

Policy/Procedure/ Guideline:	Policy for Complaints against the Corporation, Board Members or Clerk to the Corporation (Director of Governance)
Senior Manager Responsible:	Director of Governance
Author:	Director of Governance
Approved By:	Board of Corporation
Date Approved:	18 December 2023 (approved by the Corporation) 5 February 2018 (approved by the Corporation)
Next Review Date:	3 year cycle for review Reviewed Feb 2021 – changes made to role name for Clerk/Director of Governance (Board approval not required) Reviewed Nov 2023 Next review date: October 2026
Publication:	PUBLIC (policy and web form to be available on the website) Staff Hub and Intranet
Changes Made:	<ul style="list-style-type: none"> • November 2023 – updated references to funding agreements and role titles etc • February 2021 – review and no changes • Updated in February 2018 with new contact details, and following a check on consistency with the main complaints policy of the College • Updated to include new College Branding and Name Change – September 2025

Please note: The East Lancashire Learning Group includes: the Nelson and Colne College, Accrington and Rossendale College and Lancashire Adult Learning (LAL).

1. This policy outlines the process for a complaint to be made by an individual or an organisation in relation to their dealings with the College Group, against:
 - the Corporation (or Board) of the College, and/or
 - a Board Member (or Governor) (including the Principal if the complaint relates to his/her role as a Board Member), and/or
 - the Director of Governance

Complaints under this procedure must relate to either:

- i) the performance by the Board of Corporation, a Board Member or the Director of Governance in relation to the functions respectively allocated to them under the Instrument and Articles of Government of the College, and/or
- ii) the exercise by the Corporation of its powers, and/or
- iii) any other alleged breach or non-observance of the duties of the Corporation's individual Board Members or the Director of Governance, under the College's Instrument or Articles, Code of Conduct for Board Members or the Education Skills Funding Agency (ESFA) Financial Memorandum/Conditions of Funding/Accountability Agreement.

The Corporation can also consider a complaint that the College has not satisfactorily investigated a complaint against a staff member.

2. All complaints should be made in writing using the complaints form available overleaf and hyperlinked [HERE](#). The complaints form can be returned electronically by email to debbie.corcoran@eastlancslearning.ac.uk or posted in hard copy to the following address:

**Nelson and Colne College
Scotland Road, Nelson, Lancashire,
BB9 7YT**

The complaint should be addressed for the attention of the Director of Governance, save where the complaint is in relation to the Director of Governance in which case it should be addressed to the Chair of the Board of Corporation.

3. The complainant must clearly state the nature and grounds of the complaint (see paragraph 1 above) and if appropriate provide copies of any related documentation. The complainant should also state the remedy s/he is 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 Director of Governance since these are

decisions for the Principal of the College and the Corporation respectively in accordance with the responsibilities allocated to them under Article 3 of the Instrument and Articles of the College.

4. The Director of Governance or Chair of the Corporation will acknowledge receipt of the complaint within 7 working days.

The complaint will be considered by the Director of Governance and/or be referred as appropriate to one 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:
 - i) if necessary in order to determine disputed issues of fact, interview the complainant and those subject of the complaint, (those interviewed will be entitled to be accompanied by a work colleague or friend)
 - ii) may refer issues to the Corporation's auditors (external and/or internal) or other independent advisers as they feel appropriate
 - iii) always 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. After receiving the written report of findings, the Corporation shall at its next scheduled Board meeting 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 Director of Governance, those persons shall withdraw and take no part in the Corporation's discussion of the investigation.

7. The Director of Governance or Chair of the Corporation shall within 7 working days of the Board's determination of the complaint, provide a written response to the complainant and those who are subject of the complaint.

This letter will confirm 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 e.g. the Secretary of State for Education and/or the Education and Skills Funding Agency (ESFA).

ANNEX A
Complaints Form



**COMPLAINTS AGAINST THE BOARD OF CORPORATION, BOARD MEMBERS
OR CLERK TO THE CORPORATION (DIRECTOR OF GOVERNANCE)**

The Board of Corporation of Nelson and Colne College has agreed a procedure for dealing specifically with complaints against the Corporation, Board Members or the Director of Governance.

Such complaints should be made in writing by the completion of this form – which can either then be returned to the College on-line (email to debbie.corcoran@eastlancslearning.ac.uk) or by posting to the following address: Nelson and Colne College, Scotland Road, Nelson, Lancashire, BB9 7YT. The complaint should be addressed for the attention of the Director of Governance, unless the complaint relates to the Director of Governance and then it should be addressed to the Chair of the Corporation.

FOR COMPLETION

1. Who is your complaint against?

- a) The Board of Corporation
- b) An individual Board member (if so, please state who)
- c) The Director of Governance

2. Which of the following does your complaint relate to?

- a) The performance by the Board of Corporation, a Board member, or the Clerk to the Corporation, in relation to the functions respectively allocated to them under the Instruments and Articles of Government of the College

- b) The Corporation's exercise of its powers

- c) Any other alleged breach or non-observance of the duties of the Corporation, individual Board Members or the Clerk under the Instruments and Articles of the College, its Code of Conduct for Board Members or the Financial Memorandum

- d) That the College has not satisfactorily investigated a complaint against a staff member

3. Please state the nature and grounds of your complaint.

4. Please state the remedy that you are seeking.

Signed by the complainant.....Date.....

Name (please print).....

Address.....

Email address:.....