

Procedure for dealing with complaints about the Young People's Learning Agency

Key Principles

1. The Young People's Learning Agency (YPLA) should be receptive to genuine expressions of dissatisfaction.
2. Complaints should be dealt with promptly, fairly and proportionately.
3. The YPLA 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 YPLA's administration.
5. In dealing with complaints, the YPLA will take account of its duty to promote equality and diversity.

Complaints Procedure

When this procedure applies:

6. This procedure applies to complaints about the YPLA'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 academies;
 - non-compliance with the YPLA'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 this procedure does not apply:

7. This procedure does not apply to certain complaints:
 - from YPLA employees where the YPLA's grievance procedure would be appropriate;
 - which are contractual disputes;
 - which are being, or have been, considered by a court or similar body;
 - about Academies for which there is a separate complaints procedure, available [here](http://www.ypla.gov.uk/aboutus/contactus/complaints/) (<http://www.ypla.gov.uk/aboutus/contactus/complaints/>);
 - that independent appeal panels for admission to Academies have not complied with the School Admission Appeals Code for which there is a separate complaints procedure, available [here](http://www.ypla.gov.uk/aboutus/contactus/complaints/) (<http://www.ypla.gov.uk/aboutus/contactus/complaints/>);
 - about Local Authorities which should be directed to the Local Government Ombudsman (there is a separate procedure for dealing with complaints about Local Authorities' commissioning decisions);
 - where the complainant has not exhausted other available appeals procedures within the YPLA.
8. The YPLA will not usually investigate complaints more than three months after the decision or action was taken.
9. The YPLA reserve the right not to investigate complaints considered to be vexatious or malicious.

Who will investigate:

10. Complaints should be made in writing to the Complaints Adjudicator, Legal Team, Young People's Learning Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or by email to complaintsteam@skillsfundingagency.bis.gov.uk

The Complaints Adjudicator will take responsibility for acknowledging the complaint and responding once the complaint has been investigated.

11. The Complaints Adjudicator may:
 - conduct the investigation into a complaint or ask another member of the Legal Team to conduct the investigation
 - pass the complaint to the Head of Internal Audit if it relates to fraud or allegations of financial irregularity;
 - appoint external investigators to assist with any investigation.

What we will do:

12. If a complainant needs assistance in putting their complaint in writing the Complaints Adjudicator should consider how the YPLA might assist.
13. On receipt of a complaint in writing the Complaints Adjudicator should:
 - check that the matter is one which the YPLA can investigate
 - check if the decision or action complained about occurred more than three months ago. Where this is the case the YPLA 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 YPLA will investigate.
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. Once a summary of complaint is agreed

- by all parties, the complainant should be advised of the target date for determining the complaint.
17. The Complaints Adjudicator or other person appointed to carry out the investigation should send a summary of the complaint to the relevant director who has responsibility for the 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;
 - confirmation that the information provided can be shown to the complainant.
 18. If the person conducting the investigation 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 person conducting the investigation 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 YPLA 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 YPLA agreeing to review, reverse or amend an earlier decision.
 22. A final response should be sent to the complainant within five working days, together with details of any action to be taken. 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.

More information at 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 Young People's Learning Agency:

Through the local Member of Parliament to the Parliamentary Commissioner, Millbank Tower, Millbank, London, SW1P 4QP. Telephone 0845 015 4033 or 020 7217 4163.

More information is available at www.ombudsman.org.uk

Complaints about the YPLA's administration in relation to Academies should be made to the Secretary of State for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT

Timetable for complaints procedure (an investigation by the Head of Internal Audit is excluded from these timescales).

