# POLICY AND PROCEDURES FOR MANAGING COMPLAINTS

## POLICY

* 1. Heriot-Watt University Student Union (HWUnion) is an independent charitable organisation operating in accordance with the UK 1994 Education Act and is regulated by OSCR (the Scottish Charity Regulator). It is a separate organisation from Heriot-Watt University (HWU). Any complaints relating to HWUSU will be managed by HWUnion rather than the University.
  2. Where a complaint relates solely to HWUnion but requires a solution that lies with the University, HWUnion will investigate the complaint and refer its findings to the University for consideration in accordance with University procedures.
  3. Heriot-Watt University Student Union (HWUnion) has open, fair and accessible Complaints Procedures aligned with its equalities policy and designed to encourage prompt resolution at an early stage while ensuring that the interests and wellbeing of all individuals associated with a complaint are safeguarded. The Student Union will ensure that raising a complaint will not influence treatment of the complainant by HWUnion. HWUnion aims to investigate and resolve complaints in the best interests of all parties, taking action to address areas where improvement is identified. Constructive complaints are valued and can contribute to a positive experience for all who engage with HWUnion.
  4. HWUnion will ensure that it acts in accordance with legislative requirements, including General Data Protection Regulations (GDPR), and with confidentiality in the use of student data and complainant information. Complaints will be handled with an appropriate level of confidentiality and information will only be released to those who need it for the purposes of investigating or responding to the complaint or taking steps to address the issues raised in the complaint.
  5. In the interests of fairness and justice, individuals who are the subject of a complaint have a right to know who has raised the complaint and the nature of that complaint and have a right to the full facts in order to be able to defend themselves. A complaint will only be handled anonymously in exceptional circumstances where it is established that there is a clear rationale for doing so i.e. where the complainant needs to be protected.
  6. When serious complaints are raised it is important that the matter is escalated to an appropriate level and that the investigation is conducted by an individual who is independent of the situation and who can handle it confidentially and sensitively.
  7. Complaints should be raised as soon as problems arise to enable prompt investigation and resolution. A complaint will normally be considered within three months following the incident causing the complaint. The complainant will be advised of the outcome of the complaint following investigation.
  8. HWUnion reserves the right to refuse to consider a complaint if it is deemed to be vexatious or where irrational demands are made or where the complainant is unreasonably persistent. Similarly, HWUnion reserves the right to refuse to deal with a complainant who takes an overly aggressive or abusive approach towards HWUnion staff and student officers; all members of staff and student officers have a right to be treated courteously and with respect, and HWUnion will take steps to protect members of staff and student officers in circumstances where the behaviour of complainants is unacceptable. In such circumstances, a brief response will be provided to the complainant outlining the reasons for not taking the matter further.
  9. HWUnion retains the right to invite an external body to assist with a complaint where this is considered appropriate.

## **TYPES OF COMPLAINT**

* 1. There are four main types of complaint that will be considered by HWUnion:

1. Complaint about the activities of HWUnion
2. Complaint about a HWUnion staff member
3. Complaint about a Student Officer of HWUnion in respect of HWUnion activity
4. Complaint about the HWUnion Board of Trustees or individual Trustee Board members in their role as HWUnion Trustees

## PROCEDURES

### 3.1 Straightforward complaints

1. Straightforward, informal or minor complaints should be raised locally at source i.e. with the individual or service area which is the subject of the complaint. Where possible, such complaints will be resolved within five working days. If a complainant is dissatisfied with the outcome or feels that the matter has not been satisfactorily resolved via this route, it should be referred to the Chief Executive Officer (CEO) of HWUnion for consideration; the CEO will ensure that the President of HWUnion is aware of the complaint.

### 3.2 Formal Complaints

1. If a complaint is of a more serious or complex nature and requires investigation, it should be referred to the CEO of HWUnion in the first instance. The CEO will ensure that the President of HWUnion is aware of the complaint and, where relevant, will involve other members of HWUnion in the process of investigation. If a formal complaint involves the CEO, it should be referred to the Chair of the HWUnion Trustee Board for consideration in the first instance. If a formal complaint relates to the Trustee Board as a whole or its individual members, it will initially be considered by the CEO (who is not a member of the Board) who will take forward and consult as appropriate.
2. HWUnion will acknowledge a formal complaint within five working days and will endeavour to provide a full response within twenty working days where possible. However, in cases which are more complex, it may not be possible to act in accordance with this timescale and in such cases HWUnion will keep the complainant informed of any delays. In some cases, it may be necessary to request additional information from the complainant and further investigation may need to be held in abeyance until this is provided. In some circumstances, consideration may be given to a process of mediation where beneficial to resolution of a complaint.
3. A formal complaint submission should normally include:

* Name and contact details of the complainant
* Specific substance/details of the complaint, together with any supporting evidence
* An indication of what the complainant would like to happen as a result of raising the complaint.

1. The outcome of the investigation of a formal complaint will be communicated to the complainant in writing.
2. Formal complaints will be reported to the HWUnion Trustee Board and a record of all formal complaints will be maintained by HWUnion in order that analysis and trends can be examined; this will help HWUnion to learn from complaints and improve future services.

## APPEALS

* 1. If a complainant is not satisfied with the outcome of consideration of a formal complaint, an appeal may be submitted to the HWUnion Trustee Board within five working days from the date of the letter confirming the outcome. The appeal should be in the form of a letter to the Chair of the Trustee Board for the attention of the Board. The complainant will be informed of the timescale for consideration of the appeal. In a case where the Chair has been involved in consideration of the complaint at an earlier stage, the matter will be delegated to another Trustee Board member for independent review. The complainant may be invited to attend a meeting with Trustee Board members. The outcome of the appeal stage completes the internal processes for consideration of a complaint by HWUnion.

## CONTACTS

Chief Executive of HWUnion:

[G.Edwards@hw.ac.uk](mailto:G.Edwards@hw.ac.uk); 0131 451 5333 (HWUnion landline)

Independent Chair of HWUnion Trustee Board:

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October 2020