

Union Complaints Procedure

September 2024

The following procedure outlines the formal method for resolving complaints.

The Union is committed to considering and investigating complaints from students. The Union emphasises the importance of seeking a resolution through discussions at the earliest opportunity. Despite the Union's efforts to resolve complaints, students are advised that there is no guarantee that the remedy they are seeking will be provided.

If a student requires this process in a different format as part of reasonable adjustments, then please get in touch with the Chief Executive Office, Alex McKee a.mckee@surrey.ac.uk.

Introduction and Scope

For the purpose of process, a student complaint is defined as:

"an expression of dissatisfaction by one or more students about the Union's action or lack of action, or about the standard of service provided by, or on behalf of the Union, where a student is seeking a certain outcome or remedy"

This process happens in three stages:

- Early Resolution Stage
- Formal Complaint Stage
- Panel Review Stage

Complaints can be made about the following:

- The quality of facilities, resources or services provided directly by the Union
- Misleading or incorrect information in promotional material
- Complaints involving other organisations or contractors providing a service on behalf of the Union
- The behaviour or conduct of Union staff

This complaints procedure cannot be used to complain about:

- ❑ Provision or delivery of academic, administrative or other services delivered by the University (Please see the [University Complaints Procedure](#) about this)
- ❑ Services provided by third parties, not on behalf of the Students' Union
- ❑ The political or policy performance of an elected officer, committee member or other office holder
- ❑ Complaints regarding the elections

If the complaint is regarding Union Disciplinary action, then please be aware that your complaint may be suspended pending the completion of the disciplinary.

Students will not be subjected to discriminatory treatment or victimisation as a result of making a complaint and all complaints will be handled the same, regardless of who is complaining.

Former students should commence the process from the Formal Stage.

Where a group of students wishes to make a common complaint, they may do so by making a single formal complaint that each sign.

Members have the right to complain directly to the University of Surrey if they do not wish to use this complaints procedure.

Anonymous complaints will not normally be accepted; complaints that are not made openly cannot be investigated in keeping with the principles of natural justice.

Third party complaints are not accepted, unless the third party is acting as the complainant student's representative and the student has authorised such representation in writing.

A complaint will not be considered where the substance of the complaint can be shown to relate to a matter that has already been the subject of a complaint by the student that is either in progress or has already been concluded.

The Union will not normally review a formal complaint about something which has already been, or is currently, the subject of legal proceedings in a court or tribunal unless those proceedings have been put on hold.

Time Scales

The Union's Procedure for complaints is designed to tackle the source of a complaint quickly, so that it does not detract from a student's studies or experience. Hence, this Procedure emphasises the importance of early approaches to achieving immediate resolutions to difficulties. It makes specific provision for such approaches at the beginning of the process.

A student wishing to make a complaint should do so at the time, or as soon as possible after, they experience poor service or support. The Union would normally expect a student to make a complaint within three months of the incident, event or main issue occurring. This is because it is usually very difficult to pursue and resolve a complaint after a significant period of time has passed. However, the Union understands that at times this may not be possible.

Therefore, if a complaint is submitted more than three months after the timeframe, the student must provide good reasoning as to why, with supported evidence.

The Union endeavours to complete the processing of a formal complaint and any associated review (Stage 2 and Stage 3) within 90 calendar days. This timeframe requires students to meet any Union deadlines for the submission of material.

If, for good reason, such as the availability of essential witnesses, the Union needs to extend the timeframe, the student will be notified and kept regularly informed of the progress of the complaint.

Burden of Proof

When making a complaint or a request to review a complaint outcome it is for the student to show how the circumstances of which they have complained have affected them.

Standard of Proof

The standard of proof applied is that of the balance of probability; that it is more likely than not something was or was not the case.

Early Resolution

In order to resolve concerns as quickly as possible, students are expected to try and resolve complaints locally with the relevant Zone or Department, in the first instance. A student making a complaint will find it helpful to keep a note of the attempts they have made to have the matter addressed, when they made approaches, and to whom they spoke.

First point of contact may include one of the following people:

- Matters concerning staff behaviour: katherine.phillips@surrey.ac.uk
- Matters concerning support services: z.wilkes@surrey.ac.uk
- Matters concerning sports and society activity: c.s.mills@surrey.ac.uk
- Matters concerning volunteering: jade.johnson@surrey.ac.uk
- Matters concerning Rubix and events: jade.johnson@surrey.ac.uk
- Matters concerning course reps: hannah.jones@surrey.ac.uk
- Matters concerning social media or promotional material: l.lynch@surrey.ac.uk

If students are unsure of who to contact regarding their complaint, please email Alex McKee a.mckee@surrey.ac.uk for advice.

