

Complaints about Ofsted's work: proposed improvements to the process

Consultation document

Ofsted is reviewing arrangements for the handling and investigation of concerns about our work and the conduct of our staff. We want to ensure that our approaches are closely matched to the needs of those making complaints. This consultation outlines how we propose to develop our complaints procedures. We aim to achieve a transparent process that is fair, accessible, and makes the best use of the valuable information provided by complainants to improve the service provided to children, young people and learners of all ages.

The closing date for the consultation is 13 January 2010.

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Background

1. We, at Ofsted, aim to carry out most of our work smoothly and without incident. However, we know that occasionally people may need to raise concerns about some areas of our work, or may be concerned about the way our staff have behaved.
2. We recently arranged and paid for an independent review to take a wider view on how we could improve the way we handle complaints, especially from the point of view of the person making the complaint. This led to us forming a single national complaints team, based in Nottingham, which is responsible for managing all complaints about inspections and inspectors.
3. Our proposals, outlined in the following paragraphs, show how we aim to improve our complaints procedures. We want a clear process that is fair. And, we aim to use the valuable information provided by those making a complaint to improve our service to children, young people and learners of all ages.

Investigating complaints: what we do now

4. During an inspection, we strongly urge those with concerns to raise them with the lead inspector as soon as possible so that the concerns can be sorted out while the inspection is taking place. If it is not possible to sort out concerns raised in this way, the person can decide to lodge a formal complaint.
5. A formal complaint must be made in writing. We then investigate it, within 20 working days, and send a full written response, outlining the outcome of the investigation, to the person who made the complaint. That person then has the option to ask for a review of the complaint, which is carried out by a senior manager. If the person making the complaint is still not satisfied, they can contact the Independent Complaints Adjudicator for Ofsted for an independent review. You can find our full complaints policy, *Complaints procedure: Raising concerns and making complaints about Ofsted*, on our website.¹

Investigating complaints: how we could improve the process

Contacting the person when we receive a complaint

6. At the start of the process, we are considering contacting the person who makes a complaint, ideally by phone, to:
 - clarify what has gone wrong
 - identify possible outcomes, and

¹ www.ofsted.gov.uk/publications/070080

- decide what they want to achieve through the complaint.
7. Our aim is to make contact within five working days. We believe that this personal contact will give us a better understanding of the complaint.
 8. If this is successful, we would then send written confirmation of the points covered and a summary of the issues discussed and agreed. We hope that we can sort out more complaints satisfactorily at an early stage in the process without the need to carry out a full investigation.
 9. We are committed to keeping our existing timeframe of investigating complaints within 20 working days. Our initial phone call to the person making the complaint would take place before the start of the investigation. If the complaint is not sorted out satisfactorily during the conversation, an investigation would start on that day. We expect that it will take up to five working days to contact the person at a time that is convenient for them. We will not start the full investigation later than the sixth day after we have received a complaint, whether or not we have successfully contacted the person.

The difference between complaints about judgements, and complaints about conduct or process

10. If a complaint is not sorted out during the initial phone call, we will discuss and agree with the person whether the complaint is:
 - a complaint about an inspection judgement, which would include concerns about the wording in reports
 - a complaint about any other aspect of our work, including concerns about staff conduct or our systems or processes, or
 - a combination of both judgement and other aspects.

Investigation

11. One of our complaints investigators would then carry out an investigation. This person will be a member of our staff who has had no previous dealings with the inspection. This investigation will consider all aspects of the complaint that we have managed to clarify during the initial phone call. It will also take account of all relevant documents and evidence.

Moderation by a panel

12. We are considering introducing a moderation stage for complaints about inspection judgements. This would be carried out by a panel made up of senior Ofsted staff with appropriate experience who are independent of the investigation into the complaint. The panel would independently review the action proposed by the investigator. The panel would also strengthen the process to reduce mistakes and inconsistencies.

Focused outcome letters

13. We are reviewing the level of information we give in our response letters at the end of the investigation. We believe that if we have discussed and agreed points at earlier stages in the investigation, we could make our responses more appropriate. We are also keen to make sure that our letters show that we value complaints as opportunities to improve our service and are not seen as defensive. To achieve this, our responses will focus more on the main issues of concern. We will always willingly admit if we have got something wrong.

Continuing to improve the process

14. We plan to review our complaints procedure regularly and make improvements as issues arise. We currently send a questionnaire to some people who have made a complaint to ask for their views at the end of the process. We are considering extending this so that we ask all those who have complained to fill in a satisfaction questionnaire.

Independent review by a separate team

15. In the same way we do now, we will give people who make a complaint and who are not happy at the end of the process the option to ask for a review of our initial investigation. To improve independence, in the future this stage will be handled by a separate team of our staff, based in our Manchester office. This team will be part of the Ofsted Quality Assurance function and have separate management and reporting structures to those of the complaints team.

Independent adjudication

16. In line with what we do now, if someone making a complaint is still not satisfied with the outcome of their complaint at the end of the independent review, we will tell them how to contact the independent adjudicator.

Improving how we analyse the lessons learnt from complaints

17. We value the feedback of those who complain about us. We want to learn lessons from the findings of our investigations into complaints. With the new process, we plan to introduce even better systems to do this. These will make sure that we analyse and report on the information appropriately. We want to make sure that this work helps to develop, and improve, the service that we provide.

Improved accessibility

18. We have evaluated our existing procedure and looked for ways to make it more accessible to anyone who wants to make a complaint about our work or about a judgement we have made. We are proposing to introduce online and downloadable forms for people to register their complaints. If we ask those

who want to complain to use these standard formats, it will help us to focus our investigation and make the complaints process more straightforward.

19. We are also considering allowing people to make their complaints over the phone. We would fill in the complaint form (described above) on the behalf of the person making the complaint, and return it to them so they can confirm it is accurate before we take the complaint any further.

Making sure the outcomes of complaints are clear and unbiased

20. The investigations into complaints are based on the evidence available at the time of the inspection. If clear evidence is not available, we decide the outcomes based on what is most likely to have taken place. In those cases where it is not possible to achieve a clear outcome about a complaint, we do not believe this should be expressed as 'not upheld' as we do at the moment. Instead, we are suggesting that in these circumstances we should simply express that it has not been possible to reach a conclusion in favour of one argument or the other.

The consultation

21. We believe it is important that those whose work we inspect, those who use a service we inspect, and those who represent them have a chance to give their views on the things that we do.
22. Your opinions are important to us and we greatly appreciate them. Before we decide about the changes outlined above, we want to know what you think.
23. If you have any questions about the consultation, please call 08456 404040.
24. We expect the initial feedback from the consultation to be available during January 2010 with a full report on the results available on our website by February 2010. If you would like a hard copy of the results, please contact us on 08456 404040 or by email to complaints@ofsted.gov.uk.

Annex A

Information about the consultation

We welcome your responses to this consultation paper. The consultation will stay open until 13 January 2010.

There are three ways of filling in and sending us the questionnaire and any other comments:

- fill in the online electronic questionnaire
- print the questionnaire off the internet, fill it in and post it to us
- download the questionnaire, fill it in and email it back to us as an attachment.

Online electronic questionnaire

Visit our website to fill in and send us an electronic version of the questionnaire: <http://85.234.135.179/index.php?sid=66637>.

Print and post

Visit our website to print a Word version of the questionnaire that you can fill in by hand: www.ofsted.gov.uk/publications/090255. When you have filled in the questionnaire, please post it to:

Ofsted National Complaints Team
Building C
Cumberland Place
Nottingham
NG1 6HJ.

Download and email

Visit our website to download a Word version of the questionnaire that you can fill in on screen: www.ofsted.gov.uk/publications/090255. When you have filled in the questionnaire, please attach it to an email and send it to: complaints@ofsted.gov.uk. Please put 'complaints consultation' in the subject line.

What happens next?

Publishing the responses

We aim to provide initial feedback from the consultation during January 2010, with a full report on the results available on our website by February 2010. If you would like a hard copy of the results, please contact us on 08456 404040 or by email to complaints@ofsted.gov.uk.

Finalising the processes

When we have finished the consultation, we will finalise our new complaints procedure and publish this on our website.

The consultation questionnaire

Confidentiality

We will keep the information you provide. We will only use it:

- for the purposes of consultation and research
- to help us to become more effective and shape our policies, and
- to improve how we inspect and regulate the provision of care, education and training.

We will not release your identity to anyone. However, we may publish an organisation's views.

Are you responding on behalf of an organisation?

