



Procedure for dealing with complaints about providers of education and training

Introduction

1. This procedure is for learners and parents at post-16 further education (FE) colleges, sixth form colleges and training providers (providers) that are funded by the Education and Skills Funding Agency (ESFA).
2. Before contacting us you should issue a formal complaint to the provider and fully exhaust the provider's complaints procedure. Providers are required to publish their complaints procedure on their websites.
3. We will not re-investigate the original complaint about the provider. We will review whether the provider has properly investigated your original complaint in line with its procedures.
4. This procedure was created on 1 September 2017 and will be reviewed by 1 September 2018.

Key principles

5. The ESFA, on behalf of the Secretary of State, and providers should be receptive to genuine expressions of dissatisfaction.
6. We will deal with complaints promptly, fairly and proportionately.
7. Any action that we take as a result of complaints should help to improve the quality of education that providers deliver to learners.

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

Who is covered by this procedure

9. This procedure covers the following providers that are funded by the ESFA:
 - further education colleges and sixth-form colleges
 - those delivering apprenticeships including degree apprenticeships
 - those delivering other education and training suitable for persons aged 16 and over such as independent learning providers and specialist post-16 institutions
10. This procedure **does not** cover the following:
 - higher education (HE) courses in FE colleges, which you should direct to the [Office of the Independent Adjudicator for HE](#) - this does not include Degree apprenticeships
 - higher education (HE) institutions or Universities including the Open University which you should direct to the [Office of the Independent Adjudicator for HE](#) - this does not include Degree apprenticeships
 - academies which you should direct to the [complain about an academy page](#) on GOV.UK
 - schools (including non-maintained special schools) which you should direct to the [complain about a school page](#) on GOV.UK
 - provision delivered by subcontractors because the ESFA policy is that we hold the lead provider responsible for all subcontractor activity - you should issue the lead provider with a formal complaint

When the Education and Skills Funding Agency will investigate

11. We can investigate complaints about:

- the quality, management or experience 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)

When the Education and Skills Funding Agency will not investigate

12. We will not investigate complaints until the provider's procedure, including the appeal, has been fully exhausted.

13. We will not investigate complaints about:

- examination results or curriculum content
- individual employment issues including potential employment (such as recruitment) at colleges and providers, which are a matter for the employer and the employee where employment law provides appropriate remedies
- contractual disputes that arise from a contractual agreement between a provider and a party providing services to the provider or from someone who is not a learner. This includes contractual disputes between an employer and a provider in relation to the apprenticeship levy
- matters that are the subject of legal action

- the cancellation or reimbursement of an Advanced Learner Loan or fees paid
- a commercial arrangement between an employer and a provider
- any complaints that we have classified as serial
- allegations of fraud, financial irregularity and whistleblowing which you should direct to the [allegations of fraud or financial irregularity policy](#) on GOV.UK
- concerns about safeguarding which we will pass onto the appropriate team

Extremism and radicalisation

14. For the prevention of extremism and radicalisation relation to post-16 institutions please contact: counter.extremism@education.gov.uk.

Procedure for dealing with complaints about providers

15. Complaints about providers should be sent to:
- complaints.esfa@education.gov.uk
 - Or via: The Complaints Team, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

Who will investigate?

16. We will appoint an appropriate officer to investigate the complaint.

What the Education and Skills Funding Agency will do

17. On receipt of a complaint we will check:
 - if the matter is one that we can investigate
 - if the decision or action complained about occurred more than 12 months ago
 - whether there is evidence that the complainant has fully exhausted the provider's complaints procedure including any appeals process
18. Within three working days of receiving a complaint we will acknowledge receipt and send a copy of this procedure to the complainant. We will inform the complainant whether the complaint is one that we will investigate.
19. If we are to investigate the matter, we will ask the complainant to provide the following:
 - details of their complaint in writing or by email (if this has not already been provided)
 - confirmation and written evidence from the complainant that they have fully exhausted the provider's complaints procedure including any appeals process (for example, written correspondence that the complainant received from the provider confirming the outcome)
 - permission to disclose details of their complaint to the provider concerned
20. If we can investigate we will email a summary of the complaint. In complex cases we will request agreement to the summary by the complainant. Where this happens the complainant will have five working days to respond to this document.
21. If the complainant has difficulties in providing details in writing or if the complainant is not eighteen or over, we will consider complaints made on

behalf of a complainant, or assisted by a third party with written permission from the complainant. The complainant will need to confirm in this permission that they agree that we can communicate with that third party on their behalf. If the complaint is on behalf of more than one person we will consider complaints made on behalf of a nominated party with written permission from the complainant.

22. We will ask the provider to share the following with us within ten 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 share the information provided with the complainant

23. If at any stage the ESFA is satisfied that provider's procedures have not been properly exhausted, we will write to the parties to indicate that we will not investigate the matter further.

24. Where the ESFA 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, we may continue to investigate.

25. The ESFA will consider each aspect of the summary of complaint and determine whether to uphold it.

26. If the ESFA cannot resolve the position on the information available, it may arrange to contact the parties to obtain all necessary further information for example, further documented evidence.

27. The ESFA should finalise the findings within twenty-five working days. The ESFA will send its findings to each of the parties. This concludes the investigation.
28. If at any point during the investigation we encounter a delay in responding to/providing correspondence, we will notify the complainant of the delay and provide details of when to expect a response.

What action the Education and Skills Funding Agency can take

29. If a complaint is upheld, we shall consider taking action against the provider in accordance with the outcomes of the complaint investigation. We may take the following action:
 - ask the provider to review its complaints procedure to ensure non-recurrence
 - ask the provider to review its decision in the individual case
 - in accordance with The Education and Skills Act 2008 request that the provider promotes participation through regular attendance to named individuals between 16 to 18 years' old
 - whether the provider continues to be funded by the ESFA
 - consider invoking clauses from the funding agreements, financial memoranda and/or contracts between the ESFA and the provider

If the complainant remains dissatisfied

30. If a complainant is dissatisfied with the way we handled their complaint against a provider they can contact us:
 - or via complaints.esfa@education.gov.uk

- or via - The Complaints team, The Office of the Chief Executive, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT