



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

Complaints and feedback procedure

November 2024

This document is also available in Welsh.

Information sheet

Version control

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2	Dai Williams	February 2009	Policy review
3	Lisa Jordaan	February 2012	Policy review
4	Simon Brown	April 2012	Policy and procedural review
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7	Simon Brown	January 2018	Information about confidentiality and data protection legislation included
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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.
10	Robert Gairey	November 2024	

Information box

For further advice contact: Feedback and Complaints Manager

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Who are we?

Estyn is the office of His Majesty's Inspectorate for Education and Training in Wales. We are independent of, but funded by, the Welsh Government and Medr. Our purpose is to inspect quality and standards in education and training in Wales.

We inspect 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
- youth work
- Welsh language immersion arrangements in local authorities
- Initial teacher education
- Welsh for adults
- work-based learning apprenticeships
- learning in the justice sector

We deliver some of our work jointly with other regulators and inspectorates. You can read more about how we respond to complaints about joint inspection work later in this guidance. We provide a bilingual service across Wales, ensuring effective engagement with all stakeholders. You can use our complaints procedure to provide any feedback about how well we deliver against our expectations of a bilingual service.

We work hard to make sure that our work is of the highest quality. Our staff are expected to behave in line with the Civil Service Code of Conduct and we have rigorous quality assurance procedures for our inspection work. After each piece of inspection work providers have an opportunity to feed back on their experience through a post-inspection questionnaire. You can read more about our quality assurance arrangements [here](#).

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 we get something wrong, we will apologise and tell you what we have done to rectify our mistake.

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.

We also welcome positive feedback and receive many positive messages about our work from providers and individuals.

Who can complain?

Anyone can make a complaint to us about our work if they, or the person they represent, is dissatisfied or 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. Where the complaint is about an inspection activity, we would encourage one member of the provider's staff to make the complaint on behalf of the staff, unless individual members of staff are affected by an individual aspect of the process that they want to complain about separately.

Have you asked us about your concerns?

Before making a formal complaint (stage 2) you should first give us the opportunity to try to resolve your initial concerns informally. 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. However, we also recognise that on occasions the complexity or seriousness of your complaint may mean it would be a formal complaint immediately.

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, your MS, MP, a union representative or an advocate if you have given them your consent to complain for you. In these cases, it is helpful if we can still hear first hand from an individual about their experiences as part of any investigation process.

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
- 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, including people we commission to carry out work on our behalf
- 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 professional judgements 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 or a college, you must follow their own complaints procedure in the first instance
- policies set by Welsh Government or Medr; if you have a complaint about a policy set by Welsh Government or Medr, you should contact them directly – their websites are: <https://gov.wales/> or <https://www.medr.cymru/en/>
- 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 provider's own complaints procedure. Failing satisfaction at that stage,

you should escalate the complaint as appropriate, for example to the Director of Education or equivalent in your local authority in the case of a school.

Confidentiality and privacy notice

We will use the personal data you give us to handle your complaint. 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, for example as part of the investigation or where they need to take forward any actions arising from a complaint investigation. Normally, we will share information about the complaint with the relevant manager who has responsibility for the aspect of our work being complained about. We will only ever share the relevant information for a specific purpose, redacting documents where appropriate. As such, in the case of complaints about inspection activities, we have no objection to you sharing the content of either our Stage 1 or a Stage 2 complaint investigation letter with governors or other governance board members 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.

For more information on how we use personal data and our data retention policy, see our [privacy notice](#).

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, we 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. We would also be more limited in the action we can take in relation to any anonymised portions of complaints that we investigate.

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 investigating officers 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 also provides updates and information to all staff on all aspects of our complaints policy, including how we carry out investigations.

