

Procedure for Complaints against Governors

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1. Introduction

1.1 This procedure may be used to address any complaint the College should receive against the Board of Governors, an individual member of the Board, co-opted member of a Board Committee or the Director of Governance in relation to their dealing with the College. Complaints must relate to:

- a. The performance by the Board, a Board member or the Director of Governance of the functions respectively allocated to them under the Articles of Government of the College and/or
- b. The exercise by the Board of its powers, and/or
- c. Any other alleged breach or non-observance of the duties of the Board, individual Board members or the Director of Governance under the Instrument and Articles of Government of the College, its Code of Conduct for Board Members, the ESFA Financial Memorandum or Funding Agreement or the Code of Good Governance for English Colleges.

1.2 A separate College Complaints Policy exists for complaints about the standard of service received from a teaching or support department in the College or about actions, or lack of actions, taken by the College or its staff. Complaints made under the Procedure for Complaints against Governors but which are covered by the College complaints policy, will be referred to the Head of Quality to deal with.

1.2 An individual, business or an organisation may make a complaint.

2. Making a complaint against the Board of Governors or a member of the Board

2.1 A complaint against the Board of Governors, an individual member of the Board or a Committee co-optee should preferably be made in writing and addressed to:

Director of Governance
Craven College
Aireville Campus
Gargrave Road
Skipton
BD23 1US
jmatthews@craven-college.ac.uk

2.2 The complaint should state clearly the nature of the complaint and grounds for the complaint, if appropriate, be accompanied by any related documentation. The complainant should also state the remedy they are seeking.

2.3 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 Director of Governance, since these are decisions for the Principal of the College and the Board respectively in accordance with the Instrument and Articles of Government of the College.

3. Actions to address the Complaint

- 3.1 Where the complaint is against the Board of Governors or an individual member of the Board, or Committee co-optee, the Director of Governance shall take the following action upon receipt of a complaint:
- i. acknowledge receipt of the complaint without delay and normally within 7 working days;
 - ii. 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)
- 3.2 The investigating person shall
- i. consider the complaint and, if necessary, to determine the facts, the complainant and those who are the subject of the complaint may be interviewed.
 - ii. They may refer issues to the Chair of the Audit Committee, the Board's auditors or other independent advisers as they feel appropriate.
 - iii. All interviewees are entitled to be accompanied by a neutral friend or work colleague. A Governor who is the subject of a complaint may be supported by another Governor.
 - iv. Upon completion of investigations, will provide a written report on the findings to both the complainant and the Board of Governors as soon as possible. In any event, they shall produce an interim report within 28 days of the complaint being referred to them.
- 3.3 The Board of Governors will consider the findings of the investigation at the first scheduled Board meeting after the final report has been received. The Board will decide whether the complaint has been wholly or partly substantiated and, if so, what (if any) remedy should be granted to the complainant. Where the complaint relates to one or more specified Board Members, Committee co-optee or the Director of Governance, they shall withdraw from the meeting and take no part in the discussion about the investigation outcome.
- 3.4 The Director of Governance (or the Chair of the Board of Governors if the complaint is about the Director of Governance) shall provide a written response to the complainant and to those who are the subject of the complaint confirming the Board's decision, and the reasons for its decision, within 7 working days of the date of the meeting at which the findings were discussed. The response shall also confirm what, if any, action is to be taken.
- 3.5 The written response of the Director of Governance (or Chair of the Board if the complaint is about the Director of Governance) will include details of any arrangements for pursuing the matter with an independent body (see point 5 below).

4. Making a complaint against the Director of Governance

- 4.1 A complaint against the Director of Governance shall be forwarded to the Chair of the Board of Governors for investigation and response.
- 4.2 Letters for the attention of the Chair of the Board should be addressed to:

The Chair of the Board of Governors
Craven College
Aireville Campus
Gargrave Road
Skipton
BD23 1US

- 4.3 The approach to be adopted by the Chair of the Board in investigating and responding to a complaint will be the same as that outlined above with regard to complaints against the Board of Governors and individual members of the Board.

5. Anonymous Complaints

- 5.1 Where the complainant has indicated that they wish to remain anonymous, they should be warned that in order to take effective action in respect of the complaint it may be necessary to reveal their 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 and if so, whether remedial action should 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 necessary to undertake a more robust enquiry.

6. Right of appeal

- 6.1 If a complainant feels the matter has not been resolved once this procedure has been exhausted, they may make a complaint to the Education Skills Funding Agency. It should be noted that the Education Skills Funding Agency will not investigate the original complaint but will look at whether the complaint has been appropriately handled. Complaints to the Education Skills Funding Agency must be made within three months of receipt of the final decision from the College.