



**Office for Standards
in Education**

Complaints about the inspection of post-compulsory provision

Internal review and complaints – information for providers and organisations

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Introduction

Ofsted and the Adult Learning Inspectorate (ALI) take complaints about inspection very seriously. We view them as an important part of our quality assurance measures. They can alert us to difficulties in the system and they may lead us to issue new guidance to inspectors. Providers and organisations should be reassured that making a complaint will have no impact on our subsequent relationship with them.

Most inspections are carried out smoothly and without incident. However, Ofsted and the ALI recognise that some providers or organisations may feel dissatisfied with some aspect of their inspection or inspection report.

This leaflet sets out Ofsted's procedures for dealing with complaints about inspectors, their conduct, their judgements, the quality of inspection of the provider or organisation and the quality of the final report.

Inspections of post-compulsory educational providers include colleges that have students both under and over the age of 19 and fall within the joint remit of Ofsted and the ALI. This includes inspections of general further education, sixth form, tertiary, agricultural, independent specialist, and dance and drama colleges.

All these joint-remit inspections will be conducted under the direction of Ofsted which will also publish the report; some inspections will be carried out by Ofsted and the ALI together, or by just one inspectorate on behalf of both. The same complaints procedure will apply whether an inspection is conducted by one inspectorate or both. These procedures will apply to Area Inspections as well as those which fall solely within the remit of Ofsted, including the inspection of Connexions Partnerships and local authority youth services.

Handling of concerns and complaints

Ofsted and the ALI will investigate any complaints rigorously and make every effort to resolve the issues as quickly as possible. Above all, we are concerned with the fairness of the inspection. We will acknowledge that we are mistaken, where the facts clearly prove this to be so, or where we agree that there are serious omissions or factual errors. We will not, however, change our judgements because they are unpopular, because improvements are promised at some time in the future, or because of developments after the inspection has been completed.

Who can make a complaint?

A provider or organisation which has concerns about any aspect of its inspection, including the conduct of the inspection team, may make a complaint or request an internal review using the procedures described in this leaflet.

A separate leaflet, *Guidance on Queries, Concerns and Complaints* (HMI 144, Ofsted, 2000), can be used by any other individual or organisation that wishes to complain. This can be found at www.ofsted.gov.uk.

When can I complain?

It is essential that any areas of concern are raised **as soon as they arise** so that they can be properly considered and, wherever possible, resolved while the inspection is taking place. Whatever the cause for concern, it should initially be discussed with the lead inspector.

In almost all cases, the inspection will be completed and the report published within the statutory timescale.

While Ofsted recognises that there may be valid reasons why complaints are not submitted at the time of, or immediately following, the inspection, **complaints will not normally be considered if received more than 20 working days (excluding bank holidays) after the formal feedback meeting.**

How do I complain?

The person nominated to liaise with the inspection team should discuss the provider or organisation's concerns with the lead inspector. The inspectorates value the work of the nominee and rely on them to raise areas of concern and to bring forward supporting evidence. It is essential that they talk to the lead inspector about any concerns that arise about an inspection at the earliest opportunity. Opportunities are given before inspection, at the planning stage, during inspection and at team meetings. The nominee will normally also be present after the inspection, during the formal feedback and involved with checking the accuracy of the report.

Concerns should be properly considered and, if possible, resolved while the inspection is taking place. It is often very difficult to resolve matters to the satisfaction of all concerned at a later date. We recognise, however, that some problems may only come to light after the inspection, for example during the compilation of the report and the formal feedback. These too should be raised with the lead inspector as soon as possible. The inspectorates regard constructive dialogue of this kind as an intrinsic part of the inspection process which assists them in reaching secure judgements.

There are two kinds of concern:

Internal review: a request for internal review of inspection judgements by the inspectorates.

Inspection review: a complaint about the conduct of the inspection or inspectors.

If required, a provider or organisation may request an internal review or a formal complaint **or both**. In either case, you should indicate what action you would like to see taken to resolve the matter.

Before a concern of either of these kinds is raised, we would normally expect issues to have been raised with the person nominated by the provider or organisation to liaise with the inspectors. This will include detailed discussions with that nominated person.

Requesting an internal review

If you wish to ask for an internal review, you should do so by writing to the Head of the Post-compulsory Education Division at the earliest opportunity, and no later than 20 working days from the date of the formal feedback meeting. You should set out your case clearly and provide supporting evidence. Disagreement with the judgements reached by the inspectors is not a sufficient reason to prompt an internal review; you must be able to demonstrate that material evidence has been presented to the inspector(s) and neglected.

The Head of the Post-compulsory Education Division will seek consideration of the available evidence. Any evidence submitted must be in writing, and you must be able to demonstrate that:

- it was in existence at the time of the inspection
- it was made available to the inspector(s) during the inspection
- it was not taken into account by the inspector(s) in reaching their judgements.

A senior inspector from the inspectorate that led the inspection will consider the evidence put forward. The senior inspector will consider the case and, where it is judged appropriate, visit the provider or organisation and collect additional evidence if necessary. You will normally receive a response within 20 working days of the receipt of the letter. The publication of a report will not normally be delayed even though a complaint has been made.

