



Rhagoriaeth i bawb – Excellence for all

Arolygiaeth Ei Mawrhydi dros Addysg
a Hyfforddiant yng Nghymru

Her Majesty's Inspectorate
for Education and Training in Wales

Guidance for school inspection contractors on handling complaints

September 2008



Version control

Version	Author	Date of issue	Comments
4	Dai Williams	February 2009	Following review and removal of stage 4.

Information box

For further advice contact: Feedback and Complaints Manager

Date of publication: February 2009

Planned review date: February 2012

Contents		Page
1	Introduction	1
2	Informal complaints and their resolution (stage 1)	4
3	Formal investigation of the complaint (stage 2)	5
4	Action required by contractors on serious, upheld complaints	12
5	If the complainant remains dissatisfied (stage 3)	13
6	Dealing with complaints professionally and sensitively	14
7	Confidentiality and Freedom of Information Act 2000	15
8	Feedback to Estyn	16
Annexes		
Annex A	Example letter advising of delay in investigating complaint	18
Annex B	Example letter giving the outcome of a complaint investigation	19
Annex C	Example form for compiling complaint statistics	21

1 Introduction

In accordance with Estyn's inspection arrangements that commenced in September 2004, contractors have responsibility at the initial stages for handling and responding to complaints about the work of inspection contractors, registered inspectors and team inspectors, or peer assessors working on school inspections.

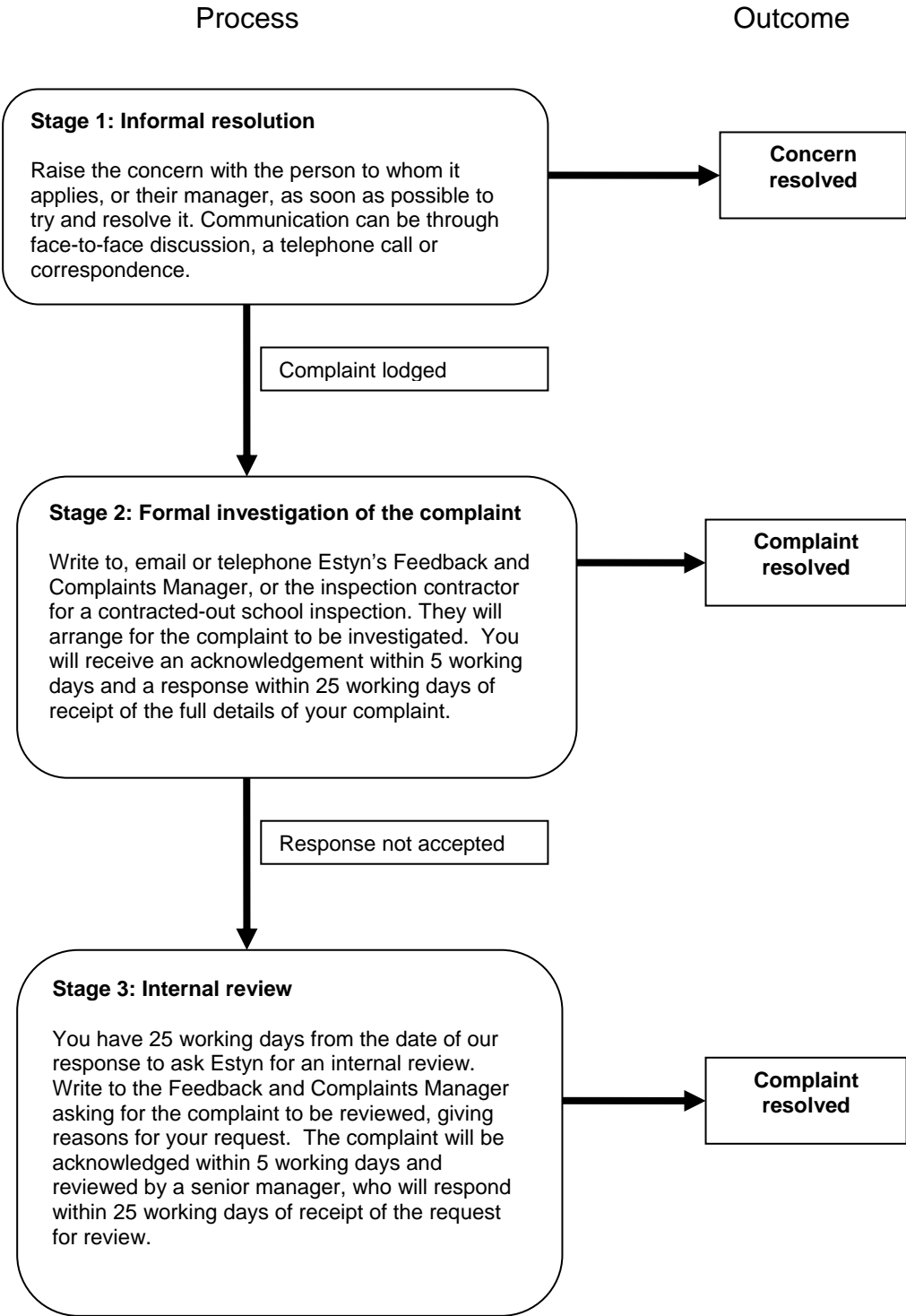
The purpose of this guidance is to provide an outline of the new requirements placed on school inspection contractors for handling complaints. This guidance provides advice to contractors on handling informal complaints and conducting formal complaint investigations. It sets out what contractors should do in relation to serious, upheld complaints and what will happen, if a complainant remains dissatisfied. It also provides advice on dealing with complaints professionally and on matters of confidentiality. The final section of this guidance sets out the feedback required by Estyn that will enable the inspectorate to continue to monitor the causes, volumes and handling of complaints related to school inspections.

