



UNIVERSITY OF ESSEX STUDENTS* UNION COMPLAINTS POLICY

Background

The University of Essex Students' Union (SU) works to support all our members to have a great experience at university. We have policies and procedures in place to ensure we are providing a fair and equal experience to all our members.

This Complaints Policy exists to make sure we follow all our processes and procedures properly and, if we don't, to make sure we learn from complaints made. This policy is also designed to clarify where and how complaints about the SU can be made.

1. Complaints Policy

This complaints procedure is designed to cover any complaint or concerns a student may have about the Students' Union or the services run by the SU or any allegations that would suggest there has been a breach of the [Essex SU Code of Practice; SU Membership Policies or Procedures; our Articles of Governance or By Laws](#).

Members of the Students' Union (see Section 1.3 for definition) are expected to conduct themselves in a reasonable and responsible manner particularly when acting in any Union capacity (e.g., as an officer, member of Union Council, Executive Committee of a Society or Sports Club, Student Rep or student group member) whilst using Union facilities or participating in any Union activity/ event including club and society events, or whilst representing or acting on behalf of the Union.

1.1 Context

This policy has been developed in line with best practice and takes account of relevant legislation including but not limited to the Data Protection Act 1998, UK General Data Protection Regulations 2016, Equalities Act 2010, Education Act 1994, the Licensing Act 2003, and the Charities Act 2011.

1.2 Exclusions

Items that are NOT covered by this complaint's procedure include:

- A general enquiry or feedback – these can be addressed to su@essex.ac.uk
- A difference in political opinion.
- A complaint regarding the conduct of the SU Leadership elections. These should be raised with the SU Elections Manager via email to suelections@essex.ac.uk.
- A complaint regarding an SU Elected Officer – complaints of this nature should be dealt with as laid out in [By-Law 10](#)
- A complaint regarding academic issues or services provided by the University. The University has its own [Student Concerns and Complaints Procedure](#) which should be used.
- Employment issues – these should be addressed via the staff [Grievance Procedure](#) – refer to the SU's People Engagement & Development department.
- Request for disclosure of personal information – this is covered by the UK General Data Protection Regulations and should be submitted via a Subject Access request by emailing sudata@essex.ac.uk
- A disagreement about policy content– this should be raised through the democratic processes outlined in the [By-Laws](#).
- Complaints from an actual or potential landlord; a tenant; a former landlord or a former tenant making a complaint against SU Homes – complaints of this nature will be dealt with under their [separate Complaint procedure](#).
- Decisions made to refuse admission to our venues under the Licensing Act 2003. These decisions are final and cannot be appealed. However, if you feel the [banning procedures](#) have not been followed correctly (for example, notice of a ban has not been provided) then this may be a ground for complaint.
- Complaints made against Clubs, Societies, Rebel Student Media or Volunteering Projects will be considered under the relevant [Terms of Reference, Constitutions and Codes of Practice](#). Essex SU encourages respect and tolerance and all organisations, clubs, societies and other student groups that we work with commit to these values. We will work with clubs and societies to resolve complaints, but we will not intervene where individuals, not acting in an official capacity, have disagreements. We will offer guidance and support on coping in these situations wherever we can.
- In order to use our charitable funds proportionately we do not investigate minor, misconceived, hypothetical, repetitious or vexatious complaints which are not supported by evidence of a breach of standards or complaints that are abusive or offensive.
- Complaints about the behaviour or conduct of another student (unless related to their SU role) should be referred to the [University of Essex Student Conduct Procedures](#).
- If a complaint is made that includes an allegation involving behaviours that may involve a breach of the Student Conduct Regulations A2, A3, A4, A5, A6,

A13 and A14 the case will be considered by the University's Student Conduct processes.

1.3 Principles and Definitions

Members of the Students' Union:

A member is defined as: every Student at the University of Essex who has not opted out; and the Student Leaders of the Union.

A member shall automatically cease to be a member of the Union when he or she ceases to be a Student or subsequently opts out of membership by giving written notice to the Union in accordance with the By-Laws and/or when they cease to be a Student Leader.

Who can complain?

Complaints can be made by any member of the Students' Union or about:

- Any behaviour or activity that contravenes the [Union's Code of Practice, Articles of Governance, By Laws or other membership policies and procedures](#).
- The provision of SU Services and Venues (other than those highlighted in Section 1.2).

Complaints can be made by any member of public/consumers about:

- The provision of SU Services and Venues (other than those highlighted in Section 1.2).

Anonymous complaints will not be dealt with through this procedure.

Group complaints

Where there are concerns affecting a number of students, members may choose to submit a group complaint. In such circumstances, the group is asked to nominate a lead member to act as the main point of contact for the group.

