



*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

## Complaints Handling Procedure

April 2012



INVESTORS  
IN PEOPLE | Gold



## Information Sheet

### Version control

<b>Version</b>	<b>Author</b>	<b>Date of issue</b>	<b>Comments</b>
1	Dai Williams	February 2005	Policy developed
2	Dai Williams	February 2009	Policy review
3	Lisa Jordaan	February 2012	Policy review
4	Simon Brown	April 2012	Policy and procedural review
5	Simon Brown	August 2012	Post consultation review

### Information box

For further advice contact: Feedback and Complaints Manager

Date of publication: April 2012

Planned review date: April 2015

## **Who are we?**

Estyn is the office of Her Majesty's Inspectorate for Education and Training in Wales. We are independent of, but funded by, the National Assembly for Wales. The purpose of Estyn is to inspect quality and standards in education and training in Wales. Our office is in Cardiff.

Estyn inspects the following educational sectors:

- nursery schools and settings that are maintained by, or receive funding from local authorities;
- primary schools;
- secondary schools;
- special schools;
- pupil referral units;
- independent schools;
- further education;
- adult community learning;
- local authority education services for children and young people;
- teacher education and training;
- work-based learning;
- offender learning; and
- careers companies.

We contribute to the development of education and training policy in Wales through our inspection work and remit reports, providing high-quality advice on themes agreed in the annual remit task from the Welsh Assembly Government. We also work with other major stakeholders through participation in policy working groups and in regular forums.

Estyn continues to develop its joint working with the Wales Audit Office (WAO), Healthcare Inspectorate Wales (HIW) and the Care and Social Services Inspectorate for Wales (CSSIW) in taking forward the Welsh Assembly Government's policy statement on Inspection, Audit and Regulation.

In partnership with Ofsted, Estyn also has responsibility for inspecting learners in England who are funded by the Welsh Assembly Government and who attend independent special colleges, work-based learning courses, and provision for young people in youth offending teams. Estyn inspects, through joint working with HMI Probation and HMI Prisons, the education of offenders in secure estate and prisons in Wales.

Finally, Estyn provides a bilingual service across Wales ensuring effective engagement with all stakeholders.

Estyn is committed to providing high-quality customer service. We take complaints seriously and use the information they provide to help us to improve the services we deliver to you.

If something has gone wrong or if you are unhappy about our service, we want you to tell us about it. This guide tells you about Estyn's complaints-handling procedure and what you can do if you have a complaint. It also tells you about our service standards and what you can expect from us.

### **Who can complain?**

Anyone can make a complaint to us if they, or the person they represent, has suffered as a result of the issue they wish to raise. You can make a complaint in person to any member of staff, by telephone, email or in writing.

### **Getting help to make your complaint**

We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from representatives on behalf of people who are unhappy with our service. We can take complaints from a friend, relative, a councillor, your AM or an advocate if you have given them your consent to complain for you. You should provide us with evidence of their consent for you to act on their behalf.

### **Making complaint**

A complaint is described as an expression of dissatisfaction with our work. You can complain about our work, which may include:

- the standard and quality of our services or products;
- the content of our resources or websites;
- the conduct of a member of our staff; and
- specific inaccuracies, references to third parties and key contextual omissions.

If there is a problem during an inspection, service users should speak to the Reporting Inspector, or a member of the inspection team if the Reporting Inspector is not available. We find it is easier to resolve any issues at this stage when all parties are available to discuss the issue. It may become more difficult to investigate matters and take the best approach to resolving the problem once the inspection team has left.

There are some things that we cannot deal with through our complaints-handling procedure. These include complaints, or challenges, about:

- inspection judgements made after an Estyn inspection or review, because, before and during an inspection, the school, college or service has the opportunity to provide all of the evidence needed for the inspection team to reach its judgements accurately and fairly;

- an establishment that we inspect and work with. If you have a complaint about an establishment, such as a school, you must follow their own complaints procedure in the first instance; and
- policies set by Welsh Government. If you have a complaint about a policy set by Welsh Government, you should contact them directly. Their website is: [www.wales.gov.uk](http://www.wales.gov.uk).

