

Complaints about Ofsted

Raising concerns and making a complaint about Ofsted

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Piccadilly Gate
Store Street
Manchester
M1 2WD

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
W: www.gov.uk/government/organisations/ofsted

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Introduction

1. We aim to carry out all of our work to a high standard but recognise that, occasionally, concerns may arise about our actions or the conduct of our staff. This policy sets out our approach and procedures for handling complaints about Ofsted.
2. Our definition of a complaint is an expression of dissatisfaction about our actions that requires an investigation. We take complaints seriously and do what we can to resolve issues of concern promptly.
3. However, importantly, we will not change our inspection judgements or regulatory decisions simply because they are disappointing to the provider or user of a service, or because improvements in provision have been made since the inspection or are promised in the future.

Principles

4. If you complain to us, we will:
 - deal with your complaint fairly, thoroughly and objectively
 - where appropriate, acknowledge if our work has not met our usual high standards and take steps to remedy the situation
 - learn from complaints to improve the way we work and how our staff carry out their roles
 - respect confidentiality as far as possible, both for those who complain and those who are the subject of a complaint. However, the identity of complainants will be revealed to the persons complained about where their response is essential in order for us to investigate and respond fully and fairly to your concerns
 - aim to resolve your complaint without the need for you to seek advice from third parties.

Step 1. Resolving concerns quickly

5. We expect that in the first instance all concerns about our work will be raised, wherever possible, as soon as they arise and directly with the individuals involved. This provides an opportunity to clarify any misunderstanding or to resolve matters of concern quickly and informally.
6. If your concern is about an Ofsted inspection or inspector, you should raise it with the lead inspector as soon as possible during the inspection visit. This includes any concern about the inspection process, how the inspection is being conducted, or the provisional inspection judgements. In most cases, concerns can be considered and resolved before the inspection is completed.

7. If your concern cannot be resolved directly with the individuals involved, you should ask to speak with a manager about it.

Step 2. Making a formal complaint

8. If your concerns about an inspection or other area of our work have not been resolved at Step 1, you can raise a formal complaint with Ofsted under this complaints procedure.
9. You should submit your complaint to Ofsted as soon as possible and, in any event, no later than 10 working days following the incident of concern. In the case of concerns about an inspection, this should be no more than 10 working days following the publication of the report. Ofsted considers a 'working day' to be any weekday other than a public holiday, rather than the days on which an inspected provider operates. Complaints submitted after the 10 working day period will not normally be considered, as they will be deemed 'out of time'. This is to ensure that concerns can be investigated as soon as possible.
10. For Ofsted to consider a complaint:
 - you must submit your concerns using the online complaints form available on our website at:
www.gov.uk/government/organisations/ofsted/about/complaints-procedure
This form enables you to set out your concerns clearly and enables Ofsted to effectively handle your complaint
 - you must provide a concise account of your concerns, details of any actions already taken to resolve these, and what you expect should happen as a result of your complaint
 - you must provide contact details and indicate your availability to enable an investigating officer to make contact as part of our investigation process.
11. You will receive an automated response when you submit an online complaints form. You will then receive a formal acknowledgement from Ofsted to confirm when the investigation of your complaint will be completed and who to contact if you have any queries.
12. Ofsted will not normally investigate a complaint about an inspection or event that is received from a third party not directly linked to the inspected provision; for example, a parent or other user of the service. This is for reasons of confidentiality as Ofsted would not provide any further explanation of the inspection findings to a third party, other than what is already in the published inspection report. For this reason, if you are a third party you should raise any queries about an inspection directly with the inspected provision. Those involved in the inspection are best placed to explain to you the inspection process, the findings of the inspectors and the action that the provision intends to take to address these.

13. We do not normally withhold publication of an inspection report or withdraw a published inspection report while we investigate a complaint, unless there are exceptional circumstances. This is because in most inspection remits Her Majesty's Chief Inspector has a duty to report the findings of an inspection or investigation on its completion. There is a public interest in the prompt publication of reports as it is important for users or prospective users of the inspected provision, who are aware that an inspection has taken place, to be informed about the findings of the inspection within our published timescales. A challenge to the inspection process or disagreement with the inspection findings alone would not normally be considered an exceptional circumstance.
14. If your complaint is about an inspection at which a school is judged to have serious weaknesses or to require special measures, these judgements will not be reconsidered under Step 2 of this policy. This is because all such judgements are subject to extended quality assurance procedures prior to authorisation of the judgement on behalf of Her Majesty's Chief Inspector. The school contributes to this process and may comment on the inspection findings prior to publication of the report. The scrutiny of the judgements and consideration of any comments received from the school is undertaken by Her Majesty's Inspectors who are independent of the inspection. However, once the report has been finalised, any complaints about inspector conduct or the inspection process can be considered under Step 2 of this policy. Schools can request a review of the process of confirming the inspection judgements under Step 3 of this policy after completion of the Step 2 complaint investigation.
15. An investigating officer will contact you by telephone to discuss your concerns and to establish if any, or all, aspects of your complaint can be resolved quickly. Wherever possible, we will attempt to resolve complaints through professional dialogue as part of this telephone discussion. Investigating officers will confirm to you the agreed main aspects of your complaint that will be subject to investigation.
16. When carrying out the investigation, the investigating officer will consider the information that you have submitted and the issues that you have raised. In the case of complaints about inspections, this will include, as appropriate, a review of the inspection evidence and responses from the inspection team to the concerns raised. Additional concerns or documentation received after the submission of your complaint will not normally be considered.
17. Written responses will be provided for all complaints investigated. The response you receive will provide a conclusion on whether or not each main aspect of the complaint has been upheld and may link together similar issues for conciseness and clarity. On occasions, it may not be possible to reach a firm conclusion where there are conflicting accounts and it is not possible to independently verify either of them. For an account to be considered independent, this must be from someone not involved in the issue of concern or inspection. In these cases, the outcome will be recorded as 'no decision could be reached' and the reasons for not reaching a conclusion will be explained.

