

## **ANNEX D OF STANDING ORDERS – POLICY ON COMPLAINTS AGAINST THE BOARD OF GOVERNORS**

A complaint against the Board, a Governor (including the CEO 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 their dealings with the College. Complaints against a member of staff should be made using the College's Staff Complaints Procedure. Complaints must relate to:

- The performance by the Board, a Governor or the Clerk of the functions respectively allocated to them under the Articles of Government of the College, and/or the exercise by the Board of its powers, and/or any other alleged breach or non-observance of the duties of the Board, individual Governors or the Clerk under the Instrument or Articles of Government of the College, its Code of Conduct for Governors or the SFA Financial Memorandum.
- The Board can also consider a complaint that the Management of the College has not satisfactorily investigated a complaint against a staff member.

All complaints should be made in writing and addressed to the Clerk to the Board (save where the complaint is in relation to the Clerk in which case it should be addressed to the Chair of the Board c/o the CEO's Office).

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 since these are decisions for the CEO of the College and the Board respectively in accordance with the Instrument and Articles of Government of the College.

The Clerk to the Corporation [Chair of the Board] will acknowledge receipt of the complaint within 7 working days and refer the complaint to one or more of the following for investigation:

- the College's Audit Committee,
- one or more Governors (excluding the CEO or staff and student Governors or any individual Governor included within the complaint);
- 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.

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. They may refer issues to the Board'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 Board 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 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 Governors or the Clerk, those persons shall withdraw and take no part in the discussion of the investigation.

The Clerk to the Board (or Chair of the Board where the complaint is against the Clerk) shall within seven working 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 Board 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 such as a Government department or agency.