

Complaints about Adult Education and Training provision funded by Greater Manchester Combined Authority

This guide provides advice for Greater Manchester learners who wish to raise concerns about post-19 education and training provision funded by GMCA through the devolved Adult Education Budget (AEB) from 1 August 2019. It sets out the responsibilities of institutions/providers and the role of Greater Manchester Combined Authority (GMCA) in handling these complaints.

We want to make sure that when you tell us that you are not happy with something your complaint is dealt with fairly and resolved as quickly as possible. We have tried to make our complaints process as straightforward as possible and, wherever possible, we will do our best to help resolve the issue.

1. Scope of this complaints procedure

1.1 What is covered by this procedure?

This procedure is for Greater Manchester learners, parents/carers and employers (and/or, if relevant, their authorised representatives). It sets out when and how to complain about post-19 training and education providers where the course in question is funded by GMCA.

GMCA aims to deal with complaints fairly, proportionately and transparently.

Organisations should be given the opportunity to investigate and resolve a complaint in a full and fair way in the first instance before GMCA is involved. GMCA can then investigate whether they have done this.

However, it is not the GMCA's role to act on behalf of a learner or to pursue a complaint for you with the provider or organisation in question.

The training and education providers covered by this procedure are **only those organisations that are funded by GMCA to deliver AEB provision to Greater Manchester residents**, either through a grant funding agreement or a contract for services. Those organisations might include:

- further education (FE) colleges
- sixth-form colleges
- independent training providers
- organisations delivering other adult education and training such as specialist post 16 institutions
- organisations that we no longer fund or those that have gone into administration/liquidation (we are limited in our powers to act in these instances, but will help and advise where possible).

1.2 What issues/organisations are not covered?

This procedure does **not** cover the following:

- complaints concerning adult education and training provision which is funded by the Education and Skills Funding Agency (ESFA), or by other Mayoral Combined Authorities¹ (MCAs) / Greater London Authority (GLA)
- complaints concerning adult education and training provision which is governed by one of the Greater Manchester local authorities, even if it is funded by GMCA. Each local authority has its own procedures in place for dealing with complaints from its residents and service users, as well as an escalation route via the Local Government Ombudsman. More information is available at: <https://www.gov.uk/understand-how-your-council-works/make-a-complaint>
- complaints concerning higher education (HE) courses (including degree apprenticeships) delivered in FE colleges, in HE institutions or in universities, which you should direct to [Office of the Independent Adjudicator for HE](#)
- academies, including 16-19 academies, which should follow the ESFA's [academies complaints procedure](#)
- schools (including non-maintained special schools), which should follow the DfE's [schools complaints procedure](#)
- organisations with which GMCA does not contract directly, including those who are delivering for another organisation that we **do** fund; in such cases, the organisation with which GMCA contracts is responsible for considering complaints against its subcontractors
- learners who are self-funded
- allegations of misuse of public funds or financial irregularity, which we pass to our internal audit team
- awarding bodies or awarding body documentation/text books – you should contact the relevant awarding body directly in the event that you wish to make a complaint about these
- 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 Ofsted itself.

Further information about complaints relating to matters outside of GMCA's remit, together with details of relevant procedures/organisations that may be able to help resolve them, are set out at:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

2. What GMCA can investigate

¹ The MCAs with adult skills devolution from August 2019 are Cambridgeshire & Peterborough Combined Authority, Liverpool City Region, Tees Valley Combined Authority, West of England Combined Authority, West Midlands Combined Authority. Subject to readiness, two further authorities, North of Tyne and Sheffield City Region, will take on the new responsibilities one year later, for the 2020 to 2021 academic year.

2.1 What is the GMCA's role in investigating complaints from learners?

We can only consider complaints made by (or on behalf of) Greater Manchester residents whose courses are funded (either fully or in part) by GMCA.

We cannot re-investigate the substance of a complaint you have made to the provider with a view to changing the outcome. Nor can we pursue a grievance on your behalf. We can, however, review whether the organisation has investigated your original complaint in line with their procedures.

We can only investigate if you have exhausted the organisation's own complaints procedure, including any appeal, which we would normally expect to include consideration at Governing Body/Board level (depending on the individual organisation's procedures).

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

- the quality, management or experience of education and training
- undue delay or non-compliance with their published complaints procedures
- poor administration
- the quality of assessments for example, how an assessment has been done (excluding outcomes of any assessment)
- equality and diversity issues (except where there is a more appropriate mechanism for dealing with the matter, for example through the court, tribunals or other organisations).

2.2 What GMCA cannot investigate

We cannot consider complaints about:

- matters relating to apprenticeships or traineeships, including disputes in relation to the apprenticeship levy; these remain a nationally funded/managed programme and any complaints should be directed to the ESFA (via the link above)
- matters relating to provision funded through Advanced Learner Loans
- issues that are more than 12 months old
- examination results, grades, marks assessment outcomes or curriculum content
- employment issues with colleges, providers and employers - this includes employment concerns for an apprentice or a member of the college's staff as well as potential employment (such as recruitment disputes)
- 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 has to 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, which will be dealt with by GMCA Internal Audit team². (See also '*Investigating allegations of suspected fraud or financial irregularity at GMCA-funded education and training providers*)
- safeguarding concerns, which are not covered by the complaints procedure but which we will pass onto the appropriate team within GMCA, which will contact the provider. We may also contact other organisations such as Ofsted and local authorities
- Concerns relating to the Prevent Duty. Education and training providers are amongst a range of bodies that are subject to statutory duties associated with the prevention of extremism and radicalisation; the government has issued specific guidance to education and training organisations on the Prevent Duty and the important role that they can play in this agenda. For complaints relating to such matters within post-16 education and training organisations please email: counter.extremism@education.gov.uk.

