

## **KSU Complaints Procedure**

<b>Name of Policy</b>	<b>KSU Complaints Policy</b>
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### **Introduction**

This policy sets out the process by which complaints can be raised and the framework by which the Students' Union will respond in accordance with the Students' Union's Articles of Association and its legal responsibilities, particularly but not solely, the Education Act 1994, the Equality Act 2010, the Charities Act 2011 and the Data Protection Act 2018 (in each case as amended from time to time).

The University and Students' Union have a Code of Practice, in which it states any student or students who are not satisfied in their dealings with the Students' Union, where they have utilised the internal complaints procedure, has the right to raise a complaint with the University's Registrar. Information on this process can be found [here](#).

### **Purpose**

For the purpose of this policy, a complaint is defined as 'an expression of dissatisfaction or concern by one or more individuals about something that KSU, one of our groups, staff or members has or hasn't done, or about the standard of service provided by or on behalf of KSU'.

The complaints process should be used in conjunction with Bye-Law 9: Protecting our Members and Bye-law 5: Student Groups.

### **Principles**

We (KSU) aim to provide a positive experience for all students, staff and visitors and are committed to the provision of high-quality services and activities. When we get things wrong we want to correct them and learn from them.

We value equality, diversity and inclusivity and expect individuals to be treated with respect and consideration. We expect all staff, students and visitors to act with honesty and integrity.

We recognise you may wish to give feedback, or complain about an aspect of our work or notify us of any concerns. You should feel free to raise these concerns. We use feedback and complaints to help us improve, and any concerns, including suspected fraud or dishonesty would be investigated.

The Union will treat every complaint fairly but will not engage with malicious complaints or persistent and repeated contact from complainants where the Union deems the level, nature, timing, or frequency of contact unreasonable. These complaints reduce the time that can be dedicated to investigating and resolving complaints.

Any decision made about complaints falling within the scope of the Students' Union Complaints Policy will be based on the "balance of probability" rather than the "beyond reasonable doubt" principle.

In this policy, working day means a day on which the University is open for business.

## **Scope**

### **Complaints we will investigate:**

- The Students' Union itself e.g. an event, a service, website, a decision etc;
- A student group;
- An individual or individuals e.g. a Full Time Officer, staff member, student group leader, volunteer or student.
- Misleading or incorrect information in promotional material
- Complaints involving other organisations providing a service on behalf of the Union
- Complaints regarding the Students' Union's legal obligations for example, but not exclusively, relating to the Equality Act 2010, the Higher Education (Freedom of Speech) Act or health and safety legislation.
- Giving feedback to the Students' Union – sharing your thoughts on something without an expectation of a resolution or outcome;
- Informally raising concerns and issues – for example sharing your concerns about some behaviours or a particular situation without a formal investigation;

We will accept complaints raised by anyone that may have cause to complain about our services / activities, student groups or members. The process that we follow may depend on your relationship to the Union e.g. student, University colleague, member of the community etc.

## **Complaints we will not investigate**

- KSU is independent of Kingston University and cannot investigate a complaint about the University, its services or its staff.
- Where a matter is being investigated by the police or the University, the Union will usually not investigate, but may apply precautionary measures during the investigation and/or a disciplinary outcome based on the findings and outcome of any external investigation / process. The Students' Union does not have the jurisdiction to investigate criminal matters.
- Complaints regarding the elections as there is a separate complaints procedure for this.
- The political or policy performance of an elected officer, committee member or other office holder
- If the complaint is regarding Union Disciplinary action, then please be aware that your complaint maybe suspended pending the completion of the disciplinary
- A difference in opinion
- A disagreement about policy content. This should be raised through the democratic processes outlined in the Byelaws.
- Complaints that have already been investigated or dealt with under this or other Students' Union procedures and have exhausted all appeals.
- The Students' Union will not investigate complaints about student behaviour unrelated to Students' Union activity. These complaints should be referred to the University's Student Complaints Procedure or Report and Support
- The Students' Union will not investigate anonymous or third-party complaints under this procedure.
- Staff members that receive anonymous complaints should seek advice from their line manager or Director, who will advise if action needs to be taken under relevant Students' Union or University procedures (e.g., Safeguarding policies), or whether the complaint needs to be referred to other agencies.
- If the Students' Union reasonably believes that a complaint is malicious or vexatious then it will not progress it. A complaint is vexatious or malicious if it is possible to demonstrate that it is without basis and that it would tend to, or is being made with an intention to, cause worry, upset, disruption, annoyance or embarrassment.