No Please fill in section 1

Yes Please fill in section 2

Section 1

I am:

- a carer
 - a child
 - a childcare provider
 - a governor or board member
 - a manager
 - a parent
 - (please tick if you are a member of our parents' panel)
 - a teacher/lecturer/trainer
 - a young person
 - an adult learner
 - an employee
 - an employer
 - other
 - (please specify)
-
- prefer not to say

Section 2

If you are filling in the consultation on behalf of an organisation and would like us to consider publishing the views of your organisation, please say so below.

Organisation: _____

I represent:

- adult learners
 - childcare providers
 - childminders
 - children
 - further education or adult learning providers
 - head teachers
 - local authorities
 - parents
 - school governors or board members
 - social care providers
 - teachers
 - young people
 - another type of organisation
(please specify)
- _____

Have you made a complaint to us about our work within the past three months?

- Yes
- No

Have you ever made a complaint to us about our work?

- Yes
- No

For each of the following questions, please choose the option that most closely fits your view

Q1. We are proposing to introduce a period at the start of the complaints process during which we will talk to the person making the complaint to clarify what has gone wrong, identify possible outcomes, and find out what they are aiming to achieve through the complaint. We think that it may be possible to sort out some complaints at this stage in the process.

Do you agree that it would be helpful if, when we receive a complaint, we contact the person making it to clarify the main aspects of the complaint? This would include whether the complaint is about conduct or the process or inspection judgement. We aim to sort out the complaint at the earliest stage possible.

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q2. At the moment, we send a letter to the person making the complaint to acknowledge that we have received their complaint and to outline the process and how long they should expect to wait for the full response letter. As we are proposing to contact people by phone, within five working days wherever possible, we believe that we do not need this written acknowledgement. For example, the letter could arrive after the phone call. Instead, we will write after the call or if it has not been possible to make contact by phone.

Do you agree that if we have successfully contacted someone by phone, we do not need to send a letter that simply acknowledges that we have received the complaint?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q3. The current complaints process aims to complete the investigation and provide a response within 20 working days of receiving the complaint. We are considering adding a period of up to five days at the start of the process to allow time to phone the person, as described above.

Do you agree that starting the formal investigation from the date that we successfully contact the person by phone, up to five days after we received the complaint, is acceptable?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q4. If we have successfully sorted out a complaint after our initial phone call, we are proposing to send written confirmation of this. This would include a brief summary of the points discussed and agreed.

Do you agree that written confirmation of the outcome of this phone conversation would be helpful?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q5. For complaints about an inspection judgement or the content of a report, we are considering introducing a review of the outcome of the investigation by a panel of inspectors which will not be linked to the complaints process.

Do you agree that it would improve the complaints process if complaints about the inspection judgements and report wording were to be moderated by a panel not linked to the process?

<p>Strongly agree</p> <p style="text-align: center;"><input type="checkbox"/></p>	<p>Agree</p> <p style="text-align: center;"><input type="checkbox"/></p>	<p>Neither agree nor disagree</p> <p style="text-align: center;"><input type="checkbox"/></p>	<p>Disagree</p> <p style="text-align: center;"><input type="checkbox"/></p>	<p>Strongly disagree</p> <p style="text-align: center;"><input type="checkbox"/></p>
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Comments

Q6. At the end of the process, we send a letter to the person making the complaint. We are reviewing these letters as we believe that they could be more concise and appropriate, particularly about aspects which have been discussed and agreed and a full account of the issues and related arguments is not needed.

Do you agree that we should make our response letters more concise and appropriate if we have already agreed certain aspects of a complaint?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q7. We plan to review our complaints procedure to make sure that it is still accessible and focused on the user. We propose sending a questionnaire to everyone who makes a complaint to us after we have dealt with their complaint. The aim of the questionnaire will be to see how satisfied they were with the process and to see if they have any views on how it may be improved.

Do you agree we should send a customer-satisfaction questionnaire?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q8. An important part of the current complaints procedure is that those people who are still unhappy at the end of the process can ask for a review of the decision. In the future this review stage will be handled by a separate team, based in a different office, to make the process even fairer.

Do you agree that handling the review stage of the complaints process using a separate team in a different Ofsted office will make our decisions fairer?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q9. We are committed to using the valuable insight given to us by those making complaints about our work. The new complaints team will improve systems so we use the lessons learnt from investigating complaints to improve the service that we provide. We are interested to know what level of feedback those who complain to us would like to receive about the lessons we have learnt.

