

COMPLAINTS PROCEDURE

Scope

1. This procedure is intended to provide a framework on how complaints shall be dealt with by Durham Students' Union ("the Union"). Complaints will be received from:
 - any member of the Union who is dissatisfied with his or her dealings with the Union;
 - or any student of Durham University who claims to be unfairly disadvantaged by reason of exercising the right to opt out of Union membership.
2. Complaints from other persons will not be accepted, except where a student is unable to complain on their own behalf. Such complaints will be dealt with at the Chief Executive's discretion.
3. Complaints shall be considered accepted only if the Complainant:
 - provides details of their name, address, telephone number and email address;
 - provides details of the event or occurrence which gave rise to the complaint;
 - raises the complaint within 28 days of the event or occurrence giving grounds for complaint.
4. This procedure can be used by members for both individual and collective complaints. It is expected that the member(s) concerned will pursue the complaint personally.

Principles

5. The Union is committed to providing high quality services and facilities to its members. It is recognised that from time to time problems may occur and that provision is made for complaints to be made to the appropriate person. The Union recognises that complaints may provide useful feedback from members, and where appropriate will be used to improve services and facilities.
6. The Union will treat complaints seriously and will deal with them without recrimination. However, the Union also expects that members will not make frivolous or vexatious complaints.
7. Members seeking support in making a complaint to the Union can seek advice from:
 - advice and help service;
 - President;
 - college senior student support officer.
8. Every effort will be made to deal with complaints promptly and efficiently and to investigate them thoroughly, objectively and independently with a view to seeking a satisfactory resolution. The time limits set out below will normally be followed; however, where this is not possible the complainant will be kept fully informed of progress.
9. All complaints must be made in writing to the Union, stating the Complainant's name and address. Anonymous complaints will not be dealt with under this procedure. It will be at the discretion of the Chief Executive to determine how an anonymous complaint will be handled.
10. All complaints will be dealt with confidentially with the proviso that enquiries will have to be made as to the substance of the complaint. Where a complaint is made against an individual, the individual will be supplied with a copy of the complaint and will be given the opportunity to comment on it. If the Complainant does not wish the content of the complaint to be disclosed to the individual then the Union will be unable to investigate it.
11. The Union will not normally consider complaints that are made more than 28 days after the events complained about unless there is good reason for the delay.
12. Complaints by a group of students are often of a general nature. Where a group complaint is received by the Union it should be directed to the appropriate Student Officer or staff member.

13. No person involved in the investigation of any complaint shall have a direct or vested interest in the outcome. For the avoidance of doubt, 'interest' is defined as private and personal interests, including those of family and friends, as well as those arising through membership of, or association with, student groups and other organisations.

Informal Complaints Procedure

14. The Union recognises that most complaints can be resolved informally and where possible should be dealt with as soon as the matter arises. Therefore, members who wish to complain should initially approach those directly responsible.
15. The list below outlines who should be approached to seek resolution of an informal complaint:
 - complaints relating to the facilities or services of the Union should be directed to the appropriate manager;
 - complaints relating to student groups should be directed to the Student Activities Manager;
 - complaints relating to elections should be directed to the Deputy Returning Officer;
 - complaints relating to members of staff or the Student Officers should be directed to the Chief Executive;
 - complaints relating to the Chief Executive should be directed to the Chair of the Board of Trustees.
16. The Union will attempt to resolve the complaint informally. The nominated staff member shall enquire into the complaint, discuss it with the Complainant and will advise the Complainant of his/her decision normally within five working days after the complaint is received.
17. If a complaint has still not been resolved in accordance with this informal procedure, the Complainant may lodge a formal complaint in writing as set out below.

Formal Complaints Procedure

18. Where the complaint cannot be resolved informally, or the nature of the complaint is serious, the Complainant may choose to invoke the formal procedure. A complainant shall at their own cost have the right to seek such advice as may be necessary to assist in making their complaint, and shall be entitled to be accompanied by a member of the Durham University community at any meetings that may be called in accordance with this procedure.
19. Complaints about:
 - the Chief Executive shall be addressed to the Chair of the Board of Trustees;
 - any other matter shall be addressed to the Chief Executive.
20. Formal complaints shall be made in writing by way of a letter, email or submission of the Union's complaint form. The complaint form can be obtained from the Union's reception or website (www.durhamsu.com).

Investigation of Formal Complaints

21. All accepted complaints shall normally be investigated within ten working days of receipt.
22. Investigations shall be conducted by at least one and not more than three people designated by the Chief Executive or Chair of the Board of Trustees, as appropriate.
23. The appointed investigator may determine that it is necessary to hold interviews in order to collect evidence in relation to the complaint. All parties involved shall be invited to an interview, including those against whom the complaint has been made.
24. When considering an interest, individuals should not allow the impression to be created that they are, or may be, using their position to promote a private or personal interest rather than forwarding the interest of the Union.

25. All parties to the complaint shall be given an opportunity to state their case and present evidence of mitigating circumstances.
26. All parties to the complaint may be assisted by a representative or friend, without charge or cost to the Union.
27. The nominated investigator(s) will attempt to resolve the complaint by means appropriate to its nature and circumstance; these may include:
 - correspondence between parties;
 - interviews with the Complainant and those named in the complaint;
 - mediation.
28. The outcome of an investigation shall be determined immediately after all parties to the complaint have presented their case in written form and any supporting evidence.
29. The person(s) conducting the investigation shall determine:
 - all findings of fact;
 - any mitigating circumstances; and
 - appropriate further action, if any.
30. The investigator shall make conclusions and where appropriate recommendations in the form of a written report.
31. Where complaints are not upheld, they shall be deemed as unjustified complaints, and the following procedure shall apply:
 - all parties to the complaint shall be advised of the outcome in writing; and
 - all parties to the complaint shall be informed of their rights of appeal.
32. Where a complaint is upheld, it shall be deemed a justified complaint, and the person(s) conducting the investigation shall proceed to consider whether the complaint is principally directed at:
 - staff or volunteers;
 - building users;
 - services;
 - facilities;
 - student groups.
33. In the event of a justified complaint, the person(s) conducting the investigation shall consider:
 - how to prevent any future instances of the event or occurrence which gave rise to the complaint; and/or
 - where appropriate, the course of remedial action that will be recommended.
34. All parties to the complaint shall be advised of both the outcome of the complaint and where appropriate the proposed remedial action in writing.
35. The Complainant shall not have the right to demand that any specific penalty be imposed.
36. The Complainant shall be advised in writing that the complaint has been upheld.
37. The Complainant shall be advised if the Union is to consider further action, where appropriate.
38. The party against whom the complaint was made shall be advised of the outcome of the investigation and of any sanction to be applied. Where a disciplinary sanction is to be applied, the group against whom the complaint was made shall also be notified of any rights of appeal.

Rights of Appeal

39. In the event of there still being an unresolved complaint or that the Complainant believes that their complaint has not been handled properly or fairly according to these procedures, the following right of appeal procedure shall apply.
40. The right of appeal shall be exercised within twenty-eight days of the outcome of the investigation.
41. Notification of an intention to appeal shall be made in writing to the person(s) who conducted the investigation; the grounds of appeal shall be stated within the written notification together with any evidence which the Complainant seeks to put forward.
42. The consideration of such an appeal shall be by an independent person appointed by the University Council ("the Independent Person") who shall be the Pro-Vice-Chancellor (Education).
43. Appeals shall normally be investigated by the Independent Person and the Complainant informed in writing of the outcome of the appeal within twenty-eight days. The Complainant will be kept regularly informed of any delay to the investigation.
44. On completion of his/her investigation, the Independent Person shall inform the Complainant, the University Secretary (or his/her nominee) and the Chief Executive (or Chair of the Board of Trustees if the complaint relates to the Chief Executive) of his/her findings and recommendations (including any redress) and he/she will offer to the Complainant a Completion of Procedures Letter.
45. The Union agrees to be bound by the decision of the Independent Person.
46. If the Complainant disagrees with the Independent Person's findings, he/she may ask the Office of the Independent Adjudicator for Higher Education to review the Independent Person's findings and recommendations (including any redress).