

## **COMPLAINTS AGAINST THE GOVERNING BODY, BOARD MEMBERS or CLERK**

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

Complaints must relate to:

- the performance, by the Governing Body, a Board Member or the Clerk, in relation to the functions respectively allocated to them under the Articles of Government and/or
- the exercise by the Governing Body of its powers; and/or
- any other alleged breach or non-observance of the Articles of Government, Standing Orders Code of Conduct for Board Members or the EFA Funding Agreement.

All complaints should be made in writing, identifying the complainant and addressed to the Clerk to the Governing Body (save where the complaint is in relation to the Clerk in which case it should be addressed to the Chair of the Governing Body), The Sixth form College, Colchester, North Hill, Colchester CO1 1SN.<sup>1</sup>

The complainant will be expected to state clearly the nature of and grounds for the complaint (see paragraph 1 above). If appropriate copies of any related documentation should be provided. The complainant should also state any resolution they are 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 Governing Body respectively in accordance with the Instrument and Articles of Government.*

2. The Clerk to the Governing Body, if not the addressee, shall be informed immediately in the event that a complaint is received by an individual governor and shall be passed the original of any written communication received from the complainant (unless the complaint is in relation to the Clerk in which case documentation should be passed to the Chairman). The governor or governors receiving the complaint shall not discuss the complaint with any person (including any other governor or the complainant) other than the Clerk/Chairman.
3. The Clerk or Chairman will acknowledge receipt of a complaint within seven working days.

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<sup>1</sup> Where the complainant has indicated that he/she wishes to remain anonymous he/she should be warned that in order to take effective action in respect of the complaint it may be necessary to reveal his/her identity on a “need to know” basis during any investigation. Where a complaint is received anonymously, it will not be appropriate to ignore such correspondence. Steps should normally be taken to establish whether, on the information available, a problem can be identified. If a problem is identified, remedial action should to be taken. It may, however, be difficult to carry out a more detailed enquiry into a complaint without being able to interview the complainant and obtain the information that would be necessary to undertake a more robust enquiry.

4. If a written complaint is received by the Clerk, s/he shall consider the evidence offered in support of the complaint. If the Clerk to the Governing Body, is satisfied that the College's complaints procedure has not been exhausted s/he will report that conclusion to the complainant and take no further action. At this point, the Clerk shall inform the Chair of the Governing Body of the complaint received, the facts established and the conclusion reached by the Clerk that no further action is required, at this point and its reasons.
5. If the complaint is considered to warrant further investigation the Clerk or Chair of the Governing Board will:
  - refer the complaint to one or more of the following for investigation: the Audit Committee; one or more members of the Search, Governance & Remuneration Committee, 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).

Such person(s) shall:

- consider the complaint and, if necessary in order to determine disputed issues of fact, hold a meeting with the complainant and those subject of the complaint. They may refer issues to the Governing Body'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 Governing Body 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.
- consider the findings and determine whether they find the complaint substantiated in whole or part and, if so, what, if any, resolution should be granted to the complainant. The determination must be communicated in writing to the Clerk/Chairman as soon as practicably possible.

The Clerk or Chairman of the Governing Body shall within seven working days of the determination of the complaint provide a formal written response to the complainant and to those subject of the complaint confirming the decision and reasons for the decision. The response may also include details of any arrangements for pursuing the matter with any relevant external body (e.g., the Secretary of State for Education and Education Funding Agency).

6. If a written complaint is received by the Chairman in relation to the Clerk the matter shall be dealt with under the provisions relating to the Special Committee or, if arising from the conduct of an election (for the post of parent or staff governor) from those set out in the relevant Standing Order.
7. Nothing contained within this policy prevents the Chairman from invoking Chairs Action where matters are deemed to have raised safeguarding concerns.
8. Records detailing the nature of complaints raised through the formal Complaints Procedure, the Governing Body's response, any action taken and the reasons for that action will be kept on a confidential basis and retained in accordance with the Data Protection Act 1998.

*This policy will next be reviewed by the Search, Governance & Remuneration committee .....*