



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Complaints handling procedure

July 2021

This document is also available in Welsh.

Information sheet

Version control

Version	Author	Date of issue	Comments
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
6	Lisa Jordaan	August 2015	Policy review and included information about recruitment complaints
7	Simon Brown	January 2018	Information about confidentiality and data protection legislation included
8	Robert Gairey	September 2019	Policy review
9	Robert Gairey	July 2021	Review for tone of voice, inclusion of information regarding who investigates complaints, and about how complaints in relation to compliance with Welsh language standards are managed.

Information box

For further advice contact: Feedback and Complaints Manager

Date of publication: July 2021

Planned review date: July 2024

Contents	Page
Who are we?	1
Who can complain?	2
Have you asked us about your concerns?	2
Getting help to make your complaint	2
Making a complaint	2
Complaints about recruitment	4
How do you complain?	4
Who will investigate your complaint?	5
Complaint form	7
Estyn's contact details	7
Complaints from interested parties	8
How long do you have to make a complaint?	8
What happens when you have complained?	8
Stage 1 – Informal resolution	8
Stage 2 – Investigation	9
What happens if your behaviour becomes unacceptable?	9
What can you do if you are still not happy?	10
Independent external review	11
Complaints about recruitment	11
Complaints about the outcome of Freedom of Information (FOI) / Data Protection (DPA) requests	12
Estyn's complaints handling procedure – a summary	13

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. Our purpose 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
- all age schools
- primary schools
- secondary schools
- special schools
- pupil referral units
- independent schools
- further education
- adult learning in the community
- local government education services
- teacher education and training
- Welsh for adults
- work-based learning
- learning in the justice sector

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 Government. We also work with other major stakeholders through participation in policy working groups and in regular forums.

We continue to develop our joint working with the Audit Wales (AW) Healthcare Inspectorate Wales (HIW) and the Care Inspectorate for Wales (CIW) under the Inspection Wales partnership..

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

Finally, we provide a bilingual service across Wales ensuring effective engagement with all stakeholders.

We are committed to providing high-quality customer service. We take feedback and 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 work, we want you to tell us about it. This guide tells you about our complaints-handling procedure and what you can do if you have a complaint. It also tells you about 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.

Have you asked us about your concerns?

Before making a formal complaint you should first give us the opportunity to try to resolve your initial concerns. If you tell us about your concerns and you are not happy with our response, you will be able to make a complaint as outlined within this document.

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, although we usually request evidence of consent for a representative to act on your behalf. We can take complaints from a friend, relative, a councillor, yourMS, MP or an advocate if you have given them your consent to complain for you.

If you have any special requirements or accessibility needs to enable you to make a complaint, feel free to raise these with us.

Making a complaint

We are committed to providing the highest standard of service to everyone we work with. Our aim is to get things right first time. However, if you are not entirely satisfied with any aspect of our work, please tell us and we will do our best to resolve the matter as quickly as possible. The procedure set out below explains how you can make a complaint about the quality of our services. In line with our Welsh language scheme, you can make a complaint in either Welsh or English and all aspects of the complaint will be dealt with in your language choice.

You can complain about various aspects including:

- the standard and quality of our services, policies or products
- the content of our resources or websites

Estyn complaints handling procedure

- perceived non-compliance with the [Welsh language standards](#) with which we are under a duty to comply
- the conduct of a member of our staff
- specific inaccuracies, references to third parties and key contextual omissions
- our compliance with the [Civil Service Commission's Recruitment Principles](#) of appointment on merit on the basis of fair and open competition

If a problem occurs during an inspection, you should speak to the Reporting Inspector as soon as possible, or a member of the inspection team if the Reporting Inspector is not available. It is often much easier to resolve any problems through discussion at this stage. It becomes increasingly difficult to investigate and resolve matters once an inspection team has left the provider's site.

If a problem occurs during recruitment activity, e.g. during an assessment or an interview, you should speak to a member of the panel or Human Resources as soon as possible. It becomes increasingly difficult to investigate and resolve matters once the recruitment process has concluded or you have completed your assessment or interview.

If your complaint involves more than one body, such as another inspectorate that we carry out joint inspections with, we will work with them to decide who should take a lead in dealing with your concerns.

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

- any summative grades or follow-up decisions made after an Estyn inspection or review, because, before and during an inspection, the school, college or provider 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
- 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: <https://gov.wales/>.
- decisions made by the recruitment panel unless it can be shown that we have not complied with the provisions of the Civil Service Commission's Recruitment Principles

We do not investigate or follow up complaints about the activities of individual schools or providers. Your first course of action is to raise your concerns formally through the school's own complaints procedure. Failing satisfaction at that stage, you should escalate the complaint to the Director of Education or equivalent in your local authority.

To assist effective complaint management, we keep the details of any complaints process confidential, save where specific details need to be shared with those who have a duty or interest in receiving this information. As such, we have no objection to you sharing the content of either our Stage 1 or a Stage 2 complaint investigation letter with governors and appropriate staff. However, you should be aware that any

wider publication could risk breaching confidentiality and also result in the unlawful publishing of personal data under the Data Protection Act.