Contractors should read this guidance in conjunction with Estyn's feedback and complaints procedure, "Feedback and Complaints: what to do if you wish to comment on, compliment, or raise a concern about Estyn's work". The procedure is available on Estyn's website and explains to stakeholders how to communicate with both Estyn staff and contractors, how to raise concerns and complaints and how we shall deal with these. Anyone may submit a complaint about any aspect of a school inspection and he or she should be able to do this without fear of discrimination in the future. Estyn advises each school that is about to undergo an inspection where to find Estyn's feedback and complaints procedure.

Estyn defines complaints as any expression of dissatisfaction that requires a response. Complaints may or may not be justified, but they must be taken seriously whatever their substance. Complaints can be helpful in aiding the identification and remedy of difficulties in the inspection system or weaknesses in the work of inspectors. Information from complaints provides useful feedback. Having an effective mechanism for considering and responding to complaints contributes to quality assurance. Figure 1 below, sets out the three stages involved in Estyn's complaints procedure. Contractors are directly involved in stages 1 and 2 of the procedure.

Contractors need to be aware of issues concerning confidentiality, as set out in section 7 of this guidance, when investigating complaints under stages 1 and 2 of the procedure.

Figure 1: Schematic view of complaints procedure – guidance for complainant



From September 2006, version 9 of the Conditions of Contract for the Inspection of Schools in Wales applies to contractors when handling complaints. Sections 15.1 and 15.2 state that:

- “15.1 The Contractor shall put in place and deal with all complaints in accordance with a complaints procedure which mirrors stages one and two of the Complaints Procedure, the Complaints Guidance and the principles set out under the heading “Making a complaint” in the Complaints Procedure, including without limitation any timescales set out in such Complaints Procedure and Complaints Guidance, and:
- (a) if any complainant expresses dissatisfaction with the Contractor’s response on completion of stage two of such procedure, the Contractor shall immediately refer such complaint to Estyn;
 - (b) if stage two of such procedure has not been completed by the Contractor in respect of any complaint within the timescale therefor, the Contractor shall immediately notify Estyn giving details of the reason for the same, and Estyn may in its absolute discretion either grant the Contractor an extension of time for completion of stage two in respect of such complaint (in which case the provisions of this paragraph (b) shall apply upon expiry of such extension of time) or require the Contractor to and the Contractor shall immediately refer such complaint to Estyn.

At the same time as any complaint is referred to Estyn pursuant to paragraphs (a) or (b) above, the Contractor shall provide to Estyn full details of the complainant, the nature of such complaint and a copy of the Contractor’s file relating to such complaint. The Contractor acknowledges and agrees that Estyn shall be solely responsible for managing any complaint so referred to Estyn following such referral.

- 15.2 If the Contractor is in breach of its obligations pursuant to condition 15.1 above to refer any complaint to Estyn and/or to notify Estyn of a failure to complete stage two in respect of any complaint within the timescale therefore and/or to provide Estyn with a copy of the Contractor’s file relating to any complaint to be referred to Estyn pursuant to condition 15.1 above, Estyn shall be entitled to take over the management of such complaint from the Contractor in which event, without prejudice to the generality of the provisions of condition 15.5, the Contractor shall (at its own expense) provide such assistance and documentation in connection with such complaint as Estyn may require.”

Contractors should supply a copy of their own complaints procedure to a complainant, and to anyone who is considering making a complaint.

2 Informal complaints and their resolution (stage 1)

Contractors and registered inspectors should do everything possible to ensure that schools have the opportunity to air any grievances or issues about the inspection, while the inspection team is on the premises (stage 1). Registered inspectors should ask providers at the outset to raise any concerns about the conduct of the inspection, if and as they arise. Similarly, providers should raise complaints about inspection findings at the feedback or draft report stages, while there remains time to re-examine evidence if necessary. **It is beneficial to exhaust the informal stage fully if possible.** Please see the checklist below – the role of the reporting inspector.

Checklist: the role of the reporting inspector

The following is a checklist for dealing with concerns about inspections as they arise. Reporting inspectors (RgIs) can do much to identify, prevent and resolve concerns about inspections by:

- ensuring that providers have a copy of the code of conduct for inspections and that all members of the team observe it;
- briefing providers before the inspection, and encouraging them to alert you to any concerns;
- ensuring that you meet the person responsible for the provision being inspected each day to discuss the progress of the inspection and the response of the provider's staff to being inspected;
- ensuring that providers know what inspectors are doing and why;
- ensuring that, as far as it is practicable to do so, members of the team discuss what has been observed with the staff involved;
- asking the nominee (from the provider) to relay any concerns from members of the staff;
- ensuring time for the key findings to be explained and discussed during the inspection and at the feedback meetings;
- giving providers the required five working days, following receipt of the draft version of the report, for providing their response and engaging fully with the points raised; and
- **fully** exhaust the informal stage whenever possible.

