**BYE-LAW 11 COMPLAINTS PROCEDURE**

**SCOPE**

1. The RSU affords members the right to register a complaint if they are dissatisfied with any aspect of the organisation’s services, functions, spaces, groups, people and members.
	1. The complaints procedure is not applicable to matters concerning the political direction and performance of the RSU and its elected officers, policy of the union or university, nor for opting-out of membership or for events-related disciplinary matters. These matters are dealt with separately and through other facilities such as;
		1. The Students’ Union Council (byelaw 5)
		2. RSU Elections (byelaw 8)
		3. Referendums (byelaw 9)
		4. Resignations and Removal from Office (byelaw 12)
		5. Termination of Membership (article 11)
		6. General Meetingsincluding Annual General Meetings (article 14)
		7. The RSU Events Policy
		8. The University of Roehampton Student Complaints Procedure.
	2. The RSU shall consider all complaints submitted by RSU members, officers and staff, university staff, and members of the public and shall not conflate with the University of Roehampton Student Complaints Procedure.
	3. In respect of the Equalities Act 2010, the RSU’s equal opportunities policy, and the RSU’s whistleblowing policy, the RSU ensures that making a complaint will not affect the way in which the complainant is treated or effect any decision making beyond the scope of the complaint.
	4. The RSU shall handle complaints with discretion and maintain confidentiality at all times. Whilst a complaint is being considered under this procedure, no formal or informal communication regarding the subject of the complaint shall be published. The RSU reserved the right to share the details of elements of a complaint if;
		1. The subject of the complaint or the complainant are at risk of harm. In such cases the details will be shared to relevant
		2. The subject, outcome and actions following the complaint effect the broader membership of the RSU, the university or members of the public.
	5. The RSU shall keep a central register of complaints in accordance with the General Data Protection Regulations (2018) for audit and monitoring purposes. The details of complaints which shall be logged are;
		1. A copy of the original complaint
		2. Related documentation including; witness statements, incident reports and testimonies
		3. A description of evidence provided and discovered through the process of investigation
		4. A description of sanctions applied
		5. Details and outcome from an appeal, if relevant.
		6. Details of any relevant organisational impact.

**PROCEDURE**

1. The RSU shall attempt to resolve a complaint via an informal discussion in the first instance. Should an informal resolution not be suitable or cannot be determined, the formal procedure will be initiated.
	1. The complainant must submit their complaint in writing to the RSU central email inbox (RSU@roehampton.ac.uk).
		1. The complaint should be submitted within 28 days of the matter, which has led to a formal complaint being raised, taking place. Complaints submitted after 28 days since the matter should be accompanied with a reason for delayed submission.
		2. The complaint should contain the following information;
			1. Details of the matter of concern
			2. Date(s) times and location of when the matter of concern arose
			3. Name and contact details of the complainant.
		3. The complaint shall be logged in the central register of complaints and an acknowledgement of receipt sent to the complainant.
		4. The Sabbatical Officer Trustees will receive the details of the complaint and disclose the details of any conflicts of interest, in the event a complaint is related to a student that has associations with a Sabbatical Officer Trustee.
		5. The Sabbatical Officer Trustee will appoint the Deputy Chief Executive to form a Review Panel with one Sabbatical Officer Trustee.
		6. Complaints referring to the Chief Executive of the RSU shall be referred to the Trustee Board who will form a Review Panel of non-conflicted members to execute this procedure.
		7. The review panel will explore and consider the complaint and determine;
			1. If the complaint can be resolved quickly without further investigation
			2. If the complaint requires further investigation
			3. If the matter is to be referred to the Discipline Regulations (byelaw 13)
			4. If the complaint is unsubstantial and is to be dismissed.
		8. The Review Panel will confirm the steps taken, in writing, within 10 working days from receipt of the complaint and advice of any points of reference if the matter sits outside of this procedure.
		9. The written response to the complainant must include;
			1. A copy of the original complaint
			2. A copy of the Complaints Procedure
			3. A description of the next steps.
		10. The Review Panel will request evidence from the complainant or seek to discover evidence from third parties in accordance with the policies of the RSU, the University of Roehampton and the law.
		11. In the event that a complaint requires further investigation, the Review Panel shall inform any person who may be the subject of the complaint about the details of the matter of concern.
		12. Persons’ related to the subject of the complaint may be considered to be;
			1. The RSU service area coordinators or managers
			2. Student group leaders (in the case of a society or network)
			3. Student member (including officers)
			4. Members of RSU staff and management
		13. The Review Panel will afford the subject of the complaint notice and details of the complaint in writing at the point it is determined that an investigation will be carried out.
		14. Should any meetings take place to provide clarity or an opportunity to respond to the details of a complaint, the people that are subject to the complaint shall be provided with a minimum of 3 working days notice.
		15. The Review Panel will consider all findings from the investigation and produce a concise investigation report documenting the findings, response and conclusions. They will determine;
			1. If the complaint is justified (in full or in part) and what recommended actions or redress is appropriate to resolve the matter.
			2. If the complaint is not justified and that no recommendations or actions to take.
		16. The complainant and persons subject to the complaint will be informed of the Review Panel’s determinations, following an investigation, and next steps within 10 working days of the decision being made.
		17. The Review Panel may recommend to the Chief Executive that any person subject to the complaint is referred to;
			1. Member Disciplinary Procedure
			2. RSU Staff Disciplinary Procedure
			3. University of Roehampton Student Disciplinary Procedure
			4. Carry out service improvement measures
			5. Participate in additional training.
		18. Following the resolution of a complaint, the Review Panel may also recommend to the Chief Executive and Trustee Board in their report that it is in the interests of members to disclose the outcome, redress and substantive measures taken, if a complaint refers to a service element.

**APPEALS PROCESS**

1. Following receiving communication of the outcome of a complaint, the complainant has the right to lodge an appeal against the decision of the Review Panel.
	1. An appeal must be submitted in writing to the RSU central e-mail inbox (RSU@roehampton.ac.uk) addressed to the Chief Executive.
	2. An appeal may be considered on the basis of three grounds;
		1. The Review Panel conducted the investigation process in a manner that was irregular to this procedure
		2. New evidence has come to light that was not previously available to the Review Panel
		3. The Review Panel have not identified an effective or satisfactory measure to remedy the complaint.
	3. The Chief Executive will form as an Appeal Panel with a Sabbatical Officer Trustee, unconnected to the original investigation, to consider and determine upon the appeal.
	4. The Appeal Panel will review the case put forward by the Review Panel and consider the grounds provided by the complainant.
	5. The Appeal Panel may decide to hold a hearing meeting, in which case, the same conditions apply as during the investigation. They also reserve the right to resolve the matter at distance.
	6. The Appeal Panel shall determine if;
		1. The appeal is rejected and the decision of the Review Panel is upheld
		2. The appeal is upheld and the complaint outcome is revised as deemed appropriate.
	7. The Appeal Panel will communicate the outcome of the appeal to the complainant within 10 working days of the panel arriving to a decision. The appeal panel will also communicate the outcome of the appeal to any persons subject to the complaint within the same timescale.
	8. The appeal stage is the final part of the RSU complaints procedure. Should the resolution of the Appeal Panel be unsatisfactory to the complainant, they may raise the complaint via the University of Roehampton Student Complaints Procedure.