Estyn complaints and feedback procedure

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 reporting inspector or a team inspector on inspection, or manager in the case of non-inspection complaints
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 For non-inspection related complaints, the line manager from the relevant section
Stage 2 - investigation	25 working days (5 working days to agree scope of investigation; 20 working days for investigation once scope agreed)	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 manager with knowledge of the issues but not directly connected with the subject of the complaint For complaints about inspections, an Assistant Director For complaints directly related to an Assistant Director, a Strategic Director For complaints directly related to a Strategic Director or His 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)

Estyn complaints and feedback procedure

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">• Either through a panel chaired by a non-executive director or as per reciprocal agreement, an independent complaint adjudicator to be provided by another inspectorate in support of our complaints process
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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?

Please raise any concerns as soon as possible. For example, if you are concerned about an aspect of an inspection activity, please raise your concerns with the reporting inspector or a member of the inspection team while they are in your setting. We have a time limit for accepting complaints. In the case of complaints about inspection activities, normally you must make your complaint within 5 working days of receiving the draft inspection report. On receipt of a complaint we will consider whether we will delay the publication of a report over the 25 working days while your complaint is investigated .

Complaints about recruitment activity should be raised as soon as possible. We will not normally consider a complaint that is raised more than 5 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 5 working days of the event you want to complain about. We will not investigate after this period unless there are exceptional circumstances.

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. Our response will take the form of an email or letter with an explanation with apology where appropriate.

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. Usually, we will provide a written response with an explanation and an apology where appropriate.

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

A complaint 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 and fairly 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), who will contact you to agree the scope, parameters and timetable for the investigation within five working days
- investigate your complaint fairly and fully
- provide you a full written response within 20 working days of agreeing the scope of your complaint with you

The investigating officer will consider every substantive aspect of the complaint and the response of the person(s) whose work or conduct is complained about, and will form a view as to whether the complaint should be **upheld**, **partly upheld** or **not upheld**. Where we are unable to reach a conclusion based on the evidence we will say ‘**I am unable to reach a judgement because...**’.

The investigating officer will ensure that the complaint is thoroughly and fairly considered by:

- examining the documentary statements from all parties and any supporting evidence
- interviewing the complainant and any witnesses (usually face to face but may be over the phone or by video call depending on witnesses preferences)
- checking the evidence and identifying any gaps or contradictions

- obtaining, if necessary, expert advice on, for example, difficult or technical issues
- identifying any procedures in the organisation that are relevant to the event

As part of stage 2 complaint investigations, the investigating officer will normally meet with the complainant and any witnesses to go through each aspect of the complaint, ideally in person. In such cases the Feedback and Complaints Manager will also attend, and will take a note of the conversation, which will be shared with, and agreed with, the complainant following the meeting.

If, for any reason, our investigation will take longer than 25 working days to complete, we will tell you why, agree revised time limits with you and keep you updated on progress.

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

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 we have responded fully to the points raised and have 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. More information about how to complain to the Public Services Ombudsman for Wales can be found on their website – [Welcome to the Ombudsman | Public Services Ombudsman Wales](#).

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.

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.

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
- HMCI has personally undertaken the complaint investigation, and the complainant remains dissatisfied with the outcome

In these instances the Chief Inspector will constitute a complaints panel, chaired by one of our non-executive directors and made up of other non-executive directors. This panel will review the evidence in accordance with our guidance and advice provided by our Feedback and Complaints Manager. Copies of the resulting report will be sent to the complainant and HMCI.

We also 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.

Learning from complaints

Whenever, we receive feedback about our work, including through complaints, we consider what we can learn to improve our work. Wherever we uphold aspects of a stage 2 complaint we develop an action plan and we will make sure we tell you about the improvements we plan to make.

We also review how well our complaints procedure is working and make improvements. To support us in our self-evaluation, we will pilot using an external panel, chaired by one of our non-executive directors to review how we have responded to complaints. The panel will include external representatives and will consider a sample of closed complaints to provide external challenge and identify any learning.

We report regularly to our governance structures about the complaints we receive and any improvements we make as a result.

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 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 will contact you to agree the scope and timetable for the investigation. This will include arranging a face-to-face discussion. We aim to respond to your complaint within 20 working days of agreeing the scope of the investigation.



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.