



Procedure for Complaints against the Corporation, Board Members and the Clerk

1. Introduction

1.1. A complaint against the Corporation; a Board Member; (including the Principal 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 against a member of staff, by student and persons other than staff, should be made using the College's Complaints Procedure. Complaints must relate to:

1.1.1. 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;

1.1.2. the exercise by the Corporation of its powers; and/or

1.1.3. 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 SFA Financial Memorandum.

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

2. Procedure

2.1. All complaints should be made in writing 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)

North Kent College
Oakfield Lane
Dartford
Kent DA1 2JT

2.2. 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 s/he 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 of the College and the Corporation respectively, in accordance with the Instrument and Articles of Government of the College.

- 2.3. The Clerk to the Corporation (Chair of the Corporation) will:
 - 2.3.1. acknowledge receipt of the complaint within seven working days;
 - 2.3.2. 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.
- 2.4. Such person(s) shall:
 - 2.4.1. consider the complaint and, if necessary in order to determine disputed issues of fact, interview the complainant and those who are the subject 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
 - 2.4.2. 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 twenty-eight days of the complaint being referred to them.
- 2.5. 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.
- 2.6. 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 who are the 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 (e.g. the Secretary of State for Business, Innovation and Skills).