



BRIGHTON
STUDENTS' UNION

Complaints Policy and Procedure

BYE LAW of

UNIVERSITY OF BRIGHTON

STUDENTS' UNION

Policy Control:

Policy Version Number	002
Changes since previous version	<ul style="list-style-type: none">• Allowing anonymous complaints• Addition of mediation as an option• Clarification on society rules• Provision to add additional sanctions if first not complied with• Referral rules for University requests• Removed Complaints Form
Date Passed By Trustee Board	December 2024
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Policy Owner	CEO

1. Introduction and Definitions

- 1.1. Brighton Students' Union (BSU) are committed to providing excellent service and activities to our members and stakeholders. However, it is recognised that occasionally an individual or group may wish to complain about the activities or services they have received from BSU, a BSU Society, or a member of BSU whilst participating in a BSU activity or location.
- 1.2. A complaint is defined as an expression of dissatisfaction by one or more individuals about BSU's services, spaces, staff, officers, volunteers, trustees or members.
- 1.3. 'Complainant' shall refer to an individual or group making a complaint.
- 1.4. 'Respondent' shall refer to the individual or group the complaint is about.
- 1.5. Where possible, every effort should be made to resolve issues at an informal level.
- 1.6. Any complaint regarding the conduct of a student whilst they are not participating in Union services or activities, or about the University must be directed to the University of Brighton complaints procedure. Students can get support for this process from the BSU Support Team.
- 1.7. Complainants should note that Brighton Students' Union is an independent organisation and not a department of the University, or branch of the National Union of Students. Therefore complaints can only be addressed to the company itself, and not to any third party organisations.

2. General Principles

- 2.1. Each complaint will be dealt with using the principles of fairness, impartiality, confidentiality and proportionality. The issue will be taken seriously and every effort will be made to try and resolve the complaint.
- 2.2. The Union will not accept vexatious or repetitious complaints. Where required, the Union reserves the right to initiate an investigation into the initial complainant, or refer to the University.
- 2.3. It is hoped that most issues can be resolved quickly and informally, however where the complaint is particularly serious or confidential, the complaint will be escalated to the formal process.
- 2.4. Every effort will be made to keep to the timescales stated for each part of the process. However, it is noted that some complaints may require additional time to gather evidence, for example some services do not operate during certain weeks.
- 2.5. BSU will ensure that reasonable adjustments are made where applicable throughout the process, including accessible formats.
- 2.6. Every attempt will be made to maintain confidentiality throughout the process. However, the nature and details of a complaint might make that very difficult, and each party will be informed if this is the case. If there are any safeguarding concerns, then appropriate steps will be followed.
- 2.7. Anonymous complaints will be accepted, but this may impede an investigation if there is not ability to contact the complainant for information.

3. Informal Complaint/Concern Stage

- 3.1. Complaints/concerns should initially be dealt with through an informal conversation with the individuals concerned.
- 3.2. An appropriate BSU Manager will speak to the complainant to hear the details of the complaint, including the desired outcome. If appropriate, all parties will then be encouraged to actively engage with a view to providing a solution and acceptable outcome.
- 3.3. Where the complaint is not about a Union staff member (including officers), support can be sought from BSU Support Services or appropriate alternative advice group.
- 3.4. A complaint can be moved straight to the formal stage if:
 - 3.4.1. the Complainant believes that their concerns have not been properly addressed; or
 - 3.4.2. the BSU Manager believes that the complaint is particularly serious or confidential, following a conversation with a member of SMT.

4. Formal Complaint Stage

- 4.1. A formal complaint should be submitted by emailing the details to hellobsu@brighton.ac.uk, using 'Formal Complaint' as the email subject. This will be forwarded to the CEO who will assign an appropriate Manager to be the Investigating Officer. The assigned Manager may be the Manager of the area, but may not have any actual or perceived conflict of interest as determined by SMT.
- 4.2. Depending upon the nature of the complaint, it may be necessary to immediately refer the complaint to an alternative policy, Bye law, body or procedure. For example:
 - 4.2.1. the Staff Disciplinary Policy if the complaint is an allegation of misconduct by a Union staff member;
 - 4.2.2. the election regulations if the complaint is regarding misconduct by candidates taking part in a Union Elections;
 - 4.2.3. the Trustee Board if the complaint is regarding a Union policy or procedure;
 - 4.2.4. the Articles of Association if the complaint is regarding a member(s) of the Trustee Board.
- 4.3. The complaint form should be submitted as soon as possible after the issue has been identified so that the Union can take swift investigation and take any remedial actions as necessary. It must be submitted within 28 calendar days of the alleged issue taking place, unless there are exceptional circumstances.
- 4.4. The complainant should provide evidence to substantiate the complaint to allow for a full investigation. Where evidence is not available, the case will be considered on its merits.
- 4.5. The CEO will normally acknowledge receipt of the complaint within 5 working days to the complainant, and inform them of the procedure that will be followed and who the Investigating Officer will be.
- 4.6. If the complaint is about the CEO, the complaint should be submitted to the BSU President.

