

# **AEB Complaints Procedure**

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## **1. Overview**

This document contains guidance for anyone who not satisfied with the service they have received regarding Adult Education Budget (AEB) within the West Midlands Combined Authority (WMCA)

This procedure is for:

- Residents/ Learner
- Employers
- Providers

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.

## **2. What this procedure covers:**

- We can only consider complaints regarding provision 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 provision we fund in relation to:

- the quality or management of education and training,
- undue delay or non-compliance with published procedures,
- poor administration,
- equality and diversity issues (except where there is a more appropriate mechanism for dealing with the matter through the court, tribunals or other organizations),
- health and safety concerns (unless these are matters for the Health and Safety Executive),
- safeguarding,
- AEB processes and decisions made.

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

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.

**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.

Also, you can contact WMCA if your complaint is related to AEB funding, but not about the provider.

**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.

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

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.

## 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 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 organization that may be able to help you.

Within 10 working days of receiving the complaint, we will send the response.

If you contact us after exhausting the provider's complaint procedure, you must provide evidence along with the completed checklist. 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.

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 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,
- revising our internal decisions and processes,

## **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 organization 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 \(Ofsted\)](#).

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 complaint's procedure, but we will pass these onto the appropriate team who will contact the provider. We may also contact other organizations such as Ofsted and local authorities,
- complaints about the prevention of extremism and radicalization in post 16 organizations 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, you can request an escalation to a higher level. You would need to email to [aeb.enquiries@wmca.org.uk](mailto:aeb.enquiries@wmca.org.uk) explaining reasons you are not satisfied and request a further escalation. A senior member of staff will review your complaint and provide a response within 20 working days.