Contractors should make every effort to resolve concerns before they become formal complaints. It is good practice to make telephone contact with a potential complainant in order to discuss the issues raised. In some cases, the matter may be resolved at this early stage without the need to formalise the complaint. If a complainant makes contact by telephone, contractors should retain a written record of the conversation. In certain cases, it may be prudent to write to the potential complainant to summarise the situation and confirm any agreed solution.

If matters remain unresolved, the school may choose to pursue a formal complaint (stage 2).

3 Formal investigation of the complaint (stage 2)

If it has not been possible to resolve concerns informally (stage1), the dissatisfied person may decide to lodge a formal complaint. Contractors must prioritise formal complaints and must investigate such complaints thoroughly, speedily, fairly and sensitively, with confidentiality respected. Figure 2, below, sets out the steps involved in the formal investigation of a complaint.

Estyn's feedback and complaints procedure states that a complaint may be made at any stage up to 3 months after the event. In the case of an inspection, this means up to 3 months from the date of publication of the report. In exceptional circumstances, contractors may wish to consider complaints after that time. For example, a contractor may become aware of a serious concern after the 3 months, but there is evidence to support the concern and the concern merits investigation in the public interest.

Step 1: identifying the investigator

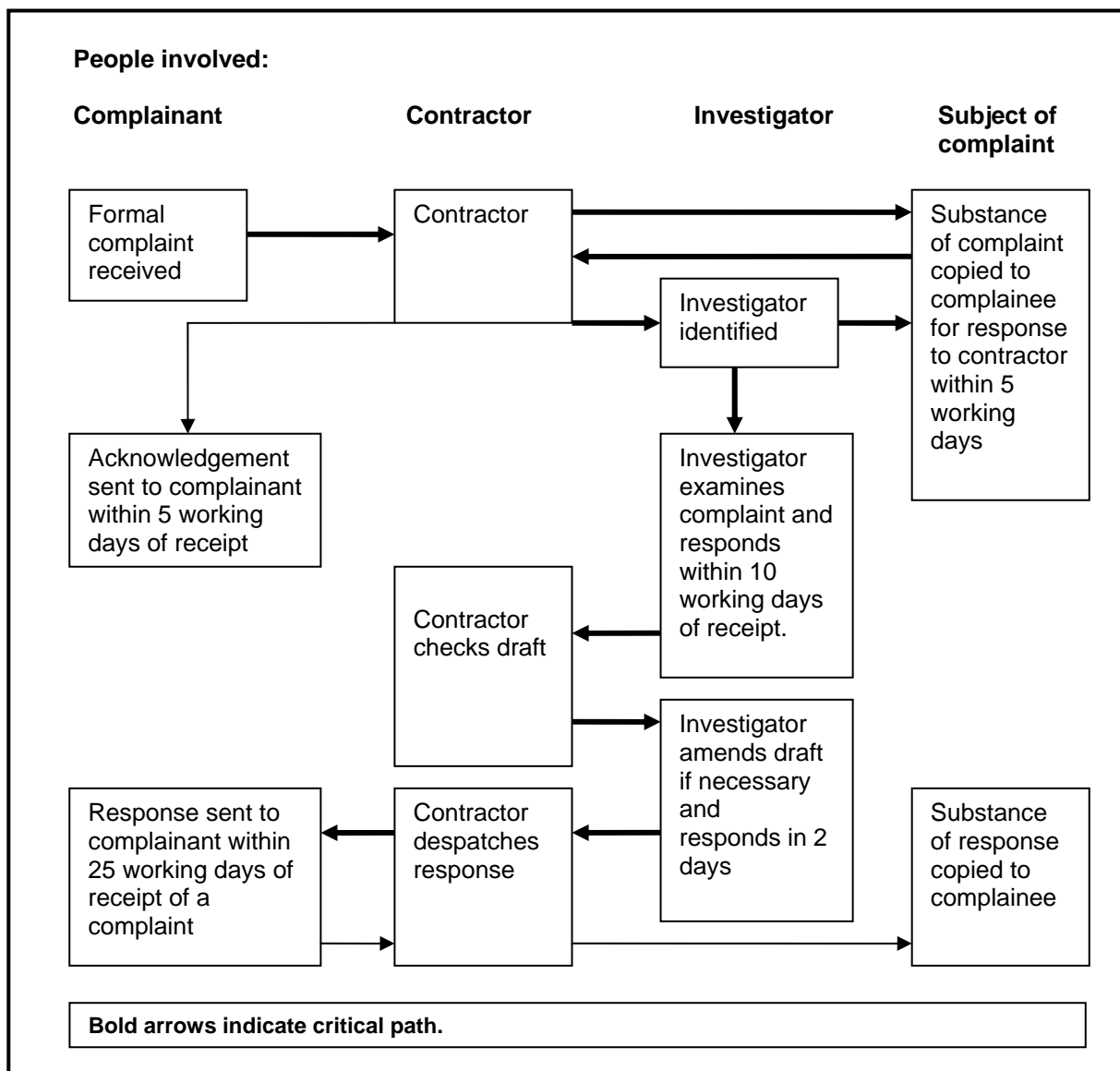
If a contractor believes that the complaint should be investigated, the first task is to identify the person who will act as investigator of the complaint.

Contractors and inspectors need to be aware of the potential for difficulties to arise when investigating a complaint in circumstances where a connection exists, or may be perceived to exist, between a member of the inspection team and the contractor.

