

## Complaints Procedure for 2019/2020

Version 1 – July 2019

This document contains guidance for learners who are dissatisfied with the service they have received from their Adult Education Budget (AEB) provider within the West Midlands Combined Authority (WMCA)

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## 1. Overview

This procedure is applied when a complaint has not been resolved at Provider level, this is inclusive of the Provider's appeals process.

This procedure is for:

- Learners
- Parents
- authorised representatives of the learners

This procedure sets out when and how to complain about training and education providers where the course in question is funded by the West Midlands Combined Authority devolved Adult Education Budget (AEB).

The training and education providers covered by this procedure are:

- Post 16 further education (FE) colleges
- Sixth-form colleges
- Local Authorities contracted through grant funded arrangements
- Independent education and training providers

The Combined Authority aims to deal with complaints fairly and proportionately. Providers should investigate in a full and fair way; the Combined Authority can investigate whether they have done this.

## 2. What this procedure covers:

- We can only consider complaints on behalf of learners whose courses we fund
- We cannot re-investigate a complaint you have made to the Provider
- We can review whether the Provider has investigated your original complaint in line with their procedure
- We can only investigate if you have exhausted the Provider's own complaints procedure, including any appeal.

We can investigate complaints about the Providers we fund in relation to:

- 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)

**Remember - If you have a complaint, first contact the Provider.**

Before contacting the Combined Authority, you must issue a formal complaint to your provider and exhaust their complaints procedure, including any appeals processes. Providers should have a complaints procedure and ensure that learners are made aware of it. Your provider should investigate your complaint in accordance with their policy. You should receive a letter or email

explaining the outcome of your complaint, and which should also show that you have fully exhausted the Provider's complaints procedure.

### **3. When should you contact the West Midlands Combined Authority?**

If you have fully exhausted the provider's complaints procedure, have evidence of this and remain dissatisfied, you can contact the Combined Authority.

You can also contact the Combined Authority if you are no longer able to contact the provider because they are no longer trading.

### **4. How should you complain to the Combined Authority?**

We only accept complaints in writing, by email or letter, except where we are required to make reasonable adjustments. Please let us know if this applies to you, either through a third party or by calling us, and we will arrange for someone to handle your complaint accordingly – 0121 200 2787 (please ask for the AEB team).

If you have difficulties in providing details in writing, we will consider complaints made on your behalf by a third party. You will need to confirm that we can communicate with that third party on your behalf. If the complaint is on behalf of more than one person, we will need written permission from everyone.

You should email complaints to or put them in a letter to: [aeb.enquiries@wmca.org.uk](mailto:aeb.enquiries@wmca.org.uk)

West Midlands Combined Authority  
Adult Education Budget Team  
Productivity and Skills  
16 Summer Lane  
Birmingham  
B19 3SD

When you contact us about your complaint, you will need to provide us with the following:

- the name of the Provider you are complaining about
- details of what your complaint is, together with the relevant documents
- evidence that you have fully exhausted the Provider's complaints procedure, including any appeals process (for example, written correspondence confirming the outcome)
- permission to disclose details of your complaint to the Provider concerned
- if you are acting on behalf of a learner, evidence that you have their permission to do so.

We can only investigate on behalf of learners whose courses we fund -we may ask you for further information to help us confirm this.

## 5. What happens next?

On receipt of your complaint, we will check:

- if we fund the course/Provider
- if it falls into one of the categories, we can investigate
- if the original decision or action complained about occurred more than 12 months ago
- whether you have exhausted the Provider's complaints procedure including any appeals process

We will acknowledge receipt and send a copy of this procedure. We will also inform you of whether the complaint is one that we can investigate. If we cannot investigate your complaint, we may also signpost you to another organisation that may be able to help you.

We will appoint an officer with appropriate knowledge and expertise to investigate your complaint. If we can investigate, we will email a summary of the complaint to you. In some complex cases, we will request that you agree to the summary. Where this happens, you will have 5 working days to respond to us.

Within **15 working days** of agreeing a summary, we will send the information that you have provided along with a summary of the complaint to the provider. We will then ask the provider to share with us:

- details and copies of the relevant procedure
- 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

If the Provider's procedures have not been exhausted, we will let you know that we will not investigate the matter further until that has happened. If we decide the Provider has unduly delayed resolving the complaint or will not resolve the complaint within a reasonable timescale, we may continue to investigate. If we determine that you are self-funded, we will write to you to say that we cannot investigate the matter further. If we need more information, we may contact those involved to get further information or evidence.

We aim to finalise the findings within **25 working days** of your complaint summary being agreed. We will notify you of the outcome and our findings, and that will conclude the investigation.

If at any point during the investigation, we encounter a delay in responding to or providing correspondence, we will notify you of the delay and provide details of when you can expect a response.

## 6. What action the Combined Authority will take?

The Provider's we fund are independent bodies and the Combined Authority has limited power to intervene in their day-to-day running.

The Combined Authority's role is to ensure they have acted according to their complaints procedures. If your complaint is upheld, we may consider action against the Provider, such as:

- asking them to review their complaints procedure to ensure non-recurrence
- asking them to review their handling of your case

We may consider:

- whether we continue to fund the Provider
- invoking clauses from the funding agreements, financial memoranda and/or contracts between the Combined Authority and the Provider

## **7. What the West Midlands Combined Authority Complaints Procedure does not cover**

This procedure does not cover the following:

- providers that we do not contract with directly, including those who are delivering for another organisation that we do fund
- learners who are self-funded
- allegations of misuse of public funds or financial irregularity which we pass to Education and Skills Funding Agency allegations team
- awarding bodies or awarding body documentation/textbooks -you should issue the relevant awarding body with a formal complaint
- complaints about qualifications, examinations and tests, which you should direct to the [Office of Qualifications and Examinations Regulation \(Ofqual\)](#) complaints about inspections by the [Office for Standards in Education, Children's Services and Skills \(Ofsted\)](#) which you should direct to it

We cannot help with complaints about:

- issues that are more than 12 months old
- examination results, grades, marks assessment outcomes or curriculum content
- governor or other voluntary employment issues at colleges and providers
- contractual or commercial disputes or arrangements between a provider and a party providing services to the provider or someone who is not a learner
- matters that are the subject of legal action
- matters that are better investigated by the police (we will assess this on a case by case basis and will explain our decision to you)
- claims for compensation, a refund of fees or costs incurred when a learner must transfer to another provider
- issues we have classified as serial (if this is the case, we will have informed you of this)
- allegations of fraud, financial irregularity, whistleblowing and allegations of incentives or inducements from either providers or in the case of transfers, between two employers – these should be directed to the Allegations team via email to [allegations.mailbox@education.gov.uk](mailto:allegations.mailbox@education.gov.uk) and [aeb.enquiries@wmca.org.uk](mailto:aeb.enquiries@wmca.org.uk)
- Safeguarding concerns, which are not covered by the complaints procedure, but we will pass these onto the appropriate team who will contact the provider. We may also contact other organisations such as Ofsted and local authorities

For complaints about the prevention of extremism and radicalisation in post 16 organisations please email: [counter.extremism@education.gov.uk](mailto:counter.extremism@education.gov.uk) and [aeb.enquiries@wmca.org.uk](mailto:aeb.enquiries@wmca.org.uk)

#### **8. What to do if you are not satisfied**

If you are not happy with the way we handled your complaint against a provider, you can write to the Director responsible for devolved West Midlands AEB.

The Director will fulfil the role of Complaints Adjudicator, they will not investigate the original complaint against the provider but will look at whether the complaint has been handled appropriately.

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