### **How do you complain?**

It is better for all parties if we are able to resolve complaints quickly and effectively. So, when writing to us, please tell us:

- your full name and address;
- as much as you can about the complaint;
- exactly what has gone wrong (you need to be very specific about what you are complaining about otherwise it is difficult for us to resolve your concern); and
- what you want us to do to resolve the matter.

It can be helpful to talk to a member of our staff at the point where you feel you're dissatisfied with our work, for example during an inspection or at an event run by Estyn, so that we can try to resolve any issues on the spot. We find that complaints made quickly, and directly can be more easily resolved. Alternatively, you can contact us by phone.

We are happy to receive complaints via email as we no longer keep paper-based files, but if you would like to send us a letter, please do so.

### **Contact details**

Telephone                    02920 446326 or 02920 446309

If you would prefer to write to us, the contact details are:

Post                            Feedback and Complaints Manager  
Estyn  
Anchor Court  
Keen Road  
Cardiff  
CF24 5JW

email                         [feedback@estyn.gov.uk](mailto:feedback@estyn.gov.uk)

### **How long do you have to make a complaint?**

We have a time limit for accepting complaints. Normally, you must make your complaint about an inspection in the period between the start of the on-site part of an inspection through to the date of publication of the inspection report. As mentioned earlier, it would be preferable to raise any issues with the Reporting Inspector during

the inspection. We cannot accept complaints about an inspection once the report is published unless there are exceptional circumstances.

Estyn will not normally delay the publication of an inspection report while a complaint is being investigated. Estyn will appoint an investigation officer. This is usually a HMI who has had no involvement with the inspection. Investigating officers will establish at the start of a complaints investigation whether to delay the publication of a report.

If the complaint is not about an Estyn inspection but about another service we provide such as a training event, then normally you must make your complaint within six months of the event you want to complain about.

### **What happens when you have complained?**

There are two stages to our complaints procedure. These are:

Stage 1 - Informal resolution; and  
Stage 2 - Investigation

#### **Stage 1 - Informal resolution**

We try to resolve complaints quickly and close to the point of service delivery. This could involve us giving you an explanation where something has clearly gone wrong and taking immediate action to resolve the issue.

We will give you our response at Stage 1 - Informal resolution within ten working days, unless there are exceptional circumstances. We will let you know if it will take longer than ten working days to investigate the situation.

If we can't resolve your complaint at this stage, we will explain why and tell you what you can do next. If you are dissatisfied with the outcome of Stage 1, then you have the right to request that the complaint is progressed to Stage 2.

#### **Stage 2 - Investigation**

Complaints handled at Stage 2 - Investigation may be complicated and require detailed investigation before we can give you our response or they may be complaints that have not have been resolved at Stage 1 - Informal resolution.

"Investigate once, investigate well" is the principle for this stage of the process. The emphasis is placed on one investigation which will deal thoroughly with the concerns raised.

"Investigating well" also means conducting an investigation in a manner that is proportionate to the nature and degree of seriousness of the complaint. For instance, where complaints are not so extensive or complex, the investigation will not need to be very detailed.

When considering complaints at Stage 2 - Investigation, we will:

- acknowledge receipt of your complaint within five working days;
- discuss your complaint with you to confirm why you remain unhappy and what outcome you are looking for;
- investigate your complaint fairly by appointing a HMI who has no direct connection to the complaint or complainant; and
- provide you a full response to the complaint as soon as possible and within 20 working days.

If, for any reason, our investigation will take longer than 20 working days to complete, we will tell you why, agree revised time limits with you and keep you updated on progress.