Early Resolution Student Complaint responses will be sent to the student via email within 10 calendar days of acknowledgement of the complaint.

Responses may include the following:

- Providing information, advice and explanations
- Suggesting solutions
- Apologies and resolution
- Referral for mediation and/or conciliation
- Referral to other appropriate support services
- Referral to the Formal Student Complaints procedure

If it is not possible to resolve the complaint locally at Early Resolution or if the student is dissatisfied with the outcome of their early resolution complaint and believes that the matter has not been properly addressed, then students can submit a formal complaint. **In this case a formal complaint must be submitted within 3 calendar months of the early resolution response email.**

The Union also recognizes that there can be exceptional circumstances where it may not be appropriate to raise the matters locally (for example if the complaint involves complex, multiple issues or where the complaint relates to the conduct of staff or other students). In

such cases students should submit a formal complaint, within 3 calendar months of the date of the event or when the issue of complaint occurred.

Formal Complaint Stage

Where the complaint has not been resolved or satisfactorily dealt with locally, or where it is not appropriate to be considered locally, then a student can submit a formal complaint. Students will be expected to provide details of their efforts to resolve the matter locally at early resolution and attach any relevant correspondence or provide reasons why it was not appropriate for their complaint to be considered locally.

All formal complaints should be made to the Union Complaints Office using the online Student Complaint Form, which will be sent to a student at the end of the early resolution or is available on the website. Former students should state why the complaint was not raised during the time they were a student.

Formal complaints should be made within three calendar months of the date of the early resolution outcome or when the event or the issue of complaint occurred.

If a complaint is submitted outside the advertised deadlines, then the complaint will be deemed out of time and the Union reserves the right not to progress the complaint any further. Students should complete all sections of the complaint form, clearly and concisely, describing their concerns and summarising the key events with relevant dates.

Incidents and events that occurred outside of the three-month deadline will be deemed out of time and will not be investigated.

Failure to complete all sections of the form clearly and concisely may lead to a delay in responding to the complaint, or the complaint not being progressed.

Students need to provide appropriate and relevant evidence to support any allegations they make (evidence may include signed witness statements, letters, emails and any other relevant information). The Union cannot always guarantee the return of original documents, so we do ask that only copies are sent to us. Students should retain copies of the complaints form and any documentary evidence they submit.

The student is asked to state the remedy they are seeking through making their complaint.

A remedy might take the form of:

- An apology

- Official acknowledgment that poor service was provided and a statement of how the Union will make recompense (for example, by refunding charges for a service or facility that did not work as it should have done)
- Agreement to review or amend how the Union provides a service or conducts a procedure

Complaints will be acknowledged within three working days of receipt.

This acknowledgement will include:

- The name of the complaint handler
- Contact details of the complaint handler
- The next steps of the process

All efforts will be made to ensure that the Complaint Handler has had no previous involvement in the matter. Where this is not possible, the Union will consult with the student in selecting a Complaint Handler.

A student may request an alternative Complaint Handler.

A student making a formal complaint should retain a copy of their completed complaint form, any evidence submitted with it, and their covering letter for future reference.

Where the Complaint Handler has requested the student to provide additional information and the student has failed to provide the necessary information within 10 working days of receiving the request, the student will be sent a further reminder and warned that their complaint will be closed if a response is not received within a further calendar month.

Where a complaint concerns the behaviour of members of staff, the Complaint Handler will seek advice from the Union's Human Resources Department on how to handle that aspect of the complaint. This may result in the complaint being referred to the Human Resources Department for consideration under the relevant HR policies and procedures.

Where a complaint includes allegations that a student's personal data has been misused by the Union in whatever manner, the Complaint Handler will seek advice from the Union's Data Protection Officer (DPO). This may result in that aspect of the complaint being considered and concluded by the DPO

Within five working days of being allocated a complaint, the Complaint Handler invites the student to a meeting. The student may be accompanied by a friend or representative.

The purpose of this meeting is to:

- Set out how the Union's complaint procedure works
- Explore and establish the focus of the student's complaint
- Establish whether it is possible at this stage for the Union to provide a remedy for the matter that is the focus of the complaint.

The meeting may either be in person or via teams. The student has the option to decline the meeting, in writing, although the student should be aware that this might make it more difficult for the Complaint Handler to explore the complaint fully.