Do you agree that we should report publicly on the lessons we have learnt from complaints?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q10. We are determined to ensure that our complaints process is fully accessible and does not prevent anyone from making a complaint if they want to do so. As with the current process, we will accept complaints made by email or letter. We are considering introducing a form that would be available in paper and electronic form, as well as on our website. We think that this form will make it easier for people to provide the appropriate level of information so we can deal with the complaint efficiently and effectively.

Do you agree that a form for complaints would make the complaints process more accessible?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q11. We currently ask for complaints to be made in writing. However, we are considering allowing people to make their complaints over the phone. We would fill in a complaint summary form on their behalf and return it to them so they can check that the details we have are accurate before we begin the investigation.

Do you agree that people who want to complain to us should be able to do so over the phone if they prefer, rather than in writing?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

Q12. We decide on the outcome of an investigation using evidence provided by the person making the complaint and that gathered by investigation. In some cases the evidence is equal on both sides and we cannot reach a conclusion. We do not think that in these situations the complaint should be treated as 'not upheld'. Instead, we feel that we should simply state that it has not been possible to reach a conclusion about the complaint.

Do you agree that in the cases where there is not enough evidence to decide whether a complaint is 'upheld', we should simply say that we cannot reach a conclusion, rather than treating the complaint as 'not upheld'?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>
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Comments

What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those who want to take part.

Please tell us what you thought of this consultation process by ticking the box for the answer that most closely represents how you feel about each of the statements below.

The information on the consultation was easy to find and understand.

- Agree
- Neither agree nor disagree
- Disagree

I had enough information about the consultation topic.

- Agree
- Neither agree nor disagree
- Disagree

I would take part in a future Ofsted consultation.

- Agree
- Neither agree nor disagree
- Disagree

How did you hear about this consultation?

- Ofsted website
 - *Ofsted News*
 - *talisman*
 - Ofsted conference
 - Another organisation (please specify, if known)
-
- Other (please specify)
-

Is there anything you would like us to improve on or do differently for future consultations? If so, please tell us below.

Thank you for taking part in our consultation.

Additional questions about you

If you are responding to this consultation as an individual, please fill in this section. Your answers to the following questions will help us to evaluate how successfully we are communicating with all sections of society. **All your responses are confidential and you do not have to answer every question.**

Please tick the appropriate box.

1. Gender

Female <input type="checkbox"/>	Male <input type="checkbox"/>	Trans male <input type="checkbox"/>	Trans female <input type="checkbox"/>
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2. Age

Under 14 <input type="checkbox"/>	14–18 <input type="checkbox"/>	19–24 <input type="checkbox"/>	25–34 <input type="checkbox"/>	35–44 <input type="checkbox"/>	45–54 <input type="checkbox"/>	55–64 <input type="checkbox"/>	65+ <input type="checkbox"/>
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3. Ethnic origin

(a) How would you describe your national group?

British or Mixed British	<input type="checkbox"/>
English	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Scottish	<input type="checkbox"/>
Welsh	<input type="checkbox"/>
Other (specify if you wish)	<input type="checkbox"/>

(b) How would you describe your ethnic group?

Asian		Mixed ethnic origin	
Bangladeshi	<input type="checkbox"/>	Asian and White	<input type="checkbox"/>
Indian	<input type="checkbox"/>	Black African and White	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>	Black Caribbean and White	<input type="checkbox"/>
Any other Asian background (specify if you wish)	<input type="checkbox"/>	Any other mixed ethnic background (specify if you wish)	<input type="checkbox"/>
Black		White	
African	<input type="checkbox"/>	Any White background (specify if you wish)	<input type="checkbox"/>
Caribbean	<input type="checkbox"/>	Any other ethnic background	
Any other Black background (specify if you wish)	<input type="checkbox"/>	Any other background (specify if you wish)	<input type="checkbox"/>
Chinese			
Any Chinese background (specify if you wish)	<input type="checkbox"/>		

4. Sexual orientation

Heterosexual <input type="checkbox"/>	Lesbian <input type="checkbox"/>	Gay <input type="checkbox"/>	Bisexual <input type="checkbox"/>
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5. Religion/Belief

Buddhist	<input type="checkbox"/>	Muslim	<input type="checkbox"/>
Christian	<input type="checkbox"/>	None	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	Any other, please state:	<input type="checkbox"/>
Jewish	<input type="checkbox"/>		

6. Disability

Do you consider yourself to be disabled	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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