

Framework for the inspection of local authority private fostering services

Relating to private fostering under the Children Act 1989 as amended by the Children Act 2004, from November 2010

The framework for the inspection of local authority private fostering services sets out the statutory basis for inspection and summarises the main features of these inspections carried out under the Education and Inspections Act 2006.

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361

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Contents

Introduction	4
The purpose of the inspection of local authority private fostering services	4
What is an inspection framework?	4
The inspection framework	4
What are the legal requirements for inspection?	4
What part does self-evaluation play in inspection?	7
Who inspects local authority private fostering services?	7
Who and when do we inspect?	7
What inspection grades are used by inspectors when they make judgements?	8
What happens to a local authority judged to be inadequate?	8
What do we inspect?	8
What are the key features of the evaluation schedule of judgements for inspections?	8
Summary of the evaluation schedule of judgements for the inspection of local authority private fostering services	8
What happens before the inspection?	12
What happens during the inspection?	13
What happens after the inspection?	16
How do local authorities complain about their inspection?	17

Introduction

The purpose of the inspection of local authority private fostering services

1. This inspection assesses how well local authorities meet their responsibilities towards children and young people who are living in private fostering placements. It aims to support local authorities in their work to ensure the identification, safety, protection and well-being of all privately fostered children and young people. Inspection also aims to ensure that local authorities have appropriate policies and procedures in place to maximise the number of appropriate notifications made of private fostering arrangements. By identifying best practice, inspection also supports other local authorities in improving their private fostering services.
2. Following an inspection, the published report informs children and young people, parents, carers, partners, government and the general public about the quality of a local authority's private fostering service and whether children's and young people's welfare is being properly protected. It also provides information about what the local authority needs to do to improve and/or maintain high standards.

What is an inspection framework?

3. *The framework for the inspection of local authority private fostering services* shows how Ofsted's inspection principles and processes are applied, sets out the statutory basis for inspection, and summarises the main features of the inspection.¹
4. More detailed guidance is available on Ofsted's website in *The evaluation schedule for local authority private fostering services*.²

The inspection framework

What are the legal requirements for inspection?

5. *The Education and Inspections Act 2006* requires Ofsted to carry out its work in ways which encourage the services it inspects and regulates to:³
 - improve
 - be user-focused
 - be efficient and effective in the use of resources.

¹ *The framework for the inspection of local authority private fostering services* (100012), Ofsted, 2010; www.ofsted.gov.uk/publications/100012.

² *The evaluations schedule for local authority private fostering services* (100011), Ofsted, 2010; www.ofsted.gov.uk/publications/100011.

³ *The Education and Inspections Act 2006*; www.legislation.gov.uk/ukpga/2006/40/contents.

6. The regulations and the national minimum standards⁴ on private foster care, published in 2005, provided the basis for the three-year programme of inspections which were carried out by the Commission for Social Care Inspectorate from 2006–2007 and by Ofsted from 2007–2009.
7. Ofsted published the findings from the private fostering inspections *Inspection of local authority private fostering arrangements 2007–08* in February 2009.⁵
8. Of the 82 inspections carried out by Ofsted between 1 April 2007 and 11 December 2008 approximately 25 percent were judged inadequate. This contrasted very poorly with other social care inspections conducted by Ofsted and highlighted a continued and substantial variation in the quality of oversight of private fostering arrangements by local authorities.⁶
9. Given the concern raised by these inspections, Ofsted agreed in 2009 with the then Secretary of State for Children Schools and Families to conduct a further round of inspections of all local authority private fostering services under section 135 of the *Education and Inspections Act 2006*. These inspections will be carried out between November 2010 and October 2013.
10. Local authorities are not directly responsible for providing care to privately fostered children and young people. They focus on whether children and young people's welfare is safeguarded. Their responsibilities and duties are set out in section IX of the *Children Act 1989* as amended by section 44 of the *Children Act 2004*, related regulations and the national minimum standards.⁷ In summary these are to:
 - promote public awareness of the notification requirements for private fostering arrangements
 - respond to notifications of individual private fostering arrangements, where possible before children and young people move into their private fostering placement
 - determine if arrangements have been made for safeguarding the welfare of children and young people and take relevant steps if they are not satisfied that children's welfare is being protected and promoted. This may include the disqualification of the private foster carer

⁴ *National Minimum Standards for Private Fostering*, DCSF, 2005; www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/privatefostering/LAfofosteringinfo/LAfofosteringinfo/.

