

Ofsted's complaint handling functions: proposed improvements to policies

Consultation document

Ofsted is reviewing arrangements for the handling and investigation of concerns about our work and about the conduct of our staff, as well as complaints received about schools.

We want to ensure that our approaches are closely matched to the needs of those making complaints while recognising our public duty to reduce our costs wherever possible. This paper outlines how we propose to develop our complaints handling procedures.

If you have any comments on our proposed changes, please send them to consultations@ofsted.gov.uk.

The closing date for comment is 29 October 2012.

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Committed to clearer communication

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Background

1. Ofsted handles two different types of complaints: complaints about schools (covered under the Education Act 2005, as amended); and complaints about Ofsted. All complaints are managed through our national complaints team.
2. As part of a review of all complaints handling in Ofsted, and recognising our public duty to reduce our costs wherever possible, we are developing new policies to improve our current complaints procedures. We want processes that can help to resolve concerns quickly and fairly, through open dialogue where possible, while retaining the option to investigate matters more fully as and when it is considered necessary.
3. We believe it is important that providers of services we inspect, service users and those involved in the work Ofsted carries out have a chance to offer their views on the things that we do. Therefore, to inform the changes to our complaints policies, we are inviting comments on the proposals and welcome all feedback.
4. The consultation opens on 17 September and closes on 29 October 2012. Following this, we will publish a full report on the outcome of the consultation on our website.

Investigating complaints about schools: what we do now

5. We have powers to consider some complaints made in writing about schools. These may come from registered parents or carers of pupils at the school that the complaint is about, including parents and carers of pupils who may be off sick or temporarily excluded.
6. We can also consider complaints from other people or those who do not want to give their names. However, our powers to investigate these complaints are more limited.
7. We will not usually consider a complaint if the complainant has not first followed the school's and the local authority's complaints procedures, where appropriate.
8. We can consider complaints about maintained schools if the concern affects the school as a whole. For example, if:
 - the school is not providing a good enough education
 - the pupils are not achieving as much as they should or their different needs are not being met
 - the school is not well led and managed
 - the pupils' personal development and well-being are being neglected.

9. We will not normally investigate cases to do with individual pupils unless the complaint gives rise to wider concerns about the school. However, we will do our best to offer advice about where complainants can get more help, guidance or support.
10. We may send any concerns we receive about child protection to the social services or the police.
11. We are not able to consider a complaint when there are other statutory (legal) ways of pursuing it. Examples include complaints relating to:
 - admission procedures
 - excluding individual pupils
 - providing education for individual pupils with special educational needs
 - religious education or the religious character of a school
 - temporary changes to the curriculum.
12. We are **not** in a position to:
 - investigate incidents that are alleged to have taken place
 - judge how well a school investigated or responded to a complaint
 - mediate between a parent and a school to resolve a dispute.

If concerns are about these issues, we will usually advise complainants to contact their local parent partnership or local authority.
13. We will normally send a response within 20 working days of receiving a written complaint. This will include an explanation of any investigation outcome.

Complaints about schools: how we propose to change the process

Clearer communication

14. The Education Act 2005, as amended, sets out Ofsted's powers to investigate certain complaints about schools in England. These 'qualifying complaints' must satisfy certain conditions before they can be considered. We want to improve the information on our website to make it clearer which complaints Ofsted can investigate, and to highlight other routes for taking concerns forward.

Online form

15. We are determined to ensure that our process for handling complaints about schools is fully accessible and does not prevent anyone from making a complaint if they want to do so. To support this, we plan to introduce an online form on our website that will support individuals in making a complaint. This

will include prompts to ensure that only 'qualifying complaints' are submitted to us and will provide information for individuals on how 'non-qualifying complaints' may be taken forward.

Investigation timescales

16. When a complaint about a school has been received, we plan to extend the period by which the complainant will receive a written response to their concerns to 40 working days. This is to ensure that all qualifying complaints can be thoroughly investigated and full consideration given to what, if any, future action Ofsted will take in relation to the concerns. We will provide a clear and succinct response to the main areas of concern.

Investigating complaints about Ofsted's work: what we do now

17. We expect that all concerns about our work are raised as soon as possible so that they can be considered and resolved promptly. In the case of concerns about an inspection, we strongly urge providers to raise these with the lead inspector so that the concerns can be addressed while the inspection is taking place or prior to the publication of a report. In the case of concerns about other areas of our work, these should be raised directly with the Ofsted member of staff concerned at the earliest opportunity, or with a manager. If it is not possible to sort out concerns raised in this way, the person can decide to lodge a formal complaint.
18. A complaint can be made at any stage during an inspection or up to 30 calendar days from the date a report is published or, where there is no report, 30 days from the end of the inspection. Where the complaint is not related to an inspection, you may make a complaint within 30 days of the incident that prompted your concern. This is to ensure that the issue can be investigated fully and acted upon promptly.
19. We will usually contact complainants by telephone to discuss their complaint within five working days of us receiving the complaint. We make a record of the initial telephone call and include a summary of the issues discussed and agreed in the final outcome letter.
20. We reply in writing, including sufficient detail in the outcome letter to provide a substantive response to all the aspects raised in a complaint. We try to answer all concerns as quickly as possible, within 20 working days of the day following the telephone discussion. When we cannot answer concerns within 20 days, we keep complainants informed about when they will receive a response.
21. Complainants may ask for a review of the handing of their complaint within one month of the date of our response to the original complaint. This is carried out by an Ofsted senior manager who has had no previous involvement in the investigation of the complaint.

