



Education
Funding
Agency

How to complain about post-16 EFA- funded institutions

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Key Principles

1. We (The Education Funding Agency – EFA) are committed to providing a high quality service for our customers and demonstrating exemplary conduct. This document explains how you can complain to us about an institution we fund. Our procedure, outlined below, will ensure that your complaint is responded to promptly, fairly and proportionately.
2. If your complaint or concern is about financial irregularity or fraud by an institution you should follow separate procedures, which are published on the [Department for Education's website](#).

Institutions

3. This document is for complaints about:
 - sixth form colleges
 - commercial and charitable training providers where the complaint relates to EFA funded provision and students aged 16 to 18 and up to 25 who are subject to a learning disability assessment.
4. For other complaints:
 - **Academies** should be made to the [EFA, Academies Group](#)
 - **general further education colleges, commercial and charitable training providers where the complaint relates to Skills Funding Agency provision and post-19 students, and Apprenticeship programmes**, should be made to the [Skills Funding Agency](#)
 - **schools including non-maintained special schools** should be made to the [Department for Education](#).

Institutional Responsibilities

5. Institutions are required to have a procedure in place for complaints handling. It should explain how a student or other organisation can make a complaint, have the complaint investigated and resolved.
6. Institutions should ensure all details of their complaints procedure is understood by students and make complaints information available in other formats (for example Braille, large print, or other languages).

7. Institutions should also ensure that, where necessary, support is made available to help guide students through the institution's complaints procedure, for example access to a learner support assistant.
8. If it has not been possible to resolve the complaint through the institution's complaints procedure, institutions should ensure that complainants are provided with relevant contact details for the EFA.

Role of the EFA in dealing with complaints

9. We will not usually investigate complaints until the institution's procedure, including any appeal, is complete. Where we have evidence that gives us reason to believe that the institution is not dealing with a complaint appropriately or effectively, we may begin our procedure before the institution's procedure has been exhausted.
10. If we receive multiple complaints from individuals about the same issue (for example a lobby group or Association) we may choose to work with the complainants to agree a single point of contact for progressing the complaint.

How to contact the EFA

11. Initial complaints about institutions funded by the EFA can be made on the '[Contact Us](#)' form on our website:

They can also be made in writing to:

EFA Institutions - Complaints
Providers, Standards and Intervention
Education Funding Agency
Earlsdon Park
55 Butts Road
CV1 3BH

What we will investigate

12. We will not be able to overturn an institution's decision in relation to a complaint or impose our own decision. However, we will consider complaints about institutions that fall into the following two areas:
 - the institution has not complied with its own complaints procedure when considering the complaint.

If our investigation finds that the institution has not complied with its own procedure, we may request that the complaint is reconsidered by the institution in accordance with the institution's complaints procedure.

- the institution has failed to comply with an obligation imposed on it under its funding agreement.

Complaints under this section may include, but are not limited to:

- the quality or management of learning provision
- poor administration.

We will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the institution directly. If we are subsequently satisfied that an institution is in breach of its funding agreement, we will take appropriate steps, as outlined in the funding agreement, to address compliance.

What we will not investigate

13. There are a number of circumstances where we will not investigate a complaint, for example where another body or legal route of challenge is more appropriate. Examples include:

- exam results or curriculum content. Complaints of this nature should be dealt with by the appropriate examination awarding body or by [Ofqual](#)
- individual employment issues that are a matter for the employer and the employee, and where employment law provides appropriate remedies
- institutional contractual disputes, including for example, complaints about the terms of sub-contracting agreements between an institution and a sub-contractor
- matters that are already the subject of legal action, proposed legal action, or where legal proceedings are the most appropriate way of resolving the dispute
- matters relating to child protection/safeguarding which will be referred immediately to the relevant local authority.

14. We will not normally investigate complaints more than three months after the decision or action was taken. We may use our discretion here if the complainant has good reason for the delay in making the complaint that takes them past the three month deadline.

15. We reserve the right not to investigate complaints considered vexatious or malicious, or where we are satisfied with the action that has already been taken, or proposed to be taken by the institution to resolve the complaint.

