



Education
Funding
Agency

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Guidance

How to complain about post-16 EFA-funded institutions

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1.

Making a complaint about an Education Funding Agency (EFA) funded institution

This process will guide you through how to make a complaint to the EFA about an institution we fund. Our complaints procedure will ensure we can respond to your complaint promptly and fairly, and proportionately.

Before making a complaint to the EFA, you should have exhausted the institution's complaints procedure, including any appeals process.

If your [complaint](#) or concern is about a financial irregularity by an institution you should follow separate procedures, which are published on GOV.UK.

1.1 This process is for complaints about

- sixth-form colleges
- commercial and charitable training providers where the complaint relates to EFA funded provision for students aged 16 to 18 and up to 25 if the learner is subject to a learning disability assessment

1.2 If your complaint is about another type of institution, please see below

- academies and free schools 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](#)(SFA) funded provision for post-19 students, and/or apprenticeship programmes, should be made to the SFA
- schools (including non-maintained special schools) should be made to the [DfE](#)

If your complaint is about a child protection or safeguarding concern, please contact your local authority

1.3 If you wish to make a whistleblowing complaint

If you work in an early years or educational setting, or a children's social care service, and are concerned about suspected wrongdoing, you should follow [the institution's process for blowing the whistle](#).

If you're not satisfied with how your whistleblowing complaint has been handled tell someone else (eg a more senior member of staff) or a [prescribed person or body](#).

To make a public interest disclosure (whistleblowing) about an EFA funded institution please contact the [Department for Education](#)__.

1.4 Preventing extremism and radicalisation

If you wish to raise a concern regarding preventing extremism and radicalisation relating to a post 16 institution, please contact:

<mailto:%20counter.extremism@education.gsi.gov.uk>

2.

Making a complaint to your institution

All institutions are required to have a procedure in place for handling complaints. Your institution's procedure should explain how you can make a complaint, have the complaint investigated and resolved.

Institutions should ensure all details of their complaints procedure are understood by you before you make a complaint. Where necessary, appropriate support should be made available to help guide you through the institution's complaints process, for example access to a learner support assistant.

Institutions should also make complaints information available in other formats (for example braille, large print, or other languages).

If it has not been possible for you to resolve your complaint through your institution's complaints procedure, it should supply you with relevant contact details for the EFA.

3.

EFA role

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 investigation before the institution's procedure has been exhausted.

If we receive multiple complaints from individuals about the same issue (for example a lobby group or Association) we may choose to agree a single point of contact for progressing the complaint.

We are unable to overturn an institution's decision in relation to a complaint or impose our own decision.

4.

What we can investigate

We will investigate complaints that fall into the following two areas

- the institution has not complied with its own complaints procedure: if our investigation finds that the institution has not complied with its own procedure, we may request that the institution reconsiders your complaint in accordance with their complaints procedure
- the institution has failed to comply with an obligation imposed on it under its funding agreement or contract

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

- the quality or management of learning provision
- poor administration

5.

What we cannot investigate

There are some circumstances where we cannot investigate a complaint.

These include

- exam results or curriculum content - these complaints 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 we will refer immediately to the relevant local authority

We will not normally investigate complaints more than three months after the decision or action was taken by the institution. We may use our discretion here if there is good reason for the delay in making the complaint.

We reserve the right not to investigate complaints we consider to be 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.

6.

How to complain to EFA

Complaints about institutions funded by EFA can be made on the [contact us form](#) on GOV.UK.

They can also be made in writing to

EFA institutions - complaints
Providers, Standards and Intervention
Education Funding Agency

Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

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

7.

The complaints procedure

Timescales for investigating your complaint

All timescales in this procedure are indicative. If either party wishes 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 EFA. A [flow chart](#) of the process is available.

What happens when we receive your complaint

We will acknowledge receipt of your complaint and send you a copy of our complaints procedure within 5 working days of receiving your complaint. We will carry out an initial check on the information you have provided to confirm whether

- we are able to investigate the matter
- we require further information before we can determine if the matter is one that we are able to investigate
- your complaint should be referred to another organisation or is out of scope of this procedure

If 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 help. We will then consider your complaint to EFA closed.

If we need more information to decide whether we can investigate

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 of our letter. Once we receive this information, we will confirm in writing, within a further 5 working days, if the matter is one which we are able to investigate.

If we can investigate but need additional information from you

We may need additional information from you before we can start our investigation. If so, we will ask you to provide additional information within 10 working days. This may include

- full details of your complaint in writing
- confirmation and evidence that your institution's own complaints procedure (including any appropriate appeal or review) has 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 permission is not provided we will be unable to progress your complaint further
- any specific information required by us to enable your complaint to be investigated

7.1 Responding to your complaint

What we will do

Once we have all of the information we need, we will prepare a summary of the complaint and share this with you within 5 working days.

We will ask you to confirm and/or comment on the summary within a further 10 working days. We will consider any changes or comments you make and, if necessary amend the summary of the complaint. If we amend the summary, then we will share this with you again before we share the summary with the institution.

Once we have finalised the summary we will forward the summary to the institution, including any relevant supporting information as agreed with you. We will do this within 5 working days.

What we will ask the institution to do

The institution will be asked to submit the following documentation within 10 working days

- a copy of the institution's complaints procedure and, where relevant, details of other related procedures
- an explanation of how your complaint has been considered through each stage of the institution's complaints procedure
- a response to our summary of your complaint, including any supporting information or evidence
- confirmation that the information provided by the institution can be shared with you: if there is any additional information that cannot be shared with you (for example personal data belonging to individuals not involved in the complaint or commercially sensitive information), the institution will be asked to clearly mark this and provide an explanation for its exclusion

Next steps

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

You will be asked to confirm, within the next 5 working days, whether you are satisfied that the response from the institution addresses your complaint and no further action is required by us; or that you wish us to continue this procedure.

Where you confirm that you are not satisfied with the institution's response and wish us to continue with the procedure, we will then consider all of the evidence provided. We will then make a decision and confirm the outcome to both you and the institution within a further 10 working days.

If we find in favour of your complaint

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

In some cases, we may 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.

If you are dissatisfied with the way we have dealt with your complaint

If you are dissatisfied with the way we have dealt with your complaint under this process, you may wish to [make a complaint about the EFA](#).

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

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