

PROCEDURE FOR COMPLAINTS AGAINST THE BOARD OF CORPORATION, BOARD MEMBERS AND THE CLERK

1. A complaint against the Corporation, a Board Member, including the Principal if the complaint relates to his/her role as a Board Member, or the Clerk to the Board of Corporation may be made by an individual or an organisation in relation to his/her or their dealings with the College.

Complaints against a member of staff should be made using the College's Staff Complaints Procedure.

Complaints under this procedure must relate to:

- the performance by the Board of Corporation, a Board Member or the Clerk to the Board of Corporation of the functions respectively allocated to them under the Articles of Government of the College, and/or
- the exercise by the Corporation of its powers, and/or
- any other alleged breach or non-observance of the duties of the Corporation, individual Board Members or the Clerk under the Instrument or Articles of Government of the College, its Code of Conduct for Board Members or the Financial Memorandum.

The Corporation can also consider a complaint that the College has not satisfactorily investigated a complaint against a staff member.

2. All complaints should be made in writing and addressed to the Clerk to the Corporation, save where the complaint is in relation to the Clerk in which case it should be addressed to the Chair of the Board of Corporation:

Nelson and Colne College, Scotland Road, NELSON, Lancashire, BB9 7YT

Alternatively you can complete the complaints proforma that is available on the website and send either electronically to **v.eastwood@nelson.ac.uk** or in hard copy to the address above.

3. The complainant will be expected to state clearly the nature of and grounds of the complaint (see paragraph 1 above) and if appropriate provide copies of any related documentation. The complainant should also state the remedy s/he is seeking.

NB. It is not possible for a complainant to seek the disciplining of a member of staff or the removal of a Board Member or the Clerk since these are decisions for the Principal of the College and the Corporation respectively in accordance with the responsibilities allocated to them under Article 3 of the Instrument and Articles of Government of the College.

4. The Clerk to the Corporation or Chair of the Corporation will:

- acknowledge receipt of the complaint within 7 working days.the exercise by the Corporation of its powers, and/or refer the complaint to one or more of the following for investigation:
- the College's Audit Committee, one or more Board Members; a person nominated by an external sector body who has substantial experience of college governance; provided in each case that they have not been involved in the matters subject to the complaint.

5. Such person(s) shall:

- consider the complaint and, if necessary in order to determine disputed issues of fact, interview the complainant and those subject of the complaint, (those interviewed will be entitled to be accompanied by a work colleague or friend). They may refer issues to the Corporation's auditors (external and/or internal) or other independent advisers as they feel appropriate.
- produce a written report of their findings in relation to the complaint and provide the complainant and the Corporation with a copy of such report as soon as possible. In any event they shall produce an interim report within 28 days of the complaint being referred to them.

6. The Corporation at its next scheduled Board meeting after receipt of the findings of the investigation shall consider the findings and determine whether they find the complaint substantiated in whole or part and, if so, what if any remedy should be granted to the complainant. Where the complaint relates to one or more specified Board Members or the Clerk those persons shall withdraw and take no part in the discussion of the investigation.

7. The Clerk to the Corporation or Chair of the Corporation shall within 7 working days of the Board's determination of the complaint provide a written response to the complainant and to those subject of the complaint confirming the decision of the Corporation in relation to the complaint, with reasons for its decision. The response will include details of any arrangements for pursuing the matter with any relevant external body (e.g. the Secretary of State for Business, Innovation and Skills/ Secretary of State for Education and the Skills Funding Agency/Young People's Learning Agency).