



BRIGHTON  
STUDENTS' UNION

# **Complaints Policy and Procedure**

BYE LAW of

**UNIVERSITY OF BRIGHTON  
STUDENTS' UNION**

Passed at Trustee Board 6/7/18

## **1. Introduction and Definitions**

- 1.1. It is recognised that occasionally an individual or group may wish to complain about the activities or services they have received from Brighton Students' Union (BSU), a BSU Society, or a member of BSU whilst participating in a BSU activity or location.
- 1.2. A complaint is defined as an expression of dissatisfaction by one or more individuals about BSU's action or lack of action about the standard of a service provided by or on behalf of BSU.
- 1.3. 'Complainant' shall refer to an individual or group making a complaint.
- 1.4. 'Respondent' shall refer to the individual or group the complaint is about.
- 1.5. Where possible complaints should be dealt with informally with the individuals concerned. All parties will actively engage with a view to providing a solution and acceptable outcome.
- 1.6. Any complaint regarding the elections or referendum should be raised with the Deputy Returning Officer, in accordance with the Election Regulations.
- 1.7. Any complaint regarding the conduct of a student whilst they are not participating in Union services or activities must be directed to the University of Brighton complaints procedure. Students can get support for this process from the BSU Advice Team.
- 1.8. Complainants should note that Brighton Students' Union is an independent organisation and not a department of the University, or branch of the National Union of Students. Therefore complaints can only be addressed to the company itself, and not to any third party organisations.

## **2. General Principles**

- 2.1. We will treat anyone who complains with courtesy and respect.
- 2.2. Each complaint will be dealt with using the principles of fairness, impartiality, confidentiality and proportionality.
- 2.3. The issue will be taken seriously and every effort will be made to try and resolve the complaint.
- 2.4. The Union will not accept vexatious or repetitious complaints.
- 2.5. It is hoped that most issues can be resolved quickly and informally, however where the complaint is particularly serious or confidential, the complaint will be escalated to the formal process.
- 2.6. Every effort will be made to keep to the timescales stated for each part of the process. However, it is noted that some complaints may require additional time to gather evidence, for example some services do not operate during certain weeks.

- 2.7. Reasonable adjustments - BSU will ensure that reasonable adjustments are made where applicable throughout the process, including accessible formats.
- 2.8. Anonymous complaints will not be accepted as this may impede the investigation and right of reply.

### **3. Informal Complaint**

- 3.1. Where possible complaints should be dealt with informally with the individuals concerned. All parties will actively engage with a view to providing a solution and acceptable outcome, and support can be sought from BSU Support Services or appropriate alternative advice group.
- 3.2. If the Complainant believes that their concerns have not been properly addressed, or where the complaint is particularly serious or confidential, the complaint will progress to the formal process.

### **4. Formal Complaint**

- 4.1. A formal complaint should be submitted using the complaint form (Appendix A) to the CEO who will assign an appropriate Manager to be the Investigating Officer. The assigned Manager will not have any actual or perceived conflict of interest, and will not be the Manager of the associated department if the complaint is about a Union service or activity.
- 4.2. Depending upon the nature of the complaint, it may be necessary to immediately refer the complaint to an alternative policy, Bye law, body or procedure, for example:
  - 4.2.1. the Staff Disciplinary Policy if the complaint is an allegation of misconduct by a Union staff member;
  - 4.2.2. the Trustee Board if the complaint is regarding a Union policy or procedure;
  - 4.2.3. the Articles of Association if the complaint is regarding a member(s) of the Trustee Board (including full time officers if the complaint is about representation rather than staff).
- 4.3. The complaint form should be submitted as soon as possible after the issue has been identified so that the Union can take swift investigation and take any remedial actions as necessary. It must be submitted within 20 working days of the alleged issue taking place.
- 4.4. The complainant will provide evidence to substantiate the complaint to allow for a full investigation. Where evidence is not available, the case will be considered on its merits.
- 4.5. The CEO will normally acknowledge receipt of the complaint within 5 working days to the complainant, and inform them of the procedure that will be followed and who the Investigating Officer will be.
- 4.6. If the complaint is about the CEO, the complaint should be submitted to the Union President.