⁵ *Inspection of local authority private fostering arrangements 2007–08* (080298), Ofsted, 2009; www.ofsted.gov.uk/publications/080298.

⁶ *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08*, p.51, Ofsted, 2008; [www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Annual-Report/2007-08/The-Annual-Report-of-Her-Majesty-s-Chief-Inspector-2007-08/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Annual-Report/2007-08/The-Annual-Report-of-Her-Majesty-s-Chief-Inspector-2007-08/(language)/eng-GB).

⁷ *Children Act 1989*; www.legislation.gov.uk/ukpga/1989/41/part/IX. *Children Act 2004*, section 44; www.legislation.gov.uk/ukpga/2004/31/section/44.

- visit the child or young person at least every six weeks during the first year of placement and then at least every three months in order to:
 - i. satisfy themselves that the child or young person is being properly cared for (covering their needs relating to development, emotional well-being, education, religion, culture, language, race, health and physical care)
 - ii. monitor the arrangements for the child/young person's care
 - iii. ascertain the child or young person's wishes and feelings
 - iv. offer advice and support to children and young people
 - offer advice and support to parents or anyone concerned with a privately fostered child or young person
 - promote and safeguard children and young people's welfare
 - appoint a private fostering officer responsible for monitoring compliance with the notification system
 - ensure that private fostering is among the areas considered by Local Safeguarding Children Boards
 - monitor the way it (the local authority) discharges its duties and responsibilities in respect of privately fostered children and young people.
11. Ofsted inspects the way a local authority meets its responsibilities, giving consideration to:
- section IX of the *Children Act 1989* as amended by section 44 of the *Children Act 2004*
 - the national minimum standards for private fostering 2005 which were issued under section 7 of *the Local Authority Social Services Act 1970*⁸
 - the *Children (Private Arrangements for Fostering) Regulations 2005*⁹ made under *the Children Act 1989*
 - the *Replacement Children Act 1989 Guidance on Private Fostering*¹⁰
 - information provided by the local authority in relation to current arrangements, including publicity materials to raise awareness
 - information and knowledge gained from previous inspections¹¹
 - recent research into private fostering.¹²

⁸ *Local Authority Social Services Act 1970*;

www.opsi.gov.uk/revisedstatutes/acts/ukpga/1970/cukpga_19700042_en_1.

⁹ *The Children (Private Arrangements for Fostering) Regulations 2005*;

www.legislation.gov.uk/ukxi/2005/1533/contents/made.

¹⁰ *Replacement Children Act 1989 Guidance on Private Fostering*;

www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/privatefostering/LAfofosteringinfo/LAfofosteringinfo/.

¹¹ *Inspection of local authority private fostering arrangements 2007–08* (080298), Ofsted, 2009;

www.ofsted.gov.uk/publications/080298.

What part does self-evaluation play in inspection?

12. Standard 7 of the national minimum standards states:

‘The local authority provides a written report each year, for consideration by the Director of Children’s Services, which includes an evaluation of the outcomes of its work in relation to privately fostered children in its area.

The local authority reports annually to the Chair of the Area Child Protection Committee (or its successor body, the Local Safeguarding Children Board) on how it satisfies itself that the welfare of privately fostered children in its area is satisfactorily safeguarded and promoted, including how it co-operates with other agencies in this connection.’

13. Prior to an inspection, Ofsted will ask the local authority for copies of the most recent reports.

Who inspects local authority private fostering services?

14. Local authority private fostering services are inspected by social care regulatory inspectors. They are employed directly by Ofsted. They inspect different types of social care provision, including children’s homes, fostering services, adoption agencies, boarding schools, residential special schools, residential family centres, and the secure estate.

Who and when do we inspect?

