

Article 1 Complaints Procedure Standing Order

1 Introduction

- 1.1 This Standing Order is intended to provide a framework on how complaints shall be dealt with by the JCR. There shall be a Complaints Procedure available to any student who:**
- 1.1.1 Is dissatisfied with their dealings with the JCR, or**
 - 1.1.2 Claims to be unfairly disadvantaged by reason of exercising the right to opt out of JCR membership.**
- 1.2 The JCR is committed to providing high quality services and facilities to their members. It is recognised that from time to time problems may occur and that provision is made for complaints to be made to the appropriate person.**
- 1.3 The JCR takes seriously any complaint that is made and will deal with all complaints speedily and sympathetically. No student shall be disadvantaged by having made a complaint. The JCR expects that Members will not make frivolous, vexatious or erroneous complaints.**
- 1.4 For the purposes of this procedure, a working day shall be defined as Monday to Friday excluding public holidays, and other periods of approved closure of the JCR, between the hours of 9am and 5pm. For clarity, Saturday and Sunday and periods outside of these defined core hours shall not be considered to be working days. In relation to a period of notice, it will mean the period excluding the day when the notice is given and the day for which it is given or on which it is to take effect.**

2 Informal Complaints Procedure

- 2.1 If a student has a complaint relating to any democratic or representational aspect of the JCR's activity, any operational matter (such as the conduct of a JCR Officer) or any other form of complaint, the matter should be raised initially with the President of the Society, either orally or in writing.**
- 2.1.1 The President of the Society will attempt to resolve the complaint informally. They shall enquire into the complaint, discuss it with the complainant and will advise the complainant of their decision within 5 working days after the complaint is received.**
 - 2.1.2 If a complaint has still not been resolved in accordance with this informal procedure, the complainant may lodge a formal complaint, in writing as set out below.**

3 Formal Complaints Procedure

- 3.1 Where the complaint cannot be resolved informally, or the nature of the complaint is serious, the complainant may choose to invoke this formal procedure. A complainant shall at their own cost have the right to seek such advice as may be necessary to assist in making their complaint, and shall be entitled to be accompanied by a person of their choice at any meetings that may be called in accordance with this procedure.**

4 Making a Formal Complaint

4.1 Complaints shall be in writing by way of:

- 4.1.1 A standard form which shall be provided upon request from the President of the Society (or the JCR Chair where appropriate), or
- 4.1.2 Personal letter or e-mail to the President of the Society (or the JCR Chair where appropriate).

4.2 Complaints falling within the remit of this procedure as set in clause '1' above may also be made about:

- 4.2.1 The services and facilities of the JCR, or
- 4.2.2 A group within the JCR.

4.3 Complaints about:

- 4.3.1 The services and facilities of the JCR, shall be addressed to the President of the Society, who may delegate responsibility for dealing with the matter to an appropriate person,
- 4.3.2 A group within the JCR shall be addressed to the President of the Society,
- 4.3.3 The President of the Society, shall be addressed to the JCR Chair, or
- 4.3.4 Any other matter, shall be addressed to the President of the Society.

4.4 Complaints shall be considered valid only if the complainant:

- 4.4.1 Provides details of their name, address, contact telephone number and email address.
- 4.4.2 Provides details of the event or occurrence which gave rise to the complaint.
- 4.4.3 Raises the complaint within ten working days of the event or occurrence giving grounds for complaint.
- 4.4.4 The timescale may be lengthened at the discretion of the President of the Society (or the JCR Chair where appropriate).

5 Investigation of Complaints

5.1 All valid complaints shall normally be investigated within ten working days of receipt, according to the following procedures:

- 5.1.1 Investigations shall be conducted by Governance Committee.
- 5.1.2 An investigation will be conducted according to the terms and in the manner decided upon by the person(s) appointed to carry it out.
- 5.1.3 No person involved in the investigation of any complaint shall have a direct or vested interest in the outcome of the same. For the avoidance of doubt, 'interest' is defined as private and personal interests, including those of family and friends, as well as those arising through membership of, or association with, clubs and societies and other organisations. When considering an interest, individuals should not allow the impression to be created that they are, or may be, using their position to promote a private or personal interest rather than forwarding the interest of the JCR.
- 5.1.4 All parties to the complaint shall be given an opportunity to state their case and present evidence of mitigating circumstances.
- 5.1.5 All parties to the complaint may be assisted by a representative or friend, without charge or cost to the JCR.