One way of avoiding the issue of connection is for the contractor to appoint an independent third party to investigate complaints in these circumstances. The contractor may wish to arrange for the appointment of a suitable person outside the spheres of education and inspection and outside their own business. Section 15.4 of the Conditions of Contract states that:

“Where the Registered Inspector or a Team Inspector for an Inspection is also the Contractor, or where there is an actual or perceived connection between the 2 (two), the Contractor should make additional or alternative arrangements to handle complaints. The Contractor shall be responsible for having procedures in place that ensure the impartial investigation of complaints. When the Contractor uses an independent third party to investigate complaints, the Contractor shall inform the complainant and Estyn of this person's name and correspondence address so the complainant may make contact directly. This should be done if the Contractor knows the connection, or once it is recognised, whether or not the complainant knows it.”

Figure 2: Investigation of a complaint (stage 2)



Step 2: Sending an acknowledgement letter

A contractor should acknowledge receipt of a complaint **within five working days of receipt**. The acknowledgement should explain how the complaint will be dealt with under the formal procedures (stage 2) and inform the complainant that they are likely to receive a full response within 25 working days of receipt of the full details of the complaint. The acknowledgement should state that the complainee will need to be shown to the person(s) whose work has been complained about (also known as the complainee) and that, as part of the investigation, the person(s) whose work has been complained about will be asked for his/her/their account of the matter. It is good practice to state the name of the investigator in the letter.

At this stage, the contractor should also make clear the procedures to be followed if the complainant is dissatisfied with the contractor's response (stage 3 – review by Estyn). Contractors may wish to refer the complainant to a copy of Estyn's feedback and complaints procedure.

Step 3: Contacting the person who is the subject of the complaint

Where appropriate, the contractor should forward complaints about the conduct of the inspection or quality of the report to the registered inspector and the relevant team members for them to comment. The inspectors should provide the contractor with a response to the complaint in writing.

The contractor should deal with complaints about administrative matters in the same way. The contractor should send the person(s) whose area of work has been complained about a copy of the complaint and ask them to comment.

The contractor should ask the person(s) who is the subject of the complaint to respond to the substance of the complaint, **normally within five working days**, answering every point raised in the complaint and offering solutions for resolving them.

Step 4: Setting up a record of the complaint

The contractor should establish a file for every stage 2 complaint. For ease of reporting, the contractor should give each complaint file a unique reference number. The file should include all correspondence and notes relating to the matter and the inspection evidence. Specifically, the file for the complaint should include:

- the letter and/or statement making the complaint;
- a statement or any documents enclosed with the letter;
- the letter of acknowledgement from the contractor; and
- copies of any earlier correspondence.

To these the contractor should add:

- a full response to the complaint from the person(s) complained about.

For any complaint about inspection findings, documents should also include:

- a copy of the inspection report;
- copies of any earlier correspondence; and
- the full evidence base related to the inspection.

Estyn may need to be provided with the file at some future date. Section 15.1 of the Conditions of Contract (quoted on page 5 of this document) sets out the requirement for the Contractor to provide Estyn with full details of the complainant, the nature of the complaint and a copy of the Contractor's file relating to the complaint. In relation to the inspection evidence, section 13.5 of the Conditions of Contract sets out the requirement for contractors to provide Estyn with the inspection evidence. Condition 13.5 states that:

“Where Estyn decides to undertake an evidence review, the Contractor shall upon request send, or arrange to be sent by hand or by first class recorded

delivery, for scrutiny the whole or such parts of the inspection evidence as Estyn may request. Such material should be sent free of charge to Estyn, in original form, and may be retained permanently or temporarily by Estyn.”

Step 5: Investigating the complaint

In general, the investigating officer will respond within 25 working days from the date of receipt of the full details of the complaint. However, on occasions the investigating officer may ask for further information and/or seek to interview the complainant.

Where there is a delay due to complainants being unable to:

- attend meetings with the investigating/reviewing officer;
- provide any necessary information reasonably required in order to proceed with the investigation/review; or
- unavailable due to absence/leave;

Estyn would discount the period of delay when calculating or revising the response due date informing the complainant of the new target date using example letter at Annex A. (The above examples are not exhaustive).

The investigator should:

- consider every substantive aspect of the complaint;
- the response of the person(s) whose work or conduct is complained about; and
- form a view as to whether the complaint should be upheld, partly upheld or not upheld.

The investigator must ensure that they consider the complaint thoroughly and fairly by:

- obtaining and examining the documentary statements from all parties and any supporting evidence (which will suffice for responding to most complaints);
- interviewing witnesses and visiting the site (if the seriousness of the complaint merits such measures);
- checking the evidence and identifying any gaps or contradictions;
- obtaining if necessary expert advice on, for example, difficult or technical issues; and
- identifying any procedures in the organisation that are relevant to the event.

For inspections, witnesses include anyone present during the inspection process e.g. the pre-meetings, inspection itself and post-inspection meetings. The investigator should provide witnesses with a copy of the notes from any interview they attend. The investigator should provide the subject(s) of a complaint with a copy of the notes from any interview they attend and they will normally have access to material that concerns them.

Normally, the investigator will base the response on the documented statements. Where there are opposing views about what transpired, the investigator should decide whether the matter complained about merits seeking further evidence. If witnesses are sought, it is recommended that they be interviewed individually, and not in groups, to limit the possibility of collusion. The investigator should summarise differences of view in the response. These often relate to transient matters such as alleged conversations, and in these instances, the response should say that due to the lack of evidence the investigator could not uphold the complaint.