15. Each local authority in England will be inspected at least once between 1 November 2010 and 31 October 2013.
16. These inspections may be carried out either separately from any other inspection or at the same time as the safeguarding and looked after children inspection. The framework will be reviewed in April 2011 taking into account the outcomes of the inspections completed and the recommendations of the Munro review.¹³
17. The timing of the inspection will be influenced by the:
- results of the previous inspection
 - the timing and outcomes of any other inspections of the local authority.

¹² For example Research into Private fostering 2010 Research Report DCSF-RR229; www.dcsf.gov.uk/everychildmatters/resources%2Dand%2Dpractice/IG00707/.

¹³ Munro review of child protection: better frontline services to protect children; www.education.gov.uk/childrenandyoungpeople/safeguardingandsocialworkreform/a0065082/professor-munros-review-of-child-protection-analysis-of-the-problems.

What inspection grades are used by inspectors when they make judgements?

18. Inspections carried out by Ofsted use a consistent grading scale:
- outstanding
 - good
 - satisfactory
 - inadequate.
19. The judgements fed back to the local authority at the end of an inspection are subject to review and moderation through Ofsted's quality assurance procedures.

What happens to a local authority judged to be inadequate?

20. If a local authority's private fostering services are judged to be inadequate, recommendations for improvement will be made, and the Department of Education (DfE) will be informed. A further inspection may take place at an appropriate time to monitor improvement.

What do we inspect?

What are the key features of the evaluation schedule of judgements for inspections?

21. What follows is a summary of the key features of the full evaluation schedule of judgements, which is published separately. The full evaluation schedule sets out those aspects of a local authority's performance that inspectors must evaluate and judge and on which they will report. It provides outline guidance about sources of evidence and contains grade descriptors for each judgement.

Summary of the evaluation schedule of judgements for the inspection of local authority private fostering services

22. Inspectors report on the effectiveness of the local authority in meeting regulations and the national minimum standards in relation to private fostering as set out in paragraph 10 above. They evaluate and make judgements on:
- the quality of the service
 - how well the local authority ensures that privately fostered children and young people's welfare is safeguarded and promoted
 - how equality is promoted and discrimination tackled
 - the quality of leadership and management
 - the authority's capacity to improve
 - the overall effectiveness of private fostering services.

23. Evaluation of the effectiveness of local authority private fostering services may be based on:
- discussions with and feedback from children and young people who are privately fostered
 - discussions with and feedback from carers and, when possible, parents of children and young people who are privately fostered
 - public information about private fostering provided by the local authority in order to raise public awareness
 - the local authority's records, case files, policies, written statement or plan setting out the way their duties and functions will be carried out and their reports to the Director of Children's Services and the Local Safeguarding Children Board
 - discussions with and feedback from partner agencies, for example schools, health services and third sector organisations including community and faith groups
 - discussions with and feedback from those involved in the process of delivering local authority private fostering responsibilities and duties, for example social work staff, including any involved in determining the suitability of and supporting private fostering placements.
24. Inspectors make judgements and report on the areas of Overall effectiveness; Capacity to improve; The quality of the private fostering service; Safeguarding and promoting the welfare of privately fostered children and young people; Promoting equality and tackling discrimination; and The quality of leadership and management.

Overall effectiveness

25. In reaching the overall effectiveness judgement inspectors will consider all the available evidence, including:
- the quality of the service
 - how well children are safeguarded, both by minimising the number of un-notified arrangements and by responding effectively to those that are notified
 - how well the local authority services are led and managed
 - how effective the local authority is in promoting equality and tackling discrimination in terms of private fostering
 - whether the local authority demonstrates it has the capacity for sustained improvement.

Capacity to improve

26. Inspectors evaluate the local authority's ability to improve the quality of provision and outcomes for children and young people, based on what it has accomplished so far; taking into account the ambition of the targets the local authority sets for improvement, its ability to achieve those targets, and the priority it gives to the improvement of private fostering services.

The quality of the private fostering service

27. In order to make their judgement, inspectors will consider:

- how the local authority complies with regulation 7 and 8¹⁴ and achieves the two outcomes for national minimum standards 2, 4, 5 and 6,¹⁵ which are:

‘The local authority is notified about privately fostered children living in its area.

