

## **Procedure for dealing with complaints about the Skills Funding Agency**

### **Introduction**

The Skills Funding Agency comprises the Chief Executive of Skills Funding, which is a statutory post established under the Apprenticeships, Skills, Children and Learning Act 2009 to carry out statutory functions in relation to Apprenticeships and post 19 education and training, and his staff.

### **Key Principles**

1. The Skills Funding Agency should be receptive to genuine expressions of dissatisfaction.
2. Complaints should be dealt with promptly, fairly and proportionately.
3. The Skills Funding Agency should seek to learn from complaints that are upheld and make changes where necessary.
4. Action taken as a result of complaints should help to improve the quality of the Skills Funding Agency's administration.
5. In dealing with complaints, the Skills Funding Agency will take account of its duty to promote equality and diversity.

## Complaints Procedure

The Skills Funding Agency has made arrangements with the Young People's Learning Agency (YPLA) to have an independent complaints adjudicator to investigate complaints about the Skills Funding Agency.

The Chief Executive of Skills Funding will be bound by the outcome of the investigation and will implement any recommendations for action.

### Who will investigate:

6. Complaints are investigated on behalf of the Skills Funding Agency by the Complaints Adjudicator in the YPLA and Skills Funding Agency Legal and Complaints Shared Service. Complaints should be made in writing to the Complaints Adjudicator, YPLA, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or by email to [complaintsteam@skillsfundingagency.bis.gov.uk](mailto:complaintsteam@skillsfundingagency.bis.gov.uk) The Complaints Adjudicator will take responsibility for acknowledging the complaint and responding once the complaint has been investigated.
7. The Complaints Adjudicator may:
  - conduct the investigation into a complaint or ask another member of the Legal and Complaints Team to conduct the investigation
  - pass the complaint to the Skills Funding Agency's Internal Audit Investigation Unit (IAIU) if it relates to fraud or allegations of financial irregularity;
  - appoint external investigators to assist with any investigation.

When the Complaints Adjudicator will investigate:

8. **The Complaints Adjudicator will usually investigate** complaints about the Skills Funding Agency's administration. Complaints may include allegations of:
  - unsatisfactory, incompetent, arbitrary or unfair treatment;
  - undue delay;
  - non-compliance with published procedures, including those in relation to dealing with complaints about learning Providers;

- non-compliance with the Skills Funding Agency's Publication Scheme under the Freedom of Information Act 2000 and non-compliance in relation to the other requirements of the Freedom of Information Act;
- non-compliance in relation to the requirements of the Data Protection Act 1998.

When the Complaints Adjudicator will not investigate

9. **The Complaints Adjudicator will not investigate** certain complaints:

- from the Skills Funding Agency's staff where the Skills Funding Agency's grievance procedure would be appropriate;
- which are contractual disputes;
- which are being, or have been, considered by a court or similar body;
- about learning Providers for which there is a separate complaints procedure. If the complaint is about how the Skills Funding Agency has investigated a complaint about a learning Provider, we will not re-investigate the substance of the original complaint but will only consider if it was dealt with appropriately;
- where the complainant has not exhausted other available appeals procedures.

10. The Complaints Adjudicator will not usually investigate complaints more than three months after the decision or action was taken.

11. The Complaints Adjudicator reserves the right not to investigate complaints considered to be vexatious or malicious.

**What the Complaints Adjudicator will do:**

12. If a complainant needs assistance in putting their complaint in writing the Complaints Adjudicator should consider how they might assist.

13. On receipt of a complaint in writing the Complaints Adjudicator should:

- check that the matter is one which can be investigated

- check if the decision or action complained about occurred more than three months ago. Where this is the case the Complaints Adjudicator will not normally investigate, unless the complainant has good reason for the delay in making the complaint;
  - determine who should carry out the investigation.
14. Within five working days of receipt of a complaint in writing, by email or fax, the Complaints Adjudicator should acknowledge receipt and send a copy of this procedure to the complainant. The complainant should be told whether the complaint is one which the Complaints Adjudicator will investigate and whether the Complaints Adjudicator or someone else appointed by the Complaints Adjudicator will investigate the complaint.
15. Within 10 working days of receiving the complaint, the Complaints Adjudicator should prepare a summary of the complaint. The summary should be sent to the complainant for approval.
16. The complainant should be given five working days to provide any response to the summary of complaint and the Complaints Adjudicator should consider any response from the complainant and, if appropriate, amend the summary of complaint.
17. The Complaints Adjudicator should send a summary of the complaint to the relevant director who has responsibility for action or decision which is the subject of the complaint. The relevant director should be asked to provide within 10 working days:
- a response to the summary of complaint
  - copies of all correspondence and other documentation relating to the matter being complained about;
18. If the Complaints Adjudicator cannot resolve the position on the information available, he or she shall arrange for the complainant and any other person to be contacted to obtain such further information as is required. If necessary the Complaints Adjudicator can arrange to meet with the complainant or the relevant director.
19. All investigations into a complaint **should normally be completed within 25 working days of agreeing a summary with the complainant.** If an investigation will take longer than this then the Complaints Adjudicator

should inform the complainant, setting out an explanation and revised timetable for a response.

20. Once a provisional decision has been made in relation to the complaint, the Complaints Adjudicator should finalise the response and consider what steps should be taken to respond to any aspects of the complaint which have been upheld, with regard to the key principles set out above.
21. Action may include the Skills Funding Agency agreeing to review, reverse or amend an earlier decision. When complaints are about the conduct of an investigation of a complaint about a Provider by the Skills Funding Agency's staff, the Complaints Adjudicator can request that the complaint be re-investigated within defined timeframes.
22. A final response should be sent to the complainant within ten working days, together with details of any action to be taken. The response will be copied to the Chief Executive of Skills Funding who will implement any recommendations by the Complaints Adjudicator. This concludes the complaint investigation.
23. If the complainant remains dissatisfied they may complain to the relevant bodies set out below.

**Complaints about non-compliance with the Freedom of Information Act 2000 or the Data Protection Act:**

To the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 01625 535 745 or email [data@dataprotection.gov.uk](mailto:data@dataprotection.gov.uk).

More information at [www.dataprotection.gov.uk/index.htm](http://www.dataprotection.gov.uk/index.htm)

It is a matter for the Commissioner as to whether he will investigate your complaint.

**Other complaints about the administration of the Skills Funding Agency.**

Through the local Member of Parliament to the Parliamentary Commissioner, Millbank Tower, Millbank, London, SW1P 4QP. Telephone 0345 015 4033.

More information is available at [www.ombudsman.org.uk](http://www.ombudsman.org.uk)