures.

2 PRINCIPLES

2.1 The UHSU will make every effort to deal promptly and efficiently with all complaints.

2.2 All complaints will be judged on their own merit and will be dealt with in confidence unless the complainant has clearly indicated otherwise.

2.3 All complaints will be thoroughly and objectively investigated.

2.4 In accordance with the Equality and Diversity Policies of the UHSU and of the University, all complainants will be treated equally regardless of their status, and will not be treated adversely as a result of having complained. UHSU will ensure there is a monitoring process in place.

2.5 When at any stage the complaint is made the subject of a formal hearing which the complainant is requested to attend, the complainant will have the right to be accompanied by a companion or friend. This does not include a legal representative.

2.6 The UHSU recognises the importance of seeking to resolve students' complaints and grievances, where possible, using informal means as a way of ensuring that a majority of grievances are resolved quickly and to the satisfaction of all parties.

¹ ~~Board of Governors minute 249, 10 December 96, refers.~~

3 COMPLAINTS PROCEDURE

3.1 General instructions

3.1.1 All parties are reminded that throughout the process they should do all they can to resolve complaints at the earliest possible stage.

3.1.2 Complainants should note that each stage of this complaints procedure must be exhausted sequentially prior to the complaint proceeding to the next stage.

3.1.3 To justify progression from one stage of this complaints procedure to the next, the complainant will normally be required to demonstrate that:

- i the preceding stage was handled improperly, or
- ii that in the circumstances the decision reached at the end of the preceding stage was unreasonable, or
- iii offer new evidence.

3.1.4 The Chief Executive of UHSU 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.

3.2 Informal procedure

3.2.1 The student should register his or her complaint in writing with the Chief Executive who will nominate an appropriate person to deal with the complaint.

3.2.2 Conciliation may be possible at this stage by means of discussion between the parties.

3.2.3 The UHSU will normally respond in writing to the complainant within ten (**10**) working days of the receipt of the complaint or as soon as possible thereafter. Such written response will normally be made on behalf of the UHSU by a full-time member of the Executive Committee but may be made by a member of staff if this is deemed more appropriate by the Chief Executive.

3.3 Formal Procedure

3.3.1 Stage 1

- i Where the matter has not been resolved to the satisfaction of the complainant by means of the informal procedure and the conditions set out in section 3.1.3 have been met, the complainant may raise the matter through the formal complaints procedure set out in this section by requesting that the grievance be considered by means of a formal hearing.
- ii Such a request must be made in writing to the Chief Executive of the UHSU.
- iii The request should be made within one (**1**) month of the incident which has given rise to the complaint or within ten (**10**) working days of the date of the UHSU's written response (section 3.2.3, refers), whichever is later.

- iv UHSU Complaints Panel
 - a Complaints will be heard by a Panel of three (**3**) appointed by the UHSU Board of Trustees on the following basis:

A members of the UHSU Board of Trustees; and
A member of the UHSU Student Council; and
The Chair of the Board of Trustees or the Deputy Chair in the case of conflict – this person to Chair the Panel
 - b The Chief Executive of the Students' Union (or nominee) shall be Secretary to the Panel. No person directly involved with the complaint shall be a member of the Panel.
 - c The Panel will normally convene within ten (**10**) working days of the receipt by the Chief Executive of written notification of the formal complaint (section 3.3.1, ii, refers) or as soon as possible thereafter.
 - d Within five (**5**) working days of the hearing, the Secretary to the Panel will inform the student, in writing, of the Panel's decision. Where the complaint has not been upheld by the Panel, this written notification will include a statement setting out the Panel's reasons for deciding not to uphold the complaint.

3.3.2 **Stage 2**

Complainants who wish to invoke Stage 2 of this procedure or who wish to appeal under the provisions of section 4 must progress the matter via the office of the Secretary and Registrar.

- i Where a complainant is dissatisfied with the outcome of Stage 1 of the formal process (section 3.3.1 refers) he or she may forward the complaint, together with the written response of the UHSU Complaints Panel (section 3.3.1, iv, c, refers) to the Secretary and Registrar of the University for review.
- ii The Secretary and Registrar will take one of the following actions, usually within ten (**10**) working days of the review request:
 - a if the complaint is considered to be trivial or invalid, it may be dismissed summarily;
 - b if it appears that the matter can be resolved through further consideration, the UHSU may be requested to reconsider its decision.
- lii The Secretary and Registrar will notify the complainant in writing of the action determined in accordance with section 3.3.2, ii above as soon as reasonably practical.
- iii **Advisory Panel**

If the UHSU, having been requested to reconsider its decision, refuses to do so and the Secretary and Registrar considers that the matter requires further investigation, then an independent person will be appointed by the Secretary and Registrar to carry out the investigation of the complaint. Following investigation, the independent person will advise the Secretary and Registrar on possible

courses of action. In the light of advice received, the Secretary and Registrar will be determine what action is finally taken on the complaint and notify the complainant and UHSU accordingly.

4 **APPEAL**

If the complainant, having received the written notice of the Secretary and Registrar's decision in accordance with the provisions of section 3.3.2, iii remains dissatisfied then they should seek advice from The Office of The Independent Adjudicator (OIA) as to whether or not the subject of the complaint falls within its remit. Generally, the OIA has no remit to look at complaints about students' unions. However, it can consider a complaint relating to a students' union **where the union is part of the legal entity of the Member Higher Education Provider** (the UHSU is separate and not part of the legal entity that is the University of Hertfordshire), or the complaint concerns the University's obligations in respect of the UHSU.