Complaints about recruitment

Estyn's recruitment processes are underpinned by the [Civil Service Commission's Recruitment Principles](#) ('the Principles') of selection for appointment to be made on merit on the basis of fair and open competition.

This procedure applies if you have a complaint about:

- Estyn's compliance with the Principles; and/or
- the way in which you have been treated, or the service you have received, in relation to any aspect of a recruitment campaign for the appointment of civil servants (permanent or fixed-term staff) or Non-Executive Directors
- Estyn's (or a recruitment company acting on Estyn's behalf) compliance with the [Welsh language standards which relate to recruitment](#).

We recognise that people will be disappointed should an application for a job not be successful, but we will not normally regard an applicant disagreeing with the outcome of the recruitment campaign as grounds for considering a complaint, unless it can be shown that we have not complied with the Principles.

When requested, the Human Resources team will provide verbal feedback to unsuccessful applicants following assessment or interview. Such discussions may include addressing any concerns individuals may have regarding the judgement of the panel or outcome of an assessment process. We do not usually provide feedback following the initial sift stage due to the large number of applications we receive.

In the first instance, concerns should be raised with a member of the recruitment panel or the Human Resources team at the earliest possible opportunity. You can contact Human Resources by telephone: 029 2044 6446, or email: recruitment@estyn.gov.wales

How do you complain?

It is better for all parties if we are able to resolve complaints quickly and effectively, so 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 concerns)
- what steps you have already taken to resolve your concerns
- 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 that you are dissatisfied with our work, for example during an inspection, during an assessment or interview or at an event run by us, 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 email us or complete our complaint form.

If you make a complaint anonymously, please note that this makes it very difficult for Estyn to follow up. We often need to speak with the complainant to investigate properly. We act on all feedback received but would be unable to update an anonymous complainant on the outcomes of any investigation that we might carry out.

Who will investigate your complaint?

We always assign an appropriate inspector or manager to investigate the complaint on your behalf. In the case of initial informal resolution, this would most likely be a manager in the team with most knowledge of the issues being complained about. If it cannot be resolved at this stage however, it will be investigated by a person with knowledge of the issues in the complaint but not directly connected with the subject of the complaint. This means that they can provide an impartial decision in relation to your concerns.

All complaints investigators receive training in our feedback and complaints policy and procedures. They work closely with our Feedback and Complaints Manager to carry out the investigation in a sensitive, thorough and consistent manner. The Feedback and Complaints Manager will also provide updates and information to all staff on all aspects of our complaints policy, including how we carry out investigations.

For complaints about compliance with standards, including our Welsh language standards, we will involve relevant staff with responsibility and knowledge of those standards. We will inform the relevant staff of the outcome of any complaint so that they can take remedial action immediately.

We ensure that all staff receive training in terms of the Welsh Language Standards, what compliance means for Estyn, and what our individual roles are.

The table below sets out how we would assign a complaint investigation to the most appropriate officer or manager:

Stage	Response timescale	Context	Investigator
Initial resolution	Usually on-site during inspection or immediate	When a complaint or concern is initially raised, for example during an inspection visit	<ul style="list-style-type: none">• Usually the lead inspector or a team inspector on inspection, or manager in the case of non-inspection complaints

Estyn complaints handling procedure

Stage 1 – informal resolution	15 working days	When a complaint is made either in writing or by telephone following or inspection or activity	<ul style="list-style-type: none"> For inspection related complaints, a lead officer from the relevant sector, with knowledge of the issues but not directly connected with the subject of the complaint
Stage 2 - investigation	20 working days	For more complex complaints or concerns, or if not resolved at earlier stages	<ul style="list-style-type: none"> For non-inspection related complaints, a senior manager with knowledge of the issues but not directly connected with the subject of the complaint For complaints about inspections led by contracted inspectors, a lead officer from the relevant sector For HMI led inspections, an Assistant Director For complaints directly related to an Assistant Director, a Strategic Director For complaints directly related to a Strategic Director or Her Majesty's Chief Inspector, one of our non-executive board members
Next stage		For complaints that are escalated further following decisions at stage 2	<ul style="list-style-type: none"> The Public Services Ombudsman for Wales or the Civil Service Commission (recruitment only)
Independent external review		Where HMCI decides that it is inappropriate for an internal member of staff to undertake a stage 2 complaints investigation, or where the Public Services Ombudsman for Wales identifies a number of areas of concern in its review of our investigation	<ul style="list-style-type: none"> As per reciprocal agreement, an independent complaint adjudicator to be provided by Education Scotland in support of our complaints process

Complaint form

Full name	
Email address	
Physical address – If you prefer to be contacted by post	
Telephone number	
If you are complaining on behalf of someone else, please explain why and provide evidence that you have permission to act on their behalf	
Tell us as much as you can about the complaint (you need to be very specific about what you are complaining about otherwise it is difficult for us to resolve your concerns) Please attach any evidence to support your concerns	
Indicate below what steps you have already taken to resolve your concerns	
Tell us what you want us to do to resolve the matter	

Email the completed form to feedback@estyn.gov.wales

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.