The EFA Complaints Procedure about Institutions

Timescales

16. All timescales in this procedure are indicative. If the EFA, complainant or institution wish to vary any timescales in this procedure, this can be discussed at the relevant stage. Any requests for extensions should be made in writing (post or email) and will be confirmed by the EFA. A process flow is available in the annex.

Making a complaint

17. If you are unable to make the complaint yourself, we will be happy to deal with your representative, providing it is made clear in writing that they have the authority to act on your behalf, for example a parent or guardian.

Receiving a complaint

18. We will acknowledge receipt of your complaint and send to you a copy of this complaints procedure within **5 working days** of receiving your complaint.

Assessing your complaint

19. When we receive your complaint we will carry out an initial check on the information provided to confirm whether:

- we are able to investigate the matter using this procedure
- we require further information to enable us to determine if the matter is one that we are able to investigate using this procedure
- your complaint should be referred to another organisation or is out of scope of this procedure for some other reason.

20. If our initial check determines that we are unable to investigate your complaint, we will reply to you within **5 working days** of sending the acknowledgement letter explaining why we are unable to investigate. Where appropriate, we will provide you with information about other bodies that may be able to consider your complaint. We will then consider your complaint closed.

21. If our initial checks do not clarify whether or not the complaint can be investigated by us we will write to you within **5 working days** of sending the acknowledgement letter, asking for further information. We will request that you submit any further information within **10 working days** from the date our request for further information letter was sent to you. Once we receive this information, we will confirm in writing, within **5 working days** from receiving your letter, if the matter is one which we are able to investigate.
22. In confirming that we can investigate your complaint, if we do not have the required information to progress it, we will also ask you for the information below to be provided within **10 working days** of sending the confirmation letter:
- full details of the complaint in writing
 - confirmation and evidence that the institution's own complaints procedure (including any appropriate appeal or review) have been exhausted
 - permission to disclose details of your complaint to the institution concerned. If any details of the complaint should be withheld from the institution, for example due to Data Protection requirements, you must make this clear. If this is not provided we will be **unable** to progress your complaint further
 - any additional information required by us to enable your complaint to be investigated.
23. On receipt of all requested information detailed in paragraph 22, we will prepare a summary of the complaint, together with identification of any relevant supporting information. This will be sent directly to you for comment within **5 working days** of receiving all requested information. We will ask you to respond to the summary within **10 working days** of sending you the summary. We will then consider your response and, if appropriate amend the summary of the complaint. We will share this with you again before we progress our investigation any further.

Investigation

24. Following finalisation and agreement of the complaint summary we will write to the institution within **5 working days** and include the summary of the complaint and any relevant supporting information as agreed. We will request that the following documentation is submitted to us within **10 working days** of writing to the institution:
- a copy of the institution's complaints procedure and, where relevant details of other related procedures
 - an explanation of how this complaint has been considered through each stage of the institution's complaints procedure

- a response to the summary of the complaint including any supporting information or evidence.
- confirmation that the information provided by the institution can be shared with the complainant. If there is any additional information that cannot be shared with the complainant (for example personal data belonging to individuals not involved in the complaint or commercially sensitive information), this should be clearly marked and an explanation for its exclusion provided.

25. We will forward the institution's response to the you within **5 working days** of receipt, ensuring that we have taken account of any information the institution has marked as not be shared.

26. You will be asked to confirm, within **5 working days** of the institution's response being forwarded to you, whether you:

- are satisfied that the response from the institution addresses the complaint made and no further action is required by us; or
- you wish us to continue this procedure.

EFA decision

27. Where you are not satisfied with the institution's response and wish us to continue with the procedure, we will consider all evidence provided through this procedure before confirming our findings to both yourself and the institution within a further **10 working days**.

Next steps

28. If we find in favour of your complaint, we will consider what next steps are required. Actions could include but are not limited to:

- asking the institution to review its internal procedures to ensure non-recurrence
- asking the institution to review its decision on the individual case
- considering the need for any action under the terms of the Funding Agreement or any associated funding conditions
- considering the need for any action by, or on behalf of, the Secretary of State for Education.

29. It should be noted that, in some cases, we will not be able to require the institution to take specific action, but we can ask the institution to consider amendments and/or improvements to its policies and procedures.

