



Board of Governors

**Procedure for Dealing with Complaints
against the Corporation, Board Members
and/or the Director of Governance (Clerk
to the Corporation)**

**2022/20223 to 2025/2026
Academic Years**

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Procedure for Dealing with Complaints against the Corporation, Board Members and/or the Director of Governance (Clerk to the Corporation)

1. A complaint against the Corporation, a Board Member, including the Principal and 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:
 - the performance by the Corporation, a Board Member or the Clerk to the Corporation 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 to the Corporation under the Instrument or Articles of Government of the College, its Code of Conduct for Board Members or the Financial Memorandum with the Education Skills Funding Agency or the Funding Agreement with the Education Skills Funding Agency.
2. All complaints should be made in writing, identifying the complainant, and addressed to the following:
 - Director of Governance
Sandwell College –
Central Campus
1 Spon Lane
West Bromwich
West Midlands
B70 6AW

(where the complaint is in relation to the Clerk to the Corporation it should be addressed to the Chair of the Corporation)
3. 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 to the Corporation since these are decisions for the Principal and Chief Executive of the College and the Corporation respectively in accordance with the Instrument and Articles of Government of the College.
4. The Clerk to the Corporation, or where appropriate, the Chair of the Corporation, will:
 - acknowledge receipt of the complaint within 7 working days.
 - 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 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.

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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. (The interviewees may be accompanied at these interviews if they so wish. If the interviewee is a member of staff at the College they may be accompanied by a trade union representative or a work colleague). They may refer issues to the Corporation'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 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.

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 is in relation to one or more specified Board members or the Clerk to the Corporation those persons shall withdraw and take no part in the discussion of the investigation.

6. The Clerk to the Corporation, or, where appropriate, the Chair of the Corporation, shall within 7 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 will include details of any arrangements for pursuing the matter with any relevant external body.
7. The Search & Governance Committee will review this procedure, on behalf of the Board of Governors, at least every three years

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