

West Midlands Combined Authority:

Employment, Skills, Health and Communities: Complaint Procedure

This document sets out the Complaint Procedure for the Employment, Skills, Health and Communities directorate, including providers who receive funding for, but not limited to, Adult Education, Free Courses for Jobs (FCFJ), Multiply, National Skills Fund Technical Bootcamp and/or Traineeships funding for residents, residing in the West Midlands Combined Authority (WMCA) area.

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Overview

This document provides guidance on the complaints handling procedure for providers who offer skills and employment programmes, which are funded through the West Midlands Combined Authority.

This document contains guidance for residents who are dissatisfied with services (skills and employment programmes) they have received from providers funded by the West Midlands Combined Authority.

This procedure covers the full scope of how to make a complaint about employment and skills providers, where the activity in question is funded by the West Midlands Combined Authority (WMCA) including how to make a complaint and what you can expect from us if you do.

Providers should investigate your complaint in a full and fair way. The WMCA can investigate whether they have done this.

What this complaints procedure covers

This procedure is for:

- Resident/ learner (on behalf of the learner, the complaint can be submitted by parents or any authorized representatives of the learners)
- Employer
- Provider

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

This procedure does not cover the following:

- complaints concerning higher education (HE) courses in FE colleges, which you should direct to the [Office of the Independent Adjudicator for HE](#) (including degree apprenticeships)
- complaints concerning higher education (HE) institutions or universities including the Open University, which you should direct to [Office of the Independent Adjudicator for HE](#) (including degree apprenticeships)
- academies, including 16-19 academies, which should follow the [academies complaints procedure](#)
- schools (including non-maintained special schools), which should follow the [schools complaints procedure](#)
- Providers that we do not contract with directly, including those who are delivering for another provider that we do fund. Please refer to the [ESFA complaints policy](#).
- learners who are self-funded
- allegations of misuse of public funds or financial irregularity, which we pass to our 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 send directly to Ofsted.
- Organisations participating in the Thrive at Work program have the right to appeal any decision they feel is unfair during the assessment or accreditation process by contacting ThriveAtWork@wmca.org.uk

What WMCA can investigate.

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, 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)
- 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)
- Health and safety concerns (unless these are matters for the Health and Safety Executive)
- Safeguarding

If you make a complaint which relates to a third-party supplier, in some cases it may be possible to jointly investigate and provide you with a single response. This may involve sharing information about your complaint with a third party. Please see [our Privacy](#) Statement for further information on how we handle your personal data.

We cannot help with complaints about:

- issues that are more than 12 months old except for exceptional cases
- examination results, grades, marks assessment outcomes or curriculum content
- employment issues including potential employment (such as recruitment) with colleges, providers and employers - this includes employment concerns for an apprenticeship or a member of the college's staff.
- 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)
- compensation claims, 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 inform 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 WMCA Fraud and Whistleblowing Team via the [portal](#) to and qualityandstandards@wmca.org.uk
- safeguarding concerns, which are not covered by the complaint's procedure, but we will pass these on to 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 Providers please email:

counter.extremism@education.gov.uk. And qualityandstandards@wmca.org.uk

What to do when you have a complaint

Before contacting the Combined Authority, you must issue a formal complaint to the relevant provider and exhaust their complaints procedure, including any appeals processes.

Providers should have a complaints procedure and ensure that learners and employers are made aware of it. The 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.

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 or if your complaint is related to Skills and Employment funding, but not about a provider.

How should you complain to the West Midlands Combined Authority?

We only accept complaints in writing, by email or by 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.

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 qualityandstandards@wmca.org.uk using the template provided.

Or put them in a letter to:

West Midlands Combined Authority (Quality and Standards Team)

ESHC Directorate

16 Summer Lane

Birmingham

B19 3SD

If you are acting on behalf of anyone, you must provide evidence that you have their permission to do so. We can only investigate those courses we fund -we may ask you for further information to help us confirm this.

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

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, including key dates, together with the relevant documents.
- a copy of the original complaint you sent, to the provider involved.
- 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.

Please do not send us your original copies as we cannot return them.

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 a member of staff 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. When 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 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 the 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 not funded by WMCA, 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.

What action the West Midlands Combined Authority will take

The providers we fund are independent bodies and WMCA has limited power to intervene in their day-to-day running. WMCA's role is to ensure they have acted according to their complaint's procedures.

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 the complaint falls into an area [we can't support](#) you with, we will write to you to say that we cannot investigate the matter further and provide an alternative contact where applicable.

If the provider's procedures have been exhausted, we will investigate, to determine whether the provider has followed their own procedures effectively.

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
- Revising our internal decisions and processes

What to do if you are not satisfied

If you are not happy with the way we handled your complaint, you can request an escalation under Section 7 of the WMCA wider Complaints Procedure, which will consider your complaint/dissatisfaction.

At this stage, this would be a consideration of whether the WMCA, at informal stage, have carried out our duties correctly and shown due diligence in checking that the provider correctly followed their complaints procedure.

The outcome of this could trigger a stage 1 formal process under section 8 of the wider WMCA Complaints Procedure. If you are unhappy with the outcome of the stage 1 consideration, you may ask for your complaint and the response to be reviewed. You can do this by submitting your request in writing within 14 days of receiving the Stage 1 Response.

The wider WMCA Complaints Procedure can be accessed here:

[Complaints Procedure \(wmca.org.uk\)](https://www.wmca.org.uk)

Report fraud

To report suspected fraud within a WMCA-funded education provider, check our policy which can be found linked [here](#).

Whistleblowing

If you want to make a disclosure in the public interest, please check [how we handle whistleblowing disclosures](#).

This covers arrangements to protect people who make disclosures and keep their personal details confidential.

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