## **Investigating an incident without a complaint**

The Union may determine that an investigation, using this policy, is required. This might happen when:

- An incident is reported through internal or informal processes that gives cause for concern.
- Information/data or data trends suggest there is an issue that puts the welfare, health or safety of members, staff, officers, volunteers or other service users at risk.
- Information/data or data trends suggest there is potential for the Students' Union's legal obligations to be or have been breached.

In this scenario, the decision to progress to an investigation of the facts would be at the discretion of a member of SMT.

## **Process**

For a complaint to be considered, it should be submitted within 20 working days of the issue arising, or (if later) within 20 days of you first finding out about the issue. Issues arising outside of the 20-day period will only be considered in exceptional circumstances.

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

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.

When a complaint is submitted regarding the behaviour of a Union member which may also be considered a breach of the University's Student Code of Conduct, consideration will be given on a case-by-case basis, as to whether the complaint is managed through the Students' Union or the University's process in line the University's Student Code of Conduct. This will usually involve all cases of sexual misconduct, sexual violence, abuse, serious bullying and harassment. Should a complaint be considered under the University's Student Code of Conduct, the Students' Union may be informed of any outcomes and may consider further action under this Complaints Policy.

Where a complaint is received in regards to KSU Student Groups, where applicable the procedure outlined in Bye-law 5 Student Groups shall be followed, should early resolution not a suitable outcome.

If the outcome from your complaint involves disciplinary action for the student group, you will be given broad information but may not be given specific details of the action taken.

Where a complaint is received about a member during Union related activity, then procedure outline in Bye-law 9 Protecting our members shall be followed, should early resolution not a suitable outcome.

If the outcome from your complaint involves disciplinary action for the member(s), you will be given broad information but may not be given specific details of the action taken.

Where a complaint is received about a member of Union staff, then the complaint will be reviewed using relevant HR policies.

Where no alternative mechanism exists, the complaint will be dealt with in accordance with the following procedure. Any questions or disputes about the most appropriate procedure for dealing with a complaint will be determined by the Chief Executive of the Union

A complainant may withdraw their complaint at any stage of the process.

In such circumstances the Students' Union will assess the information submitted to identify any potential risks or legal obligations. The Students' Union may continue to investigate and will retain information as required.

#### *A. Stage 1: Early Resolution*

Wherever possible our aim is to resolve complaints informally. If you feel comfortable to, you should attempt to resolve your complaint by talking to the most relevant person. The relevant person could be:

- The person you're unhappy with (if your complaint is about someone's conduct).
- The manager of the staff member or service (if your complaint is about the Union).
- The leadership of the student group or event (if your complaint is about a student group).
- Or any other KSU staff member.

As much as possible, KSU staff will work with you to resolve issues informally. This might include:

- Providing information, advice and explanations
- Suggesting Solutions
- Apologies and resolutions
- Referral for mediation and/or Conciliation
- Referral to other appropriate support services
- Referral to the formal student complaints procedure

If you are still not satisfied after that, you do not feel safe to talk directly to the most relevant person in the first place, or the complaint is of a serious nature, you can submit a complaint as detailed below. This must be sent within 10 working days of receiving an informal resolution.

### *B. Stage 2: Formal Complaint*

You should submit a complaint using our online complaints form.