Private foster carers and parents of privately fostered children receive advice and support to assist them to meet the needs of privately fostered children; privately fostered children are able to access information and support when required so that their welfare is safeguarded and promoted.’

- the effectiveness of action to promote awareness of the notification requirements for private fostering arrangements
- the effectiveness of arrangements to respond to notifications
- the quality and timeliness of suitability decisions and how these safeguard privately fostered children and young people
- the quality and impact of contact with privately fostered children and young people and their carers and how effectively the local authority:
 - monitors the arrangements for their care
 - ascertains the child or young person's wishes and feelings
 - offers advice and support to children and young people.

Safeguarding and promoting the welfare of privately fostered children and young people

28. In order to make their judgement, inspectors will consider:

- how well the local authority achieves the outcome for national minimum standard 3 which is:

¹⁴ *The Children (Private Arrangements for Fostering) Regulations 2005*. Regulation 7 covers actions to be taken by a local authority on receipt of notification about a child being fostered privately. Regulation 8 covers subsequent visits to children who are being fostered privately.

¹⁵ Standard 2: Notification; Standard 4–6: Advice and Support.

‘The welfare of privately fostered children is safeguarded and promoted.’

- whether children and young people are in placements that have been assessed as safe
- whether children and young people feel safe in those placements
- whether children and young people have access to a social worker in private
- whether children and young people are able to contact someone if they have any worries
- whether children and young people say they feel safe and protected from bullying
- whether children and young people are registered with a GP
- whether children and young people attend school
- whether plans are made to prepare young people to cease to be privately fostered.

Promoting equality and tackling discrimination

29. In order to make their judgement, inspectors will consider:

- how well the local authority meets the relevant aspects of national minimum standards 3 and 4 the outcomes of which are cited above
- the local authority’s understanding of their community and the types of potential private fostering arrangements
- the accessibility of local authority’s policies and procedures to children and young people, parents and carers taking into account language and disability
- whether contact with privately fostered children and their carers is supported by interpreters where necessary
- whether assessments of children and young people’s needs include those arising from age, disability, gender, race, religion or belief, sexual orientation and cultural and linguistic background
- whether, if necessary, an assessment of need is made under section 17 of the Children Act 1989
- whether private foster carers can access support or training to enable them to meet the needs of children and young people in relation disability, faith, gender, race and cultural and linguistic background
- whether the needs of transracially placed children are assessed and supported
- how effectively the local authority monitors its own performance in this area.

The quality of leadership and management

30. In order to make their judgements, inspectors will consider:
- how well the local authority meets national minimum standard 1 and 7 the outcomes of which are:
 - ‘Relevant staff are aware of local authority duties and functions in relation to private fostering.’
 - The local authority monitors the way in which it discharges its duties and functions in relation to private fostering.’
 - how effectively it monitors the way it discharges its functions
 - the effectiveness of partnership working for the benefit of privately fostered children and young people
 - the engagement of children and young people.
31. Throughout a private fostering placement, the child or young person's parent/s retain parental responsibility. It is the local authority's responsibility to make every effort to identify all private fostering placements and then to provide information and support to privately fostered children and young people, carers and parents so the welfare of privately fostered children and young people is safeguarded and promoted.
32. In addition to the areas above, inspectors must include in the report:
- any recommendations to ensure that the local authority meets statutory requirements and the *Children (Private Arrangements for Fostering) Regulations 2005*
 - any recommendations to ensure that the local authority meets the requirements of the *Replacement Children Act 1989 Guidance on Private Fostering*
 - any recommendations to ensure that the local authority meets the national minimum standards for private fostering
 - an assessment of the progress the local authority has made in meeting recommendations made in the previous inspection report.

What happens before the inspection?

When are local authorities notified of their inspection?

33. Local authorities normally receive ten working days notice of an inspection. Her Majesty's Chief Inspector may however arrange for an inspection of local authority private fostering services to take place if satisfied that this is necessary to safeguard and promote children's welfare. Inspections are deferred only in exceptional circumstances.

What information do inspectors use before the inspection?