## **5. Investigating the Complaint**

- 5.1. The Investigating Officer will take all reasonable steps to fully investigate and evaluate the complaint, gathering as much evidence together as possible which may include CCTV, witness statements, further information from the complainant etc.
- 5.2. Where the complaint relates to an individual/department or group, evidence and an opportunity to respond will be gathered from all these parties in order to understand any alternative perspective.
- 5.3. The Complainant's name may be withheld from the respondent if deemed appropriate by the Investigating Officer.
- 5.4. The Investigating Officer will decide, on the merits of the evidence available, whether to proceed with the complaint and take one of the following actions:
  - 5.4.1. No evidence to uphold the complaint. Complainant and Respondent will be notified with explanation of the decision, and details of the Appeals Process; or
  - 5.4.2. Enough evidence to proceed;
    - 5.4.2.1. Complaint about an individual/society will proceed to a Panel Hearing.
    - 5.4.2.2. Complaint about a service/activity will be passed to the CEO to deal with appropriately.
- 5.5. The Investigating Officer will endeavour to conduct the investigation within 10 working days, with due regard for the particular circumstances.
- 5.6. If a serious allegation had been made against an individual(s), the Investigating Officer can seek immediate precautionary suspension from the Union President and CEO in order to protect the validity of the investigation, and with due care for the wellbeing of all concerned. Any such suspension is without prejudice and not an indication of any perceived guilt, and is valid until the outcome of the investigation and any subsequent panel hearing.

## **6. Panel**

- 6.1. A panel will be convened and formed of 2 appropriate Managers and a Full Time Officer. One of the Managers will take the role of Chairperson.
- 6.2. An additional BSU staff member will be in attendance to take notes, but will not form part of the panel.
- 6.3. The panel shall consider all the information and evidence about the complaint and determine, on the balance of probability, whether an individual or group has acted in a manner that is inappropriate/contrary to expected behaviour, taking into account relevant circumstances, reach a decision and any appropriate sanction.
- 6.4. The individual against whom the allegation is made shall be invited to attend the hearing and given a copy of all the evidence that will be used by the panel to help it reach its decision, at least 5 working days prior to the hearing. They may submit any additional evidence to the

panel no later than 3 working days prior to the hearing date, with reference to principles stated in 2.2. The panel or its nominee will acknowledge receipt.

- 6.5. In the case of a complaint made against a society/club, its chair (or nominee) shall act as a spokesperson for the society/club.
- 6.6. Any individual attending the panel has the right to be accompanied by another individual for support. This person must may not be a legal professional, and must be agreed in advance by the Panel Chairperson.
- 6.7. If an individual (or representative of a student group) named by the complainant fails to attend the meeting without good cause, it may be deferred only once. Further failure to attend will result in the panel making a decision in their absence.

## **7. Panel Outcomes**

- 7.1. The panel may conclude, having considered appropriate representations from all parties, that a complaint is dismissed, partly upheld or fully upheld. As a result of a complaint being partly or fully upheld, the panel may apply one or more sanctions against the individual or group involved:
  - 7.1.1. a written reprimand; and/or
  - 7.1.2. fine to cost cover of repairs or replacements; and/or
  - 7.1.3. a temporary suspension of any or all of the privileges of membership of the Union, which, for the avoidance of doubt **shall not include** the removal from office of any person elected by means of a cross-campus ballot; and/or
  - 7.1.4. a life ban which shall entail a total ban from Union premises and activities at all times. This shall not interfere with academic commitments taking place in the Union; and/or
  - 7.1.5. where the complaint is upheld against a student group, a suspension or privileges of affiliation; and/or
  - 7.1.6. where the complaint is upheld against a student group, individuals in positions of responsibility or the wider membership may be subject to action as an individual; and/or
  - 7.1.7. where necessary refer the matter to the University and/or police as stated in 9.1; or
  - 7.1.8. a dismissal of the allegations.
- 7.2. The panel will write to the complainant within 3 working days to inform them of their decision in writing. The complainant will also be informed of the appeals procedure.

## **8. Appeal**

- 8.1. A Complainant can appeal the outcome of an investigation or panel hearing based upon a perceived irregularity in the process. There are no other grounds for their appeal.
- 8.2. A Respondent can appeal the outcome of an investigation or panel hearing based upon a perceived irregularity in the process or disproportionate sanction.
- 8.3. Appeal requests should be addressed to the CEO within 7 working days of receiving the outcome of the stage they are appealing against.

- 8.4. The CEO or nominee and a member of the Trustee Board will carry out a desktop review of the complaint investigation and panel process to consider if they have followed due procedure normally within 10 working days.
- 8.5. The CEO or nominee will write to the Complainant or Respondent normally within 3 working days to inform them of their decision and any actions that are being taken as a result.
- 8.6. This decision is final and there are no further appeals processes.

## **9. Referral**

- 9.1. At any stage of the process, the CEO (in consultation with the Investigating Officer and/or Panel Chairperson as appropriate) reserves the right to refer matter to the University and/or police depending upon the nature and severity of the allegation.
- 9.2. During this time, any ongoing Union processes will be suspended pending the outcome of any related external investigations, and resume once the outcome of any such investigation has been determined.

## Complaint Flow Chart – Appendix A