22. If the person making the complaint is still not satisfied, they can contact the Independent Complaints Adjudicator for Ofsted for an external review of how their complaint was handled.
23. We publish our complaints policy on our website:
www.ofsted.gov.uk/resources/complaints-guidance.

Complaints about Ofsted's work: how we propose to change the process

Clearer communication

24. We are determined for our policy and procedures for handling complaints about our work to be clear and fair. To support this, we will publish guidance on our website to explain what individuals should do if they have any concerns about Ofsted.

Resolving concerns

25. We recognise that a high proportion of the complaints we receive follow one of our inspections or a decision that we have made. In most cases, the issues raised might be fully resolved through a conversation with the lead inspector or Ofsted member of staff involved. This is so that the reasons for an inspection outcome are fully understood before the inspectors have completed the inspection, and the reasons for any other decision are fully understood while the issue is still fresh in the mind.
26. We plan to formalise this as 'Step 1' of our new complaints policy and require complainants, where possible, to raise their concerns directly with the inspector or Ofsted member of staff to support prompt resolution. This will include raising concerns about inspection reports when completing a factual accuracy check of the draft report.

Receiving complaints

27. We expect that many concerns can be addressed through this formalised 'Step 1' process. Therefore, in future we will normally only accept complaints about an inspection after the publication of the inspection report. This is because we feel it is important for users of the inspected provider – who will be aware that an inspection has taken place – to receive a copy of the report as soon as possible.
28. In future, to ensure that concerns can be investigated promptly and while issues are fresh in the mind, complaints will only be considered if submitted to Ofsted within five working days of the incident in question. In the case of complaints about inspection, this means within five working days of the publication of the inspection report. Complaints submitted after this period will not normally be considered.

29. We sometimes receive complaints about our inspections from users of a service that has just been inspected, or from parents/carers of users of that service. In most cases we are limited in what we can say in our response to such complaints due to the need to maintain confidentiality. Also, as inspectors have provided detailed feedback to the service at the end of the inspection, we feel that the service itself is normally best placed to respond to queries from users. Therefore, complaints about an inspection from service users, including parents or carers, will not normally be considered under this policy.

Online form

30. We are determined for our process for handling complaints about our work to be fully accessible. To support this, we plan to update the guidance on our website and introduce an online form that will assist individuals in making a complaint. This will include prompts for complainants to identify the key areas of concern, any action already taken to resolve the concerns, and their desired resolution. The form will also confirm whether the complaint has been raised within the time limit set and, if all requirements are met, will lead to a 'Step 2' complaint investigation.

School inspections with an inadequate judgement

31. When an inspection judges a school as inadequate and it is placed into a category of concern, an enhanced quality assurance process is used to 'moderate' judgements awarded and to ensure that these are robust and fully supported by the evidence collected. This includes a detailed consideration by Senior HMI (without any prior involvement with the inspection) of any comments put forward by the school. As a result, in future any concerns about the judgements when a school has been judged to be inadequate will not be considered because a detailed, independent review of the evidence will have already taken place. However, complaints about conduct or the process of the inspection would still be accepted for investigation.

Investigation timescales

32. When a complaint about Ofsted has been received, the complainant will receive a written response to their concerns within 40 working days. This timescale will ensure that all complaints are thoroughly investigated and that we provide a clear and succinct response to the main areas of concern.

Internal review

33. An important part of the current complaints process is that complainants who remain dissatisfied after the investigation of their concerns can request a review of the handling of the complaint. This will be 'Step 3' of the process for complaints about Ofsted and will be an independent internal review of how a complaint has been handled. A request for an internal review must be made within 15 working days of the outcome of 'Step 2' and will be carried out by an

Ofsted senior manager who has had no previous involvement in the investigation of the complaint.

External review

34. If the person making the complaint is still not satisfied, they can contact the Independent Complaints Adjudicator for Ofsted for an external review of how their complaint was handled.

The consultation process

35. We welcome all comments on the proposed changes to our complaints policies. We will consider all responses carefully.
36. Please send comments to consultations@ofsted.gov.uk.
37. The closing date for comment is 29 October 2012.