34. Before they begin their inspection fieldwork inspectors must gain an understanding of how the local authority meets its private fostering responsibilities and duties. This helps to focus our inspections on any areas of concern and contributes to service improvement. Inspectors gain their understanding using pre-inspection evidence from the following potential sources:
- contextual information regarding the local authority
 - the local authority's written statement or plan as required by standard 1 of the national minimum standards
 - the local authority's reports to the Director of Children's Services and the Local Safeguarding Children Board
 - public information provided by the local authority to raise awareness about private fostering
 - the report from the previous private fostering inspection
 - inspection reports from the safeguarding and looked after children inspections
 - information from unannounced inspections of local authority referral and assessment services.

How do inspectors seek the views all those involved in private fostering?

35. Staff and other partners are asked to provide us with their views of the quality of the local authority service.
36. Whenever possible, discussions take place with privately fostered children and young people and their views are reflected in the inspection report. Inspectors must also take account of any views expressed to them by private foster carers and by parents and other partners, such as the Local Safeguarding Children Boards and local authority staff.

What happens during the inspection?

How many days do inspectors spend in the local authority?

37. If the inspection is being conducted concurrently with the inspection of safeguarding and looked after children services, one inspector will be on site for two days in the local authority carrying out detailed fieldwork and giving feedback on the outcome of the inspection. If the inspection is being conducted separately, normally two inspectors will be on site for one and a half days.

How do inspectors use their time during the inspection?

38. The time allocated to inspection will be used mainly for gathering first-hand evidence. Inspectors must ensure that wherever possible inspection activity includes:
- discussions with privately fostered children and young people
 - discussions with private foster carers
 - sampling of case records
 - discussions with staff and managers
 - consideration of the information provided by the Local Authority to raise public awareness
 - discussions with key partners to assess the engagement of universal services in identifying private fostering arrangements
 - gathering sufficient evidence so that judgements about private fostering are secure and reliable
 - ensuring that evidence is recorded appropriately
 - conducting the inspection to a high standard so that professional relationships are strong and inspectors' work is robust
 - well informed and helpful feedback about the overall effectiveness of the local authority and the main findings of the inspection.

How is evidence recorded?

39. During inspection, inspectors must gather, analyse and record evidence and their judgements using Ofsted evidence forms or electronic notebooks. The overall judgements made about private fostering services are recorded by the inspector on a template and included in the inspection report.

How are judgements secured?

40. Inspectors discuss emerging findings, where possible and appropriate, during the inspection so that the responsible manager has every opportunity to provide further evidence should they wish to do so.
41. Judgements are supported by evidence which confirms the strengths and weaknesses of the authority's private fostering service. What the local authority must do to improve is identified.
42. The overall judgements reflect all the evidence considered by the inspector. Final judgements are made only when field work is complete and first-hand evidence has been collected and evaluated.

How do senior staff engage in the inspection?

43. Inspection has the strongest impact on local authority service improvement when the service area understands the findings that have led to the judgements. The inspector must therefore ensure that the responsible manager and senior staff have opportunities to:
- clarify how evidence is used to reach judgements
 - present additional evidence following discussions during the inspection
 - participate in feedback.

What is the code of conduct for inspectors?

44. Inspectors must uphold the highest professional standards in their work and ensure that everyone they encounter during inspections is treated fairly and with respect. These standards are assured through a code of conduct which is set out below. Inspectors must:
- evaluate objectively, be impartial and inspect without fear or favour
 - evaluate provision in line with frameworks, national standards or requirements
 - base all evaluations on clear and robust evidence
 - have no connection with the service which could undermine their objectivity
 - report honestly and clearly, ensuring that judgements are fair and reliable
 - carry out their work with integrity, treating all those they meet with courtesy, respect and sensitivity
 - endeavour to minimise the stress on those involved in the inspection
 - act in the best interests of service users
 - maintain purposeful and productive dialogue with those being inspected and communicate judgements clearly and frankly
 - respect the confidentiality of information, particularly about individuals and their work
 - respond appropriately to reasonable requests
 - take prompt and appropriate action on any safeguarding or health and safety issues.
45. It is important that inspectors explain to interviewees at the earliest opportunity that they have the right to ask for information they provide to be considered confidential. However, information they provide in confidence may be subject to disclosure under the *Freedom of Information Act 2000* or other legislation, or in accordance with a court order.¹⁶ The record of interviews with private

