



Skills Funding
Agency

Procedure for Dealing with Complaints about Providers of Education and Training

April 2013

Of interest to all learners and providers of education and training

Procedure for dealing with complaints about Providers of Education and Training

Key Principles

- 1 The Chief Executive of Skills Funding (Chief Executive) and Providers of Education and Training (Providers) should be receptive to genuine expressions of dissatisfaction.
- 2 Complaints should be dealt with promptly, fairly and proportionately.
- 3 Action taken as a result of complaints should help to improve the quality of education that further education (FE) colleges provide, post-19 education and training, and Apprenticeships.
- 4 In dealing with complaints, the Chief Executive will take account of its duty to promote equality and diversity.

Providers

- 5 The following Providers are covered by this procedure:
 - FE colleges (not including sixth-form colleges)
 - those delivering Apprenticeships
 - those delivering other education and training suitable for persons aged 19 and over and funded by the Chief Executive

We will investigate complaints about all courses that the Chief Executive funds and those courses funded by a 24+ Advanced Learning Loan.

- 6 Providers are required to have published procedures for handling complaints. These procedures should contain a process by which a learner or other organisation can make a complaint, have it investigated, reviewed and resolved. The procedure should also outline the process, timescales and named individuals.
- 7 Providers should ensure that learners understand all details of the complaints procedure and make complaints information available in other formats (for example, Braille, large print, other languages).
- 8 Providers should have an appeals process to deal with any challenges to the decision.
- 9 Providers should ensure that learners or other organisations receive relevant information about such procedures and that they supply them with relevant contact details for the Chief Executive when they cannot resolve complaints themselves.
- 10 The Chief Executive will not usually investigate complaints until the Provider's procedure, including the appeal, has been exhausted. If the Chief Executive believes that the Provider is not dealing with a complaint appropriately or effectively, it may decide to intervene before the Provider's procedure has been exhausted.

Procedure for dealing with complaints about Providers

Who will investigate:

- 11 The Director of the Area Relationship Team will investigate complaints about Providers, or appoint someone (the “appropriate officer”) based in the area in which the Provider is located. When a complaint concerns Apprenticeship provision, the appropriate officer will liaise with the National Apprenticeship Service (NAS).
- 12 Complaints about Providers should be addressed to the Director of the Area Relationship Team in the area in which the Provider is based. Please see Annex A for contact details.
- 13 If the Chief Executive receives an allegation of fraud or financial irregularity, it will pass these to the Strategic Intervention Team for investigation.

When the Chief Executive will investigate:

- 14 We **can investigate** complaints about:
 - the quality or management of education and training
 - undue delay or non-compliance with published procedures
 - poor administration by the Provider
 - equality and diversity issues (except where there is a more appropriate mechanism for dealing with the matter through the court, tribunals or other organisations)

- health and safety concerns (unless these are matters for the Health and Safety Executive)
- although the Chief Executive does not fund higher education (HE) courses in FE colleges, the Chief Executive will investigate complaints made by learners following HE courses in FE colleges.

When the Chief Executive will not investigate

15 We **will not investigate** complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or the Office of Qualifications and Examinations Regulation (Ofqual)
- individual employment issues (not in the wider public interest), which are a matter for the employer and the employee where employment law provides appropriate remedies
- contractual disputes, for example disputes which arise from a contractual agreement between the complainant and the Provider, save where this relates to a course funded by a 24+ Advanced Learning Loan
- matters that are the subject of legal action, or where legal proceedings are the most appropriate way of resolving the dispute.

16 Except in relation to complaints about irregularity, we will not usually investigate complaints more than three months after the decision or action was taken.

17 We reserve the right not to investigate vexatious or malicious complaints.

What the Chief Executive will do:

18 On receipt of a complaint the appropriate officer should check:

- the matter is one which the Chief Executive can investigate
- if the decision or action complained about occurred more than three months ago (if so, the Chief Executive will not normally investigate, unless the complainant has good reason for the delay in making the complaint)
- whether the allegations relate to fraud or irregularity (if so, the appropriate officer shall notify the Strategic Intervention Team to discuss appropriate investigation procedures)
- the appropriate officer should consider whether it is possible to resolve the complaint informally and, if the complainant agrees, should arrange to contact the Provider to explore whether they can resolve the complaint.

19 Within five working days of receipt of a complaint the appropriate officer should acknowledge receipt and send a copy of this procedure to the complainant. The appropriate officer should inform the complainant whether the complaint is one which the Chief Executive will investigate. In cases alleging fraud or irregularity the appropriate officer will inform the complainant that their complaint has been passed to the Strategic Intervention Team for response. It should be noted that the Strategic Intervention Team's timescales vary as investigations usually take longer (see paragraph 32).

20 If the Chief Executive is to investigate the matter, the complainant should be asked to provide:

- details of their complaint in writing, by email or fax (if this has not already been provided)
- confirmation that the Provider's complaints procedures have been exhausted, unless the complaint is about potential financial irregularity
- permission to disclose details of their complaint to the Provider concerned (however, if the complaint is about potential financial irregularity, we will respect anonymity as long as it does not impede an investigation)

In the case of a complaint about potential financial irregularity, the Strategic Intervention Team may seek further information from the complainant through a telephone or face-to-face meeting.

21 If the complainant has difficulties in providing details in writing, the appropriate officer should consider alternative ways of receiving the information.

22 Within five working days of receipt of the written complaint the appropriate officer should prepare a summary of the complaint and send it to the complainant for approval. The complainant should have five working days to provide any response to this document.

