

Middlesex Students' Union Complaints Procedure



1. Introduction to the Complaints Procedure

- 1.1. With any complaint, we aim to:
 - 1.1.1. resolve the complaint as fairly and as swiftly as possible.
 - 1.1.2. deal with the complaint in confidence.
 - 1.1.3. keep you updated on what is happening with the complaint.
- 1.2. Middlesex Students' Union [the 'Union'] will always aim to find a resolution to any complaint made and encourages any complainant to be clear as to what it considers to be an appropriate resolution at all times.
- 1.3. All complaint handlers will be briefed regarding their duties in accordance with the Data Protection Act 1998 and the GDPR. Throughout the investigation of any complaint, the complaint handlers – and anyone else involved – must operate with due regard for the confidentiality of the individual(s) involved; any breach of this confidentiality will be treated with the utmost seriousness and may involve disciplinary action being taken.
- 1.4. No Union member or member of staff should be involved (other than as a witness) in dealing with a complaint in which they might have (or might appear to have) a conflict of interest where practicable. This may require the composition of any panel etc. under these rules to vary from the composition laid down.
- 1.6. The Chair of the Trustee Board may delegate authority to a member of staff or another Student Officer throughout this or any other procedure.
- 1.7. Where a complaint is raised that concerns the Chair of the Trustee Board, the Trustee Board will nominate an alternative Trustee to act in the place of the Chair. For the avoidance of doubt the Chair themselves will not take part in this conversation as they would have an interest in its outcome.
- 1.8. All timelines laid out in this procedure are indicative and can be adjusted by either party with good reason to be determined by the Chair of the Trustee Board. 'Good reason' may include adjustments which need to be made in accordance with the Equality Act 2010.
- 1.9. The term 'Student Group' refers to any club, society, campaign or media outlet; however, it is the responsibility of any complaint handler to ensure that all procedures are enacted with due consideration to the relevant Bye-Laws or Student Group procedures.

2. Remit of the Complaints Procedure

- 2.1. This complaints procedure concerns complaints:
 - 2.1.1. made against members of the Union in their capacity as members of the Union, including but not limited to: club or society members, members of the Executive Committee, Trustees or Student Group committee members.
 - 2.1.2. regarding the Union's policy or the implementation of that policy.
 - 2.1.3. regarding a service or provision of the Union including commercial services, trading services and provisions
- 2.2. This complaints procedure does not concern the following:
 - 2.2.1. Complaints regarding any election or referendum; such complaints should be raised in accordance with the election rules which can be found [here](#).
 - 2.2.2. Complaints about a matter of Union policy, or the way it or the Constitution is interpreted or implemented. These complaints will be dealt with by submission to the Chair of MDXSU's democratic student forum.
 - 2.2.3. Student dissatisfaction with the work of an elected Student Officer, or how elected Student Officers are implementing policy. That student may submit a formal motion to MDXSU's democratic student forum; in some circumstances, complaints about elected officers may be considered in accordance with these Procedures, at the discretion of the Chair of the Trustee Board or the Chair of the aforementioned forum.
 - 2.2.4. Complaints made against other students or student activity which has taken place outside of their capacity as members of the Union. Such complaints should be dealt with in accordance with Middlesex University's Complaints Procedures. Complainants can be supported by the Union's Advice Service to make such a referral.

- 2.3. The Chair of the Trustee Board may decide to refer the case for consideration in accordance with Middlesex University's Complaints Procedures before any consideration is given under these Procedures. Equally, Middlesex University may refer a case to be considered in accordance with these Procedures before or after Middlesex University's Procedures.
- 2.4. Anyone can make a complaint in accordance with this procedure including members of the public, University staff, Union staff and other members.
- 2.5. Where the complaint involves a particular Student Group, the Committee will be expected to nominate one member of the Committee to act as a representative of that Student Group.
- 2.6. Vexatious or frivolous complaints will not be considered, at the discretion of the Chair of the Trustee Board.
- 2.7. All serious complaints will be given due regard, though anonymous complaints will only be considered where good reason has been provided, at the discretion of the Chair of the Trustee Board.
- 2.8. The Union may decide to temporarily suspend any member or Student Officer of the Union (herein referred to as individual(s)) or Student Group pending the investigation of any complaint or Disciplinary action, at the discretion of the Chair of the Trustee Board.
- 2.9. The complaints process may be put on hold where a complaint has been made where action is required in accordance with other procedures (such as HR procedures or a police investigation).

3. Complaints procedure

- 3.1. All complaints should be made on the complaints form available on the [MDXSU website](#).
- 3.2. The complaint should be submitted to the Chair of the Trustee Board, or where the complaint refers to the Chair of the Trustee Board to the Chief Executive Officer, via the email addresses supplied on the website (mdxsu@mdx.ac.uk).
- 3.2. Complaints received in another format may be considered at the Chair of the Trustee Board's discretion; any complaints submitted elsewhere should be referred directly to the Chair of the Trustee Board.
- 3.3. When a complaint is received, the Chair of the Trustee Board or delegate will enter the details in a log, and forward the complaint to the relevant officer or staff member for initial consideration; these are the 'complaint handlers' for the case.
- 3.4. The complaint handlers will first consider whether the complaint should be dealt with informally, or proceed directly to the formal stages below.
- 3.5. At this stage, the complaints handler will formally acknowledge receipt of the complaint within 5 working days and notify the complainant as to how it will be dealt with.

