

NASES – Complaints & Disciplinary Procedure

General

NASES has an important role in raising and setting professional standards in the student employment sector. The Memorandum of Association states in paragraph 3 that one of the main objectives is:-

f) to establish standards of good practice for student employment practitioners;

Members of the Association are committed to the achievement of these objectives and to the maintenance of the standards of professional conduct as established by our Codes of Good Practice.

NASES investigates complaints against members that arise out of a breach of these NASES Codes of Good Practice. Any person may complain to NASES that a member's conduct has breached the NASES Codes of Good Practice. Any such complaint will be considered under this Complaints and Disciplinary Procedure.

NASES may instigate an investigation if evidence or allegations in the public arena come to its attention that suggests that a member has breached the NASES Codes of Good Practice.

1. Introduction

Complaints must be made to the NASES Director, NASES National Office, UCLan Students' Union, Fylde Road, Preston, PR1 7BY address in writing.

- 1.1 NASES will not under normal circumstances accept anonymous complaints but will require full disclosure from all parties in a complaint investigation. Anonymous complaints may be referred to the relevant statutory authority as appropriate.
- 1.2 A complaint must be made within one year of the incident complained about occurring unless it is not reasonably practicable to bring a complaint within that time frame. In the event that a complaint is brought after one year, the complainant must provide written reasons for the delay. If, in the reasonable opinion of the Director, the reasons given do not reasonably justify the delay in bringing the complaint, the Director shall have the discretion to refuse the complaint.

2 The Complaints Procedure

- 2.1 It is recommended that the complainant should in the first instance raise the matter with the member concerned, preferably in writing. If no satisfactory response or explanation is provided the complaint may then be referred to NASES.
- 2.2 Complainants must provide relevant documentation and any documentary evidence supporting the complaint to enable NASES to assess the basis of the complaint and its relevance to the NASES codes of practice.
- 2.3 Any relationship between the member concerned and the complainant or other conflict of interest should be divulged.
- 2.4 The Director will notify the member concerned in writing of the nature of the complaint, along with a copy of the complainant's letter of complaint and any supporting documentation, with a request that the member responds within 10 working days of the date of sending out the notification. In appropriate circumstances the Director may exercise discretion to mediate a settlement between the parties without instituting the formal Complaints and Disciplinary Procedure. In these circumstances the Director may contact either or both parties by telephone or in writing in order to reach an agreed settlement and will document the agreed outcome in writing to both parties within 5 working days of the outcome having been agreed.
- 2.5 If the Director makes a finding that any of NASES codes have been breached, the Director will write to both parties to confirm this and to require a specific response from the member concerned in respect of evidence and/or assurances about future conduct. If the member responds with adequate evidence and/or assurances and is reasonably satisfied that standards are in place or improved as a result of the complaint, the Director may consider the matter satisfactorily resolved and will write to both parties stating this and that no further action is proposed. If the member's response is not forthcoming or satisfactory the matter may be referred directly to an Enquiry Team.

3 The Enquiry Team

- 3.1 An Enquiry Team shall consist of three members of NASES nominated by the chair of the NASES Executive Committee and will normally include a past president, the Team may co-opt up to two additional members, if specialist knowledge is required. The Chair of the Team will be appointed by the chair of the NASES Executive Committee.

3.2 The Enquiry Team will:

- examine the available evidence including hearing representations, if appropriate, and to make such enquiries as are necessary to establish whether or not the complaint is substantiated;
- report to the NASES Executive Committee the findings of the Enquiry Team including any recommendations of the Enquiry Team to the Executive Committee regarding which sanction or sanctions is or are appropriate;
- recommend to the Executive Committee whether the findings of the Enquiry Team and decision of the Executive Committee should be published and whether or not the name of the respondent should be divulged.

3.3 The Team will consider all information and evidence already submitted in a complaint investigation by both parties and the written reasons for an appeal of the Directors findings. All documentation will be sent to Team members no later than 10 working days before the Team meeting. The Team will not or cannot guarantee that they will consider additional information submitted after this point unless this has been specifically requested.

4 Procedures

4.1 When it has been decided that there is a case to answer, all parties will be notified within 21 days of the nature of the complaint and be given 28 days' notice of a hearing, if deemed appropriate.

4.2 Hearings will take place at a venue and at a time to be decided by the Team.

4.3 The Enquiry Team may be legally advised by a solicitor or by Counsel. The respondent will inform the Enquiry Team whether he wishes to be legally, or otherwise represented, to call witnesses and/or submit documents as evidence.

4.4 At the hearing the Director will present the case. If the Respondent is legally represented then the Association may be similarly represented in which case the case against the Respondent may be represented by the Association's legal representative.

4.5 When the hearing is completed all except the chair and members of the Enquiry Team and its legal adviser will retire to allow the Enquiry Team to reach a decision.

- 4.6 The decision of the Team shall be agreed by a simple majority of members of the Team including co-opted members. In the event of a tie the Chair of the Enquiry Team shall have a casting vote.
- 4.7 When a decision has been reached all concerned will be recalled and informed of the findings of the Enquiry Team and any recommendations which the Enquiry Team will be making to the Executive Committee. The Respondent will also be informed of the appeal procedure.
- 4.8 The Committee may decide the matter in one or more of the following ways:
- That there is no evidence of a breach of NASES codes
 - That the complaint is not proven
 - Termination of membership (expulsion)
 - Suspension of membership for a defined period
 - Suspension for a specified period from office holding at branch and national level
 - Reprimand or Caution (by way of warning about future conduct)
- 4.9 In addition the Enquiry Team may make recommendations to avoid a similar complaints in the future and may decide whether to publicise its decision once the period for appeal has elapsed.
- 4.10 The Enquiry Team will make recommendations to the NASES Executive Committee, the chair will then formally accept the recommendations and agree the most appropriate course of action.
- 4.11 The decision of the Enquiry Team will be notified to the member and the complainant in writing and shall set out the Team's reasons for the decision.

5 Appeal Procedure

- 5.1 Either the complainant or the member concerned may appeal the decision of the Enquiry Team within 10 working days of the date of the written notification of the decision, if they have grounds to do so on the basis of additional information or evidence not previously submitted or on the basis of a substantiated challenge to the operation of this procedure.

- 5.2 The appeal shall be heard by an Appeal Panel, of three members, which shall be appointed from the NASES Executive Committee. The Appeal Panel shall nominate one of their number to act as Chair of the Panel.
- 5.3 Notice of Appeal must be submitted to the NASES Director by the complainant within 28 days of receipt of the written notification of the decision of the Enquiry Team.
- 5.4 The Director will circulate copies of the written reasons for appeal together with any supporting documents to the Appeal Panel and both parties to the appeal. The Appeal Panel will consider all information and evidence already submitted during the course of the complaint investigation by all parties and the written reasons for an appeal of the Enquiry Team's findings. All documentation will be sent to Panel members and the relevant parties no later than 10 working days before the Appeal hearing. The Panel will not or cannot guarantee that they will consider additional information submitted after this point unless this has been specifically requested.
- 5.5 The Appeal Panel will meet to agree the most appropriate procedure to resolve the issue within 28 days of appeal being received.
- 5.6 The decision of the Appeals Panel will be final and not subject to approval from the Exec Committee.