Investigators should seek the views, in writing, of all parties prior to determining the outcome of the complaint. Contractors must retain such correspondence and notes of verbal views. Section 15.7 of the Conditions of Contract states that:

“Following the completion of the investigation of the relevant complaint by the Contractor, the Contractor shall retain all evidence relating to the complaint for twelve months or such other period as Estyn may specify from time to time.”

On occasions, the complainant will raise new points during or at the end of an investigation, which strictly, should be investigated as a new complaint. The contractor should judge whether these are sufficiently connected with the original complaint to be dealt with as part of the current investigation, or whether they should be investigated as a new complaint. The decision about how to proceed should take account of the complainant's views and the contractor should then make the decision clear to the complainant.

Step 6: preparing the response

The investigator should consider the comments of the person(s) whose work or conduct is complained about when formulating the full reply to the complaint. The contractor should provide a full response to the complainant, or an explanation for the delay **within 25 working days** of receipt of the complaint. The response should inform the complainant that they could request a review of their complaint by Estyn, if they are still not satisfied, within 25 working days of the final reply. The response should be copied to the complaine, which for complaints about inspections will be the registered inspector and, if necessary, to any other inspectors involved.

Contractors are required to ensure that they investigate complaints fully and neutrally. The response should be informative and aim to answer all the points raised and adjudicate on each of them.

The investigator should compose the response letter by commenting that the complaint has received careful consideration and that the overall complaint has been upheld, partly upheld or not upheld. The investigating officer should then take each element of the complaint in sequence, giving the complainant's view of each issue, the response given by the person(s) whose work was complained about and finishing with the investigator's view of the issues that were raised.

In letters to complainants, each element of the complaint should conclude with a statement as to whether or not that aspect has been upheld. Alternatively, where the investigator is presented with differing accounts of events, and where there is no

compelling corroborative evidence, the investigator may not be able to reach an authoritative view and the investigator should explain why the complaint is not upheld.

You may wish to use **one** of the following sentences to conclude the investigation of each element of a complaint:

- This aspect of your complaint has been upheld.
- This aspect of the complaint has not been upheld.
- I (* 'was not present during the inspection') and I am unable to reach a judgement. For this reason, I have no alternative but to consider this aspect of your complaint as not being upheld.

[* or use some other appropriate explanation.]

You should put the judgements on a separate line.

If the judgments include a combination of 'upheld' and 'not upheld' elements, the overall outcome will be 'partly upheld'.

You may usefully write up the conclusion using the example letter in **Annex B**.

Where the complaint is upheld or parts of the complaint are upheld, investigators may offer one or more of the following forms of remedy:

- an explanation, given in the response letter;
- an apology;
- confirmation that action has been taken to rectify the problems and ensure that they do not happen again;
- changes to text, but not normally the judgements, in the inspection report, where the report has not yet been published; or
- the issue of an addendum slip to be distributed with the published report, where the report has been published.

The investigator should note that in recommending any changes to text, they must gain the agreement of the registered inspector, who carries ultimate responsibility for the content of the report.

The investigator's report may need to quote material provided by the person(s) complained about, the investigator or any expert advice that the investigator has sought. It is important, therefore, that no written material concerning the investigation of complaints includes inappropriate material or comments beyond the remit of the complaint or advice sought. Although there is some debate as to whether you should include an expert adviser's name in correspondence, our view is that it is good practice.

It should be borne in mind that in response to a request under the Data Protection Act, the complainant may be entitled (subject to exemptions) to know the source of the information about him or her.

The Public Services Ombudsman (Wales) Act 2005 creates a duty on listed authorities to take reasonable steps to inform members of the public of their right to complain to the Ombudsman. In accordance with the Act, Estyn's published feedback and complaints procedure includes information on how to complain to the Ombudsman. However, as a complainant has the option of going direct to the Ombudsman following stage two in the feedback and complaints procedure, Estyn requires Contractors to include information on how to complain to the Ombudsman in the investigator's response letter, as well as setting out the next stage in Estyn's feedback and complaints procedure. The example letter at **Annex B** includes a suitable form of words that may be used.

Step 7: feeding back to the person who is the subject of the complaint

In order that weaknesses in inspection practice can be remedied, the person(s) who is the subject of a complaint, the registered inspector or team member, must be made aware of any weaknesses in their inspection practice. The contractor should discuss the outcome of any investigation into a complaint with the relevant inspector, considering fully the points made in the response to the complaint, and identifying any action the inspector should take. This gives the inspector the opportunity to take steps to improve his or her own inspection technique and reporting skills.

Where a complaint is upheld, the contractor should make the concerns known to the Feedback and Complaints Manager at Estyn. Estyn will want to be sure that the inspector involved has taken steps to improve his or her own inspection techniques or reporting skills. Estyn will monitor such concerns and take appropriate action in line with our policy document "**Estyn's arrangements for assuring the quality of contracted out work in relation to school inspections**". If Estyn considers there to be a **significant concern**, action may involve inviting the inspector to attend a formal interview at Estyn, specifying training for the inspector at his/her own cost and/or the inspector being the subject of future monitoring under our quality monitoring system.

