

Complaints procedure

Raising concerns and making complaints about Ofsted

Age group: All

Published: April 2007

Reference no: 070080

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No. 070080 Published April 2007
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Complaints procedure

Raising concerns and making complaints about Ofsted

The procedure covers concerns and formal complaints about Ofsted's inspection and regulation activity and the work of our staff including:

- childminding and day care
- social care services for children
- children's homes
- family centres
- adoption and fostering services and agencies
- the Children and Family Court Advisory and Support Service (CAFCASS)
- children's services in local authorities
- maintained schools
- independent schools and the Independent Schools Inspectorate
- initial teacher training
- further education colleges and 14–19 provision
- work-based learning and funded training
- education and training in prisons and other secure establishments
- adult and community learning

This procedure does not cover complaints about joint area reviews and annual performance assessment which are subject to separate procedures: Complaints about children's services inspections: www.ofsted.gov.uk/publications/2600

Principles of the complaints procedure

The procedure aims to be:

- easily accessible and well publicised
- simple and easy to use.

Complaints will be handled in accordance with the following principles:

- complaints will be handled speedily and with rigorous standards for action and keeping people informed
- the process will be consistent, treating people in similar circumstances in similar ways
- investigation of complaints will be thorough and objective
- we will consider and respond to complaints in a fair and even-handed way
- a full response will be provided which addresses all the issues raised
- we will respect confidentiality, both with regard to those who complain and those who are the subject of a complaint
- clear information will be provided on what to do if people are unhappy with the response including the opportunity for further internal and independent review

- complaints will be regularly monitored
- actions will be identified where necessary to secure improvements.

Introduction

Ofsted anticipates that the great majority of its work will be carried out smoothly and without incident. However, we recognise that on occasion there may be a need to raise concerns about some aspect of our work, or there may be concerns about the conduct of our staff.

Ofsted, and the other inspectorates that we work with, take complaints seriously: we view them as an important addition to our own quality assurance measures. They can alert us to difficulties or uncertainties in the system and may lead us to issue guidance to inspectors.

We will investigate any complaint rigorously and make every effort to resolve the issues as quickly as possible. 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.

Just as it is one of our principles to respect confidentiality, Ofsted asks complainants to be sensitive to the fact that complaints about inspections are often about the work of named or identifiable individuals and not to copy their complaint to parties outside Ofsted.

Her Majesty's Chief Inspector has overall responsibility for complaints about Ofsted's work. Where complaints are addressed direct to the Chief Inspector, she will refer them to be dealt with under the procedures described in this document in order that all complainants receive consistent treatment.

Ofsted's working definition of a complaint is any expression of dissatisfaction in relation to our actions that needs a response. However, many concerns can be resolved informally, as described in section A below. Only a formal complaint made in writing will be dealt with under the formal complaints procedure in section B.

Safeguarding the welfare of children is part of our core business and that of our inspection partners. Ofsted has adopted a definition of safeguarding that includes what is commonly understood as child protection; this encompasses anything that involves an assault on a child, or any action or omission that may cause physical or emotional harm. Complaints regarding safeguarding concerns are not dealt with within this procedure. If your complaint relates to such a concern, you should contact us immediately on 08456 404040 and this will be referred to one of Ofsted's Responsible Safeguarding Officers who are responsible for initially investigating such concerns outside this procedure. You can read more about Ofsted's commitment to safeguarding children in our Safeguarding Policy.

Raising concerns during an inspection

Resolving concerns informally

Discussion with the lead inspector (or sole inspector).

Anyone involved in or affected by an inspection is encouraged to raise any areas of concern as soon as they arise so that they can be resolved as quickly as possible while the inspection is taking place. Those with concerns are strongly encouraged to speak directly with the inspector leading the inspection, or to ask someone to speak to the lead inspector on his or her behalf. The lead inspector will do all he or she can to resolve the matters raised, undertaking any necessary discussions and seeking advice where necessary.

Inspectors, and the lead inspector in particular, should do everything possible to ensure that providers and others involved or affected by the inspection are given opportunities to air concerns or issues about the inspection while the inspectors are on the premises. They should also be sensitive to any concerns about the inspection or its findings expressed during feedback and (where applicable) when the provider is given the draft inspection report. Members of the inspection team will have access to support and guidance through the relevant inspection helpline.