3. What to do when you have a complaint

3.1 Complain to the organisation delivering the education or training

Before contacting GMCA, you must first have made a formal complaint to your provider and exhausted their complaints procedure, including any appeals process.

Providers should have a complaints procedure and must ensure that learners, parents/carers and employers are made aware of it. Your provider should investigate your complaint in accordance with their policy.

You should receive a written response (letter or email) from your provider in due course explaining the outcome of your complaint and any next steps. If there are no further steps that the provider is able to take this correspondence should also demonstrate that you have fully exhausted the organisation's complaints procedure.

3.2 When to contact GMCA

If you have fully exhausted the provider's complaints procedure, have evidence of this and remain dissatisfied, you can contact the GMCA if your dissatisfaction relates to one or more of the matters above that the GMCA is able to consider. As stated above, GMCA's role is to ensure that the provider has acted in line with its procedures, not to reinvestigate or to pursue the matter on your behalf.

² If complaints or allegations are received around suspected fraud or financial irregularity in relation to an organisation that is funded by both GMCA and the ESFA to deliver AEB provision, a joint approach will be adopted to investigation, notification and reporting of conclusions, depending on the nature of the allegations as agreed within joint protocols around audit and assurance arrangements.

You can also contact GMCA if you are being prevented from exhausting the organisation's complaints procedure, or if you are no longer able to contact them because they are no longer trading.

3.3 How to complain to GMCA

We only accept complaints in writing (ie by email or letter), except where we are required to make reasonable adjustments. Please let us know if you require such adjustments, either through a third party or by calling us on 0161 778 7000, and we will arrange for someone to handle your complaint accordingly.

If you have difficulties in providing details in writing, we can 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 being made on behalf of more than one person, we will need written permission from everyone.

You should email your complaint to GreaterManchesterAEB@greatermanchester-ca.gov.uk (ensuring that you include 'Complaint' in the email subject heading) or put them in a letter to:

Skills & Employment Team (Adult Education),
GMCA
Churchgate House
56 Oxford Street
Manchester M1 6EU.

Before contacting GMCA you should ensure that your complaint is within the scope set out above in Sections 1 and 2. If so, when you contact us you will need to provide the following:

- the name of the organisation you are complaining about
- details of what your complaint is, together with any relevant documents
- evidence that you have fully exhausted the organisation's complaints procedure, including any appeals process (for example, written correspondence confirming the outcome)
- permission to disclose details of your complaint to the organisation 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 Greater Manchester adult learners whose courses we fund. We may ask you for further information to help us confirm this. If we determine that you are self-funded or that your course is funded by a different funding body, we will write to you to say that we cannot investigate the matter.

3.4 What happens next

On receipt of your complaint, we will check:

- if we fund the course/organisation in question

- if it falls into one of the areas we can investigate (see Sections 1 and 2 above)
- if the original decision or action complained about occurred more than 12 months ago
- whether you have exhausted the organisation'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 might also signpost you to another organisation that may be able to help you, if applicable.

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 to ensure that there is a common understanding of the issues and of what GMCA is able to investigate. 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 10 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 organisation 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 any relevant documents
- confirmation that we can share the information provided with the complainant.

If the organisation'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 organisation has unduly delayed resolving the complaint, or will not resolve the complaint within a reasonable timescale, we may continue to investigate.

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, although complex matters may take longer to resolve. 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.

3.5 What action GMCA can take

The organisations we fund to deliver adult education and training are independent bodies and GMCA has limited power to intervene in their day-to-day running. GMCA's role is to ensure they have acted according to their complaints procedures.

Where complaints are upheld, any actions taken or recommendations made by GMCA will be commensurate with the nature of the complaint, and will focus on ensuring a fair and proportionate outcome and on making systemic improvements that will minimise the risk of similar issues arising again in the future.

If your complaint is upheld, we may consider action against the organisation, such as:

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

GMCA does not, however, have the power to insist that they do so.

Depending on the nature/seriousness of an upheld complaint, and subject to relevant privacy, confidentiality and data sharing regulations, it may be necessary to share some information about the outcome of an investigation with other commissioners which also contract with the organisation in question for the delivery of education and skills provision (such as the ESFA, MCAs/GLA). This might, for example, arise in the case of a serious breach relating to statutory or contractual obligations where there are potentially wider implications for other funding/commissioning bodies. Such matters would be considered on a case-by-case basis and we would not disclose the identity of the complainant without permission. Where a complaint is upheld, working with other GMCA teams and/or intelligence (which might include information received from other commissioners if relevant and appropriate), we may consider:

- whether we continue to fund the organisation
- invoking clauses from the funding agreements, financial memoranda and/or contracts between GMCA and the organisation.

3.6 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 issue a formal complaint through the GMCA's own complaints procedures detailed on our website: <https://www.greatermanchester-ca.gov.uk/who-we-are/publication-scheme/complaints/> .