4 Action required by contractors on serious, upheld complaints

The contractor should deal with upheld complaints raising serious concerns about an inspection or inspection report. A summary of the complaint made together with the contractor's final decision should be copied to Estyn's Feedback and Complaints Manager on closure of the complaint. Contractors should use their professional judgement to determine what constitutes a serious complaint, but in general, these relate to serious breaches of the code of conduct or action that may bring the inspection system into disrepute or result in seriously misleading judgements in a report.

The investigator may challenge aspects of the inspection, published report or evidence base in a complaint. If after the investigation the investigator concludes that a complaint is justified, the contractor should, having obtained the agreement of the registered inspector, correct **factual inaccuracies** through the issue of an addendum slip to those who received the published report. Contractors should also contact Estyn's Feedback and Complaints Manager to arrange for the Internet version of the report to be updated.

If after the investigation the investigator concludes that a complaint is justified, and concludes that the report is **seriously misleading**, the contractor should, having discussed the matter with the registered inspector, inform Estyn immediately. If Estyn agrees that the report is seriously misleading, Estyn will consider the appropriate action to take which may involve the possible withdrawal of the inspection report, if one has been issued. After consultation with the school and in the light of any particular circumstances that prevail, we may offer the school a further inspection. Where a report is withdrawn, a further inspection will normally take place. Such an inspection will take place at a time determined by Estyn after consultation with the school.

Estyn will take appropriate action in relation to **serious failings** in line with our policy document "**Estyn's arrangements for assuring the quality of contracted out work in relation to school inspections**". This may result in the imposition of additional conditions on the inspector involved or possible de-registration/removal from the enrolled list.

5 If the complainant remains dissatisfied (stage 3)

A complainant who is dissatisfied with the response to a formal complaint that emerges from an investigation by a contractor may request a review of their complaint. A request for a review should be made in writing. The contractor should refer the complaint to the Feedback and Complaints Manager at Estyn for an 'internal review' by Estyn. This is the third stage of the complaints procedure. As soon as it becomes clear that the complainant remains dissatisfied or the complaint is unresolved, the contractor should immediately inform Estyn, enclosing the complaint file that includes all correspondence and notes relating to the matter and the full evidence base related to the inspection. We shall then take the matter forward, in accordance with the complaints procedure.

Section 15.5 of the Conditions of Contract states that:

"The Contractor shall (at its own expense) co-operate fully with Estyn in any investigation carried out by Estyn into any complaints concerning the performance of the Services and/or any other obligation of the Contractor pursuant to the Contract and shall (at its own expense) secure the co-operation of the Inspection Team with any such investigation and the provision by them of any such information requested by Estyn and in such form as requested that may either be or have been in their possession. The Contractor shall use its best endeavours to respond in full to any correspondence and provide Estyn with any such information as requested by Estyn or that may be in its possession or in the possession of the Registered Inspector within 5 (five) Working Days of receiving Estyn's request."

The complainant can request a review in writing **within 25 working days** from the date of your reply at the end of the investigation. The request for a review must come from the complainant or someone who can produce the written permission of the complainant to act on his or her behalf.

The reviewer will be a senior member of staff at Estyn having no direct connection with the area of work or the person(s) complained about.

If a complainant is still dissatisfied because of the way Estyn reviewed the complaint, it is open to them to take their complaint directly to the Public Services Ombudsman for Wales.

6 Dealing with complaints professionally and sensitively

Estyn recognises that it can be unsettling for any inspector or contractor to receive letters of complaint, particularly those containing strong language, opinions or allegations. Estyn provides guidance to inspectors and contractors in the form of its code of conduct, however, some complaints will inevitably be received. Where a complaint is received contractors should do everything possible, not only to investigate and respond to a complainant fairly, but also where appropriate to be conciliatory.

Unduly terse or provocative responses are inappropriate because they can initiate or protract complaints.

7 Confidentiality and Freedom of Information Act 2000

Contractors need to be aware of issues concerning confidentiality:

- complaints should be handled confidentially and the information obtained should remain confidential;
- details of the complaint should therefore only be shared on an as required basis; and
- contractors should take account in their own procedures, that it will not always be possible to keep information confidential, as it may become subject to a request under the Freedom of Information Act 2000.

Section 15.3 of the Conditions of Contract states that:

“Estyn takes the view that in order to deal with complaints effectively and to ensure that all those involved are able to express their views freely, complaints should be handled confidentially and information obtained should remain confidential. Estyn will limit the people with whom details of the complaint are shared on an “as required” basis and will only routinely publish general details of complaints which do not reveal the identity of those involved. However, Estyn is subject to the Freedom of Information Act 2000 and other legal obligations which may mean that Estyn is not always able to comply with the general confidentiality obligations contained in its own complaints procedures or information obtained on such a basis by the Contractor via its own procedures. The Contractor should take account of this in its own procedure and when conducting the first and second stages of the procedure. Estyn will always try to inform and consult any individuals who have provided information before Estyn releases such information.”

8 Feedback to Estyn

Section 15.6 of the Conditions of Contract states that:

“The Contractor shall (at its own expense) provide details of complaints dealt with in accordance with the latest provided Estyn template. The Contractor will supply this information in quarterly reports to Estyn during the financial year. The Contractor shall be responsible for ensuring that the validity and accuracy of the information contained in the template has been sufficiently checked, and is correct.”