6 Outcome of an Investigation

6.1 The outcome of an investigation shall be determined immediately after all parties to the complaint have presented their case in written form and any supporting evidence.

6.2 Governance Committee shall determine:

- 6.2.1 All findings of fact,
- 6.2.2 Any mitigating circumstances,
- 6.2.3 Appropriate further action, and
- 6.2.4 Make conclusions in the form of a written report.

7 Complaints which are not upheld

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

- 7.1.1 All parties to the complaint shall be advised in writing within five working days of the decision by the chief investigator, and
- 7.1.2 All parties to the complaint shall be informed of their rights of appeal.

8 Complaints which are upheld

8.1 Where complaints are upheld, they shall be deemed justified complaints, and the person(s) conducting the investigation shall proceed to consider whether the complaint is principally directed at:

8.1.1 a service or facility, or

8.1.2 a person or group.

9 Justified Complaints against a Service or Facility

9.1 In the event of a justified complaint against a service or facility, the following procedure shall apply:

9.1.1 Governance Committee shall consider how to prevent any future instances of the event or occurrence which gave rise to the complaint, and/or

9.1.2 an appropriate course of remedial action shall be recommended.

9.2 All parties to the complaint shall be advised of both the outcome of the complaint and the proposed remedial action within five working days of the decision being made.

10 Justified Complaints against an individual

10.1 If the complaint is principally directed at an individual, then the appropriate disciplinary procedures will be engaged.

11 Justified Complaints against a Group

11.1 In the event of a justified complaint against a group, the following procedure shall apply:

11.1.1 Governance Committee shall consider whether a breach of the JCR's policies or procedures may have occurred,

11.1.2 Governance Committee may impose an appropriate disciplinary sanction, in accordance with the agreed policies and procedures of the JCR,

11.1.3 The complainant shall not have the right to demand that any specific penalty be imposed,

11.1.4 The complainant shall be advised in writing within five working days that the complaint has been upheld,

11.1.5 The complainant shall be advised if the JCR is to consider further action, but may not necessarily be advised specifically of the nature of that action,

11.1.6 The group against whom the complaint was made shall be advised of the outcome of the investigation and of any disciplinary sanction to be applied within five working days, and

- 11.1.7 Where a disciplinary sanction is to be applied, the group against whom the complaint was made shall also be notified of any rights of appeal.

12 Rights of Appeal

12.1 In the event of there still being an unresolved complaint against a service or facility and/or individual or group, the following procedure shall apply:

- 12.1.1 The right of appeal shall be exercised within twenty working days of the outcome of the investigation,
- 12.1.2 Notification of an intention to appeal shall be made in writing to the person(s) who conducted the investigation,
- 12.1.3 The grounds of appeal shall be stated within the written notification together with any evidence which the complainant seeks to put forward,
- 12.1.4 The consideration of such an appeal shall be by an independent person appointed by Society Council ("the Independent Person").

12.2 Conduct of Appeals

- 12.2.1 Appeals shall normally be investigated by the Independent Person within twenty working days of receipt.
- 12.2.2 The Independent Person shall inform the Complainant in writing of the outcome of the Appeal within twenty working days of their decision.
- 12.2.3 The Independent Person shall inform the Complainant and the JCR of his findings and recommendations (including any redress). Both the complainant and the JCR shall agree to be bound by the decision of the Independent Person and his decision shall be final.

12.3 The disciplinary action available may include but is not limited:

- 12.3.1 To dismiss the grievance(s) as unfounded,
- 12.3.2 To instruct any JCR Officer(s) to take specific action in order to resolve the grievance(s),
- 12.3.3 To censure any officer(s) of the JCR,
- 12.3.4 To restrict access to JCR facilities,
- 12.3.5 To exact such disciplinary measures as it sees fit, within the limits of the disciplinary powers of the President of the Society (for the avoidance of doubt this includes a fine of a value up to £100) against any member,
- 12.3.6 To request that the Principal of the Society take specific action in order to resolve the grievance(s) where power to do so falls outside the above, and/or

12.3.7 To act in any other way it deems appropriate within the confines of the Constitution and Standing Orders.

12.4 Failure to comply with any sanction applied may result in further sanctions.