Harper Logo

**Complaints Policy**

1. **Background**
   1. In the course of life at University students may encounter problems that will lead them to consider making a complaint. This policy is designed to clarify what processes exist within the Students’ Union on how complaints about the SU can be made.
2. **Complaints Policy** 
   1. A student complaint is “an expression of dissatisfaction by one or more students about something a provider has done or not done, or about the standard of service provided by or on behalf of the provider”.(OIA [https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/handling-complaints-and-academic-appeals/what-is-a-complaint/](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.oiahe.org.uk%2Fresources-and-publications%2Fgood-practice-framework%2Fhandling-complaints-and-academic-appeals%2Fwhat-is-a-complaint%2F&data=05%7C01%7Cmgale%40harper-adams.ac.uk%7C6c868460977844da1a8908dbf74157af%7C4a79890da206476e9a2f8c152c12b223%7C0%7C0%7C638375632244235614%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=ITfXX3i5d9O%2FLFkMeAW82aKoFczjlqcKu3rJ9iMkwHc%3D&reserved=0)) A student complaint will usually be about something that has a direct impact on the person making the complaint.
   2. This complaints policy covers complaints about HASU, if a complaint is about a student, then it needs to follow the HASU Discipline procedures to be reported and investigated by the University first.
   3. Low level club or society committee disagreements will be dealt with initially by HASU, if there are grounds for further disciplinary action then the issue will be handed onto the University. This view is subjective and if HASU staff are unsure then the complaint should be passed onto the University for comment before proceeding any further.
   4. Staff Members of the Students’ Union are expected to always conduct themselves in a reasonable and responsible manner when acting in any Union capacity, whilst using Union facilities, or participating in any Union activity, or whilst representing or acting on behalf of the Union.
   5. The policy enables students to raise concerns regarding the delivery of Union services, support, and the behaviour of Student Officers and Union staff.
3. **Context**
   1. 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 2018, Equality Act 2010, Education Act 1994 and the Charities Act 2011.
   2. This policy is designed to give students the opportunity to bring a complaint so HASU can investigate, and, where appropriate, the opportunity to learn and improve services to members. We wish to assure students that they will not be penalised for raising a complaint about something they are genuinely concerned about, even if those concerns turn out to be misplaced.
   3. Students wishing to make a complaint can talk to any member of staff or officer about the process, or alternatively could approach [Student Support](https://www.harper-adams.ac.uk/university-life/student-support/) for guidance.
4. **Exclusions**
   1. Items that are NOT covered by this complaint’s policy include:  
      1. A general enquiry or feedback - address this to the SU President.
      2. A complaint from a member of the public. Complaints from members of the public will be addressed by the SU President or the Union Director. Any complaint from a member of the public will be responded to within 5 working days.
      3. A difference in political opinion
      4. A complaint regarding the conduct of SU elections. This should be raised with the Elections Panel.
      5. A complaint regarding academic issues or services provided by the University. Such complaints should be directed to the University’s own complaints processes.
      6. Items related to contractual or legal issues such as Memoranda of Understanding or partnership agreements. Such legal documents will have their own specific channels for raising complaints.
      7. Employment issues – these should be addressed via the staff Grievance Procedure.
      8. Request for disclosure of personal information – this is covered by the Data Protection Act and should be submitted via a Subject Access request to the Union Director.
      9. A disagreement about policy content– this should be raised through contacting the SU President and the Board of Trustees.
      10. Where the complaint is in regards to the staff/ SU officer, this should be raised with the Union Director by emailing [StudentsUnion@harper-adams.ac.uk](mailto:StudentsUnion@harper-adams.ac.uk) and asking for the Directors contact details
   2. Harper Adams Students’ Union 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.
5. **Scope**
   1. 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.
6. **Screening** 
   1. We will endeavour to address all informal concerns raised with us. At Stage 2, the complaint will be reviewed by the Investigating officer to ensure that the complaint is within the scope (above) of this policy. Should the complaint be identified as not falling within the scope, this will be communicated to the complainant. Should the complainant not accept this decision, this should be raised with the Union Director who will ensure the remaining Executive Officers reviews the scope of the complaint. If the exclusion is confirmed, this decision is final (subject to recourse Section 15 - independent review).
7. **Objectives**
   1. To clarify the roles and responsibilities of the complainant and HASU
   2. To increase transparency so that all involved know what to expect of the process.
   3. To encourage the resolution of issues and complaints informally and at the earliest stage possible
   4. To adopt best practice in dealing with complaints fairly and independently.
   5. To learn from complaints and make improvements where appropriate.
   6. To provide an independent view at each stage of the process
   7. To provide a mechanism for appeal
8. **What Complainants Can Expect from the SU**
   1. 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. Confidentiality will be respected but may not always be possible, before proceeding any issues with anonymity will be discussed with the complainant. 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.
9. **What the SU Expects from any Complainant**
   1. 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.
10. **Confidentiality**
    1. At all times during investigations, confidentiality and discretion will be maintained by all those involved. Any issues with keeping anonymity will be discussed with the complainant before proceeding any further. If the complaint indicates evidence of potential criminal activity or harm to an individual, HASU reserves the right to break confidentiality. If there is a need to break confidentiality, this will be approved by the President or their representative. Complainants are expected to abide by the same rules and any breach of confidentiality will be investigated as a disciplinary matter.
11. **Monitoring Complaints**
    1. A report to the Trustees on complaints made through this process will be prepared on an annual basis. This 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.
12. **Who can complain?**
    1. Any member of HASU can make a complaint in line with section 4 – Exclusions.
    2. Anonymous complaints will not be dealt with. If a student wishes to remain anonymous, they can submit general feedback and address it to the SU President or post to the SU offices.
13. **Data Protection and Retention**
    1. Data and information collected during the complaints process will be treated as confidential.
    2. This information will be used for monitoring purposes and will be stored securely. Data will be retained in line with the HASU Data Protection Policy and will be destroyed after 18 months from closure of the complaint.
14. **Complaints procedure.**
    1. 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. In order to allow the Union to effectively address the concern, complaints should always be made as soon as is feasible.
    2. **Stage 1: Informal complaints.**
       1. The informal complaint process is designed to address straightforward concerns quickly and locally before a formal complaint. In the first instance, any problems or complaints should be referred directly to the SU staff or officer responsible for the area of dissatisfaction, to allow for the problem to be resolved immediately wherever possible, and normally within 7 working days. Please:
          1. Describe the issue or problem
          2. Identify what remedy you are seeking (what is the outcome you are hoping for)
          3. Provide any evidence to support your complaint, where relevant
          4. The staff member/ SU officer addressing the complaint at this stage will log the complaint and ensure that the complainant receives an acknowledgement of the complaint and an explanation of what actions they will be taking to try to resolve the matter.
    3. **Stage 2: Formal complaints.**
       1. The formal complaints process is used where a student is dissatisfied with the outcome of an informal complaint, or where the informal process is not possible or suitable due to the nature, complexity or seriousness of the case. To make a formal complaint, you should email the Union on [StudentsUnion@harper-adams.ac.uk](mailto:StudentsUnion@harper-adams.ac.uk). Ideally, you should submit the formal complaint within 10 working days of receiving the outcome of the informal complaint. Please include the following to help us to investigate:
          1. Describe the specific complaint/ allegation(s), including why the informal resolution process is either not suitable or why it didn’t resolve the problem
          2. Identify what remedy you are seeking (what is the outcome you are hoping for)
          3. Provide any evidence to support your complaint.
       2. If the complaint is about the Students’ Union Director, then it will be referred to the Board of Trustees. The Deputy Chair of the trustee board will be responsible for this type of complaint but may delegate this authority to other lay board members.
       3. You will receive confirmation of receipt of the complaint within 5 working days, and such confirmation will identify the investigating officer (either Union Director or Deputy Director, and a member of the Executive.)
       4. 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. The Investigating Officer will reach a conclusion based on the information gathered and will try to resolve all the issues as soon as possible, we will write to explain the estimated timelines for the investigation. If something went wrong, we will try to make it right and learn the lessons for the future. We will let you know what we propose to do by email and ask you if that would resolve the issue.
    4. **Stage 3 -Appeal.**
    5. Grounds for Appeal;
       1. If any involved party does not accept the decision made at the end of stage 2, they may appeal the decision on either or both of the following grounds. The person appealing must have evidence that:
       2. There has been a procedural irregularity, and / or
       3. There is new evidence that was not available at the time of the original investigation
       4. *To be clear, you may not appeal on the grounds that you disagree with a complaint not being upheld.*
    6. An appeal must be lodged in writing within 10 working days of the outcome of stage 2 being communicated, by emailing the Union Director (who’s address will be provided to you in the stage 2: outcomes communication). Your email should detail the grounds for appeal, and the outcome you are hoping for.
    7. An external Trustee will be assigned to deal with the appeal and will endeavour to deliver a final decision in writing to you within 20 days. A record will be taken of the actions taken and information collated in reaching that decision.
    8. Complaints and appeals will be reported to the Board of Trustees as part of the regular reporting process.
15. **Recourse to independent review.**