In order to monitor the system effectively, contractors must log all complaints and accurately record the conclusions reached. Contractors are required to submit written statistics about complaints to Estyn in **cumulative statistical returns** at the end of each quarter during a financial year. These statistics should include:

- the number of complaints received/actioned during a reporting period, including, the complaint source (and name of school), a brief summary of the main issues raised, the complaint type, the outcome of the complaint and details of action taken by the contractor;
- the number of complaints from schools causing concern;
- the number of complaints from short, standard or full inspections;
- the number of working days taken to respond fully to each complaint; and
- the number of complaints referred to Estyn.

Estyn should receive cumulative statistical returns within 10 working days of the following dates:

- **30 June** for complaints received/actioned between 1 April and 30 June;
- **30 September** for complaints received/actioned between 1 April and 30 September;
- **31 December** for complaints received/actioned between 1 April and 31 December; and
- **31 March** for complaints received/actioned between 1 April and 31 March (full financial year).

Estyn will send each contractor an electronic form in an excel format that contractors should save as a master copy and use to compile cumulative complaint statistics related to a particular financial year. Contractors are required to complete and returned this form to the Feedback and Complaints Manager at Estyn in an excel format on a quarterly basis, as indicated above. These should be submitted via email to the address contracts@estyn.gsi.gov.uk, or, if email is not available to the contractor, by CD rom or 3½ inch high density IBM compatible diskette. An example of the form is attached at **Annex C** for information.

Once a complaint is received, the contractor should record it on the next statistical return and it should remain on subsequent statistical returns for the whole of the financial year. Once a complaint is investigated, the contractor will be able to complete additional columns on the form providing information on the outcome of the complaint, and any remedy, and number of days to provide a full response. A contractor may further need to record that a complaint has been referred to Estyn.

Complaints received towards the end of a financial year (for example in February or March) will need to be reported to Estyn until they reach their conclusion. In the new financial year, contractors should continue to provide information on these outstanding complaints from the previous financial year until all the complaints reach their conclusion. This information should be provided on a separate form relating to the previous financial year but at the same time as new complaints are reported for the new financial year.

If you have any queries regarding complaint statistics or any other aspect of complaints handling, please contact Estyn's Feedback and Complaints Manager on 029 2044 6446, by email as above or write to him at Estyn's Cardiff office.

ANNEX A

Example letter advising of delay in investigating complaint

[Date}

Dear [Title] [Name]

[HEADING: e.g. COMPLAINT ABOUT [XXXXXXX]

I refer to our letter dated [date] [month] [year]. The letter envisaged that you would receive a response to your complaint by [insert date].

I write to advise you that I have reviewed the original response date of **[enter original date]** due to **[enter explanation of the impact of an event/action of the complainant]** and now aim to be able to let you have a full response by **[insert new date]**.

OR

I write to advise you that I am giving the matter careful consideration and *[am in the process of finalising my investigation into your complaint][or provide another suitable reason for delay]*. I hope to be able to let you have a full response by [insert date].

Yours sincerely

Name

Title of Investigating Officer

ANNEX B

Example letter giving the outcome of a complaint investigation

Contractor address

[Date]

Dear [Title] [Name]

[HEADING: e.g. COMPLAINT ABOUT XXXXXXXX]

Thank you again for your letter about the above matter, dated [date] [month] [year].

Having looked into your complaint carefully and taken account of the response provided by [Name(s) of person(s) whose work was complained about], I am now able to write to you with the outcome of my enquiry. As a result of my investigation, I find that your complaint has been **[upheld/partly upheld/not upheld]**. It might be helpful if I were to set out my findings on each of the points raised in your letter.

[1. *Subheading*]

[Description of the particular aspect of the complaint.]

[Response of the person whose work was complained about and any other responses from those interviewed]

[Investigating officer's comments or findings.]

As a result, this aspect of the complaint is **[upheld/not upheld]**.

[Repeat for every issue.]

Note:

If the complaint is upheld, the letter should now provide a full apology for what occurred. It should also say what steps will be taken to ensure that nothing similar will happen in the future. Where appropriate, it will also provide some form of remedy to the complainant (see section 3, step 6 of this guidance).

If parts of the complaint are upheld, the letter should specify what you have upheld and provide a full apology in respect of that aspect of the complaint. The letter should also say that these matters will be, or have already been, discussed with [name(s) of the person(s) whose work was complained about] and that you do not expect similar events to occur in the future. Additional remedy should be provided where appropriate (see section 3, step 6 of this guidance).

OR

If the complaint was not upheld, the letter should acknowledge that the writer had concerns, and that we do not wish our work to cause dissatisfaction.

If you remain dissatisfied with the investigation of the complaint, you have 25 working days from the date of this letter in which to ask Estyn to review the way it was dealt with. To do this you should write to the Feedback and Complaints Manager at Estyn asking for your complaint to be reviewed. Your letter should enclose relevant documents and state:

- briefly, what your complaint was about and what response you have had;
- why you are dissatisfied with the investigation and specifically, which parts of the complaint have not been satisfactorily answered, giving clear reasons and supporting evidence; and
- what you would like to be done as a result of the review.

The reviewing officer will not be resolving the complaint but will:

- ascertain whether all opportunities for satisfying the complaint during stages 1 and 2 have been explored and exhausted, including complaints facilitation or informal mediation;
- consider whether the complaint was investigated fairly and responded to fully;
- consider the investigating officer's comments on the issues raised in the request for review; and
- consider whether any further remedy is needed.

