

COMPLAINTS POLICY (NON-STAFF, NON-STUDENT)

SUMMARY OF PRINCIPAL CHANGES

General changes This is a new UPR and it should be read in its entirety	
Section:	
6.3.3	Additional information provided regarding complaints concerning the University's delivery of degree apprenticeships

(Amendments to version 01.0, UPR GV15, are shown in italics.)

Structure

- 1 INTRODUCTION
- 2 SCOPE
- 3 TERMINOLOGY
 - 3.1.1 'Case Officer'
 - 3.1.2 'complaint'
 - 3.1.3 'Complainant'
 - 3.1.4 'First Responder'
 - 3.1.5 'Presiding Officer'
 - 3.1.6 'Respondent'
- 4 STATEMENT OF POLICY
- 5 MALICIOUS OR FRIVOLOUS OR VEXATIOUS COMPLAINTS
- 6 COMPLAINTS PROCEDURE
 - 6.1 Complaints procedure – Scope
 - 6.2 Complaints procedure – Structure and format of process and general information
 - 6.2.4 Complaints procedure – Preliminary Informal Stage 1
 - 6.2.5 Complaints procedure – Formal Stage 2
 - 6.2.6 Complaints procedure – Review by the Secretary and Registrar
 - 6.3 Review by the Secretary and Registrar – Structure and format of process and general information
- 7 RULES FOR THE ADMINISTRATION OF COMPLAINTS
 - 7.1 General rules
 - 7.1.4 Standard forms and correspondence
 - 7.1.5 Confidentiality
 - 7.1.6 Complainants' entitlements and Advisers
 - 7.1.7 Respondent's entitlements and Advisers
 - 7.1.8 Conduct of Complaints Hearings/meetings
 - 7.1.9 Adjournment
 - 7.1.10 Interface between the University's disciplinary and complaint procedures
- 8 MONITORING

1 INTRODUCTION

1.1 The University is committed to ensuring that it delivers the best possible service and appreciates all comments that help it to do so. Although the University will make reasonable efforts to provide appropriate facilities, amenities and services, members of the public and third parties should note that such provision may be affected by conditions beyond the University's control which prevail from time-to-time. In such circumstances, the University cannot accept responsibility for a level of service which may be less comprehensive than that normally provided. However, the University does encourage individuals to give feedback or make a complaint (pursuant to this policy) where they feel that the service that they have received does not meet the University's usual high standard.

1.2 The policy and procedures set out in this document have been approved by the Secretary and Registrar with effect from 29 July 2019.

1.3 Role of the Secretary and Registrar

The Secretary and Registrar, in consultation with the Presiding Officer, will be responsible for the general interpretation and application of the University's regulations as they relate to general complaints and will exercise these responsibilities as specified in this procedure. Where a complaint is brought pursuant to this policy (UPR GV15) and the Secretary and Registrar, in his or her absolute discretion, considers that such complaint would be better handled under another, more appropriate policy, he or she may direct that such complaint should be handled pursuant to the alternative policy, and that this policy shall not apply.

2 SCOPE

2.1 In the event that they wish to make a complaint, and with the following exceptions, the policies and procedures set out in this document (UPR GV15) are to be used by:

- i. members of the public;
- ii. third parties;
- iii. subcontractors or parties contracting with the University;
- iv. consultants;
- v. placement providers;
- vi. employers of degree apprentices undergoing training at the University; and
- vii. any other individuals or corporate entities whose complaint would not be covered by the University's other policies for resolution of complaints or grievances, as set out below.

2.2 Where a contract between the University and a contractor stipulates contractual dispute resolution provisions, then such provisions shall take precedence over this policy, unless otherwise agreed by the University and the relevant contractor.

2.3 **This policy is not applicable to complaints from students or University (or University Group company) employees.** The University has other, more appropriate arrangements set out in its UPRs for complaints from students or University employees as follows:

Student policies:

- i. **academic or non-academic issues** raised by students on programmes delivered at the University (UPR SA16¹, refers);
- ii. issues raised by students registered on programmes delivered at **Partner Organisations** which lead to awards of the University of Hertfordshire (section 2.2 of UPR SA16², refers);

¹ UPR SA16 'Student and Applicant Complaints'

- iii. **'whistleblowing'** and the **'raising and escalation of concerns'** by students enrolled on programmes leading to University of Hertfordshire awards (who are undertaking compulsory or optional placements that form part of their programmes of study or attend Study Centres recognised by the University (Appendix I, UPR GV12³, refers)).

