

# **St Cuthbert's Society Junior Common Room (1168134)**

## **Complaints Policy**

**POL006**

### **Review Table**

<b>Approved/issue</b>	March 2021	<b>Locations</b>	Website Trustee Share Drive
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<b>Review Cycle</b>	Annual		
<b>Next review due</b>	September 2021	<b>Circulation details</b>	Executive Committee Trustees
<b>Review by</b>	Trustee Legal Committee		

## 1. Introduction and Context

- 1.1. This policy outlines the approach St Cuthbert’s Society Junior Common Room (“the JCR”) shall take to dealing with complaints.
- 1.2. The JCR is a registered charity established for the public good. As such, the JCR strives to uphold its reputation and will take all complaints seriously.
- 1.3. The JCR adheres to Durham University’s Sexual Violence and Misconduct Policy, Safeguarding Children Policy, Safeguarding ‘At Risk’ Adults Policy, Respect at Study Policy and Respect at Work Policy. Those wishing to report a breach of, or to make a complaint in relation to, any of these policies should do so in accordance with the procedures set out in the university policy in question. These policies can be found on the university website.
- 1.4. While the JCR cannot and will not take responsibility for the actions of members outside of JCR activities, the behaviour or actions of a member could, by association, bring the JCR into disrepute. Therefore, if a member does anything which, by association, brings the JCR into disrepute, the JCR is within its rights to act accordingly and a complaint could be made on this basis

## 2. Definitions

- 2.1. A concern is understood to be an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- 2.2. A complaint is understood to be an expression of dissatisfaction however made, about actions taken or a lack of action.

## 3. Stage I – Informal

- 3.1. The JCR welcomes the opportunity to discuss a complaint informally with a concerned member, where possible. Not all complainants will take this opportunity, and this is understood and accepted.
- 3.2. The Complainant should normally contact the appropriate member of the Executive Committee. In most cases, the matter will be resolved by the relevant officer in this manner to the complainant’s satisfaction.
- 3.3. The JCR President may see fit to deal with concerns and complaints raised to Executive Committee members personally.
- 3.4. Concerns and complaints can also be made informally to the JCR President.
- 3.5. If, however, matters appear not to have been satisfactorily resolved through informal consultation, or if the issue is not suitable for informal resolution, it is

appropriate to consider making a formal complaint, the procedure for which is explained below.

#### **4. Stage 2 – Formal**

- 4.1.** If the complainant is dissatisfied with the results of the informal procedure or feels that informal discussion is inappropriate to their complaint, they may send a formal written complaint (email or letter) to the JCR President ([president@cuths.com](mailto:president@cuths.com)).
- 4.2.** If the complaint concerns the JCR President directly, the complainant should write to the Chair of Trustees (contact details on JCR website).
- 4.3.** Any complaint formally expressed in writing will receive a reply from the JCR within 5 working days of the JCR having received the written complaint. The JCR's reply will explain the proposed course of action in response to the expressed complaint and the likely time scale.
- 4.4.** If the complaint is resolved to the complainant's satisfaction following meeting with the JCR President no further action is required. In such a case, the JCR President shall write to the complainant to confirm the complaint is resolved. If no reply is received from the complainant within 5 working days the case shall be considered closed.
- 4.5.** The JCR President will appoint an investigator to look into the complaint and may involve one or more Trustees. The JCR President may ask a senior member of the JCR to act as investigator or act as investigator themselves.
- 4.6.** The investigator may request additional information from the complainant and may wish to speak to the complainant personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and saved in a secure cloud storage location to which only authorised parties have access, in accordance with the JCR's Data Protection Policy.
- 4.7.** The investigator will prepare a report on the investigation which will be considered by the JCR President.
- 4.8.** The JCR President will respond in writing within no more than 10 working days from the day the complaint was first received, explaining the outcome of the complaint and the conclusion to which the JCR President has come in response to it, including any proposed action.
- 4.9.** Where there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.
- 4.10.** If the complainant is dissatisfied with the decision, they can request that the complaint be referred to an Appeal Committee within 20 working days of receiving the JCR President's response.

#### **5. Stage 3 – Appeal Panel Hearing**

- 5.1.** If the formal complaints procedure does not bring about a resolution, the complainant may request an Appeal Panel hearing. The request must be put in writing to the Chair of Trustees (contact details on JCR website).

