

# Bye-Law 21

## Complaints procedure

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### 1. Introduction and definitions

We aim to ensure the member experience of the Union is positive, but we recognise there may be occasions when our services or activities or the conduct or performance of people providing them may not meet expectations. All members of the Union may complain, as provided for in this procedure, if they are dissatisfied with any aspect of their dealings with the Union.

#### 1.1 Definitions

For the purposes of this Complaints Procedure:

- 1.1.1 A Member This includes all Members and any student who has opted out of membership of the Union, in relation to any matter where they are, or have been, on the Union's premises, or otherwise using or participating in the Union's services or activities, or those of its clubs and societies.

### 2. Making complaints informally

If a member has a complaint which they feel they can take up informally, without raising a formal complaint using this procedure, with a view to its being resolved quickly, they are encouraged to do so. For example, they are encouraged:-

- (i) to take up any complaint they may have in relation to the Union's commercial services, initially with the relevant service manager and, if necessary, with the Union's Chief Executive;
- (ii) to take up any complaint they may have in relation to other Union services, initially with the Executive Officer responsible for the service;
- (iii) to take up any complaint they may have in relation to Student Council, initially with the Chair of Student Council; and
- (iii) to take up any complaint they may have in relation to any of the Union's Clubs and Societies, initially with an officer or the committee of the Club or Society concerned.

### 3. Raising complaints formally

If, for any reason, a member feels unable to make a complaint informally as referred to above, or they are dissatisfied with progress or outcome of making a complaint informally, they may make a formal complaint.

### 4. What this procedure does not cover

This procedure does not apply to complaints about the University, its services or University personnel. If a member has such a complaint relating to the University, please refer to the University's complaints procedures.

### 5. The relationship between this procedure and other Union procedures

The Union has a number of other procedures which may need to be followed in relation to a complaint, or which may be more appropriate for dealing with that complaint. In particular:-

- (i) This procedure does not cover complaints about the conduct of elections of Union Officer Trustees, Student Trustees or Part Time Student Officers. If a member has a complaint about elections, it should be made in accordance with the Elections Byelaw.
- (ii) If a complaint relates to alleged misconduct of a Union Member, this will normally be considered under the Union's Code of Conduct and Disciplinary Procedure. If a member has such a complaint, and they are not clear how to take it forward, they should seek the advice of the Union President.
- (iii) If a complaint relates to the performance of elected Executive Officers, Student Representatives or Part-time Officers in relation to their duties and responsibilities as provided for in the Union's Bye laws, or to the performance of Officer Trustees, Student Trustees or External Trustees in relation to their duties and responsibilities as provided for in the Union's Bye laws and/or in the Union's Articles or Association, this will normally be considered under such Bye-laws and/or Articles. If a member has such a complaint, and they are not clear how to take it forward, they should seek the advice of the Chair of Student Council or, where the complaint relates to a Trustee, the Deputy Chair of the Board of Trustees.
- (iv) If a complaint concerns a member of staff of the Union, this may need to be considered under the Union's employment disciplinary procedures. If a member has such a complaint, and they are not clear how to take it forward, they should seek the advice of the Union President.
- (v) If a member feels unable to seek advice from an individual specified above, because their complaint relates to or concerns that individual, or for any other reason, they should seek advice from any other individual specified above.

## 6. **Examples of when this procedure should be used**

6.1 Examples of complaints which may be dealt with through this procedure include complaints about:-

- (i) the commercial services of the Union (its health & fitness services, shops, bars and cafes);
- (ii) the conduct or performance of Union staff;
- (iii) any other services or activities of the Union;
- (iv) the activities or services of Union Clubs and Societies;
- (v) the conduct or performance of those responsible for running Union Clubs and Societies
- (vi) being unfairly disadvantaged for opting out of membership of the Union; and
- (vii) if having requested advice as referred to above, such advice has not been provided

6.2 If a member is considering raising concerns or making a complaint concerning a member of staff, before doing so, they should refer to the Union's Staff/Student Protocol.

## 7. **Making a formal Complaint**

7.1 If a members wishes to raise a formal complaint they should do so by emailing the Union President, or, if the complaint relates to or concerns the President, by emailing the Union Deputy President.

Please note, for the purposes of the following provisions, if a member's complaint relates to or concerns the Union President, all references to "the President" should be read as references to "the Deputy President."

7.2 Such e-mail should be headed **Complaint** and where possible should set out:-

- (i) the nature of the complaint;
- (ii) details of the circumstances in which it has arisen;
- (iii) details of any steps taken so far to have the complaint dealt with; and
- (iv) details of the steps the member considers should be taken to deal with the complaint.

7.3 The Member should also attach to their e-mail or otherwise clearly identify any documents they wish to be taken into account in the consideration of their complaint.

## 8. **Dealing with a formal Complaint**

8.1 On receipt of a complaint, the President will respond to the Member within 10 working days setting out how complaint will be considered.

