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Dear Peter

EDUCATION AND TRAINING INSPECTORATE – COMPLAINTS PROCEDURE ETC

I refer to your letter dated 24 October 2013. I will answer each point in turn.

To provide an update on a reported planned review of the ETI complaints procedure

A major review of the complaints procedure was completed in 2012 including consultation with the teaching unions. This culminated in the publication of the new procedure in September 2012. It is reviewed on a regular basis.

The most recent review was undertaken in July and August 2013 with minor amendments made to the procedure. Significantly the review included the addition of Standards for Complaint Handling based on the Northern Ireland Ombudsman's Principles of Effective Complaints Handling (2009) which are attached.

To provide clarification in respect of suggestions that complaints against individual ETI inspectors do not lead to retraining or disciplinary measures but result in the relevant inspector simply being moved

All complaints are investigated thoroughly and on the basis that an inspection evaluation is made by a team not by an individual. Where a complaint concerns the conduct of an individual inspector, all relevant information is shared with the inspector and with their line manager in line with normal NICS practice. Disciplinary action is

taken if appropriate but it is more likely that additional training will be provided through an agreed personal development plan.

At no time has it been deemed necessary, nor would the Chief Inspector view it as appropriate to move an inspector out of a district due to complaints received.

To provide information on the advice issued to inspectors during the INTO industrial action (which ceased in 2012); the impact on inspections at that time; and the ongoing consequences for schools and inspectors.

INTO and UTU took action short of strike from January 2012 until June 2012. This included non co-operation with school inspections. The action was not instigated against ETI. The inspection process was used as a vehicle to protest against the changes in employment conditions for teachers, that is to say, the restriction on pay increases for a prolonged period, the later retirement age and the increased pension contributions. At this moment in time the action short of strike has only been suspended, not ceased. It is worth noting that ETI inspectors were subject to these same changes to their conditions of employment.

Being unable to carry out all of the planned inspections had a detrimental effect on ensuring all pupils were receiving a high quality education as it resulted in some school inspections being partially completed.

Where possible, inspections went ahead. The information given to inspectors indicated the importance of being polite, professional and courteous at all times, as they always are. Inspectors were mindful of ensuring that the children did not sense any tension and despite the unusual situation that surrounded the action short of strike relationships on the ground between teachers and inspectors were good.

When inspectors went to observe a class, if a teacher said that they were taking part in action short of strike, the inspector thanked them and left. Any teachers that were observed, were not observed again when the inspection was completed.

Initial indications from the unions were that the action short of strike might impact on more inspections than it did. In the end 16 inspections were partially completed in that period. This represents less than 1 in 5 primary schools and only 2 post primary schools were affected. An interim inspection letter was issued for all inspections that were partially completed and the inspections were wholly completed by March 2013. It did impact on the scheduling and resourcing of inspections.

The unions' rationale was that non cooperation with inspection would not impact on the quality of education for learners. It did significantly impact on the quality of education for learners as areas for improvement were not identified until a later date in the 16 partially completed inspections.

In fact provision in a large secondary school with over 600 pupils was evaluated as inadequate when the inspection was completed. These pupils had a significant delay in improvements being identified and subsequently actioned.

There are no ongoing consequences for those schools that took part in the action short of strike. However, there is still the possibility that this action could be taken again by the unions, disrupting improvements in provision for learners. In all other jurisdictions where the legislation surrounding inspection is much stronger than ETI's it would not be possible for unions to undertake this type of action.

Yours sincerely

V. Bintley (mm)

VERONICA BINTLEY
Departmental Assembly Liaison Officer

Education and Training Inspectorate

Standards for Complaint Handling

September 2013

INTRODUCTION

The Education and Training Inspectorate's (ETI) standards for complaint handling have been developed to conform to the government's minimum standards for complaint handling by all departments, agencies and arms length bodies (ALB).

These have been developed around the Northern Ireland Ombudsman's Principles of Effective Complaints Handling (2009). These aim to provide consistency in approach to, and accountability for, complaint handling across government. These supplement ETI's existing complaints procedure and provide a measure against which to assess the effectiveness of organisational complaint handling arrangements.

STANDARDS

According to the International Organization for Standardization (ISO), "a standard is a document that provides requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose."

A standard also provides "a level of quality against which performance can be measured. It can be described as 'essential' - the absolute minimum to ensure safe and effective practice, or 'developmental', - designed to encourage and support a move to better practice." (DHSSPS, 2006).

These standards will:

- give ETI a measure to assess against and to demonstrate improvement;
- help raise the standard of service and reduce any unacceptable variations in quality;
- enable members of the public to understand what quality of service they are entitled to and provide the opportunity for them to help define and shape the quality of services provided; and
- enable ETI to communicate effectively in helping members of the public access services.

