

Complaints Against the Corporation

Relating to: Governance

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1. The College has a complaints procedure for the receipt of any formal complaint. Any complaint that may be received against the Corporation, or the Governance Director, is subject to this separate procedure, which has been approved by the Corporation, and which is administered by the Governance Director.

2. A complaint against the Corporation, a Board Member (including the Principal/Chief Executive Officer if the complaint relates to their role as a Board Member) or the Governance Director may be made by an individual or an organisation in relation to their or their dealings with the College. Complaints must relate to:

- the performance by the Corporation, a Board Member or the Governance Director 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 Governance Director under the Instrument or Articles of Government of the College, its Code of Conduct for Board Members or the ESFA Financial Memorandum or Funding Agreement or the Code of Good Governance for English Colleges

3. All complaints should be made in writing, identifying the complainant, and addressed to the:

Governance Director

Room BS278

St Helens College

Water Street

St Helens, Merseyside

WA10 1PP

Tel: (01744) 623104

E-mail: governance@sthelens.ac.uk

Save where the complaint is in relation to the Governance Director in which case it should be addressed to the:

Chair of the Corporation

St Helens College

Water Street

St Helens, Merseyside

WA10 1PP

4. The complainant will be expected to clearly state the nature of and grounds for the complaint and if appropriate provide copies of any related documentation. The complainant should also state the remedy they are 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 Governance Director since these are decisions for the Principal/Chief Executive Officer of the College and the Corporation respectively in accordance with the Instrument and Articles of Government of the College.

5. The Governance Director will:

- acknowledge receipt of the complaint within seven working days or as soon thereafter as is reasonably practical; and
- 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).

6. Such person(s) shall:

- consider the complaint and, if necessary, in order to determine disputed issues of fact, interview the complainant and those subjects of the complaint. 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.

7. The approach to be adopted by the Chair of the Corporation in investigating and responding to a complaint about the Governance Director will be the same as that outlined above with regard to complaints against the Corporation and individual members of the Corporation.

8. 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 Governance Director those persons shall withdraw and take no part in the discussion of the investigation outcome.

9. The Governance Director shall within seven working days of the Board's determination of the complaint provide a written response to the complainant and to those subjects 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.

Review

10. This policy will be reviewed every three years unless circumstances arise that would reasonably dictate an earlier review.