5. Investigating the Complaint

- 5.1. The Investigating Officer will take all reasonable steps to fully investigate and evaluate the complaint, gathering as much evidence together as possible which may include CCTV, witness statements, further information from the complainant etc.
- 5.2. Where the complaint relates to an individual/department or group, evidence and an opportunity to respond will be gathered from all these parties in order to understand any alternative perspective.
- 5.3. The Investigating Officer will decide, on the merits of the evidence available, whether to proceed with the complaint and take one of the following actions:
 - 5.3.1. No evidence to uphold the complaint;
 - 5.3.1.1. Complainant and Respondent will be notified with explanation of the decision, and details of the Appeals Process
 - 5.3.2. Enough evidence to proceed;
 - 5.3.2.1. Complaint about an individual/society will proceed to a Panel Hearing.
 - 5.3.2.2. Complaint about an individual/society may be recommended for mediation if agreed by all parties. If not agreed, it will proceed to a Panel Hearing.
 - 5.3.2.3. Complaint about a service/activity will be passed to the CEO to deal with appropriately.
- 5.4. The Investigating Officer will endeavour to conduct the investigation within 10 working days, with due regard for the particular circumstances.

6. Precautionary Suspension

- 6.1. If a serious allegation had been made against an individual(s), the Investigating Officer can seek an immediate precautionary suspension of all or some of BSU activities and services from the CEO.
- 6.2. This is to protect the validity of the investigation, and with due care for the wellbeing of all concerned. Any such suspension is without prejudice and not an indication of any perceived guilt, and is valid until the outcome of the investigation and any subsequent panel hearing.

7. Panel

- 7.1. A panel will be convened and formed of 2 appropriate Managers and a Full Time Officer. One of the Managers will take the role of Chairperson.
- 7.2. An additional BSU staff member will be in attendance to take notes, but will not form part of the panel.
- 7.3. The panel shall consider all the information and evidence about the complaint and determine, on the balance of probability, whether an individual or group has acted in a manner that is inappropriate/contrary to expected behaviour, taking into account relevant circumstances, reach a decision and any appropriate sanction.
- 7.4. The individual against whom the allegation is made shall be invited to attend the hearing and given a copy of all the evidence that will be used by the panel to help it reach its decision, at least 5 working days prior to the hearing. They may submit any additional evidence to the panel no later than 3 working days

prior to the hearing date, with reference to principles stated in 2.2. The panel or its nominee will acknowledge receipt.

- 7.5. In the case of a complaint made against a society, its President (or nominee) shall act as a spokesperson for the society/club.
- 7.6. Any individual attending the panel has the right to be accompanied by another individual for support. This person must may not be a legal professional, and must be agreed in advance by the Panel Chairperson.
- 7.7. If the Respondent fails to attend the meeting without due notification, it may be deferred only once. Further failure to attend will result in the panel making a decision in their absence.

8. Panel Outcomes

- 8.1. The panel may conclude, having considered appropriate representations from all parties, that a complaint is dismissed, partly upheld or fully upheld. As a result of a complaint being partly or fully upheld, the panel may apply one or more sanctions against the individual or society involved:
 - 8.1.1. a written reprimand; and/or
 - 8.1.2. mediation; and/or
 - 8.1.3. fine to cost cover of repairs or replacements; and/or
 - 8.1.4. a temporary suspension of any or all of the privileges of membership of the Union and/or
 - 8.1.5. a lifetime ban which shall entail a total ban from Union premises and activities at all times. This shall not interfere with academic commitments taking place in the Union; and/or
 - 8.1.6. where necessary refer the matter to the University and/or police.
 - 8.1.7. where the complaint is upheld against a society, any sanction is applicable to all society members when being a society member. For example, individual students would not be banned from spaces, but a society might. For the avoidance of doubt, and a 'new' society with the same members cannot be formed to avoid a sanction.
- 8.2. Failure to follow the sanction may result in additional sanctions being added, at the discretion of the CEO.
- 8.3. The panel will write to the complainant within 3 working days to inform them of their decision in writing. The complainant will also be informed of the appeals procedure.

9. Appeal

- 9.1. A Complainant can appeal the outcome of an investigation or panel hearing based upon a perceived irregularity in the process. There are no other grounds for their appeal.
- 9.2. A Respondent can appeal the outcome of an investigation or panel hearing based upon a perceived irregularity in the process or disproportionate sanction.
- 9.3. Appeal requests should be addressed to the CEO within 7 working days of receiving the outcome of the stage they are appealing against.
- 9.4. The CEO or nominee and a member of the Trustee Board will carry out a desktop review of the complaint investigation and panel process to consider if they have followed due procedure, normally within 10 working days.

- 9.5. The CEO or nominee will write to the Complainant or Respondent to inform them of their decision and any actions that are being taken as a result. This might include restarting the investigation if deemed appropriate.
- 9.6. This decision is final and there are no further appeals processes.

10. Referral

- 10.1. At any stage of the process, the CEO (in consultation with the Investigating Officer and/or Panel Chairperson as appropriate) reserves the right to refer the matter to the University and/or police depending upon the nature and severity of the allegation.
- 10.2. During this time, any ongoing Union processes will be suspended pending the outcome of any related external investigations, and resume once the outcome of any such investigation has been determined. Any precautionary suspension would still apply.
- 10.3. To avoid duplication of processes, BSU reserve the right to impose precautionary suspensions and withdrawal of services, based upon third party recommendations.
 - 10.3.1. Such decisions will be taken by the CEO (or nominee), and based upon a risk assessment of each party.
 - 10.3.2. Any requests for sanctions relating to BSU activities, services and spaces may not be more punitive than any in place for University spaces/services.
 - 10.3.3. The University are responsible for managing any sanctions or suspensions put in place.