

COMPLAINTS AGAINST THE CORPORATION PROCEDURE

COMPLAINTS AGAINST THE CORPORATION PROCEDURE

1. Definition

- I. This procedure may be used to address any complaint the College should receive against the Board of Governors, an individual member of the Board, co-opted member of a Board Committee or the Clerk to the Governors.
- II. A separate College Complaints Policy exists for complaints about the standard of service received from a teaching or professional support department in the College.
- III. An individual, business or an organisation may make a complaint.

2. Making a complaint

- I. A complaint against the Corporation or a member of the Board of Governors should preferably be made in writing addressed to:

Clerk to the Governors
Hereford College of Arts
Folly Lane
Hereford
HR1 1LT

Email: lwatkins@hca.ac.uk

- II. The nature of the complaint should be clearly stated and, if appropriate, provide copies of any related documentation. The complainant should also state the remedy that they are seeking.

3. Actions and responsibilities to address the complaint

- I. Where the complaint is against the Board of Governors, an individual Governor or Co-opted member of a Committee, the Clerk to the Governors shall take the following action upon receipt of a complaint.
 - a. Acknowledge receipt of the complaint without delay and normally within 5 working days;
 - b. Investigate the complaint, in conjunction with the Chair of the Board or the Vice Chair (where the complaint relates to the Chair of the Board), provided that they are not involved in the matter to be investigated;
 - c. Endeavour to provide a response to the complaint within 4 working weeks and, if this is not possible, provide the complainant with an interim statement.
- II. If necessary, to determine the facts, the complainant and those who are the subject of the complaint may be interviewed by those investigating the complaint. All interviewees are entitled to be accompanied by a neutral friend or work colleague. A Governor who is the subject of a complaint may be supported by another Governor.
- III. When carrying out an investigation into a complaint against the Board, an individual member of the Board or a co-opted member of a Committee, the Clerk to the Governors will have the authority to refer issues to the Chair of the Audit Committee, the Board's auditors or other appropriate advisers.

- IV. The Clerk to the Governors will keep the Chair informed of the situation (or Vice-Chair if the complaint is against the Chair) and upon completion of investigations will provide a written report on the findings to both the complainant and the Board.
 - V. The Board will consider the findings of the investigation at the first scheduled Board meeting after the final report has been received. The Board will decide whether the complaint has been wholly or partly substantiated and, if so, what (if any) remedy should be granted to the complainant. Where the complaint relates to one or more specified individuals they shall withdraw from the meeting and take no part in the discussion about the investigation.
 - VI. The Clerk to the Governors (or the Chair if the complaint is about the Clerk) shall provide a written response to the complainant and to those who are the subject of the complaint confirming the Board's decision, and the reasons for its decision, within 7 working days of the date of the meeting at which the findings were discussed. The response shall also confirm what, if any, action is to be taken.
 - VII. The written response of the Clerk to the Governors (or Chair if the complaint is about the Clerk) will include details of any arrangements for pursuing the matter with an independent body (see point 5 below).
- 4. Complaint against the Clerk to the Governors**
- I. A complaint against the Clerk to the Governors shall be forwarded to the Chair of the Corporation for investigation and response.
 - II. Letters for the attention of the Chair of the Board should be addressed to:

Chair of the Corporation
Hereford College of Arts
Folly Lane
Hereford
HR1 1LT
 - III. The Chair shall adopt the same approach as that outlined in point 3 with regard to complaints against the Clerk to the Governors.
- 5. Anonymous complaints**
- I. Anonymous complaints will be investigated but if the Board is not provided with the complainant's contact details it will not be able to request additional information or provide feedback on the outcome.
- 6. Right of appeal**
- I. If a complainant feels the matter has not been resolved once this procedure has been exhausted, they may make a complaint to the Education Skills Funding Agency (ESFA). It should be noted that the ESFA will not investigate the original complaint but will look at whether the complaint has been appropriately handled. Complaints to the ESFA must be made within three months of receipt of the final decision from the College.
 - II. ESFA will investigate the complaint in accordance with the Agency's procedure for investigating Complaints about Providers, a copy of which is available at <https://www.gov.uk/government/organisations/education-and-skills-funding>

[agency/about/complaints-procedure#complain-about-a-post-16-training-provider-college-or-employer-we-fund](#)

- III. ESFA's role is primarily to ensure that the provider's procedures are working effectively. ESFA reviews the processes the provider has gone through when dealing with your complaint and the decisions that have been made. ESFA will not substitute its decision for the providers where the provider has followed its procedures and the decision is reasonable.

7. Summary

- I. The College seeks to provide quality learning accessible to all. The procedure outlines the processes to address any dissatisfaction identified against the Corporation, a member of the Corporation, (a Governor) or the Clerk to the Governors.
- II. This procedure has been developed to ensure that the College shall address complaints quickly, fairly and effectively.

Person responsible: Linda Watkins, Clerk to the Governors
Approval history: **Issue 1** July 2004: Board
Issue 2 October 2006: CMG
Issue 3 August 2007
Issue 4 June 2014
Issue 5: December 2018