Requests for internal review should be addressed to:

Head of Post-compulsory Education Division

Ofsted

Alexandra House

33 Kingsway

London

WC2B 6SE

Complaint against the conduct of the inspection or an inspector

A provider or organisation may make a formal complaint if it has evidence that the conduct of the inspection or a member of the inspection team did not meet the requirements of the inspectorates – as set out in the Code of Conduct in the inspection frameworks – and/or adversely influenced the judgements that were reached.

All complaints, whether they concern a joint- or single-remit inspection, should normally be made within 20 working days of the formal feedback meeting.

The grounds for complaint must be clearly stated in writing and all the information that you wish to be considered should be included at the outset. This will enable complaints to be dealt with more efficiently and will reduce the need to seek further information.

Ofsted will acknowledge complaints on the day they are received. The complaint will be investigated by a senior inspector in the same inspectorate as the lead inspector. However, the person responsible for the review of the complaint will not have been involved in the inspection and may visit the provider or organisation if necessary. A written response to the complaint will be made, including notification of any action which will be taken, normally within 20 working days of its receipt. Where consideration takes longer than 20 working days, Ofsted will keep you informed of progress and the reasons for delay. We will respect confidentiality, and will respond to complaints in a reasonable and even-handed manner.

If your complaint is fully or partially upheld, the response will include an apology, an explanation and, if necessary, an indication of what steps have been or will be taken to put matters right. Where allegations or complaints are not upheld the response will say so, and explain why.

Formal complaints should be addressed to:

Head of Post-compulsory Education Division

Ofsted

Alexandra House

33 Kingsway

London

WC2B 6SE

How do I present my complaint?

Structuring a request for an internal review or a formal complaint carefully will help us to deal with the issues raised more quickly and effectively. It is helpful if you provide full details of the complaint, confirm areas of dispute, where agreement has been reached and, finally, highlight those areas where agreement has not been reached. You may, therefore, wish to consider the following points:

- if one person takes responsibility for collating, co-ordinating and presenting all aspects of a complaint, it will help us to focus quickly on the issues and respond speedily
- it is also helpful if you can group the main areas of concern under headings, related, where possible, to the inspection framework
- a complaint should focus on the extent to which the inspection schedule – set out in the relevant framework – is thought to have been breached
- the degree of detail in a letter of complaint is, of course, a matter for your judgement. While it is important to ensure that we have all the necessary information, with all the points you would like recorded right from the outset, a very lengthy submission may not be the most effective way to present it
- all documentary evidence and statements should be forwarded to Ofsted at the outset, as far as possible.

What can Ofsted adjudicate on?

There are limits to the extent to which Ofsted can adjudicate on complaints. We will not second guess judgements made during the inspection. We can, however, check whether there is consistency between the evidence presented in the report and the conclusions drawn. We may also call in and scrutinise the inspection evidence base. We can also consider evidence relevant to claims that inspectors have not followed the relevant inspection framework.

Where the complaint relates to matters of conduct, it may be difficult for Ofsted to rule in favour of one party or another if there are conflicting accounts, or differing perceptions of events. Our aim is to ensure that, as far as possible, both you and the

inspector are given the opportunity to put forward your views and we will comment where we can.

Referral to Her Majesty's Chief Inspector

If you are dissatisfied with the outcome of an internal review or complaint about conduct you may write to Her Majesty's Chief Inspector (HMCI) to ask for a further review. HMCI will consider all the relevant available evidence, consulting with the Chief Inspector of the ALI where they have been involved at the earlier stage, and taking advice from an independent review team in Ofsted who have not been involved in the inspection. HMCI will normally respond within 20 working days of receipt of the request for a further review.

External review

Should you be dissatisfied with the way the complaint has been considered, you may appeal to the Independent Complaints Adjudicator for Ofsted and the ALI. The adjudicator can consider the case only after a formal complaint has been considered in accordance with the procedures set out above. The adjudicator can investigate complaints about the conduct of the inspectorate's staff, implementation of inspection procedures, maladministration (for example, mistakes and delays), the quality of response provided to you or the management of a complaint. The adjudicator cannot investigate concerns about the judgements of an inspection team nor overturn an inspector's professional judgement.

The contact details for the Independent Complaints Adjudicator are:

Elizabeth Derrington

9 Millfield Terrace

Hexham

Northumberland NE46 3EH

Tel: 01434 603913

Email: e.derrington@adjudicator.fsnet.co.uk

Where to go for advice

Any queries relating to the content of this leaflet or the handling of complaints in general should be addressed to:

The Compliance Section

Ofsted

7th Floor

Alexandra House

33 Kingsway

London WC2B 6SE

Tel: 020 7421 6846/6653/6698/6538

Email: jnorman@ofsted.gov.uk

Any questions about the handling of a particular complaint should be addressed to the Head of Post-compulsory Education Division in Ofsted.

Complaints procedure