On this form you will be asked whether you wish to provide your concern as feedback (if you are letting us know about something but don't expect any resolution or investigation) or whether you wish to submit it as a formal complaint (if you would like us to investigate and formally respond).

If you wish to complain formally, you will be asked to clarify your desired outcome. This may be a refund, an apology or for us to change something about our service.

Depending on the nature and context of your complaint, it will be designated to an appropriate manager within the Students' Union who will lead an investigation into the complaint.

The Investigating Manager will determine the facts, consider any mitigating circumstances and determine the appropriate outcome. Depending upon the seriousness of the complaint, it may be necessary for us to contact you to request additional information or evidence and/or meetings with relevant parties as necessary to establish the facts.

The complainant shall fully cooperate with the investigation and shall promptly respond to all requests made of them by the Investigating Manager.

The Investigating Manager shall aim to complete the investigation within twenty (20) working days of their appointment. In exceptional or complex cases, timescales may need to be extended; this will include circumstances where the complainant has not provided full information or full cooperation with the investigation. The Investigating Manager shall keep the complainant updated on the progress of the investigation and advise of any delays.

If a respondent or their companion is unable to attend a meeting as part of the investigation and requests for it to be postponed, the Students' Union will do its best to accommodate this. The Students' Union will only consider requests for an extension of more than ten (10) working days beyond the meeting date initially proposed in exceptional circumstances.

If they fail to attend the meeting after the Students' Union has made reasonable efforts to rearrange it, the procedure will normally continue to be followed in their absence

Upon completion of the investigation, the Investigating Manager shall determine what action is to be taken with regard to the complaint and shall inform the complainant in writing of:

- their decision - which will be to either uphold or reject the complaint;
- the reasons for the decision;
- the appropriate remedy where the complaint is upheld; and
- information on the next steps available to the complainant

### *C. Appeals*

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 governing body the University may appoint an independent person to investigate and report on the complaints.

### **Safeguarding**

KSU has a duty to prioritise the safety of its members and to safeguard students. At any point during the complaints process, a safeguarding panel can be created to assess all available information where it has been assessed that there is an immediate or potential risk of harm.

The safeguarding panel will consist of:

- One relevant senior manager or manager from KSU
- Members of the safeguarding panel cannot also be an Investigating Manager

Any decision made by the safeguarding Panel must be communicated to the complainant and those that the complaint is in regards to.

#### *A. Temporary Exclusions*

- The safeguarding panel may temporarily exclude students from:
- Memberships of societies and/or sports clubs
- Holding any leadership positions within the Students' Union and affiliated societies and/or sports clubs
- Attending events organised by affiliated societies and/or sports clubs,
- Students Union and partners.
- The decision to exclude a student is not deemed to be a judgement on the part of
- Students' Union on the innocence or guilt of anyone involved in the process.

This safeguarding panel will make this decision under the following circumstances:

- If the reported student has gone through a university process, with enough

evidence presented to the union as a result of this to highlight safeguarding based cause for concern decision.

- The Students' Union can also temporarily exclude students from memberships and/or leadership positions within the Students' Union and affiliated student group, pending the outcome of any disciplinary case between students which is ongoing.

## **Wellbeing Support**

We are committed to supporting the wellbeing of our students including reporting parties (complainants), respondents, witnesses and other people involved in complaints and allegations of misconduct.

If you would like to explore your options regarding wellbeing support please raise this with the Investigating Officer involved in your complaint. They will discuss this with you and share potential options.

If we have concerns about your wellbeing or mental health, for example because of the nature of a complaint, we may make an automatic referral to the University Wellbeing Service. They may contact you to offer support.

## **How is my Data Managed?**

The records (including emails, evidence, personal data) will be kept in line with our Privacy Policy.

After this time, we will remove all personal details and just keep a basic record of the complaint and outcome for the purposes of future complaints and improving KSU's services and activities.

Complaint information will be stored safely and securely on a database and held in the complaints email mailbox with access only available to relevant staff.