



**STUDENTS' UNION  
AT BOURNEMOUTH  
UNIVERSITY**

## **Complaints Policy & Procedure**

### **1. Introduction**

#### **1.1. With any complaint, we aim to:**

- a) Resolve the complaint as fairly and as swiftly as possible.
- b) Deal with the complaint in confidence.
- c) Keep the complainant updated on what is happening with the complaint.

#### **1.2. The Union will always aim to find a resolution to any complaint made and encourages any complainant to be clear as to what they consider to be an appropriate resolution.**

#### **1.3. It is useful to remember that this process is not a 'court of law' it is an internal process and cannot determine if a member has acted unlawfully. This would be a matter for the authorities such as the Police. When looking at a complaint we will look for proof, but we may have to conclude on the balance of probability not the legal stance of beyond all reasonable doubt.**

#### **1.4. All complaint handlers will be briefed regarding their duties in accordance with the Data Protection Act 1998 and the GDPR. Throughout the investigation of any complaint, the complaint handlers – and anyone else involved – must operate with due regard for the confidentiality of the individual(s) involved; any breach of this confidentiality will be treated with the utmost seriousness and may involve disciplinary action being taken.**

#### **1.5. No Union member or member of staff should be involved (other than as a witness) in dealing with a complaint in which they might have (or might appear to have) a conflict of interest where practicable. This may require the composition of any panel etc. under these rules to vary from the composition laid down.**

#### **1.6. The Chair of the Trustee Board (or in some cases this may be the Deputy Chair if there is a complaint lodged against the President or Chief Executive Officer) may delegate authority to a member of staff or another Officer throughout this or any other procedure.**

#### **1.7. All timelines laid out in this procedure are indicative and can be adjusted by either party with good reason to be determined by the Chair of the Trustee Board. 'Good reason' may include adjustments which need to be made in accordance with the Equality Act 2010.**

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- 1.8. The term 'Student Group' refers to any club, society, campaign, or media outlet; however, it is the responsibility of any complaint handler to ensure that all procedures are enacted with due consideration to the relevant Bye-laws or Member procedures.

### 2. Purpose

- 2.1. It is expected that our members, officers, staff and the Union as a whole should behave appropriately at all times. However, if this is not the case our members, the public and others shall be able to submit complaints. This process outlines the process for complaints to be made and the procedure when a complaint has been received.

### 3. Making a Complaint

- 3.1. Complaints may be made against 'The Union', its Members, Officers, Staff, Trustees or Student Groups.
- 3.2. Anyone can make a complaint in accordance with this procedure including Student Members, Associate Members, the Public, University Staff, Union Staff and any other not listed here.
- 3.3. **Union Officers** – if the complaint is about an Officer failing to fulfil their role as a representative effectively then this is to be dealt with in accordance with **Bye-Laws**. Complaints about other types of misconduct of Union Officer shall be considered within this policy and procedure.
- 3.4. Complaints made against other students or student activity which has taken place outside of their capacity as member of the Union shall be dealt with in accordance with Bournemouth University's Complaints Procedure.
- 3.5. Complainants can access support from the Union's Advice Service to make a complaint.
- 3.6. Complaints regarding any election or referendum and this should be raised in accordance with the **Election/Referenda Regulations**. For more information see the **Bye-Laws**.
- 3.7. All complaints should be made on the **Complaints Form** that is on the Union Website.
- 3.8. Please refer to the section below for details of how a complaint will be progressed.

### 4. When a Complaint is received

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- 4.1. The Union may decide to temporarily suspend any member, Officer of the Union (herein referred to as individual(s)) or Student Group pending the investigation of any complaint at the decision of the Chair of the Trustee Board or the delegated authority. Suspension is standard procedure in matters of this nature and does not indicate guilt in any way. Suspension does not constitute either disciplinary action or a disciplinary sanction. Disciplinary action will not necessarily result.
- 4.2. This procedure may also be put 'on hold' where a complaint has been made which requires action in accordance with other procedures such as a police investigation or a HR procedure.
- 4.3. If the complaint involved a particular Student Group, the Committee of that Group will nominate one member of the Committee to act as a representative of that Student Group.
- 4.4. The Chair of the Trustee Board may decide to refer the case for consideration in accordance with Bournemouth University's Complaints Procedures before a consideration is given under this procedure. Equally, Bournemouth University may refer a case to be considered in accordance with these procedures before or after Bournemouth University's Procedures.
- 4.5. All genuine complaints will be attended to through this procedure. Anonymous complaints will not normally be actioned however, the Chair of the Trustee Board reserves the right to take forward an anonymous complaint if there is good reason to do so. The Chair of the Trustee Board reserves the right to not progress a vexatious or frivolous complaint.
- 4.6. On receipt of a complaint the following action will take place. All complaints should normally be made on the **Complaints Form** that is on the Union Website.
  - 4.6.1. The complaint should be submitted to the Chair of the Trustee Board, or where the complaint refers to the Chair of the Trustee Board, the Chief Executive Officer (CEO) via the email addresses supplied on the website.
  - 4.6.2. Complaints received in another format may be considered, at the Chair of the Trustee Board's/CEO's discretion; any complaints submitted elsewhere should be referred directly to the Chair of the Trustee Board/CEO.
  - 4.6.3. When a complaint is received, the Chair of the Trustee Board/CEO or delegate will enter the details into a log and open a case. The complaint will be sent to a nominated officer or staff member for initial consideration; these are known as a 'complaint handler' for the case.
  - 4.6.4. The complaint handlers will first consider whether the complaint should be dealt with informally or proceed directly to the formal stages below.
  - 4.6.5. At this stage, the complaints handler will formally acknowledge receipt of the complaint within 5 working days and notify the complainant as to how it will be dealt with, either under the **informal process or the formal process**.
  - 4.6.6. Under both processes an **Investigation** will be carried out by the complaint handler.