Employee policies:

- iv. issues raised by employees of the University in connection with their **employment by the University** (UPR HR03⁴, refers);
- v. issues raised by employees of the University concerning alleged incidents of **harassment or bullying** (UPR EQ01⁵);
- iv **'whistleblowing'** and the **'raising and escalation of concerns'** by staff employed by the University (Appendix I, UPR GV12⁶, refers).

3 TERMINOLOGY

3.1 For the purposes of this document the following definitions will apply:

3.1.1 **'Case Officer':**

a University officer, independent of the matters complained of, appointed to investigate a formal complaint at Stage 2 by the Presiding Officer;

3.1.2 **'complaint':**

a complaint or dispute, whether in oral or written format, relating to the administration and/or operation of the University, and to which this policy applies;

3.1.3 **'Complainant':**

the person making the complaint;

3.1.4 **'First Responder':**

the first person to respond to a Preliminary Informal Stage 1 complaint, who shall be of appropriate seniority to respond (e.g. Associate Dean or Head of Department);

3.1.5 **'Presiding Officer':**

the individual identified at Stage 2 of these complaints procedures (UPR GV15) who will hear the formal complaint at Stage 2;

3.1.6 **'Respondent'**

an individual person about whom or in relation to whom a complaint has been made;

3.2 This document otherwise uses the institutional definitions set out in UPR GV08⁷.

² UPR SA16 'Student and Applicant Complaints'
³ UPR GV12, Appendix I 'Public Interest Disclosure'

⁴ UPR HR03 'Grievance Procedures'
⁵ UPR EQ01 'Harassment and Bullying'
⁶ UPR GV12, Appendix I 'Public Interest Disclosure'

⁷ UPR GV08 'Glossary of Approved University Terminology'

4 STATEMENT OF POLICY

- 4.1 The University of Hertfordshire will use reasonable efforts to deal promptly and efficiently with all complaints.
- 4.2 The aim of the University's complaints procedures is to resolve individual complaints as quickly and fairly, and as near to their source, as possible.
- 4.3 This complaints procedure has (1) a preliminary, informal stage 1 and (2) a second formal stage 2.
- 4.4 The time limits incorporated within the University's complaints procedures may be modified by mutual written agreement of the parties involved.
- 4.5 Where a Complainant wishes to make a formal complaint (at Stage 2), or to request a review by the Secretary and Registrar, details may be submitted orally or (if the University so requires) in writing.
- 4.6 Please note that formal complaints or requests for review which are not submitted using the required form will not be considered by the University.

(Note for guidance:

- With regard to the requirement in section 4.6 to submit formal complaints and requests for review by the Secretary and Registrar using the required form, the University will make reasonable adjustments for disabled individuals.
 - The current versions of the forms referred to in this document (UPR GV15) are published on-line at: <https://www.herts.ac.uk/about-us/legal/complaints-policy>
- 4.7 All members of staff are expected to make themselves available to listen to informal complaints and to try to address the issues raised quickly and in the most appropriate way.
- 4.8 Each complaint will normally be considered individually although, depending on the circumstances, where a series of complaints involves the same subject matter or individual(s), the University may consider those complaints collectively.
- 4.9 All complaints will be investigated as thoroughly as possible in the prevailing circumstances.
- 4.10 All Complainants will be treated equally, regardless of their status or seniority, and will not be treated adversely as a result of their having made a complaint.
- 4.11 The University reserves the right to reject complaints made maliciously or vexatiously or frivolously (section 5, refers).
- 4.12 Where, at any stage, a complaint against an individual is made the subject of a formal discussion or Hearing, both the Complainant and the individual about whom the complaint has been made may each be accompanied by an adviser (section 7.1.6, refers).
- 4.13 Where a complaint concerns an individual, he or she should be in attendance at any meeting if required by either party. With limited exceptions, copies of any statements of complaint or supporting documents will be given to both parties involved.
- 4.14 Where the subject of a complaint is the person who would normally receive and/or deal with that complaint on the University's behalf, the Complainant should seek advice from the Secretary and Registrar (or nominee) who will ensure that the matter is dealt with by another appropriate party.

