

TITLE: Procedure for Complaints Against The Corporation, Board Members And The Clerk	REF:CP002	VERSION:3
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VERSION	REVIEWER/APPROVAL	REVIEW NOTES
1. 01/07/11	Governors – Corporation – 19 July 2011	
2. 30/01/15	Clerk to the Corporation	Procedure updated to align with Eversheds Model - Third edition, March 2014
3. 15/10/18	Clerk to the Corporation	Updated for in line with Eversheds Sutherland guidance, clarity and brand, and to include subsidiary bodies

PROCEDURE FOR COMPLAINTS AGAINST THE CORPORATION, BOARD MEMBERS AND THE CLERK

Policy Statement

Activate Learning Corporation are committed to acting in an upright and transparent manner and in the interests of the Corporation's stakeholders. In the event that there is reason to question the conduct of the Corporation, Board Members or the Clerk to the Corporation, such matters will be taken very seriously and handled with the utmost sensitivity.

Purpose

This policy sets out the procedure for making a complaint against the Corporation, members of the Corporation Board or the Board of its subsidiaries, and the Clerk to the Corporation. The policy also outlines the procedure that will be followed in the event of receipt of such a complaint.

Scope

This policy relates to complaints made against the Corporation, members of the Corporation Board or the Board of its subsidiaries, and the Clerk to the Corporation. This may also include complaints against the Chief Executive, where the complaint relates specifically to their role as a Board Member. Complaints against a member of staff should be made using the Activate Learning Comments, Suggestions and Complaints Policy.

Under this policy, complaints may be made in relation to:

- the performance by the Corporation, a Board Member or the Clerk of the functions respectively allocated to them under the Articles of Government, 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 under the Instrument or Articles of Government, its Code of Conduct for Board Members or the SFA Financial Memorandum or EFA Funding Agreement.

The Corporation may also consider an allegation that a complaint against a staff member has not been

satisfactorily investigated.

Making a Complaint

Complaints made under this policy should be made in writing, identifying the complainant and addressed to the following: -

Clerk to the Corporation
Activate Learning,
Oxpens Road,
Oxford OX1 1SA

In the case of complaints made against the Clerk to the Corporation, such complaints should be addressed to the Chair of the Corporation, and all actions ascribed to the Clerk within this policy shall be undertaken by the Chair of the Corporation.

The complaint should clearly outline the nature of and grounds for the complaint, the remedy sought, and, if appropriate, provide copies of any related documentation.

It is not possible for a complainant to seek disciplinary action against a member of staff or the removal of a Board Member or the Clerk, since these are decisions for the Chief Executive and the Corporation respectively, in accordance with the Instrument and Articles of Government.

Procedure for Handling a Complaint

The Clerk to the Corporation will acknowledge receipt of the complaint in writing within 7 working days, and refer the complaint to one or more of the following for investigation:

- the Activate Learning Audit and Risk 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 matters relevant to the complaint.

Such person(s) shall:

- consider the complaint and, if necessary in order to determine disputed issues of fact, interview the complainant and the subject(s) of the complaint. They may refer issues to the relevant auditors (external and/or internal) or other independent advisers as appropriate.
- produce a written report of their findings in relation to the complaint and provide the complainant and the Corporation (or subsidiary Board, where relevant) 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 Board shall, at its next scheduled Board meeting following receipt of the investigation report, consider the findings and determine whether to uphold the complaint in whole or part. In the event that a complaint is upheld, the Board shall agree a suitable and proportionate response or remedy.. Where the complaint relates to one or more specified Board Members or the Clerk, they shall withdraw and take no part in the discussion of the investigation.

The Clerk to the Corporation shall write to the complainant and the subject(s) of the complaint within 7 working days of the Board's decision, outlining the Board's decision, the reasons for that decision, and any response or remedy agreed. The letter will include details of any arrangements for appeal to any relevant external body (e.g. the Secretary of State for Business, Innovation and Skills/ Secretary of State for Education and the Skills Funding Agency/Education Funding Agency).