* 1. If you feel the matter remains unresolved, you may refer the matter to the [University Secretary](https://www.harper-adams.ac.uk/about/845/our-people-and-structure/), please request this via the Students’ Union who will lodge this formally, and will ensure your complaint is considered by an independent person appointed by the University Board of Governors (and agreed by the Union Trustee Board), in accordance with Ordinance 22 of the 1994 Education Act.
  2. The appointed Independent Reviewer will endeavour to conclude their investigations within 28 days. They will advise you if they require additional time to conclude their investigations. Their decision will be final and will be fully complied with by the Students’ Union and will be reported to the SU Board of Trustees and the University’s Board of Governors. The Union’s senior manager and President shall report formally to the Students’ Union Trustee Board and the Board of Governors on progress made to implement the final outcome and any associated actions.

1. **Timelines** 
   1. It is good practice for providers to complete consideration of a formal complaint and any associated review within 30 calendar days. There will occasionally be circumstances when, for good reason, we will need to extend the timeframe. Where this is the case, we will tell you that this is the case and why, and we will update you regularly about progress. We will consider your situation and the nature of the complaint when extending timelines, particularly noting any urgency / reasons why it is important to conclude the investigation quickly.
2. **Referral to the Disciplinary process**
   1. If any stage concludes that the disciplinary process should be followed, then this will be conducted. A disciplinary hearing may result in a range of sanctions and includes a provision for an Appeals process.
3. **Withdrawal of a Complaint**
   1. 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 the SU President. In these circumstances the Students’ Union will assess the information submitted to identify any potential risks or legal responsibilities. If there is a potential risk the Students’ Union may continue to investigate and will retain information in line with section 13.
   2. 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.
4. If, after exhausting the university complaints processes you remain unhappy, you can complain to the Office of the Independent Adjudicator and for complaints about Freedom of Speech, to the Office for Students. Details will be in the completion of procedures letter you receive from the independent review process.

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