- 4.15 Where appropriate and permitted under applicable data protection legislation, the University reserves the right to use material recorded via its CCTV scheme to enable the investigation and processing of complaints.
- 4.16 All previous stages in the complaints process must have been concluded before a complaint may progress to the next stage.
- 4.17 The University will consider complaints and apply the relevant complaints procedure in accordance with its policies on equality and diversity. In particular, the University will make reasonable adjustments for those with disabilities.
- 4.18 The process whereby a formal complaint is investigated is distinct from the University's disciplinary procedures. However, where it is determined that there should be a disciplinary Hearing, the investigation by the independent Case Officer made under the provisions of these regulations (UPR GV15) will contribute to the investigation stage required by the University's disciplinary procedures.

5 MALICIOUS OR FRIVOLOUS OR VEXATIOUS COMPLAINTS

Where there is reason to believe that a complaint may have been made either maliciously frivolously or vexatiously, the matter will be investigated by the Secretary and Registrar who will take advice from appropriate officers of the University. Where, on the balance of probabilities, he or she judges the complaint to be malicious or vexatious or frivolous, the Secretary and Registrar will write to the Complainant, within ten (10) working days of its receipt for investigation (or as soon as possible thereafter), rejecting the complaint.

6 COMPLAINTS PROCEDURE

(Note for guidance:

Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.)

6.1 Complaints procedure - Scope

- 6.1.1 With the following exceptions, this procedure will apply to all complaints raised by the persons set out at section 2.1 above, but not to complaints raised by students or employees of the University.

6.2 Complaints procedure – structure and format of process and general information

- 6.2.1 This procedure has two stages: (1) a preliminary informal stage 1, and (2) a formal stage 2. Complainants must complete each stage before they can progress to the next. In exceptional circumstances and on the grounds set out in section 6.2.6, the Complainant may request a review by the Secretary and Registrar at the conclusion of the formal stage.
- 6.2.2 Before lodging a request for a review by the Secretary and Registrar, all Complainants should refer to section 7 of this document ('Rules for the Administration of Complaints').
- 6.2.3 In the event that the person to whom the complaint should be submitted is either part of the subject of the complaint or otherwise in a conflict of interest, the complaint should be submitted to the Secretary and Registrar (or nominee) who will ensure that a suitable substitution is made.

6.2.4 Complaints procedure - Preliminary Informal Stage 1

(Note for guidance:

- Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.
- i A complaint raised at the preliminary, informal stage 1 of this procedure must be made in writing and lodged within three (3) calendar months of the date on which the incident occurred. Complaints may be submitted via the University's online queries email address: ask@herts.ac.uk.
- ii Within ten (10) working days of the University receiving the complaint (or as soon as possible thereafter), the First Responder (who, for the purposes of resolving such complaint, should be an individual with sufficient authority to do so, e.g. an Associate Dean or Head of Department) will endeavour to take the steps necessary to resolve the problem and may meet the Complainant to discuss the matter.
- iii Where the First Responder has been unable to resolve the matter informally, usually within a further ten (10) working days (or as soon as possible thereafter), he or she will:
 - a prepare a brief written report in the format specified by this policy (section 7.1.4, i, refers), which will summarise the nature of the complaint and indicate the actions which have been taken; and
 - b submit this report, as appropriate, to the relevant Dean of School/Head of Strategic Business Unit and provide a copy to the Administration Manager of the relevant School or Strategic Business Unit.
- iv Whether or not the First Responder is able to resolve the matter informally, the First Responder should inform the Complainant of the outcome of stage 1, in writing, within the ten (10) working day period set out at section 6.2.4, iii (or as soon as possible thereafter).