Our contact details

Email feedback@estyn.gov.wales

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

Telephone 02920 446309 / 02920 446308

Complaints from interested parties

Sometimes, we receive complaints from people who wish to express their concerns as an interested party, but have no direct relationship with an educational institution or partnership. We will respond to these complaints as far as possible, but cannot discuss confidential matters that took place on inspection or comment on any issues that the interested party has consequently been told about. We reserve 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.

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. However, it is preferable that you 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 very exceptional circumstances. We will not normally delay an inspection report whilst a complaint is being investigated.

Complaints about recruitment activity should be raised as soon as possible. We will not normally consider a complaint that is raised more than 20 working days after the date the incident or issue has occurred, unless there are exceptional circumstances.

If the complaint is not about an Estyn inspection or recruitment activity but about another service we provide such as a training event, then you should 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

Stage 2 – Investigation

Stage 1 – Informal resolution

We try to resolve complaints quickly and close to the point of service delivery, which usually means that we could give you an explanation where something has clearly gone wrong and take immediate action to resolve the issue.

We will give you our response at Stage 1 – Informal resolution within 15 working days, unless there are exceptional circumstances. We will let you know if it will take longer than 15 working days to investigate your concerns.

If we are unable to resolve your complaint at this stage, or 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

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 of the complaints process.

“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, we will:

- acknowledge receipt of your complaint within five working days
- appoint an investigation officer to investigate the complaint (see table above)
- investigate your complaint fairly and fully
- provide you a full response within 20 working days

Along with consideration of any evidence you provide, the investigation will involve contact with the individual inspector, inspection team whose work or report is being complained about, or the individual or team who is the subject of the complaint to ask for their views.

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.

We must reassure you that your dealings with us in the future will not be affected because you have expressed a concern or made a complaint. We welcome and appreciate feedback in any form whether negative or positive.

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, we will not tolerate aggressive, abusive or offensive behaviour

to any of its staff. If a complainant's behaviour becomes 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, we will notify the complainant in writing that hawse have 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.

What can you do if you are still not happy?

If we do not succeed in resolving your complaint successfully, you may complain to the Public Services Ombudsman for Wales about some aspects of our 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 generally not consider complaints from one government body about another government body.

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 where we 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 our 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
website	www.ombudsman-wales.org.uk
write to	Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae Pencoed CF35 5LJ

Independent external review

At the discretion of HMCI, we may decide on an independent external review, in the event of the following circumstances:

- Due to the nature of the complaint, HMCI decides that it is inappropriate for an internal member of staff to undertake a stage 2 complaints investigation
- The Public Services Ombudsman for Wales identifies a number of areas of concern in its review of our investigation

We have an agreement with Education Scotland, who will in such instances support our complaints process. In such cases the independent review will be carried out in accordance with our guidance, with assistance and advice provided by our Feedback and Complaints Manager. Copies of the resulting report will be sent to the complainant and the Chief Inspector of the inspectorate complained about.

Complaints about recruitment

If your complaint is about how we have breached the requirements of the Civil Service Recruitment Principles, and you are dissatisfied with our response to the Stage 2 – Investigation, you may take your complaint to the Civil Service Commission. The Commission publishes a guide that outlines its approach to handling a complaint under the Recruitment Principles, see [The Recruitment Principles – A guide to bringing a complaint to the Civil Service Commission](#). You should consult this guide before taking a complaint to the Commission.

Complaints should be lodged with the Commission within 12 months of the closing date for applications. Complaints lodged out of time will only be considered in exceptional circumstances.

You can contact the Commission by:

phone 020 7271 0831

email info@csc.gov.uk

website <http://civilservicecommission.independent.gov.uk/>

write to Civil Service Commission
Room G08
1 Horse Guards Road
London
SW1A 2HQ



The Civil Service Commission will only consider reviewing complaints about open (external) competitions (all grades) or Civil Service-wide (internal) competitions (SCS Pay Band 3 and above only) where the complainant:

- believes that we have recruited civil servants in a way that breaches the Civil Service Recruitment Principles
- has raised their complaint with us and exhausted all stages in this recruitment complaints procedure and remain dissatisfied with the response

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.

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

This policy does not apply if the matter relates to a Freedom of Information or Data Protection issue. In this circumstance, you should contact the Information officer at enquiries@estyn.gov.wales

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

Once you have told us about your complaint, our feedback and complaints manager will co-ordinate your response and act as your main point of contact.

We have a **two stage complaints procedure**. We will always try to deal with your complaint as quickly as we can, 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 **within 15 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.



Stage 2 – Investigation

We will consider an investigation of your complaint if it is clear that that your concerns require a more detailed investigation and acknowledge your complaint within 5 working days.

We will allocate an investigating officer to investigate your concerns as part of this process, we may contact you to discuss your complaint in person or, in some circumstances, arrange a face-to-face discussion. We aim to respond to your complaint within 20 working days.



The Public Services Ombudsman for Wales or the Civil Service Commission (recruitment only)

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales about some aspects of Estyn's work or the Civil Service Commission about how Estyn has breached the requirements of the Civil Service Recruitment Principles

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.