In addition, it is open for you to take your complaint directly to the Public Services Ombudsman for Wales. The Ombudsman's telephone enquiry number is 0845 601 0987; calls to this number are charged at local call rate. Further contact details for the Ombudsman are set out below.

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Fax: 01656 641199
Email: ask@ombudsman-wales.org.uk
Website: www.ombudsman-wales.org.uk

Note:

We should thank the complainant for writing to us and indicate that it is important to us to know what others think about our work or actions.

This letter has been copied to [name(s) of person(s) whose work was complained about].

Yours sincerely

Name
Title of Investigator

ANNEX C: Example form for compiling complaint statistics

Part 1: Complaints Details

Contractors should use this form when compiling cumulative complaint statistics during the financial year. **Guidance notes on completing part 1 are attached.** On completion, please return parts 1 and 2 of the form to the Feedback and Complaints Management at Estyn in accordance with section 8 of the Guidance for School Inspection Contractors on Handling Complaints.

Contractor name:
Statistics authorised by:
For financial year:
For reporting period:

No	Complaint source	Brief summary of main points	Rgl Conduct	TM Conduct	Qual of Report	Judgements	Process/Admin	Contractor	Other	Remedy	Overall Outcome				Schools causing concern	Inspection Type			Total working days to provide full response	Complainant dissatisfied, referred to Estyn
											Upheld	Partially Upheld	Not Upheld	Current		Short	Standard	Full		
1	Head teacher (Ysgol Anywhere)	Inspection date: 9-12 May. Complaint received: 19 Sept. Oral feedback did not match written feedback			X	X				Rgl advised of weaknesses		X			X	X		12	X	
2	Parent (Anytown School)	Inspection date: 13-16 June. Complaint received: 10 Oct. Rgl perceived as rude and unapproachable	X							Apology provided	X					X		16		

Part 2: Summary Sheet

Part 2: Summary Sheet will complete automatically when part 1 is filled in.

Contractor name:		
Statistics authorised by:		
For financial year:		
For reporting period:		
	Total Number	% of total complaints
Contracted-out complaints received/actioned during reporting period:		
Complaint Type Totals		
Rgl conduct		
Team member conduct		
Quality of inspection report		
Judgements		
Inspection process/administration		
Efficiency of contractor		
Other		
Overall Outcome Totals		
Upheld		
Partly upheld		
Not upheld		
Current		
Complaints received from schools causing concern		
Total complaints received from schools causing concern		
Complaints received from schools having short, standard or full inspections		
Total complaints received during short inspections		
Total complaints received during standard inspections		
Total complaints received during full inspections		
Other information		
Average number of working days taken to provide substantive response		
Total cases ultimately referred to Estyn		

Notes for use of Part 1 of the form for collecting complaint details

This form enables the contractor to calculate the complaint details, which are required by Estyn as outlined in section 15 of the Conditions of Contract and section 8 of the Guidance for School Inspection Contractors on Handling Complaints. By manually completing part 1 of the form, part 2 will be automatically updated.

The contractor will need to complete the initial four rows of the form in part 1 providing the contractor name, the name of the person who authorised the statistics, which financial year the form relates to and the reporting period the form relates to (for example, 1 April to 31 December). A description or a cross (x) should be placed in the appropriate column of the table in part 1. The headings in the table are explained below:

No.	Chronological reference number for each complaint. This enables the calculation of the total number of complaints received in a financial year.
Complaint source	To distinguish whether the complaint was received from the <ul style="list-style-type: none"> • head teacher • governing body - chair of governors • parent • LEA • Member of the public • Others Please provide the complaint source from the above categories and also include the name of the relevant school 'in brackets'. Please note that if two complaints are received from the same school but from different sources, these count as TWO complaints (unless the second source is sending a supporting letter only).
Brief summary of main points	Details of the date of the inspection and the date the complaint was received should be provided. All main points of concern should be listed here, even if not eventually upheld. All upheld issues should be included and highlighted .
Complaint type categories	In addition to the summary of points raised, we are asking contractors to categorise complaints under one or more of the following headings: <ul style="list-style-type: none"> • Rgl conduct • Team member conduct • Quality of inspection report • Judgements • Inspection process/administration • Efficiency of contractor • Other Please note that if, for example, a complainant raises more than one issue relating to Rgl conduct, only one cross (x) need be entered in the appropriate column.
Remedy	Brief details of remedy, if any, should be entered here. See the Guidance for School Inspection Contractors on Handling Complaints Step 6 – preparing the response.
Overall outcome	Please put a cross (x) in the appropriate column to indicate the overall outcome of the complaint. The outcome may be upheld, partially upheld, not upheld or current. A complaint should be classified as current if it is ongoing and not yet resolved.
Schools causing concern	If the school was judged as causing concern, as defined by legislation e.g. special measures, please enter a cross (x) in this column.
Inspection Type	Please indicate here whether the inspection was short, standard or full.
Total working days to provide full response (working days include all days except weekends and public holidays)	In this column, please record the total number of working days, from initial date of receipt, to provide a full response to the issues raised by the complainant. The target is 25 working days. The first working day is the day <u>after</u> receipt of the complaint.
Complainant dissatisfied, referred to Estyn	Please enter a cross (x) in this column if a complainant has subsequently been referred to Estyn for a stage three internal review.