¹⁶ *Freedom of Information Act 2000*; www.legislation.gov.uk/ukpga/2000/36/contents.

individuals may contain personal data and are handled in accordance with the data protection principles laid down in the *Data Protection Act 1998*.¹⁷

46. Additionally, inspectors have a duty to pass on disclosures which raise child protection or safeguarding concerns and/or circumstances where serious misconduct or potential criminal activity is involved. Inspectors must therefore make clear that it may not be possible to guarantee confidentiality if an interviewee raises an issue that inspectors are obliged to act on.

How should local authority staff engage with inspectors?

47. In order for the inspection to be carried out as effectively and efficiently as possible we ask local authorities to provide information prior to the inspection, distribute questionnaires to people who are involved in private fostering and set up meetings with staff, children, young people and private foster carers.
48. Information held by the local authority should be made freely available for inspectors and the local authority should cooperate in the inspectors' task of gathering evidence

How is the quality of inspections assured?

49. All inspectors are responsible for the quality of their work which is carried out in accordance with the principles of inspection and the code of conduct. In addition, Ofsted monitors the quality of inspections through a range of formal processes. Some local authority inspections are visited by a managing inspector whose purpose is to assure the quality of the inspection and in other cases the inspection evidence base will be evaluated by Ofsted's quality assurance team.

What happens after the inspection?

50. Before leaving the local authority at the end of the inspection, the inspector must ensure that the local authority is clear:
 - about the grades awarded for each judgement required under the evaluation schedule
 - that the grades awarded are provisional and may be subject to change
 - that the main points provided orally in the feedback will be referred to in the text of the report
 - about any recommendations for improvement
 - about our publication procedures for the report
 - about Ofsted's complaint procedure
 - if arrangements are judged inadequate, that the DfE will be informed and a further inspection may be carried out.

¹⁷ *Data Protection Act 1998*, www.legislation.gov.uk/ukpga/1998/29/contents.

51. The inspector should ensure that the oral feedback is reflected in the written report. The report should contain judgements that have been explained to the local authority. Any aspects that have been judged inadequate or outstanding, or where the judgement is different from what the local authority might have expected, should be clearly explained in the feedback.

What are the written outcomes of the inspection?

52. Following the inspection fieldwork, the inspector writes the report about the main findings of the inspection. The text, balance and tone of the report must reflect how the local authority carries out its private fostering responsibilities and duties. Reports must be well argued and based convincingly on the evidence obtained. They should be written in clear English, free of jargon and be accessible to service users.

How is the quality of inspection reports assured?

53. The inspector writes the report on the day following the inspection and submits it to Ofsted's quality assurance team. Following an editing process, and within five days, the report is sent to the local authority for a factual check. Five working days are allocated to the local authority to comment at which point the report is published. Judgements in the report cannot be changed unless factual errors or omissions have a significant bearing on them. Any such changes are the responsibility of the inspector.

When is the report issued?

54. The report is published on the Ofsted website; www.ofsted.gov.uk/reports within three working weeks of the end of the inspection fieldwork.

How do local authorities complain about their inspection?

55. Any concerns the local authority has about the inspection should be raised with the inspector during the inspection and where possible resolved. If the concerns are not resolved, the person expressing the concern does not feel that due weight is being given to the concerns, or an independent view is sought, then the person raising the concern, or someone acting on his or her behalf, should contact the Ofsted helpline on 0300 123 1231.
56. If it has not been possible to resolve concerns individuals or the local authority raise, they can lodge a formal complaint. Normally, a complaint can be made at any stage during an inspection, up to 30 calendar days from the date of publication of a report. Complaints should be made by email to:

enquiries@ofsted.gov.uk

or by letter to:

Sue Aldridge
The Complaints Manager
Ofsted National Business Unit
Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA.

57. We investigate and send a response which aims to address all of the points of concern raised by the complainant within 20 working days. We also include details of how to ask for further internal and independent review if a complainant is not satisfied with our response.