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### **5. Investigation Procedure**

**5.1.** There are two routes for investigation:

(a) Where the complaint is about a member of Union staff, the complaint shall fall under the Union's relevant HR processes. Detail can be found in the SUBU Staff Disciplinary and Capability Policy and SUBU Staff Grievance Policy and Procedure.

(b) Where the complaint is about a member or Student Group the following procedure shall occur.

**5.2.** Where a complaint relates to a Sabbatical Officer in their role as staff the complaint shall be held in accordance 5.1.a.

**5.3.** Where the complaint relates to a Sabbatical Officer in their role as a Student Member the complaint shall be held in accordance with 5.1.b.

### **6. Informal investigation**

**6.1.** The complaint handler may contact the complainant outlining what information is required in order to complete the informal investigation stages. This may include asking the complainant to attend an investigative meeting. Where this is not necessary, the complaint handler will proceed with the informal investigation.

**6.2.** After investigating the complaint, the complaint handler will write to the complainant outlining the investigation(s) which have taken place. The response will also detail the next steps which will be one of the following:

(a) that no action is proposed as a result of the complaint and the complaint will be closed.

(b) that resolutions or changes will be undertaken as a result of the complaints and will be closed.

(c) that the matter requires referral to the formal stages below.

(d) That the matter should be considered in accordance with another procedure

(e) The response provided will give reasons for the decision reached and explain the option to request a review as outlined below.

(f) If the complainant is dissatisfied with the outcome proposed, the complainant will have 5 working days from the date of the Union's response to request a review of this outcome, giving the reasons why they are dissatisfied.

(g) The Chair of the Trustee Board will review any requests and determine whether the complaint should be referred to the formal stages of the procedure, or whether the decision to close the

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complaint at the informal stage should be upheld; the Chair of the Trustee Board's decision will be final.

### **7. Formal Investigation**

- 7.1.** If the complaint cannot be resolved informally, the complaint will then be considered in accordance with these formal stages.
- 7.2.** The Chair of the Trustee Board/CEO will nominate a new complaint handler, not previously involved in the case. This will normally be a member of staff more senior than the previous complaint handler.
- 7.3.** The new complaint handler will contact the complainant outlining what information is required in order to complete the formal investigation stages. This may include information from third parties, such as Bournemouth University and any relevant information will be sought from any parties.
- 7.4.** In most cases, the complainant and any others involved in the complaint, including staff members, will be asked to attend a formal investigative meeting with a Complaints Panel. A Complaints Panel is appointed by the Chair of the Trustee Board/CEO.
- 7.5.** The Panel will be made up of up three individuals as follows: up to two Sabbatical Officers, Part-Time Officers, or Student Trustees; and one member of the Senior Leadership Team. None will have had previous involvement in the case.
- 7.6.** After investigating the complaint, the complaint handler will write to the complainant outlining the investigations which have taken place.
- 7.7.** The response will also detail the outcome of the investigation, which will likely be (but not limited to) one of the following:
  - (a) That the complaint is not upheld and that no further action is proposed as a result of the complaint.
  - (b) That the complaint is either partially or wholly upheld and will outline what resolutions or changes will be undertaken as a result of the complaint.
  - (c) That the matter requires referral to the Disciplinary (or other) procedures via the Chair of the Trustee Board. Where the matter is referred to other procedures, the complaints procedure will be considered closed.

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- 7.8.** The response provided will give reasons for the decision reached and explain the option to request a review outlined below.
- 7.9.** If the complainant is dissatisfied with the outcome proposed, the complainant will have 5 working days from the date of the Union's response to request an appeal, giving the reasons for their appeal. The grounds for appeal shall be as follows:
- (a) procedural error
  - (b) new evidence which could not have been made available at the Hearing
  - (c) unfair or perverse decision by Disciplinary Panel
  - (d) severity of the decision
- 7.10.** The CEO/Chair of the Trustee Board will determine whether the complaint outcome should be appealed or if the outcome of the complaint at the formal stage should be upheld; the CEO/Chair of the Trustee Board's decision will be final.

## **8. Appeal Stage**

- 8.1.** If the Chair of the Trustee Board/CEO determines that the complaint outcome should be appealed, the complaint will then be considered in accordance with these appeal stages.
- 8.2.** The complaint handler will be asked to provide a report of the investigations and outcomes determined thus far to the Trustee Board, or a panel thereof.
- 8.3.** The Board/Panel will review the complaint outcome and determine whether:
- (a) The complaint has been considered appropriately and fairly
  - (b) The resolutions to the complaints proposed are appropriate and reasonable
  - (c) The Panel will then make one of the following decisions:
    - (i) That the investigation be undertaken again by a different complaint handler, returning the complaint to the Formal Stages of this procedure
    - (ii) That the resolutions proposed be amended at the discretion of the Panel
    - (iii) That the decision arrived at in the Formal Stages of the complaints procedure be upheld and the matter considered closed.
- 8.4.** The decision of the panel will be final.

*End of Policy*