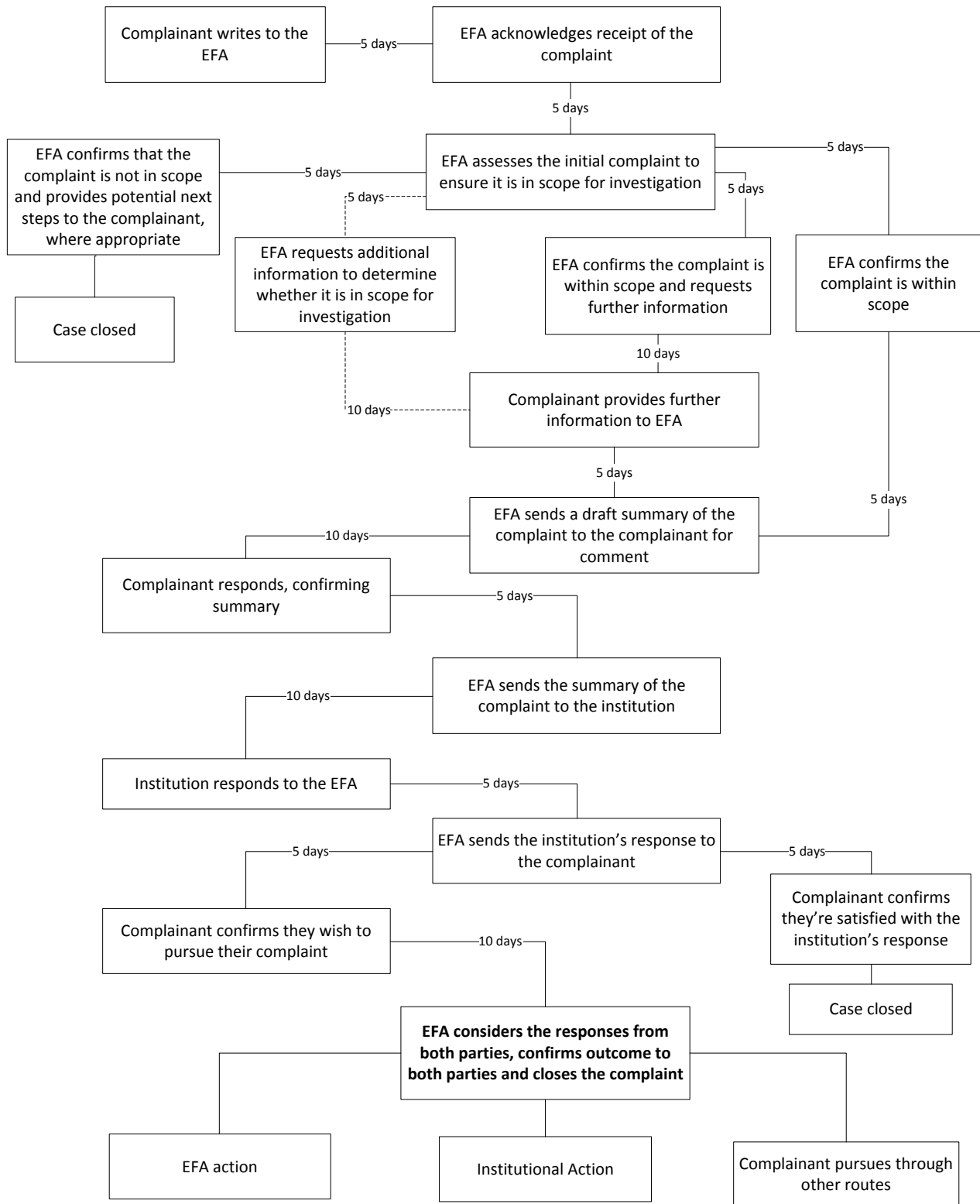
30. If we do find against your complaint, then we will write to you and the institution, clearly outlining why we have made this decision.

Dissatisfied with the complaint outcome

31. If you are dissatisfied with the way we have dealt with your complaint against an institution, you can use the following procedure to [make a complaint about the EFA](#).

32. Please note that the original complaint against the institution will not be re-investigated. The procedure will look at whether the complaint has been appropriately handled by us under this procedure.

Annex: Process Flow





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