8.2 The President will consider requests for confidentiality in dealing with a complaint but an anonymous complaint or anonymous contributions cannot be considered.

8.3 The President may deal with the complaint as he/she considers appropriate in all the circumstances. In particular:-

- (i) the President may investigate the complaint himself/herself; or
- (ii) may refer the complaint for investigation to another individual or body and for report back;  
or
- (iii) may refer the matter to be dealt with under other Union procedures as referred to above.

8.4 In case of referral to be dealt with under any other Union procedure, it may not be possible deal with a complaint within a specific time but the member will be kept informed of the anticipated timescale.

8.5 In the course of any investigation of the complaint the President may, but need not, invite the member to a meeting with him/her and/or other specified individuals to discuss the member's complaint.

## 9. **The Complaint Decision**

9.1 If the matter has not been referred to be dealt with under any other Union procedure as referred to above, the President will take a decision in relation to the complaint and notify the member by email of such decision by no later than 20 working days of the complaint being received, or by such later reasonable time notified to the member.

9.2 If the member is dissatisfied with the President's decision in relation to their complaint, they may apply for a review of the decision to a Review Panel in accordance with the procedure set out below.

9.3 If the matter has been referred to be dealt with under any other Union procedure as referred to above, the member will be notified of the final decision under that procedure, which will be treated as the outcome in relation to the member's complaint, and the member will not be entitled to any review by the Review Panel in relation to it.

## 10. **Application for Review of a Complaint Decision by a Review Panel**

10.1 This section does not apply to any decision taken under any other Union procedures as referred to above.

- 10.2 If a member is dissatisfied with the decision relating to their complaint, they may apply within 10 working days for a review of that decision by a Review Panel.
- 10.3 A request for a review should be sent by email to the Deputy Chair of the Board of Trustees headed **Request for Review of Complaint Decision** and should set out:-
- (i) details of the original complaint;
  - (ii) details of the complaint decision; and
  - (iii) details of why the member considers the decision should be reviewed.
- 10.4 The Member should also attach to their e-mail or otherwise clearly identify any documents they asked to be considered in relation to their complaint and any further documents they consider relevant to the review.
- 10.5 As soon as practicable after a request of the request, a Review Panel will be established comprising:-
- (i) One External Trustee, who shall be the Chair of the Panel; and
  - (ii) Two other Trustees.
- 10.6 No individual who has any close connection with the complaint or (wherever possible) who has had any significant prior involvement in the matter will be included in the Panel.
- 10.7 The Review Panel will meet within 10 working days of receipt of a request (or within such later reasonable period notified to the member) to consider the member's request for a review. The Review Panel may, but need not, invite the member to attend a part of their meeting to discuss their request for a review.
- 10.8 In considering the request, the Review Panel will review all aspects of the complaint and the process by which it has been dealt with and may decide to uphold or vary the complaint decision on such terms as they consider appropriate.
- 10.9 The decision of the Review Panel will be notified to the member by the Deputy Chair of the Board of Trustees by e-mail within 5 working days of their meeting (or within such later reasonable period notified to the member). The Review Panel's decision will be final for the purposes of all Union Procedures.
11. **Complaints file**
- 11.1 A record of complaints made under this procedure, the process by which they are dealt with, and decisions made in relation to them, together with copies of all relevant documents, will be kept in a Complaints File maintained by a member of staff of the Union appointed for this purpose.
- 11.2 Such file will be accessed only by authorised individuals to the extent necessary for the proper carrying out of their functions, and any such access will be subject to the provisions of Data Protection legislation.
12. **General**
- 12.1 If a specified individual with responsibilities under this Complaints Procedure is unable to act at any time for any reason, a deputy appointed for this purpose will carry out their function.
- 12.2 All documents relating to matters dealt with under this Complaints Procedure will be processed in accordance with any applicable provisions of Data Protection legislation

13. **Further consideration as provided for in section 22 of the Education Act 1994**

- 13.1 Members who are dissatisfied with their dealings with the Union, or who claim to be unfairly disadvantaged by reason of having exercised their right not to be a Member of the Union, may be entitled to apply to Queen Mary University of London (QMUL), under QMUL's Procedures for dealing with Complaints about the Students' Union, for the matter to be investigated and reported upon by an independent person appointed by QMUL Council, as provided for in section 22 of the Education Act 1994. Before making such an application, Members will usually be required by QMUL to have completed the procedures provided for under this Complaints Procedure.
- 13.2 Members who are dissatisfied with a decision under QMUL's Procedures for dealing with Complaints about the Students' Union may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA can only look at the acts or omissions of a Higher Education Institution (such as QMUL). The OIA's remit does not cover acts or omissions of a Students' Union, nor those of its officers. Therefore, the scope of its review is limited to whether the institution followed its procedures correctly when considering a complaint by a student against a Students' Union and whether the institution's final decision was reasonable in all the circumstances.