6.2.5 Complaints procedure - Formal Stage 2

(Note for guidance:

- Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.)
- i A formal complaint must be made, in writing, using the current version of the relevant form published from time-to-time with this policy. The completed form must be lodged with the relevant Dean of School/Head of Strategic Business Unit within three (3) calendar months of the date on which the incident occurred (section 7.1.4, ii, refers). Please note that complaints or review requests not submitted using the required form will not be considered.
- ii The University expects that at the time of making a formal complaint, the Complainant will bring forward all relevant evidence that is available at the time at which the formal complaint is lodged.

(Note for guidance:

- With regard to the submission of formal complaints by form, the University will make reasonable adjustments for disabled individuals.

- The current version of the form is published on-line at:
<https://www.herts.ac.uk/about-us/legal/complaints-policy>
- Advice on where formal complaints should be directed is available from Governance Services.)
- iii The Dean of School/Head of Strategic Business Unit is designated as the Presiding Officer for the purposes of dealing with the formal complaint (section 7, refers) and will:
 - a as soon as possible, inform any Respondent that a formal complaint has been made against them and will also advise them of the nature of that complaint;
 - b notify the Secretary and Registrar and the relevant School/Strategic Business Unit Administration Manager at the earliest opportunity that a formal complaint has been made; and
 - c appoint an independent Case Officer (who has had no previous involvement in the complaint and is independent of the part of the University to which it relates).
- iv The Case Officer will:
 - a prepare a full report and submit this to the Dean of School/Head of Strategic Business Unit (the Presiding Officer); and
 - b provide a copy of that report to the Secretary and Registrar and the relevant School/Strategic Business Unit Administration Manager.
- v The Presiding Officer:
 - a may seek to resolve the issue on the basis of the Case Officer's report and/or any other documentation provided; and/or
 - b may seek further information from the members of staff involved in the complaint; and/or
 - c may, at his or her discretion, call a Hearing at which the Complainant and any other persons involved may submit their respective cases;
 - d will, where he or she has resolved to conduct a Hearing, inform the Complainant, in writing and within ten (10) working days of receiving the formal complaint (or as soon as possible thereafter), of the arrangements for the Hearing by means of a **Letter of Notification** in the required format (section 7.1.4, iii, refers);
 - e will ensure that a narrative (non-verbatim) record is made of the Hearing by a clerk appointed by the Presiding Officer;
 - f will, within ten (10) working days of having received the formal complaint, or as soon as possible thereafter, communicate his or her decision, in writing, to the Complainant. The **Letter of Decision** will be in the required format (section 7.1.4, iv, refers);
 - g will, where a complaint is upheld, take appropriate action and will determine whether the Complainant may claim for reasonable and proportionate incidental expenses incurred in connection with bringing the formal complaint;

- h will prepare a brief written report in the format specified by this policy (section 7.1.4, i, refers), which will summarise the nature of the complaint and indicate the actions which have been taken;
- i will submit this report to the Secretary and Registrar.

6.2.6 Complaints procedure – Review by the Secretary and Registrar

- i Where a Complainant remains dissatisfied with the outcome following the conclusion of the formal Stage, the Complainant may request a review by the Secretary and Registrar where the Complainant:
 - a wishes relevant information not already brought forward at earlier stages or new information which may be relevant to the case (in both cases, where such information was not previously available for consideration at an earlier stage) to be considered; and/or
 - b believes that there has been procedural irregularity or bias.
- ii The University expects that at the time of making a formal complaint, a Complainant will bring forward all relevant evidence that is available at the time at which the formal complaint is lodged. A review may not proceed on the basis of information that was already available at the time that the complaint was originally lodged.

6.3 Review by the Secretary and Registrar – Structure and format of process and general information

(Note for guidance:

Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.)

