



York St John Students' Union

Complaints Policy and Procedure

1. Introduction

- 1.1. This Complaints Procedure is the formal procedure for dealing with disputes with or about York St John Students' Union. The procedure allows any student, group of students, or other member of York St John University to make formal complaints against the Union relating to their treatment by the Union, or any member of staff or officer acting on behalf the Union.
- 1.2. The procedure shall also cover complaints made by individuals that feel they have been unfairly disadvantaged by reason of having exercised their right to opt out of membership of the Union. This procedure shall also be used in cases where a member of the public or other external party has a dispute with or related to the service provided by the Union or actions of an individual employed by the Union.
- 1.3. This Complaints Procedure shall be interpreted to comply with the terms of the Education Act (1994).
- 1.4. Where time limits for action are defined, they are to be considered as maximum limits; all complaints and appeals will be dealt with as promptly as possible. Where there is good reason why a time limit cannot be met, the complainant(s) will be informed immediately if such a situation becomes apparent (this is more likely to occur during University non-teaching periods).
- 1.5. Efforts should be made in every case to resolve the complaint(s) informally with the individual(s) at the source of the grievance before this Procedure is invoked.

2. Application

- 2.1. This procedure shall apply in all instances except where the operational policies and procedures of the Union, as approved by the relevant Union committees allows for variation. If there is no operational policy or procedure that can be used to resolve an issue, this Complaints Procedure shall apply.
- 2.2. Members of staff located within the Union building but ultimately employed by the University will be subject to the complaint procedures of the University.

3. Scope of the Procedure

- 3.1. Complaints may be made about:

- (a) the services and facilities provided by the Union; and/or,
- (b) the behaviour of an individual(s) employed by the Union.

3.2. Complaints should be made within 28 days of the event or occurrence, unless there are exceptional circumstances that have prevented the complaint being raised within this time period in which case these circumstances should be detailed.

4. Making a Complaint

4.1. Complaints shall be addressed to:

The Chief Executive Officer of the Students' Union, York St John Students' Union, Lord Mayor's Walk, York YO31 7EX;
or emailed directly to *d.smith1@yorksja.ac.uk*.

4.2. If the complaint is against the Chief Executive Officer of the Students' Union then it should be addressed to:

The President of the Students' Union, York St John Students' Union, Lord Mayor's Walk, York YO31 7EX;
or emailed directly to them.

4.3. Complaints should be made using the form (annexed) but shall be considered valid if the complaint is made in writing and the complainant:

- (a) provides details of their name, address and contact telephone number (if any);
- (b) provides details of the event or occurrence, which gave rise to the complaint; and,
- (c) indication is given of the outcomes expected as a result of the complaint.

4.4. The Chief Executive Officer or President of the Students' Union will acknowledge receipt of the complaint in writing within 10 working days of receipt of the complaint.

5. Investigation of Complaints

5.1. All valid complaints shall be investigated, and the results of that investigation communicated to the complainant within 20 working days of receipt of the Complaint Form by the Chief Executive Officer.

5.2. The President of the Students' Union will investigate all complaints about the Chief Executive Officer, elected officers and Union committee members and committee functioning.

5.3. The President of the Students' Union may delegate responsibility for the investigation into the complaint to either of the other Presidents or the Chief Executive Officer where appropriate.

5.4. The Chief Executive Officer will normally be asked to investigate complaints about staff (including student staff) and Union services.

5.5. If the outcome of the complaint is unsatisfactory, the Complainant shall be entitled to require that their complaint is further investigated by an independent person appointed by the Trustee Board or a person appointed to act on behalf of the University Governing Body.

