

Complaints About Providers of Education and Training

November 2012

Of interest to all learners and providers of education and training

Complaints About Providers of Education and Training

Chief Executive of Skills Funding (the Skills Funding Agency)

The Chief Executive of Skills Funding (the Chief Executive) is a statutory post established by the Apprenticeships, Skills, Children and Learning Act 2009 to fund and promote adult further education (FE) and skills training and Apprenticeships in England. The Skills Funding Agency (the Agency) describes the Chief Executive and the staff appointed by her to carry out functions on her behalf.

The Agency and providers of education and training (providers) should be receptive to genuine expressions of dissatisfaction; complaints should be dealt with promptly, fairly and proportionately. Action taken as a result of complaints should help to improve the quality of post-19 education and training and Apprenticeships.

In dealing with complaints, the Agency will take account of its duty to promote equality and diversity.

Introduction

This leaflet informs you how to make a complaint about a provider once you have exhausted the provider's own complaints procedure and outlines:

- what to do if you have a complaint
- the role of the Agency
- what the Agency does when it receives your complaint
- what the Agency cannot do
- what to do if you suspect there may be irregularities or fraud at a provider.

Making a complaint

Who can complain?

This procedure is primarily for learners, but anyone with a relevant interest in the provider, such as a parent or an employer, can make a complaint.

Which organisations can you complain about?

- 1) General FE colleges (covering provision for all ages).
- 2) Private and charitable training providers, where the complaint is related to the delivery of education and training to learners who have attained the age of 19.
- 3) Apprenticeship programmes, including 16- to 18-year-olds undertaking an Apprenticeship.

What to do if you have a complaint

First try to resolve it with the provider. Copies of the provider's complaints procedure should always be available at reception or learner services. If not, contact the Principal or most senior manager directly.

If you suspect irregularity or fraud, read the section below on allegations of irregularity or suspected fraud, as it is not usually appropriate to contact the provider in these circumstances.

The Agency will not usually deal with a complaint unless the provider's complaints procedure has been exhausted. This is to give you and the provider the opportunity to resolve the complaint between yourselves.

You will be expected to make your complaint as soon as possible after the event about which you are complaining occurred.

The Role of the Agency

Your complaint will be investigated in accordance with the Agency's procedure for investigating Complaints about Providers, a copy of which can be found at <http://skillsfundingagency.bis.gov.uk/aboutus/contactus/complaints/>.

Your complaint will be investigated by the Area Relationship Team based in the area in which the provider is located. The contact details for these are set out at the back of this leaflet. Where a complaint concerns Apprenticeship provision, the appropriate officer will liaise with the National Apprenticeship Service (NAS).

The Agency's role is primarily to ensure that the provider's procedures are working effectively. The Agency reviews the processes the provider has gone through when dealing with your complaint and the decisions that have been made. The Agency will not substitute its decision for the provider's where the provider has followed its procedures and the decision is reasonable.

Types of complaint

The types of complaint that the Agency can consider are:

- the quality or management of learning provision
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 courts, tribunals or other organisations)
- health and safety concerns (unless these are matters for the Health and Safety Executive)
- although higher education (HE) courses in FE colleges are not funded by the Agency, it has been agreed that the Agency will investigate complaints made by learners following HE courses in FE colleges.

The types of complaint the Agency **cannot** consider are:

- 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 such as those arising from a contractual agreement between the complainant and the provider
- matters that are the subject of legal action, or where legal proceedings are the most appropriate way of resolving the dispute.

In all cases, your **Area Relationship Team** will try to point you in the right direction if they are not able to deal with your complaint.

How to make a complaint

First exhaust the provider's complaints procedure. If you are unhappy with the outcome, contact your Area Relationship Team using the contact details at the back of this leaflet. You should make your complaint to the Agency within three months of the provider's decision. This is normally three months from when the provider's complaints procedure has been exhausted and the provider cannot investigate further. The reason for this is that it can be difficult to investigate complaints fairly where a long period has passed since the events complained about took place.

What the Agency will do?

The Area Relationship Team will usually ask you to put your complaint in writing, an email or fax. If you have difficulty providing details in writing, the Area Relationship Team will consider alternative ways of receiving the information.

In most cases, the Area Relationship Team will need to identify you to the provider. This will help greatly in investigating your individual complaint. They will check with you before doing so, but it can be difficult to investigate a personal complaint without revealing the person's name.

The Area Relationship Team will encourage you and the provider to reach an agreement on the complaint. If this is not possible, they will investigate the way in which the provider has dealt with the complaint and whether their conclusions are reasonable and justified.

If your complaint is justified, the Area Relationship Team may make recommendations to the provider to remedy any difficulties you have suffered or prevent the situation happening again. These recommendations will be followed up by the Area Relationship Team with the provider.

Allegations of irregularity or suspected fraud

The Chief Executive has a team dedicated to investigating allegations of irregularities or suspected fraud by providers, called the Special Investigations Unit. Unlike complaints, it may not be possible for allegations of irregularity to have been raised with the provider before contacting the Chief Executive, and we do not expect anyone with these concerns to have done so.

The Special Investigations Unit will investigate allegations such as fraud, financial irregularity, and other malpractice where there is a public interest in the allegation being made. If you have any of these concerns, you can address them to the Special Investigations Unit at the address on the back of this leaflet.

Area Relationship Teams

London Area

Director Area Relationship Team
Skills Funding Agency
1 Victoria Street
London
SW1H 0ET

South Central Area

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

South West Area

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

Thames Valley Area

Director Area Relationship Team
Skills Funding Agency
Pacific House
Imperial Way
Reading
Berkshire
RG2 0TF

West Midlands Area

Director Area Relationship Team
Skills Funding Agency
15 Bartholomew Row
Birmingham
B5 5JU

East Midlands Area

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

South East Area

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

Central Eastern Area

Director Area Relationship Team
Skills Funding Agency
The Business Centre
Station Road
Histon
Cambridgeshire
CB24 9LQ

Liverpool/Cumbria/Lancashire

Director Area Relationship Team
Skills Funding Agency
12 Princes Dock
Liverpool
L3 1DE

North East

Director Area Relationship Team
Skills Funding Agency
Moongate House
5th Avenue Business Park
Team Valley
NE11 0HF

Cheshire & Warrington/Greater Manchester**Staffordshire**

Director Area Relationship Team
Skills Funding Agency
Arndale House
Arndale Centre
Manchester
M4 3AQ

Yorkshire & The Humber

Director Area Relationship Team
Skills Funding Agency
The Cube
123 Albion Street
Leeds
LS2 8ER