- 6.3.1 The Secretary and Registrar may designate a nominee of appropriate senior standing and independence (e.g. the Deputy Vice-Chancellor, a Pro Vice-Chancellor, or an independent Dean of School/Head of Strategic Business Unit) to deal with reviews by the Secretary and Registrar concerning general complaints.
- 6.3.3 In all cases (section 6.3.1, refers) the decision of the Secretary and Registrar (or nominee) will be regarded as final, unless the Complainant is an employer of degree apprentices and its complaint relates to the University's delivery of degree apprenticeships. Such Complainant may refer the matter to the ESFA for independent external review *within 12 months of the issue arising*. See: <https://www.gov.uk/complain-further-education-apprenticeship>. *The ESFA will not deal with complaints about employment issues.*
- 6.3.4 Before lodging a request for a review by the Secretary and Registrar, a Complainant should refer to section 7 of this document ('Rules for the Administration of Complaints').
- 6.3.5 In the event that the person who would normally deal with the Hearing on the Secretary and Registrar's behalf is either part of the subject of the complaint or otherwise in a conflict of interest, the Secretary and Registrar will ensure that a suitable substitution is made by the University.

6.3.6 Review by the Secretary and Registrar - making a request

- i A request for a review by the Secretary and Registrar must be made, in writing, using the current version of the relevant form published from time-to-time by the University, pursuant to this policy. The completed form must be lodged with the Secretary and Registrar within ten (**10**) working days of the date of the **Letter of Decision** (section 6.2.5, v, f, refers) (not the date on which the **Letter of Decision** was received by the Complainant).

(Note for guidance:

- o With regard to the submission of review requests by form, the University will make reasonable adjustments for disabled Complainants.
- o The current version of the form is published on-line at:
<https://www.herts.ac.uk/about-us/legal/complaints-policy>

- ii The Secretary and Registrar (or nominee):

- a will be provided with all the necessary details of the case and an account of the measures which have already been taken to resolve the difficulties;
- b will review the circumstances of the case;
- c will, if necessary, take further advice;
- d may seek to resolve the issue on the basis of the documentation provided; and/or
- e may call a Review Hearing to which he or she may invite both the Complainant and any Respondent (section 6.3.6, iii, refers).

- iii The Secretary and Registrar (or appropriate nominee):

- a will ensure that the date of any Review Hearing will be sufficiently far ahead to ensure that as far as reasonably possible, any witnesses can be traced and informed of the requirement to attend;
- b will make detailed arrangements with any other persons who are to attend the Review Hearing;
- c will write a **Review Hearing Letter** to the Complainant which will be in the required format (section 7.1.4, vi, refers).

Where the Secretary and Registrar is not otherwise involved in a Review Hearing (i.e. where such Review Hearing is overseen by a nominee of the Secretary and Registrar), the Secretary and Registrar may still attend such Review Hearing as an observer.

- iv The Secretary and Registrar (or nominee):

- a will ensure that a narrative (non-verbatim) record is made of the Hearing by a clerk appointed by the Secretary and Registrar;
- b will, where possible, advise the Complainant of his or her decision immediately after the Review Hearing or will indicate to the Complainant when he or she might expect a decision; and

- c will, where a complaint is upheld, determine whether the Complainant may claim for reasonable and proportionate incidental expenses incurred in connection with bringing the formal complaint.
- v The Secretary and Registrar (or nominee):
 - a will ensure that the decision of the Secretary and Registrar (or nominee) is confirmed to the Complainant, in writing, within ten (10) working days of having received the request for a review by the Secretary and Registrar or as soon as possible thereafter, by means of a **Letter of Decision** in the required format (section 7.1.4, iv, refers); and
 - b will, where appropriate, provide a copy of the **Letter of Decision** to the relevant Dean of School/Head of Strategic Business Unit who will be responsible for instigating any consequent action(s) including, as appropriate, providing copies of the **Letter of Decision** to other relevant members of staff.

7 RULES FOR THE ADMINISTRATION OF COMPLAINTS

(Note for guidance:

Attention is drawn to the general principles set out in section 4.12 and 4.13 relating to the rights and entitlements of an individual against whom a complaint has been made.)

7.1 General rules

7.1.1 Those responsible for administering these complaints procedures will comply with the rules set out in this section (7).

7.1.2 With limited exceptions, all written material considered by the Presiding Officer during any applicable Hearing under this policy will be provided to the Complainant and to any Respondent. The Case Officer's report will, therefore, be provided to the Complainant and the Respondent.