The Union's procedures are not legal procedures. Where a student insists on legal representation at a meeting the Union will similarly require that it is legally represented. In these circumstances it may take longer to convene the meeting.

Following the meeting between the Complaint Handler, the student, and any accompanying friend, the Complaint Handler sends a note of the discussions to the student within five working days. The note summarises the student's complaint, any remedies that have been suggested, whether they were accepted or rejected or whether additional investigation is required. A copy of this note is retained by the Complaint Handler for their records and any subsequent proceedings or panel.

If it is not possible to come to a remedy at the meeting, the Complaint Handler will investigate the complaint further. After making any necessary enquiries, the Complaint Handler will come to a view as to whether or not it is possible for the Union to provide a remedy for the student's complaint. The outcome of the further investigation will be communicated to the student in writing normally within 30 working days of being allocated the complaint.

If it is not possible for the Union to provide a remedy for the student's complaint the Complaint Handler will explain why this is so, and offer suggestions for alternative courses of action.

Possible remedies open to the Complaint Handler are -

- Those available at the Early Resolution stage
- Financial compensation due to a clear financial impact
- Financial compensation due to distress and inconvenience (this can only be authorized by the Chief Executive and President)

Upon receipt of the Complaint Handler's report, either following the first meeting or after further investigation, the student has 10 working days to respond and either accepts or rejects the outcome. Where the student confirms that they are content, or will not be taking the

matter forward, the Complaint Handler writes to the student to confirm that the matter is closed. If a student does not accept the report the student may request a Complaint Review panel.

Where the student does not acknowledge receipt of the Complaint Handler's report, or does not otherwise respond within 10 working days, the Complaint Handler will write to the student to state that the matter is closed.

Complaint Review Panel

A request for a Complaint Review Panel must be submitted within 10 days of receiving the Complaint Handlers report.

Complaint Review Panels are convened by the Chief Executive, other than when the Chief Executive is the focus of the complaint. When this is the case, the Complaint Review Panel may be organised by the Deputy Chief Executive.

When requesting that a formal Complaint Review Panel is convened the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:

- That the Complaint Handler failed to follow the Unions' regulations and/or procedures or failed to follow them with due care
- That the Complaint Handler has shown bias or prejudice towards the student in the way that they have handled the complaint
- That the Complaint Handler has found that the student's complaint was justified but the remedy suggested was not reasonable
- That relevant new evidence has become available that should be considered and there are valid reasons why it was not presented earlier
- That the decision of the Complaint Handler was unreasonable and/or the outcome was not proportionate in all the circumstances

The membership of a Complaint Review Panel comprises three members of staff from the pool of trained panel members as follows:

- Board of Trustees member
- A member of Union Staff
- An elected officer

Another member of Union staff is in attendance as Secretary to the Panel.

When convening a Complaint Review Panel, the Union will write to the student, normally within 10 working days of the request, to confirm that the Complaint Review Panel will take place. The student does not attend the Panel, unless requested.

The Union will write to the student with:

- Information about the proposed membership of the Panel that will meet to review their complaint
- The date proposed for the meeting
- An outline of the procedure the Panel will follow
- A copy of the documentation to be considered by the Panel

The Complaint Review Panel may request to meet the Complaint Handler to assist the panel with evidence and information, but the Complaint Handler does not participate in the Panel's private discussions.

The Complaint Review Panel may request to meet the student to assist the panel with evidence and information. In which case the student may be accompanied by a friend who may be another student. Where a student insists on legal representation at the Panel meeting the Union will similarly require that it is legally represented. In these circumstances it may take longer to convene the meeting.

Where new evidence is provided as a result of the Complaint Review Panel meeting either the Complaint Handler or the student this evidence will be shared with the other party and the service area if relevant.

A Complaint Review Panel should satisfy itself that it has sufficient information from all sources to determine whether the Complaint Handler process has followed the Union's procedure with due care, whether the Complaint Handler has shown bias or prejudice, and whether the remedy proposed was reasonable. A Complaint Review Panel may decide that it needs more information before coming to a decision. In which case the Panel will adjourn until the required information has been provided.

A Complaint Review Panel may come to one of three findings:

1. That the complaint should be upheld, and a remedy suggested. The panel will be able to select a remedy from any of the remedies outlined at both the informal and formal stage.
2. That the complaint should be rejected but the relevant manager asked to suggest where a service or a facility might be improved.
3. That the complaint should be rejected.

Following the meeting of a Complaint Review Panel the Secretary conveys the findings of the Panel to the student and all relevant parties in writing within five working days. Where the Panel has made recommendations that a matter be referred to the Union's Human Resources Department the letter to the student states that fact but provides no further or personal information.