18. Ofsted's complaints process sits outside of the other procedures for disclosure of information held by Ofsted under the Freedom of Information Act 2000 or Data Protection Act 1998. Details of these procedures are available on our website at: www.gov.uk/government/organisations/ofsted. Ofsted will not normally suspend a complaint investigation while such a request for information is considered, or make a formal disclosure of any inspection evidence ahead of or during a complaint investigation. However, complaint responses will include reference to inspection evidence when appropriate to explain or clarify inspection outcomes.
19. Ofsted's complaints process sits outside the procedures for appeals to be made to the First-tier Tribunal (Health, Education and Social Care Chamber) against registration decisions made by Ofsted. Details of these procedures are available on our website at: <https://www.gov.uk/government/collections/ofsteds-compliance-investigation-and-enforcement-handbooks>. Ofsted will not normally carry out a complaint investigation while an appeal to the Tribunal is ongoing and will not investigate issues that have previously been adjudicated by a Tribunal.
20. Ofsted aims to respond to all complaints investigated under Step 2 of this policy as quickly as possible. A written response will be sent to you as soon as is practicable and normally within 30 working days of the date your complaint was received by Ofsted. The response will include an explanation of any steps that Ofsted will take as a result of the investigation outcome.

Step 3. Requesting an internal review

21. If you are dissatisfied with the way in which your complaint has been handled, you can request an internal review. This must be submitted within 15 working days of the date of the response to your original complaint.
22. For Ofsted to consider a request for an internal review:
 - you must submit your request using the online internal review form available on our website at:
www.gov.uk/government/organisations/ofsted/about/complaints-procedure
This form enables you to set out your concerns about the original investigation clearly and enables Ofsted to effectively undertake the review
 - you must be clear on which parts of the original investigation and response you want us to review and why.
23. Scrutiny committees, including external stakeholder representatives, will meet regionally to consider whether Ofsted's policy and procedures on handling complaints were followed correctly to address your original concerns. The review will be based on available information from the original investigation and is unlikely to require further telephone contact with you to discuss your concerns. New concerns that are raised or new evidence presented will not normally be considered as part of this review.

24. If your complaint is about an inspection of a school judged to have serious weaknesses or to require special measures, requests for a review of the process of confirming the inspection judgements will be carried out under Step 3 of this policy.
25. The review outcome will be a final decision on whether or not your original complaint was investigated fairly and properly in line with our published policy.
26. Ofsted aims to provide a written response as soon as is practicable and normally within 30 working days of the date your request for an internal review was received by Ofsted. The response will include an explanation of any steps that Ofsted will take as a result of the internal review.
27. This is the final step within Ofsted's internal complaints handling procedure. Following the completion of an internal review, further investigations will not normally be conducted into correspondence that you may subsequently submit on any aspect of a complaint.

Independent and external review of Ofsted's complaint handling

28. We aim to resolve your complaint to your satisfaction. However, if you remain dissatisfied with the responses we have provided, you can request an external review of the handling of your complaint from the Independent Complaints Adjudication Service for Ofsted. You must do this within three months from the date of the internal review response letter.
29. The role of the Adjudicator is to investigate the manner in which Ofsted has dealt with a complaint and to provide advice to improve Ofsted's complaints handling. Details of the process for submitting concerns to the Adjudicator can be found on their website at: www.ofstedadjudicationservice.co.uk. Please note that the Adjudicator cannot overturn the inspection judgements or decisions made by Ofsted.
30. If you are not satisfied with the outcome of the review by the Adjudicator, you can refer your concerns to the Parliamentary and Health Service Ombudsman. Details of the Ombudsman are available on their website at: www.ombudsman.org.uk.

Complaints feedback

31. Ofsted takes all complaints very seriously and tries to handle concerns objectively, fairly and efficiently. You are invited to provide feedback on how your concerns were handled using an online feedback form, details of which are provided in response letters following complaint investigations and internal reviews. Feedback will be used to improve our complaints handling process and improve the quality of our investigations and responses where appropriate.