7.1.3 The Presiding Officer at any stage of these procedures will not have dealt with or heard the matter previously.

7.1.4 Standard forms and correspondence

i Report to the Dean of School/Head of Strategic Business Unit

- a Where a complaint has not been resolved at preliminary stage 1 and/or the Complainant proceeds to formal Stage 2, the First Responder will provide a written summary in the format specified by this policy. The First Responder will submit the report to the Dean of School/Head of Strategic Business Unit (sections 6.2.4, iv, a, and 6.2.5, vi, h, refer) and will provide a copy to the Administration Manager of the relevant School or Strategic Business Unit.
- b The written summary will include the following:
 - 1 the Complainant's name and preferred contact details;
 - 2 the name of the First Responder and his or her position (for example, Head of Department or Associate Dean);
 - 3 a brief summary of the complaint;
 - 4 a summary of the investigation made (any relevant documentary evidence must be appended to the report);
 - 5 a summary of the action taken and, if necessary, an explanation of why it has not been possible to resolve the complaint; and
 - 6 the First Responder's signature and the date of signature.

- c A template report may be found here: <https://www.herts.ac.uk/about-us/legal/complaints-policy>
- ii **Notification of a formal complaint under the provisions of the Complaints Procedure (UPR GV15) – form**
 - a The Complainant must complete all of the fields within the form. Incomplete forms and forms submitted without the required supporting documents/material will not be considered and will be returned, un-processed, to the Complainant.
 - b The form will require that the Complainant includes the following information:
 - 1 the nature of the complaint, whether the matter has been considered at the preliminary stage of this procedure;
 - 2 any accompanying documents/material that support the formal complaint;
 - 3 clear information about how the above documents/material support the formal complaint;
 - 4 any documents/material provided by the Complainant at the preliminary Stage;
 - 6 the postal address to which all correspondence is to be sent;
 - 7 the e-mail to which all communications are to be sent; and
 - 8 the telephone numbers on which the Complainant can be contacted (mobile and/or landline).
 - c A copy of the relevant form may be found here: <https://www.herts.ac.uk/about-us/legal/complaints-policy>
- iii **Letter of Notification**
 - a Where a complaint is to be made the subject of a formal meeting or Hearing, the Complainant will be notified, in writing, by means of a **Letter of Notification** which will:
 - 1 for the avoidance of doubt, give a full explanation of the nature of the complaint;
 - 2 give the day, date, time and venue for the Hearing/formal meeting;
 - 3 give an explanation of the Complainant's right to be accompanied or represented under the provisions of this policy;
 - 4 invite the Complainant to submit any witness statements to the Presiding Officer where he or she has not already done so;
 - 5 advise the Complainant of his or her entitlement to bring to the Hearing/meeting any witness, and of the requirement that he or she must inform the Presiding Officer five (5) working days beforehand of his or her intention to do so; and
 - 6 the names of any individuals who are to appear at the Hearing/meeting.
 - 7 include with the letter:
 - A subject to the provisions of section 7.1.2, a copy of all the documents relating to the complaint; and
 - B a copy of the relevant version of this policy (UPR GV15) – the letter will stipulate the version of UPR GV15 applicable to the matter in question.
 - b **Letters of Notification** will be sent by recorded mail and to the email address the Complainant has provided to the University for all correspondence.
 - c A copy of the **Letter of Notification** will be provided to the Administration Manager of the relevant School or Strategic Business Unit and also to any Respondent.

iv **Letter of Decision**

- a In accordance with the time-scales set out above, Presiding Officers will communicate their decisions to Complainants, in writing, by means of a **Letter of Decision** which will:
- 1 give the reasons why the decision was taken;
 - 2 explain any further rights of review that the Complainant might have if he or she is not satisfied with the outcome; and
 - 3 include with the letter a copy of the report or record of the Hearing.
- b **Letters of Decision** will be sent by recorded mail and to the email address the Complainant has provided to the University for all correspondence.
- c A copy of the **Letter of Decision** and all enclosures will be provided to the Administration Manager of the relevant School or Strategic Business Unit and any Respondent.