- 5.2.** An Appeal Panel hearing is a review of the decision taken under the formal complaints procedure by the JCR President (or the Chair of Trustees where the formal complaint concerns the JCR President).
- 5.3.** The Chair of Trustees shall reply to the request within 5 working days of receiving the request. The hearing will take place as soon as is practicably possible, and in any case, within 20 working days of receipt of the request.
- 5.4.** Constitution
  - 5.4.1.** The Appeal Panel is appointed by or on behalf of the Chair of Trustees.
  - 5.4.2.** The Panel shall consist of at least three people who were not directly involved in the matters detailed in the complaint and who are appropriately detached from the persons involved and the JCR President.
  - 5.4.3.** At least one member of the panel is to be independent of the management of the JCR altogether (i.e. a trustee, member of university staff or other independent person).
  - 5.4.4.** The chair of the panel shall be appointed by or on behalf of the Chair of Trustees.
- 5.5.** Planning the hearing
  - 5.5.1.** It is the task of the Appeal Panel to assess the complaint in an impartial and confidential manner and to consider all relevant evidence. Copies of any evidence the complainant wishes the Appeal Panel to consider should be sent to the chair of the panel to be received at least five working days prior to the hearing.
  - 5.5.2.** The complainant will be welcome to attend the hearing by the Appeal Panel and may be accompanied by a relative or friend. The hearing does not constitute legal proceedings, therefore legal representation is not permitted. If the complainant does wish to be accompanied by someone who is legally qualified, the chair of the panel should be notified of this at least five working days prior to the hearing and the complainant should note that the Appeal Panel will wish to speak to the complainant directly. This person will not be permitted to act as an advocate or to address the hearing unless invited to do so by the Chair.
  - 5.5.3.** The chair of the panel will circulate a copy of the bundle of documents to be considered by the Appeal Panel to all parties at least three working days prior to the hearing.
- 5.6.** The Hearing
  - 5.6.1.** The hearing will be chaired by the Chair of the Appeal panel.
  - 5.6.2.** The parties shall have the opportunity to ask questions and make comments in an appropriate manner. All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. A clerk appointed by the Appeal Panel will take a minute of the proceedings.

- 5.6.3. All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and their comment will be minuted.
- 5.6.4. The Chair may, at their discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 5.6.5. When the Chair of the Panel considers that all the issues have been sufficiently discussed, they will conclude the hearing.

#### **5.7. The Decision**

- 5.7.1. Where there is not an agreed position, the Appeal Panel will reach a decision on the balance of probabilities.
- 5.7.2. The decision of the Appeal Panel will be final, and a copy of its findings and decision will be despatched within three working days of the hearing by electronic mail or otherwise to the complainant and, where relevant, to the person complained about.
- 5.7.3. A copy of the judgement of the Appeal Panel, will be available for inspection by the Board of Trustees and JCR President.
- 5.7.4. The completion of the Appeal Panel stage represents the conclusion of the JCR's Complaints Procedure. Failure of the complainant to attend a hearing without good cause or due notice shall not invalidate the proceedings or any decision that the Panel may reach.

### **6. Written Record of Complaints**

- 6.1. A written record shall be kept of all formal complaints, including a record of whether or not they were resolved at the formal complaint procedure stage or proceeded to a hearing of the Appeal Panel, and the actions taken by the JCR as a result of the complaint.
- 6.2. Correspondence, statements and records relating to individual complaints are kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority. These will be stored in accordance with the JCR Data Protection policy in a secure cloud location to which only authorised parties have access.
- 6.3. Details of individual complaints will be retained for five years, after which date they will be permanently deleted. It is the responsibility of the Finance and Compliance Officer to regularly review all such documentation and ensure deletion dates are adhered to. This may be subject to audit by the Chair of the Board of Trustees, or another member of the Board nominated by the Chair, at any time.

### **7. Summary of Timelines**

Stage 2 – Formal	
Acknowledgment of complaint:	Within 5 working days of receiving complaint
Investigation and written response:	Within 10 working days of receiving complaint
Window to appeal the outcome of a formal complaint:	Within 20 working days of complainant receiving outcome of the formal complaint

Stage 3 – Appeal Panel	
Acknowledgement of appeal:	Within 5 working days of receiving the appeal
Appeal Panel hearing to take place:	Within 20 working days of receipt of appeal
Deadline to submit evidence to the Panel:	No less than 5 working days prior to the hearing
Evidence to be distributed to parties involved:	No less than 3 working days prior to the hearing
Judgement of the Appeal Panel to be sent to the complainant:	Within 3 working days of the conclusion of the hearing