

Policy/Procedure/Guideline Review

Policy/Procedure/ Guideline:	Policy for Complaints against the Corporation, Board Members or Clerk to the Corporation
Senior Manager Responsible:	Clerk to the Corporation
Author:	Clerk to the Corporation
Approved By:	
Date Approved:	Approved by the Corporation February 2011
Next Review Date:	
Publication:	
Changes Made:	Updated in Feb 2018 with new contact details, and following a check on consistency with the main complaints policy of the College

1. This policy outlines the process for Nelson and Colne College to consider complaints against either:

- the Corporation, and/or
- a Board Member (including the Principal if the complaint relates to his/her role as a Board Member), and/or
- the Clerk to the Board Corporation

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 'Complaints Policy and Procedure'. Complaints under this procedure must relate to:

- i) the performance by the Board of Corporation, a Board Member or the Clerk to the Board of Corporation in relation to the functions respectively allocated to them under the Instrument and Articles of Government of the College, and/or
- ii) the exercise by the Corporation of its powers, and/or
- iii) any other alleged breach or non-observance of the duties of the Corporation's individual Board Members or the Clerk, under the College's Instrument or Articles, 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 using the complaints form available overleaf and on the College's website [here](#). The complaints form should be returned electronically to d.corcoran@nelson.ac.uk or posted in hard copy to the following address:

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

The complaint should be addressed for the attention of 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.

3. The complainant must clearly state the nature 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 the College.

4. The Clerk to the Corporation or Chair of the Corporation will acknowledge receipt of the complaint within 7 working days.

The complaint will be considered by the Clerk to the Corporation and/or be referred as appropriate to one 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:

- i) 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)
- ii) may refer issues to the Corporation's auditors (external and/or internal) or other independent advisers as they feel appropriate
- iii) always 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. After receiving the written report of findings, the Corporation shall at its next scheduled Board meeting 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 Corporation's 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 those who are subject of the complaint.

This letter will confirm 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 Education and/or the Education and Skills Funding Agency (ESFA).

**ANNEX A
Board Complaints Form**



**COMPLAINTS AGAINST THE BOARD OF CORPORATION, BOARD MEMBERS
OR THE CLERK TO THE CORPORATION**

The Board of Corporation of Nelson and Colne College has agreed a procedure for dealing specifically with complaints against the Corporation, Board Members or the Clerk to the Corporation.

Such complaints should be made in writing by the completion of this form – which can either then be returned to the College on-line (email to d.corcoran@nelson.ac.uk) or by posting to the following address: Nelson and Colne College, Nelson and Colne College, Scotland Road, Nelson, Lancashire, BB9 7YT. The complaint should be addressed for the attention of the Clerk to the Corporation, unless the complaint relates to the Clerk and then it should be addressed to the Chair of the Corporation.

FOR COMPLETION

1. Who is your complaint against?

- a) The Board of Corporation
- b) An individual Board member (if so, please state who)
- c) The Clerk to the Corporation

2. Which of the following does your complaint relate to?

- a) The performance by the Board of Corporation, a Board member, or the Clerk to the Corporation, in relation to the functions respectively allocated to them under the Instruments and Articles of Government of the College

- b) The Corporation's exercise of its powers

- c) Any other alleged breach or non-observance of the duties of the Corporation, individual Board Members or the Clerk under the Instruments and Articles of the College, its Code of Conduct for Board Members or the Financial Memorandum

- d) That the College has not satisfactorily investigated a complaint against a staff member

3. Please state the nature and grounds of your complaint.

4. Please state the remedy that you are seeking.

Signed by the complainant.....Date.....

Name (please print).....

Address.....