4. Informal investigation

- 4.1. The complaint handler may contact the complainant outlining what information is required in order to complete the informal investigation stages. This may include asking the complainant to attend an investigative meeting. Where this is not necessary, the complaint handler will proceed with the informal investigation.
- 4.2. After investigating the complaint, the complaint handler will write to the complainant outlining the investigations which have taken place. The response will also detail the next steps which will be taken from the following:
 - 4.2.1. That no action is proposed as a result of the complaint and the complaint will be closed.
 - 4.2.2. That resolutions or changes will be undertaken as a result of the complaints and will be closed.
 - 4.2.3. That the matter requires referral to the formal stages below.
 - 4.2.4. That the matter should be considered in accordance with another procedure (such as the Union's bye-laws or H&S for example).
- 4.3. The response provided will give reasons for the decision reached, and explain the option to request a review outlined below.
- 4.4. If the complainant is dissatisfied with the outcome proposed, the complainant will have five working days from the date of the Union's response to request a review of this outcome, giving the reasons why they are dissatisfied.
- 4.5. The Chair of the Trustee Board will review any requests submitted in 4.4 and determine whether the complaint should be referred to the formal stages of the procedure, or whether the decision to close the complaint at the informal stage should be upheld; the Chair of the Trustee Board's decision will be final.

5. Formal Investigation

- 5.1. If the complaint cannot be resolved informally, the complaint will then be considered in accordance with these formal stages. The Chair of the Trustee Board will nominate a new complaint handler, not previously involved in the case. This will normally be a member of staff more senior than the previous complaint handler.
- 5.3. The new complaint handler will contact the complainant outlining what information is required in order to complete the formal investigation stages. This may include information from third parties, such as Middlesex University and any relevant information will be sought from any parties.
- 5.4. In most cases, the complainant and any others involved in the complaint, including staff members, will be asked to attend a formal investigative meeting with a complaints panel, to be appointed by the Chair of the Trustee Board, who will not themselves be a member of the panel.
- 5.5. The panel will be made up of up to two full-time or part-time Student Officers or Student Trustees, and one member of the senior leadership team. None will have had previous involvement in the case.
- 5.6. After investigating the complaint, the complaint handler will write to the complainant outlining the investigations which have taken place.
- 5.7. The response will also detail the outcome of the investigation, which will likely be (but not limited to) one of the following:
 - 5.7.1. That the complaint is not upheld and that no further action is proposed as a result of the complaint.
 - 5.7.2. That the complaint is either partially or wholly upheld, and will outline what resolutions or changes will be undertaken as a result of the complaint.
 - 5.7.3. That the matter requires referral to the Disciplinary (or other) Procedures via the Chair of the Trustee Board. Where the matter is referred to other procedures, the complaints procedure will be considered closed.
- 5.8. The response provided will give reasons for the decision reached, and explain the option to request a review outlined below.
- 5.9. If the complainant is dissatisfied with the outcome proposed, the complainant will have five working days from the date of the Union's response to request a review of this outcome, giving the reasons why they are dissatisfied. The Chair of the Trustee Board will determine whether the complaint outcome should be reviewed or if the outcome of the complaint at the formal stage should be upheld; the Chair of the Trustee Board's decision will be final.

6. Review Stage

- 6.1. If the Chair of the Trustee Board determines that the complaint outcome should be reviewed, the complaint will then be considered in accordance with these review stages.
- 6.2. The complaint handler will be asked to provide a report of the investigations and outcomes determined thus far to the Trustee Board, or a panel thereof, not including the Chair of the Trustee Board.
- 6.3. The Trustee Board/complaints panel will review the complaint outcome and determine whether:
 - 6.3.1. The complaint has been considered appropriately and fairly
 - 6.3.2. The resolutions to the complaints proposed are appropriate and reasonable
- 6.4. The Panel will then make one of the following decisions:
 - 6.4.1. That the investigation be undertaken again by a different complaint handler, returning the complaint to the Formal Stages of this procedure
 - 6.4.2. That the resolutions proposed be amended at the discretion of the Panel
 - 6.4.3. That the decision arrived at in the Formal Stages of the complaints procedure be upheld and the matter considered closed.
- 6.5. Within the Union the decision of the panel will be final.

7. University-level review stage:

- 7.1. If you considered that:
 - 7.1.1. there has been a procedural irregularity in the conduct of the formal investigation; **OR**
 - 7.1.2. new information has come to light, which you were unable to disclose previously and which would have had a material impact upon the investigation previously undertaken; **OR**

7.1.3. the decision reached was unreasonable based on the information that had been available to the Union when the case was considered

- 7.2. You may request a review of the outcome of the formal investigation, and must do so within 21 working days of the written response to the formal stage. The review request must be submitted to Chief Executive Officer of MDXSU using the [University Level Review Form \(ULR\)](#), who will then liaise with the University's Director of Student Affairs to nominate a Senior Manager from an Academic School or Professional Service to review the complaint.