Concerns and complaints by third parties

Concerns and complaints submitted via a third party will not normally be accepted. However, it is recognised that some individuals may be unable to raise a concern or make a complaint on their own. In these circumstances, concerns or complaints brought by permitted third parties will only be accepted when the individual affected

has completed a third-party authority form and the Chief Executive Officer of the Students' Union (or nominee) has approved the request.

Suspension of Procedures

This procedure will normally be suspended if the complainant refers it to a court, tribunal or other external organisation until the outcome of the external process is known.

Time Frames

Complaints should be raised within 3 months of any issue or incident occurring (unless there are clear reasons that suggest it would be prejudicial to the complainant to reject their complaint on this ground). Complaints raised after this period may not be considered.

As an SU we aim to resolve all complaints quickly and informally and assuming the complainant meets any deadlines set for submitting information or evidence. Unless there is an unavoidable reason for delay which will be communicated as early as possible in writing to the complainant, it is expected that all stages of the SU Complaint Process should be completed within 90 working days of the complaint being raised.

Complainants should expect to receive acknowledgement of their complaint within 5 working days of submission.

Support and Representation

Complainants have the right to support during the processing of their complaint and may bring a representative along to any meetings held as part of the process. As this is an internal SU procedure, it does not have the same degree of formality as a court of law. Therefore, the complainant may not normally bring anyone who is not a member of staff or a student at the University of Essex. Similarly, to avoid any potential conflict of interest, no member of SU staff or student staff may act as a representative.

Complainants may request reasonable adjustments to these procedures in line with their rights retained under the Equality Act 2010. Requests will be considered individually, and the complainant will be notified of the adjustments that have been agreed in writing and at the earliest opportunity.

1.4 Objectives

- To clarify the roles and responsibilities of the complainant and the SU.
- To increase transparency so that all involved know what to expect of the process.

- To encourage the resolution of issues and complaints informally and at the earliest stage possible.
- To adopt best practice in dealing with complaints fairly and independently.
- To learn from complaints and make improvements where appropriate.
- To provide an independent view at each stage of the process.
- To provide a mechanism for appeal.

1.5 What Complainants Can Expect from the SU

We will treat anyone who complains with courtesy and respect. The issue will be taken seriously, and every effort will be made to try and resolve the complaint. In the first instance we will try to resolve complaints informally. Confidentiality will be respected. We will seek permission where others need to be involved. Any complaint will be acknowledged and will be dealt with by an appropriately knowledgeable person. A response will be provided within a reasonable timeframe, and we will keep the complainant informed about that timeframe and any delays.

1.6 What the SU Expects from any Complainant

We expect to be treated with courtesy and respect and reserve the right to discontinue correspondence if a complainant does not behave in this way. We expect honesty and patience and the complainant's cooperation in resolving the issue. We ask that the complainant follow the process described including a clear initial description of the issue and a statement of the resolution they would like to see. We expect that the complainant keeps appointments and keeps to any agreed actions.

1.7 Confidentiality

At all times during investigations, confidentiality and discretion will be maintained by all those involved. If the complaint indicates evidence of potential criminal activity or harm to an individual, the SU reserves the right to break confidentiality. If there is a need to break confidentiality, this will be approved by the Director of Education, Activities and Welfare (or their representative).

Where a concern or complaint has been raised against an individual and has been upheld, the complainant will be advised of this. However, specific details affecting individuals will not normally be shared.

1.8 Monitoring Complaints

A report on complaints made will be submitted to the Audit & Risk Committee. This report will review the number and nature of complaints and identify lessons learned

and improvements that can be made. Information will be anonymised unless there is a specific reason to waive this.

1.9 Data Protection and Retention

Data and information collected during the complaints process will be treated as confidential as per 1.7. This information will be used for monitoring purposes and will be stored securely. Data will be retained in line with the SU's Data Retention and Privacy Policies.

2. Process

There is a three-stage resolution process, but all complaints start at the same point with an individual making the decision to lodge a complaint. All complaints must be submitted in writing using the standard form which can be found here.

The person making the complaint is asked to be clear about:

- What is the specific allegation(s)
- What remedy is being sought
- What supporting evidence/information exists.

The complaint will then be screened by the SU Complaints Administrator. The aim of the screening will be to check that the complaint is appropriate to the procedure (i.e., not excluded under the grounds in 1.2 and 1.3) and to assign the complaint to an appropriate Complaints Officer.

Wherever possible, complaints will be dealt with informally in the first instance, however, if the nature of the complaint is regarding a more serious breach of policy or procedure, the Complaints Administrator may raise the complaint to Stage 2 for a more formal investigation.

If the complaint is excluded, under the grounds outlined in 1.2 and 1.3, this will be communicated to the complainant.

2.1 Stage 1 Review

If the complaint is covered by this procedure, and deemed appropriate for Stage 1 resolution, the Complaints Administrator will assign an appropriate member of Students' Union staff to act as the Complaints Officer.

The Complaints Officer will review and seek to resolve the complaint. This may involve requesting a meeting with the complainant, or other relevant parties. This process will be concluded as quickly as possible, and within 30 working days of the receipt of the

complaint, unless there is good reason. Any delays will be communicated to the complainant in writing.

The Complaints Officer will recommend an appropriate course of action to resolve the issue.

Typical remedies that may be recommended include:

- An apology
- Removal of material on SU social media
- Mediation
- This list is not exhaustive, and the Complaints Officer will use their discretion.

If the problems raised by the complainant constitute a more serious breach, the issue will be referred for a Stage 2 investigation by the Complaints Officer.

2.2 Stage 2 Investigation

The second stage of the Complaints Procedure may be initiated under one of the following circumstances:

- The Complaints Administrator determines the complaint is not suitable for informal resolution and raises the Complaint to the formal stage for investigation.
- The Stage 1 Complaints Officer recommends a Stage 2 Investigation is more appropriate given the circumstances of the case and refers the case to a Stage 2 Investigating Officer.
- The complainant is dissatisfied with the suggested resolution following the Stage 1 review and requests a Stage 2 investigation within 5 working days of the Stage 1 resolution being communicated.

When a Stage 2 Investigation is initiated, the Complaints Administrator will assign an Investigating Officer and a Complaints Panel. The Investigating Officer will be a member of the Essex SU Senior Management team with no prior knowledge or involvement in the complaint. The Complaint Panel should be made of 1 SU Elected Student Leader, 1 SU Director and the Investigating Officer.

The role of the Investigating Officer will be to establish the facts of the case promptly, obtain written evidence, interview witnesses, and keep written records. In conducting interviews, the Investigating Officer will state the issues as known; ask for information and explanations and inform the person of the next steps and timelines. They will consult with staff advisers as necessary and prepare a written summary of findings and any recommendations for resolution.

These findings will be presented to the panel who will review the facts of the case and determine any appropriate action to be taken.

At the end of this process the Complaints Panel will recommend an outcome. Examples include:

- An apology
- Mediation (recognising that this is voluntary)
- Referral to an appropriate Disciplinary Procedure
- Training
- Removal of material on SU or Clubs and Societies websites
- Referral to the relevant sports club or society committee for action
- Other appropriate dispute resolution

This outcome will be communicated in writing to the complainant. A Stage 2 investigation will be concluded as quickly as possible, and usually within 30 working days of the Stage 2 process being initiated, unless there is good reason. Any delays will be communicated to the complainant in writing.

2.3 Stage 3 - Appeal

In the event that the complainant does not accept the outcome from Stage 2, they can use the appeals process. An appeal must be lodged in writing **within five working days** of the outcome of Stage 2 being communicated.

Appeals can be made on the following grounds:

1. There is new evidence that could not reasonably have been provided prior to the Stage 2 Investigation being concluded, and the evidence is such that the result of Stage 2 may have been different should this evidence have been considered.
2. That there was a procedural error during the process that would suggest the recommendation may have been different had the error not occurred.
3. Prejudice or bias in the handling of the complaint that would suggest the outcome may have been different should this not have occurred.

The Chief Executive Officer (CEO) of the SU will be responsible for determining whether there are grounds for appeal. If it is determined that the complainant has grounds for appeal, an appeal panel will be convened.

The Appeal Panel will be made up of 1 SU Director, 1 SU Senior Manager and 1 SU Elected Student Leader, all of whom will have had no prior dealing with the original complaint.

The Appeal Panel will review the complainants' grounds of appeal, any new information provided and the findings of the original investigation and make a final decision. This decision will be communicated to the complainant in writing along with a 'Completion of Procedures' notification, usually within 30 working days of the notification of the Stage 2 outcome, unless there is good reason for delay.

2.4 Further review

If a complainant remains dissatisfied with the outcome of their complaint following the 'Completion of Procedures' notification. They have the right to make a request to the University for a review of their complaint in line with Stage 3 of the [University Complaints and Concerns procedure](#).

All requests must be made **within 10 working days** of the date of the Completion of Procedures letter from the SU, by completing the University's 'Request for a Review of a Complaint Form'. This form should be submitted to the Student Progress Team, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ.

The University will review the Students' Union's handling of the case and either uphold the complaint or offer an alternative resolution, where deemed necessary.

The University does not have the power to overturn decisions made regarding exclusion from our venues and the complaint mechanism created by the Education Act 1994 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. As a Students' Union we reserve this right.

2.5 Withdrawal of a Complaint

An individual may choose to withdraw a complaint at any stage of the process. A decision to withdraw the complaint must be made in writing and submitted to sucomplaints@essex.ac.uk. In these circumstances the SU will assess the information submitted to identify any potential risks or legal responsibilities. If there is a potential risk the SU may continue to investigate and will retain information in line with 1.10. If there is no risk identified the Students' Union will review whether there is any need to retain information, and if not, the information will be destroyed.

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