### **What happens if your behaviour becomes unacceptable?**

We aim always people to treat fairly and with respect and we expect that our staff will be treated in the same manner. We fully understand that people may act out of character when they are distressed. The circumstances leading to a complaint may result in someone acting in an unacceptable or unreasonable way. We will always try to focus on the basis of your complaint, rather than on the way in which you complain. However, Estyn staff will not tolerate aggressive, abusive or offensive behaviour. If a complainant's behaviour continues to be unacceptable, inappropriate or unreasonable, we reserve the right to cease contact with that complainant if we consider that we have done everything possible to deal with the complaint fairly and to the best of our ability.

Also, where a complainant has been identified as persistent or vexatious in line with the criteria above, Estyn will notify the complainant in writing that Estyn has responded fully to the points raised and has tried to resolve the complaint, but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that further correspondence received will not be responded to unless they contain new relevant information.

### **Complaints from interested parties**

Sometimes, Estyn receives complaints from people who wish to express their concerns as an interested party, but have no direct relationship with an educational institution or partnership. Estyn will respond to these complaints as far as possible, but Estyn cannot discuss confidential matters that took place on inspection or comment on any issues that the interested party has consequently been told about. Estyn reserves the right to bring matters to a close and not engage in further correspondence if there is no additional information we are able to offer the interested party.

### **What can you do if you are still not happy?**

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales about limited aspects of Estyn's work.

The Ombudsman is independent of all government bodies. The Ombudsman considers complaints of maladministration on the part of public bodies which have caused hardship and injustice to members of the public.

The Ombudsman will not consider complaints relating to the professional judgements made by an inspection team, unless there were shortcomings of an administrative nature or whether Estyn did not adhere to policy/procedure.

In addition, under the provisions of the Public Services Ombudsman (Wales) Act 2005, the Ombudsman will only consider complaints where the complainant has suffered an unresolved quantifiable, as opposed to perceived, hardship or injustice as a result of Estyn's actions.

The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right.

You can contact the Ombudsman by:

- phone: 0845 601 0987
- email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)
- the website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
- writing to: Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

There are also other organisations that consider complaints. For example, the Welsh Language Commissioner about services in Welsh. We can advise you about such organisations.

### **Complaint about recruitment**

We have a separate procedure if your complaint is about Estyn's recruitment arrangements.

In the first instance, concerns should be raised with a member of the Human Resources team at the earliest possible opportunity - they will try to resolve the matter quickly (within a maximum of 5 working days). You can contact Human Resources by telephone: 029 2044 6446 and select option 2, or by email: [HumanResources@estyn.gov.uk](mailto:HumanResources@estyn.gov.uk)

### **Complaints about the outcome of Freedom of Information (FOI) / Data Protection (DPA) requests**

If you are unhappy with the outcome of a FOI or DPA request, then you can request that Estyn undertake an investigation under Stage 2 of the Complaints procedure.

## Estyn's complaints handling procedure - a summary

You can make your complaint either by telephone, email or by letter. Estyn's feedback and complaints manager will co-ordinate our response to your complaint and act as your main point of contact.

We have a **two stage complaints procedure**. We will always try to deal with your complaint quickly, but where it is clear that the matter will require a detailed investigation we will tell you and keep you updated of our progress.

### Stage 1 - Informal resolution

We will always try to resolve your complaint quickly, and **within ten working days** wherever we can.

It is most likely to be face to face or over the telephone or via email.

If you are unhappy with our response to your complaint at this stage you can ask for your complaint to be considered at the next stage of our procedure. Contact: [feedback@estyn.gov.uk](mailto:feedback@estyn.gov.uk)



### Stage 2 - Investigation

We will look at your complaint at this stage where it is clear that it is particularly complicated or will require detailed investigation. If you are still unhappy after we have told you of our decision at Stage 1 - Informal resolution, we may review the complaint at this stage.

As part of this process, we may telephone you to discuss your complaint or, in some circumstances, we may arrange a visit for a face-to-face discussion.



### The Public Services Ombudsman for Wales

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales about limited aspects of Estyn's work. The Ombudsman will not consider complaints relating to the professional judgements made by an inspection team, unless there were shortcomings of an administrative nature or whether Estyn did not adhere to policy/procedure.

We will tell you how to do this when we send you our response.