

# Imperial College Union

## Bye-Law G Complaints

Last Approved September 2021  
TRACKED CHANGES HERE ARE PROPOSED FURTHER UPDATES

## G. Complaints

1. This ~~Bye-law~~ exists to provide a clear and transparent set of ~~procedures~~[J(1)] for the Union's ~~dealings-of-method of resolving~~ complaints made to the Union regarding the Union.
2. The Union shall provide a ~~complaints form on the official Union website~~mechanism to raise complaints against the Union.
3. Any member, associate member, or visiting user of the Union's services can make a complaint if they:
  - 3.1. Are dissatisfied in their dealings with the Union outside of the electoral process,
  - 3.2. Claim that they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the Union, or
  - 3.3. Are dissatisfied with the conduct or performance of the Union
4. Complaints against any individuals are not provided for by these procedures, but are instead provided for in ~~the Disciplinary Procedures bye-law~~Bye-Law H - Discipline.
5. There are three stages in the Union complaints procedure:
  - 5.1. Stage one – Local Resolution
  - 5.2. Stage two – Formal Stage
  - 5.3. Stage three – Appeal

### Stage One – Local Resolution

6. A complaint should be resolved in stage one where the nature of the complaint is minor and/or pertains to a specific area of the Union. Such complaints are informal but should be logged on the Union's complaints system for reporting purposes.
7. The first step is for a member to raise a complaint, either by email or face to-face to with relevant staff in the department or service concerned.
8. Complaints at the local level should normally be provided with a response within 10 Ccollege days to report how the issue has been considered ~~or~~and to advise the member of how it will be resolved.
9. Where the local resolution stage has been completed and a member remains dissatisfied with the outcome, they can escalate their complaint to Stage 2.

### Stage Two – Formal Stage

10. If the complaint has not been resolved to the satisfaction of the complainant through the local stage, ~~or~~ the complaint is of a serious enough nature, or if an individual wishes to raise a substantial complaint, a formal complaint should be submitted ~~through the official complaints form~~[J(2)] within 10 Ccollege days following the outcome from stage one (if the issue was originally considered in stage one).
11. The individual will be required to provide details of the nature of their complaint ~~on the formal complaint form~~[J(3)], along with supporting documentary evidence. The complainant should also specify their desired outcome from this procedure.

12. Upon receipt of a formal complaint, an initial evaluation will be undertaken by the Complaints Officer, who shall be an appointed member of Union staff, to check that the complaint has been submitted under the correct procedures and within the deadline.
13. If the complaint has been submitted directly to the formal stage and it is considered that it could be reviewed at the local stage first, it will be referred to the complainant for this to be done. If the Union Complaints Officer or nominee does not consider that it is appropriate for the matter to be dealt with under the Union Complaints procedure, the complainant will be informed accordingly.
14. The Union will respond to the complainant within 10 College days of receipt of the formal complaint.
15. Complaints received after the deadline will normally be rejected and the complainant advised accordingly. However, the Union may choose to investigate a complaint submitted after the deadline where the complainant is able to demonstrate valid reasons for being unable to submit the complaint within the appropriate timeframes.
16. The Union Governance and Membership Committee will annually appoint complaint handlers, one (or more) of whom will be specified as the responsible authority to deal with ~~the complaint~~ complaints, depending on ~~its~~ their nature and origin. Complaint handlers must be Union staff members or Officer Trustees. The specified complaint handler must not be a person against whom the complaint is made.
17. If the complaint is regarding the Managing Director, the Chair of the Board of Trustees will nominate a responsible authority for dealing with the complaint.
18. The responsible authority considering the complaint may conduct an investigation themselves or appoint another member of staff to investigate the complaint.
19. The responsible authority or their nominee will conduct a review of the supporting evidence provided by the complainant and may talk to the key people involved and collate additional items of evidence.
20. A report will be produced which outlines the process followed, the evidence considered, the conclusions drawn and any recommendations which emerge from the investigation. Appended to the report will be the evidence that has been considered in coming to the decision regarding the complaint.

### **Stage Three – Appeal**

21. If the complainant is dissatisfied with the outcome from the formal stage (Stage 2), they can request an appeal by writing formally to the Managing Director within 10 College days of receipt of the outcome of Stage 2.
22. The appeal can be made on the following grounds:
  - 22.1. That there is new material supporting evidence which, for valid reasons, the complainant was unable to provide during the formal stage of the complaint;
  - 22.2. That there has been material procedural irregularity in the conduct of the complaints procedure;
  - 22.3. That the outcome of the formal stage was unreasonable.
23. The complainant must include details of why they remain dissatisfied and what resolution they are seeking and should include any relevant evidence which they wish to be taken into consideration in their request for appeal ~~review~~.

24. The Managing Director (or nominee) will evaluate the request for ~~the review appeal~~ to ensure that it falls within the grounds for ~~review appeal~~ set out in this procedure and ~~inform the complainant of this review within 5 College days of receipt of the appeal.~~[J(4)]
25. If the decision is to proceed with the ~~review appeal~~, the Managing Director (or nominee) will establish a Panel to meet the complainant, any individuals named in the complaint, and the responsible authority before concluding the review of the complaint.
26. The Panel will be drawn from a designated list of Complaints Appeal Members. The panel will comprise at least one Officer Trustee of the Union and one ~~Senior Staff Member~~[J(5)]~~staff member from the Senior Management Team~~. The Complaints Appeal Panel composition will be decided by the ~~Chair of the~~ Governance and Membership Committee ~~Chair~~.
27. ~~No member of the Complaints Appeal Panel can have been involved in any previous stages of the complaint.~~[J(6)]
28. A record ~~of the proceeding of the Complaints Appeal Panel~~ should be kept ~~of any such meetings~~.
- ~~28-29.~~ [J(7)] A complainant may be accompanied for moral support by either; a full member of the Union, or a current member of staff at the College. Complainants may not ~~normally~~ be accompanied by a solicitor or barrister acting in a professional capacity.[N(8)][N(9)] In addition, the member may be accompanied by a support ~~person~~, ~~(e.g. including, but not limited to:~~ a sign language communicator, note taker or interpreter.)
- ~~29-30.~~ The Managing Director (or nominee) will normally provide a final written response to the complainant within 25 ~~College~~ days following receipt of the request for appeal. This response will give a clear explanation of their findings and, where there were proven grounds for review, an indication of how and when any remedy will be implemented.