6. Guidelines for Investigations of Complaints

- 6.1. Investigations shall be conducted by the Chief Executive Officer or the President of the Students' Union. In any instance where a complaint is relating to many members of Union staff or the whole officer team, it may be appropriate for an external or independent person to be appointed to investigate the complaint.
- 6.2. Should the allegations within the complaint include major irregularity of practice, or allegations of the Union not acting with compliance to the Code of Practice, then an independent person appointed or directed by the University Board of Governors may investigate.
- 6.3. Investigations shall be conducted fairly, and no person involved in the investigation of any complaint shall have a direct or vested interest in the outcome of the same.
- 6.4. All parties to the complaint shall be given an opportunity to submit written and/or oral statements and present appropriate evidence, including evidence of mitigating circumstances.
- 6.5. All parties to the complaint may be assisted by a representative or friend, without charge or cost to the Union.

7. Outcome of an Investigation

- 7.1. The outcome of an investigation shall be determined immediately after all parties to the complaint have presented their case and any supporting evidence. The person leading the investigation shall determine:
 - (a) all findings of fact;
 - (b) any mitigating circumstances; and,
 - (c) any appropriate further action.

Justified Complaints against a Service or Facility

- 7.2. In the event of a complaint which is upheld against a service or facility, the following procedure shall apply:
 - The person conducting the investigation shall consider how to prevent any future instances of the event or occurrence and propose effective remedial action as appropriate.
 - The person investigating the complaint will inform the Chief Executive Officer and/or the President of the Students' Union immediately of the outcome of the investigation. The Chief Executive Officer or President of the Students' Union will confirm in writing the outcome of the investigation to all parties to the complaint within 20 working days of receipt of the original complaint form.

Justified Complaints against a Person or Group

- 7.3. In the event of a complaint which is upheld against a person or group, the following procedure shall apply:

- If the person conducting the investigation consider that there has been a breach of the [Articles of Association](#), Staff/Student Protocol, [Equal Opportunities and Equity Policy](#), or the University Code of Conduct, then the Union's [Disciplinary Procedure](#) will be invoked.
- Although the Union shall ensure that a complainant is provided with an effective remedy, the complainant shall not have a right to demand the Union [Disciplinary Procedure](#) is invoked, or that sanctions should be imposed.

Complaints which are not upheld

7.4. Where complaints are not upheld, they shall be deemed unsubstantiated complaints and the following procedure shall apply:

- The person investigating the complaint will inform the Chief Executive Officer and/or the President of the Students' Union immediately of the outcome of the investigation. The Chief Executive Officer and/or President of the Students' Union will confirm in writing the outcome of the investigation to all parties to the complaint within 20 working days of the receipt of the original complaint form.
- The complainant will be informed by the Chief Executive Officer and/or the President of the Students' Union of their right to appeal to the University and the relevant procedures.
- Should the appeal include allegations of major irregularity of practice, or allegations of the Union not acting with compliance to the Code of Practice, then an independent person appointed or directed by the University Board of Governors may investigate any appeal.



York St John Students' Union Complaint Form

N.B. Every effort should be made to resolve the complaint(s) informally before the complaint procedure is actioned.

1. DETAILS OF COMPLAINANT

Name of complainant: _____

Date complaint made: _____
(This must be within 28 days of the event/occurrence giving rise to the complaint)