v **Request for a Review by the Secretary and Registrar – form**

- a The Complainant must complete all of the fields within the form. Incomplete forms and forms submitted without the required supporting documents/material will not be considered and will be returned, un-processed, to the Complainant.
- b The form will require that the Complainant includes the following information:
- 1 the Complainant's name and preferred contact details;
 - 2 the grounds for review (as set out in section 6.26 i above);
 - 3 the new documents/material that support the grounds being cited for a review,
 - 4 a clear explanation of how the new documents/material support the grounds being cited;
 - 5 all of the documents/material provided by the Complainant at previous Stages of the process;
 - 6 the postal address to which all correspondence is to be sent;
 - 7 the e-mail to which all communications are to be sent; and
 - 8 the telephone numbers on which the Complainant can be contacted (mobile and/or landline).
- c A copy of the relevant form may be found here: <https://www.herts.ac.uk/about-us/legal/complaints-policy>

vi **Review Hearing Letter**

- a The Secretary and Registrar will write to the Complainant by means of a **Review Hearing Letter** which will:
- 1 state the names of any individuals who are to appear at the Review Hearing;
 - 2 state the day, date, time and venue for the Hearing;
 - 3 advise the Complainant of his or her entitlement to bring to the Hearing any witness and of the requirement that he or she must inform the Secretary and Registrar not less than five (5) working days beforehand of his or her intention to do so and of the name of any witness who is to attend;
 - 4 an explanation of the Complainant's right to be accompanied or represented under the provisions of section 7 of this document;

- 5 invite the Complainant to submit any witness statements to the Secretary and Registrar not less than three (3) working days before the Review Hearing, where he or she has not already done so;
- 6 advise the Complainant that any documents to be considered at the Hearing that are not available at the time that the **Review Hearing Letter** is issued will be provided to him or her before the Review Hearing;
- 7 advise the Complainant that, should he or she fail to give notice that, for good reason, he or she is unable to attend the Hearing, the matter may be heard in his or her absence;
- 9 included with the letter copies of all documents to be considered at the Hearing, including copies of any new documents relating to the complaint not previously circulated and/or considered;
- 10 be sent by recorded mail and to the email address the Complainant has provided to the University for all correspondence; and
- 11 be provided (with all enclosures) to any Respondent.

7.1.5 Confidentiality

- i Information relating to any complaint is strictly confidential.
- ii All parties to the complaint and individuals who have been involved in any related investigation and/or the management and/or administration of the complaints process will observe the requirements for confidentiality. While confidential information will need to be disclosed in order to consider the complaint, it will only be disclosed to those staff involved in the consideration of the complaint. In addition, confidential information may be disclosed to governmental, police or regulatory authorities or otherwise where required by law. All participants in the complaint resolution process shall keep confidential all such confidential information as may arise during the course of the resolution process.
- iii All personal information will be processed by the University in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (Regulation (EU) 2016/679).
- iv Any breach of confidentiality (by a student or staff member of the University) will be regarded as a disciplinary matter.

7.1.6 Complainants' entitlements and Advisers

At any meeting to discuss the process of the Hearing, or at the Hearing itself, the Complainant will be entitled:

- i not less than three (3) working days prior the meeting or Hearing, to present any evidence or documentation that is relevant to the representations being made; and
- ii to be accompanied by a friend (section 7.1.6, iii, refers). Such friend may act as his or her Adviser at any Hearing or meeting (formal or informal) at which the matter is to be discussed. Although the Complainant may, for example, invite a lawyer or a Trade Union representative to act as his or her Adviser, it should be noted that the person attends the meeting or Hearing purely in an advisory capacity and does not, therefore, act as the Complainant's representative.

Where a Complainant wishes to be accompanied by a friend at a meeting or Hearing in accordance with the provisions of section 7.1.6, he or she should advise the University five (5) working days beforehand, as follows:

- 1 **FORMAL STAGE (SECTION 6.2.5, REFERS):**
to the Dean of School/Head of Strategic Business Unit five (5) working days beforehand;

- 2** REVIEW BY THE SECRETARY AND REGISTRAR (SECTION 6.3, REFERS):
to the Secretary and Registrar five (5) working days beforehand.