If, having exhausted the Union's complaints procedure, or being otherwise unhappy to use the internal complaints procedure, the complainant is still not satisfied; the student has the right to ask the University to review that complaint independently. Such complaints should be submitted in writing to the University Secretary. The Council of the University may appoint an independent person to investigate and report on the complaints. In that event, the investigating officer shall report to the Council.

The decision given by or on behalf of the Council shall be final.

The Union will cooperate in implementing promptly any remedial action recommended by Council.

Learning from Complaints

A summary report of complaint will be presented to the Board of Trustees annually. An overview of complaints will be included in the annual report.

The Chief Executive will be responsible for maintaining a record of complaints for the purpose of precedent setting.

University of Surrey

Process for independent investigations of Students' Union complaints that have exhausted the Students' Union complaints procedure

Background

The Students' Union complaints procedure outlines three stages to complaints:

- Early resolution stage
- Formal complaint stage
- Panel review stage

If, having exhausted the Union's complaints procedure, the complainant is still not satisfied; the student has the right to ask the University to review that complaint independently. Such complaints should be submitted in writing to the University Secretary. The Council of the University may appoint an independent person to investigate and report on the complaints. In that event, the investigating officer shall report to the Council.

The decision given by or on behalf of the Council shall be final.

The Union will cooperate in implementing promptly any remedial action recommended by Council.

See the Students' Union Complaints procedure for information about what matters it is applicable to and the first three stages of dealing with complaints.

Time scales

A student wishing to request an independent investigation by the University should do so at the point the Students' Union process is exhausted, or as soon as possible after. If a request for an independent investigation is submitted more than three months after that timeframe, the student must provide good reasoning as to why, with supported evidence.

The University endeavours to complete the processing of an independent investigation within 90 calendar days. This timeframe requires students to meet any University deadlines for the submission of material.

If, for good reason, such as the availability of essential witnesses, the University needs to extend the timeframe, the student will be notified and kept regularly informed of the progress of the complaint.

Burden of Proof

When making a request to review a complaint outcome it is for the student to show how the circumstances of which they have complained have affected them.

Standard of Proof

The standard of proof applied is that of the balance of probability; that it is more likely than not something was or was not the case.

Allocation of an independent investigator

All efforts will be made to ensure that the independent investigator has had no previous involvement in the matter. Where this is not possible, the University will consult with the student in selecting an independent investigator. A student may request an alternative independent investigator.

Process

Within five working days of being allocated a complaint, the independent investigator invites the student to a meeting. The student may be accompanied by a friend or representative. The purpose of this meeting is to:

- Set out how the process will work
- Explore and establish the focus of the student's complaint

The meeting may either be in person or via Teams. The student has the option to decline the meeting, in writing, although the student should be aware that this might make it more difficult for the independent investigator to explore the complaint fully.

The University's procedures are not legal procedures. Where a student insists on legal representation at a meeting, the University will similarly require that it is legally represented. In these circumstances it may take longer to convene the meeting.

Following the meeting between the independent investigator, the student, and any accompanying friend, the independent investigator sends a note of the discussions to the student within five working days. The note summarises the student's complaint and whether additional investigation is required. A copy of this note is retained by the independent investigator for their records and any subsequent proceedings or panel.

The independent investigator will seek advice from key colleagues such as Human Resources, the Data Protection Officer and Health and Safety, if the circumstances require it.

The independent investigator will investigate the complaint and the handling of it further. After making any necessary enquiries, the independent investigator will come to a view as to whether or not it is possible to provide a remedy for the student's complaint. The outcome of the further investigation will be communicated to the student in writing.

Where the independent investigator has requested the student to provide additional information and the student has failed to provide the necessary information within 10 working days of receiving the request, the student will be sent a further reminder and warned that their complaint will be closed if a response is not received within a further calendar month.

An independent investigator may come to one of three findings:

1. That the complaint should be fully or partially upheld, and a remedy suggested. Financial compensation due to a clear financial impact and/or due to distress and inconvenience can be recommended
2. That the complaint should be rejected but the relevant manager asked to suggest where a service or a facility might be improved, including the complaints investigation procedure.
3. That the complaint should be rejected.

The Independent Investigator's draft report will be shared with the Students' Union for comment on accuracy of the findings and deliverability of the recommendations. After any amendments have been made, it will then be sent to Council for approval.

The decision given by or on behalf of the Council shall be final.

The Union will cooperate in implementing promptly any remedial action recommended by Council.