Course/Year: _____

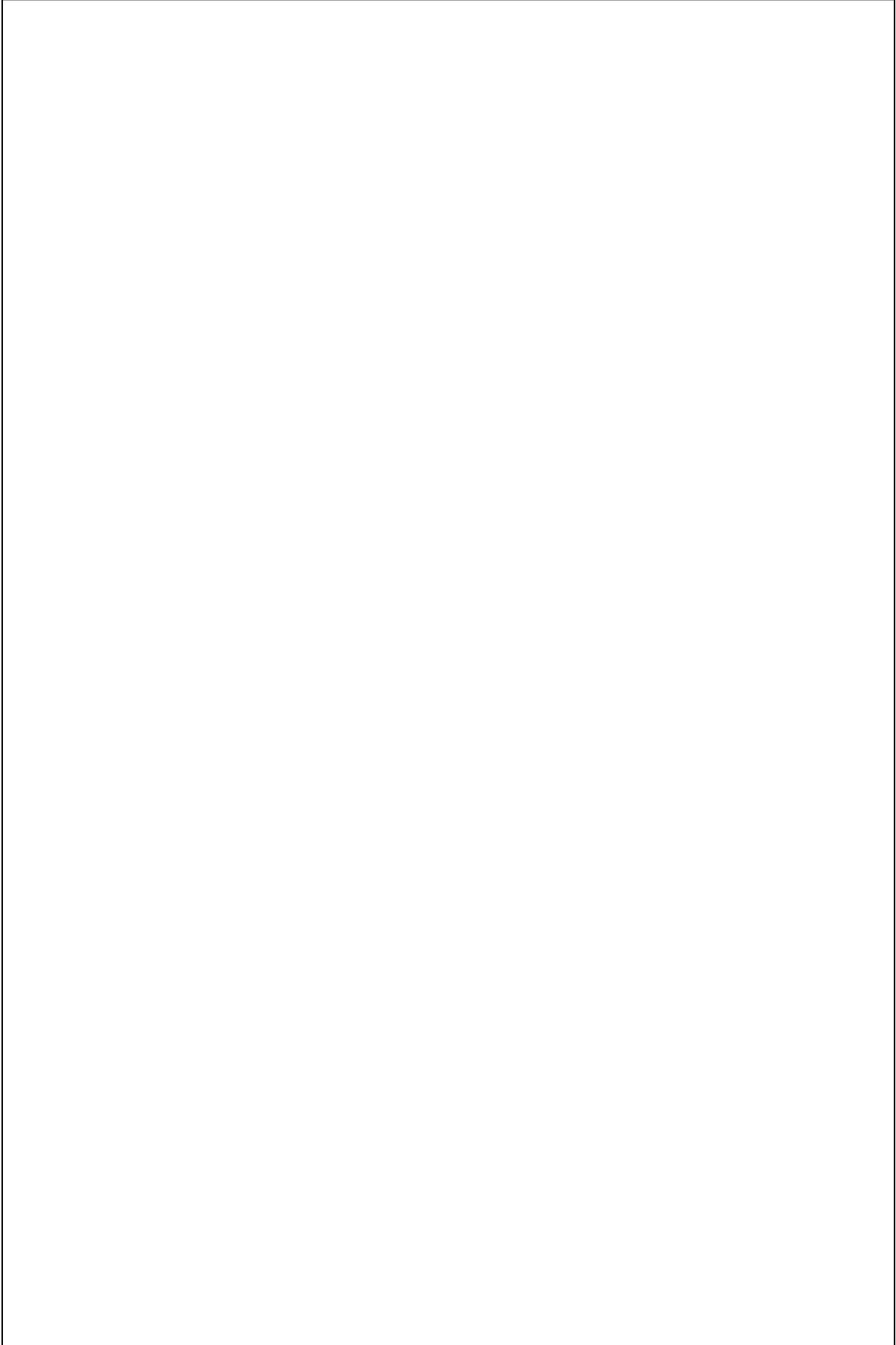
Term-time address: _____

Home address (if different): _____

Telephone no: _____ E-mail: _____

2. DETAILS OF THE COMPLAINT

Please give details of time, place, venue, witnesses and other relevant details. You may attach another sheet of paper if there is insufficient space on this form.



3. DESIRED OUTCOME OF THE COMPLAINT

Please outline what your ideal outcome of the complaint would be, giving as much detail as possible (use additional sheet if required):

Signature of Complainant: _____ **Date:** _____

Please send completed form to:

The Chief Executive Officer, York St John Students' Union, Lord Mayor's Walk, York, YO31 7EX; or email d.smith1@yorks.ac.uk; or The President of the Students' Union, York St John Students' Union, Lord Mayor's Walk, York YO31 7EX; or email it to the President of the Students' Union.

Office Use Only:

DATE RECEIVED:

INVESTIGATOR:

REFERENCE NUMBER:

DATE CLOSED: