

## **PROCEDURE FOR COMPLAINTS AGAINST THE CORPORATION, BOARD MEMBERS AND THE CLERK**

1. A complaint against the Corporation, a Board Member (including the Principal/Chief Executive if the complaint relates to his/her role as a Board Member) or the Clerk to the Corporation may be made by an individual or an organisation in relation to his/her or their dealings with the College. Complaints must relate to<sup>1</sup>:
  - the performance by the Corporation, a Board Member or the Clerk 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 ESFA Financial Memorandum or ESFA Funding Agreement or the Code of Good Governance for English Colleges<sup>2</sup>.

All complaints should be made in writing, identifying the complainant<sup>3</sup> 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 Corporation) at Richard Huish Sixth Form College, South Road, Taunton TA1 3DZ

2. The complainant will be expected to state clearly the nature of and grounds for the complaint (see paragraph 1 above) and if appropriate provide copies of any related documentation. The complainant should also state the remedy he/she is seeking. 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/Chief Executive of the College and the Corporation respectively in accordance with the Instrument and Articles of Government of the College.
3. The Clerk to the Corporation [Chair of the Corporation] will:
  - acknowledge receipt of the complaint within seven working days; and

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<sup>1</sup> Exceptionally, a complaint outside the parameters that follow may fall to be considered by the Corporation, for example a complaint against a member of staff, if the complaint is regarding the way in which the College has dealt with an earlier substantive complaint and may therefore raise issues as to the adequacy of the Corporation's oversight of College management.

<sup>2</sup> Optional and only to be included if the Corporation have adopted the relevant Code.

<sup>3</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 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.

- 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<sup>4</sup>. They may refer issues to the Corporation’s auditors (external and/or internal) or other independent advisers as they feel appropriate; and
    - 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 outcome.
  7. The Clerk to the Corporation [Chair of the Corporation] shall within [seven] 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 may include details of any arrangements for pursuing the matter with any relevant external body (e.g. the Secretary of State/ESFA/FEC).

Approved by the Corporation: 20 May 2019

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<sup>4</sup> There is no legal right to be accompanied at such meetings but consideration may be given to whether interviewees should be entitled to be accompanied and, if so, by whom.