STANDARDS FOR COMPLAINT HANDLING

STANDARD 1: ACCOUNTABILITY

The ETI ensures that there are clear lines of accountability for the handling and consideration of complaints within their organisation.

Rationale:

The ETI will demonstrate that they have in place clear accountability structures to ensure the effective and efficient investigation of complaints and provide a timely and effective response to the complainant.

Criteria:

1. All ETI staff will be aware of, and comply with, the requirements of the complaints procedure within their area of responsibility.
2. All information relating to complaints will be managed in line with relevant information governance requirements.

STANDARD 2: LEARNING AND IMPROVEMENT CULTURE

The ETI promotes a culture of learning from complaints so that, where necessary, services, processes and practices can be improved when complaints are raised.

Rationale:

The complaints process will provide a framework whereby learning from complaints is incorporated into organisational governance arrangements. Complaints are viewed as an important source of learning; are an integral aspect of customer service and help the ETI to continue to improve the quality of their services.

Criteria:

1. The ETI will review the outcomes of the investigations of complaints in order to inform an assessment of the learning and the potential for improvement at organisational level.
2. Learning will take place, as appropriate, at different levels (individual, team and organisational).
3. The ETI will monitor the nature and volume of complaints so that trends can be identified and appropriate action taken.

STANDARD 3: ACCESSIBILITY

All customers or service users have open and easy access to ETI's complaints procedure and the information required to enable them to complain about any aspect of service.

Rationale:

Those who wish to complain will be treated impartially, in confidence, with respect and courtesy and will not be adversely affected because they have found cause to complain.

Criteria:

1. Arrangements about how to make a complaint are publicised, simple and clear.
2. Arrangements for making a complaint are open, flexible and easily accessible to all customers or service users.
3. As far as reasonably practicable, arrangements will be made to accommodate the specific needs of all customers or service users.

STANDARD 4: SUPPORTING THE COMPLAINTS PROCESS

All complaints received are dealt with appropriately and the process and options for pursuing a complaint are explained to the complainant.

Rationale:

All complaints are welcomed and are recognised as an important source of learning. All complaints, however or wherever received, will be recorded, treated confidentially, taken seriously and dealt with in a timely manner.

Criteria:

1. Flexible arrangements are in place so that complaints can be raised in a variety of ways (e.g. verbally or in writing), and in a way in which the complainant feels comfortable.
2. The ETI ensures that relevant staff are appropriately trained and supported in complaint handling.
3. Staff are aware of their responsibility to protect the confidentiality of customer or service user information.
4. Complaints and their outcomes are appropriately recorded in a database and processing sheet.

STANDARD 5: INVESTIGATION OF COMPLAINTS

All investigations are conducted promptly, thoroughly, openly, honestly and objectively.

Rationale:

ETI has a clear system to ensure an appropriate level of investigation. Not all complaints need to be investigated to the same degree. A thorough, documented investigation will be undertaken, where appropriate, including a review of what happened, how it happened and why it happened.

Criteria:

1. The ETI will investigate complaints robustly and proportionately and the findings will be supported by the evidence gathered.
2. Personnel with appropriate skills, expertise and seniority will be involved in the investigation of complaints, according to the substance of the complaint.
3. All correspondence and evidence relating to the investigation will be retained in line with relevant information governance requirements.

STANDARD 6: RESPONDING TO COMPLAINTS

All complaints are responded to as promptly as possible and all issues raised are addressed.

Rationale:

All complainants have a right to expect their complaint to be dealt with promptly and in an open and honest manner.

Criteria:

1. The timescales for acknowledging and responding to complaints will be in line with the ETI's agreed target timescales.
2. Where any delays are anticipated or further time is required, the ETI will advise the complainant of the reasons and keep them informed of progress.
3. The ETI's responses will be clear, accurate, balanced, simple, fair and easy to understand.
4. All issues raised in the complaint will be addressed and, where appropriate, the response will contain an apology.
5. Complainants will be informed, as appropriate, of any change (or planned change) in system or in practice that has resulted from their complaint.
6. Where a complainant remains dissatisfied, he/she will be clearly advised of the options that remain open to them. These options are outlined in the Complaints Procedure.

STANDARD 7: MONITORING

The ETI monitors the effectiveness of their complaints handling and responsiveness.

Rationale:

The ETI will monitor its performance in order to determine its effectiveness. It will also ensure that it incorporates improvements, where appropriate.

Criteria:

1. The ETI will record all complaints and the outcomes of investigations.
2. The ETI will keep under review its arrangements for handling and responding to complaints.