

Lancaster University 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 Provost Student Experience, Colleges and the Library.

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

Complaints which:

- i) are made anonymously¹ and/or;
- ii) are made by a third party² (including parents, guardians or friends of registered students) and/or;
- iii) relate to the conduct of union staff³ 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.

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.

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 days⁴ of the event or circumstances which are its cause; only in exceptional circumstances will extensions to this time limit be considered by the LUSU 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 normally 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.
- 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) Complaints will be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the complaint. No third party should be told any more about the investigation than is strictly necessary in order to obtain the information required from them.
- 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 their choice and that representative may speak on the student's behalf. 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 who will oversee the complaints procedure. The Complaints Co-ordinator will be a Union staff member, appointed by the LUSU President/Chief Executive.

⁴ A working day is defined as Monday to Friday, excluding bank holidays and University closure dates.

The Union Complaints Co-ordinator is available to all, both students and those subject to complaint, to provide advice and guidance on process. The Complaints Co-ordinator 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 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 for investigation. If a student wished to register a complaint against the Complaints Co-ordinator 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);

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, all 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 Head of Communication & IT.
- Complaints relating to societies or student groups should be directed to the Activities Manager.
- Complaints relating to elections should be directed to the Chief Returning officer or in their absence the Deputy Returning Officer to be handled through the elections complaints procedure as laid out in the elections bye-law.
- 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 LUSU President, or if the complaint relates to the LUSU 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 5 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 the Education & Support Manager.

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 form which is available to download via the LUSU website. 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 forms outside of this time limit is subject to a decision by the LUSU President/Chief Executive.

The complaints form 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 complaints form, the Union Complaints Co-ordinator will officially log the complaint request, along with any supporting documentation and dispatch a standard letter of acknowledgement. This should be sent out within 5 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.

Confirmation

Upon the receipt of a complaints form, the Union Complaints Co-ordinator will confirm whether the complaint is eligible to be heard under the Union Complaints Procedure. If the complaint meets eligibility requirements and thus requires 'further consideration', the complaints co-ordinator will then continue with the implementation of this procedure.

If the complaint is deemed to be in-eligible, the Complaints Co-ordinator shall write to the complainant to notify them of this decision. This should be sent out within 5 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 shall write to the complainant to notify them of this decision. This should be sent out within 5 working days of the decision date and reference the nature of the complaint, state what action is being undertaken, who is the 'Investigating Officer' and the expected timelines.

It is the responsibility of the Union Complaints Co-ordinator, in agreement with the LUSU 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 be either a member of the Union Management Team and/or a Full-Time officer. The Union Complaints Co-ordinator may also wish to appoint an independent 'Complaints Handler', 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 representative of their choice. It is also expected that the investigating officer will meet the person(s) that are the subject of the complaint. The investigating officer upon completing their investigation will make a decision as to whether **uphold, partially uphold or reject** 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 10 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, 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) Actions to rectify the specific causes of the complaint (which may or may not directly correspond to the desired resolutions of the student);
- iv) Make recommendation for review to other bodies e.g. LUSU Council, 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 LUSU Executive).

The investigating Officer cannot however offer any of the following:

- i) Changes to Union policy or procedures;
- ii) Discipline of Union staff.

Section 4: Stage 3 – Appeal Stage

Appeal Stage

Should the second 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 within 10 working days of the student receiving the complaints report from the review 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', before or at the time they made their outcome decision(s); or
- ii) An alleged procedural irregularity on the part of the 'investigating officer' in handling the complaint.

Upon the receipt of a formal request for appeal to the University the Union Complaints Co-ordinator will refer the appeal to the University Secretary, who will appoint a senior officer of the University to hear the appeal.



The senior University officer 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 senior university officer will conduct an investigation and they have the authority to either uphold the Union complaint outcome or to overturn it.

Following the appeal the university officer will write to the student(s) detailing their findings and what actions will be taken if appropriate. The decision of the University officer 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.