23 The appropriate officer should consider any response from the complainant and, if appropriate, amend the summary of complaint before sending this to the Provider. The appropriate officer should ask the Provider to provide within 10 working days:

- details and copies of the relevant procedures

- confirmation that their procedures have been exhausted
 - a response to the summary of complaint, together with relevant documents
 - confirmation that we can show the information provided to the complainant
- 24 If, at any stage, the appropriate officer is satisfied that procedures at the Provider have not been properly exhausted, they should write to the parties to indicate that they will not investigate the matter further. Where the appropriate officer judges that the Provider has unduly delayed resolving the complaint, or that there is no prospect of the Provider resolving the complaint within a reasonable timescale, the Chief Executive may continue to investigate.
- 25 On receipt of the relevant documents and response from the Provider, the appropriate officer shall provide the Provider's response to the complainant and seek confirmation within five working days as to whether the complainant remains dissatisfied.
- 26 If the matter has not been resolved within 20 working days of agreeing the summary with the complainant, the appropriate officer should consider each aspect of the summary of complaint and determine whether to uphold the complaint, on the balance of probabilities.

- 27 If the appropriate officer cannot resolve the position on the information available, they shall arrange to contact the parties to obtain all necessary further information. If necessary, the appropriate officer can arrange to meet with either or both of the parties. Normally, the information received and the notes of any meeting are disclosed to both parties.
- 28 Once the appropriate officer has made a provisional decision in relation to the complaint, they should send draft findings to each of the parties, providing them with an opportunity to respond within five working days.
- 29 The appropriate officer should consider responses before confirming the findings. The appropriate officer should finalise the findings within five working days and send it to each of the parties. This concludes the investigation.
- 30 If at any point during the investigation, the appropriate officer encounters a delay in responding to/providing correspondence, the appropriate officer should notify the complainant of the delay and provide details of when to expect a response.
- 31 Timescales for investigations into complaints about potential financial irregularity may be significantly longer. The Strategic Intervention Team will make every effort to inform complainants of progress and expected timescales, but, where a case is referred elsewhere (for example to the police), it may be necessary for information to remain confidential until all enquiries are completed.

What action the Chief Executive can take

32 If a complaint is upheld, the Chief Executive shall consider taking action against the Provider in accordance with the key principles. The Chief Executive may:

- ask the Provider to review its procedure to ensure non-recurrence

- ask the Provider to review its decision in the individual case

- where the complaint is about a course funded by a 24+ Advanced Learning Loan, ask the Provider to reimburse the complainant and/or the Student Loans Company part or all of the value of the Loan

- where the Provider is an FE college, require the college to provide appropriate education to a named individual between 16-18 years old

- where the Provider is an FE college impose additional conditions of funding

- consider the eligibility of provision for funding

- where the Provider is an FE college, consider intervention in the management of the college

- invoke the clauses in the contract between the Provider and the Chief Executive relating to the breach

- terminate the contract

- recommend inspection of the Provider to the Secretary of State

- in cases of financial irregularity, recover funds and refer matters to the police (where there is evidence of a crime) and apply the Chief Executive's policy on Funding Higher Risk Providers and Subcontractors.

If the complainant remains dissatisfied

- 33 If a complainant is dissatisfied with the way the Chief Executive has dealt with their complaint against a Provider, they should write to the Complaints Adjudicator, Legal and Information Compliance and Security, Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.
- 34 The Complaints Adjudicator will **not** investigate the original complaint against the Provider but will look at whether the complaint has been handled appropriately. Complainants can also send any queries about this to complaintsteam@skillsfundingagency.bis.gov.uk

Annex A: Contact details for Appropriate Officers

London Area

Director Area Relationship Team
1 Victoria Street
London
SW1H 0ET

Tel: 020 7904 0750

West Midlands Area

Director Area Relationship Team
15 Bartholomew Row
Birmingham
B5 5JU

Tel: 0121 345 4603

South Central Area

Director Area Relationship Team
Eagle Point, Little Park Farm Road
Segensworth
Fareham
PO15 5TD

Tel: 01489 558 539

East Midlands Area

Director Area Relationship Team
Apex Court
City Link
Nottingham
NG2 4LA

Tel: 0115 872 6335

South West Area

Director Area Relationship Team
Foliot House
Budshead Road
Plymouth
PL6 5XR

Tel: 01752 754 026

South East Area

Director Area Relationship Team
2nd Floor The Observatory
Brunel
Chatham Maritime
Kent
ME4 4NT

Tel: 01634 800 818

Thames Valley Area

Director Area Relationship Team

Pacific House

Imperial Way

Reading

Berkshire

RG2 0TF

Tel: 0118 908 2157

Central Eastern Area

Director Area Relationship Team

The Business Centre

Station Road

Histon

Cambridgeshire

CB24 9LQ

Tel: 01223 771 874

Liverpool/Cumbria/Lancashire

Director Area Relationship Team

12 Princes Dock

Liverpool

L3 1DE

Tel: 0151 6723437

North East

Director Area Relationship Team

Moongate House

5th Avenue Business Park

Team Valley

NE11 0HF

Tel: 0191 492 6303

**Manchester/Cheshire & Warrington, Stoke
& Staffordshire**

Director Area Relationship Team

Arndale House

Arndale Centre

Manchester

M4 3AQ

Tel: 0161 261 0531

Yorkshire & The Humber

Director Area Relationship Team

The Cube

123 Albion Street

Leeds

LS2 8ER

Tel: 0113 341 1659



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