A Complainant's friend/Adviser will only be permitted to speak during a Hearing if asked direct questions by the Presiding Officer. However, the Complainant may consult freely with his or her Adviser at any time.

7.1.7 Respondent's entitlements and Advisers

- i WHERE THE RESPONDENT IS A MEMBER OF STAFF OF THE UNIVERSITY:
The Respondent may be accompanied by a 'friend': a person chosen by the employee to accompany him or her to a meeting/Hearing and who is either a colleague employed by the University or an employee or official of a Trade Union. The Friend may confer with the employee but will not be permitted to answer direct questions for the employee.
- ii WHERE THE RESPONDENT IS A STUDENT OF THE UNIVERSITY:
The Respondent may be accompanied by a Student Adviser/Adviser. A Respondent who is a student may invite another person to accompany him or her to, and to act as his or her Student Adviser at, any Hearing or meeting (formal or informal) at which the matter is to be discussed. Such Student Adviser may be appointed as a result of the student's exercise of his or her right to representation by a member or nominee of the Students' Union Executive.

7.1.8 Conduct of Complaints Hearings/meetings

Presiding Officers and others responsible for administering the complaints procedure set out in this policy (UPR GV15) will comply with the following rules:

- i At each stage of this complaints procedure:
- a the Complainant may, if he or she so wishes, be accompanied by a friend/Adviser at any Hearing or meeting to which he or she has been invited at which the matter is to be discussed, as set out in section 7.1.6; and
- b the Respondent may exercise his or her rights under the provisions of section 7.1.7.
- ii The Presiding Officer will be accompanied by another member of staff, not directly involved in the case, who will observe the proceedings.
- iii Where practicable, arrangements will take account of the needs and concerns of all those involved.
- iv The Hearing will be attended, as appropriate, by the individuals stipulated for each stage of these procedures.
- v The independent Case Officer will present his or her report.
- vi The Case Officer may be questioned by the Presiding Officer and, at the invitation of the Presiding Officer, by the Complainant and the Respondent.
- vii The Complainant may be questioned by the Presiding Officer and, at the invitation of the Presiding Officer, by the Respondent.

- viii The Respondent may be questioned by the Presiding Officer and, at the invitation of the Presiding Officer, by the Complainant.
- ix The Presiding Officer will invite the Complainant and the Respondent to call any witnesses who may be questioned by the Complainant and the Presiding Officer and, at the invitation of the Presiding Officer, by the Respondent.
- x The Presiding Officer will invite the Respondent and then the Complainant to make any closing remarks;
- xi The Presiding Officer may direct the Complainant, the Respondent and where applicable) their friends/Advisers, and any other persons present, to withdraw while he or she considers the matter and may recall the Complainant, the Respondent and any other persons present for further questioning.
- xii Where possible, the Presiding Officer will advise the Complainant and the Respondent of his or her decision immediately after the Hearing or will indicate to the Complainant and Respondent when he or she might expect a decision.
- xiii A written record will be made of the Hearing, in accordance with the detailed arrangements specified for each stage of these procedures.
- xiv An audio recording of a Hearing may be permitted in exceptional circumstances, at the discretion of the Presiding Officer and with the prior written consent of all persons who will be present. The exceptional circumstances will be a matter of record.

7.1.9 **Adjournment**

In exceptional circumstances, at any stage of proceedings, an adjournment may be necessary for either party to obtain more evidence or for the Presiding Officer to consider the evidence further. Requests will be granted at the absolute discretion of the Presiding Officer and will not be withheld unreasonably.

7.1.10 **Interface between the University's disciplinary and complaint procedures**

The process whereby a complaint is dealt with by the University is distinct from the University's disciplinary procedures although, in some circumstances, the investigation of a complaint may result in the University taking disciplinary action against a member of staff and/or a student. Such proceedings and their outcomes are confidential and the Complainant is not entitled to challenge their outcome.

8 **MONITORING**

The Secretary and Registrar will monitor the operation of this complaints procedure and will make a report to the Vice-Chancellor not less than once each academic year.

Mrs S C Grant
Secretary and Registrar
Signed: **15 August 2019**