Where the provider or others involved in the inspection feel that inspection judgements have ignored significant evidence, they are encouraged to raise this concern as early as possible (including after feedback and at draft report stage, where applicable) so that inspectors have an opportunity to try to resolve the matter informally before the end of the inspection or publication of the report.

If resolution of the concerns is not possible by this means, or 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 08456 404040.

Contact with the helpline

The purpose of the helpline is to support the resolution of concerns raised by callers, during the telephone call or shortly after. Wherever possible, the helpline will work to conclude the case before the end of the inspection or publication of the report.

The helpline staff will listen to the caller's concerns, check what action has already been taken to attempt to resolve them and, where necessary, question the caller to ensure a clear understanding of the concerns and what redress is expected. Depending on the nature of the concerns, they will then contact those best placed to help through one or more of the following channels:

- telephone discussion with the lead or other inspector to gather other perspectives on the situation

- telephone discussion with others nominated by the caller or suggested on the helpline
- discussion with the contractor for the inspection
- seeking advice from professional staff in the regional base or elsewhere
- suggesting further discussions between the caller and the lead inspector
- involving professional staff in the region, including the managing inspector where relevant, in further discussion with the caller or other parties to the concern.

In exceptional circumstances, particularly where the integrity or completion of the inspection could be compromised, it may be necessary to arrange a visit to an inspection.

Where the inspection is a joint inspection with one or more other inspectorates, it will usually be necessary to contact the other inspectorate(s) if the concern is about the work of their inspectors. Joint guidance will be issued by the inspectorates on how we will handle complaints about joint inspections.

Helpline staff will take responsibility for supporting resolution of the concern and will not pass the caller to others for resolution, or refuse to become involved, unless the concern is not within Ofsted's remit. They can advise, but cannot instruct the lead inspector how to act. The helpline staff will keep a written record of their involvement in each case, so that it can be used for reference in any subsequent investigation that may be necessary. Where the concern cannot be resolved during the initial or subsequent telephone calls, the helpline staff will call back to conclude the case, where possible, with a final telephone call to ensure that the initial concern has been resolved or, if this is not the case, that the caller is satisfied that everything possible has been done to resolve the concern through the helpline.

If the caller feels that the matter has not been resolved to his or her satisfaction, the helpline staff will make them aware of the option of pursuing a formal complaint and provide access to the formal procedures for doing so.

Procedure for the handling of complaints

Formal complaints

1. If it has not been possible to resolve concerns informally, individuals or providers may decide to lodge a formal complaint. Complaints could be about either the inspection and regulation activity and our report (for example, evidence, judgements, communication, the conduct of our staff or both).
2. A complaint may be made at any stage during an inspection or up to 30 calendar days from the date of publication of any report, or the end of the inspection where there is no report. Complaints may also be considered after that time in exceptional circumstances up to a maximum of three calendar months from the inspection.
3. Ofsted will not normally delay the publication of an inspection report while a complaint is investigated, though it may decide to do so in exceptional circumstances. If a complainant decides, while a complaint is under consideration, to issue legal proceedings against Ofsted, Ofsted reserves the right to suspend the complaints procedure, to avoid any confusion about the process to be followed.
4. Complaints should be addressed to:

The Complaints Manager
Ofsted National Business Unit
Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA
5. Complaints must be lodged in writing, which can include email. If a complaint is made by telephone a detailed record of the complaint will be made, but no action will be taken until a written complaint is made.
6. If due to special circumstances it is not possible for you to submit a complaint in writing we will be able to offer a transcription service. Please call 08456 404040 if you would like more details about this service.
7. It is important that Ofsted has all the information, with all the points you wish to be considered, from the outset. This will enable your complaint to be dealt with more quickly and will reduce the need to seek further information. The grounds for complaint must be clearly stated with the main areas of concern clearly set out and supported by examples. If the complaint is about judgements, it should include any evidence that was available to the inspection team that the school believes not to have been taken into account; if it is

thought that the conduct of the inspection adversely affected the judgements that were reached, the claimed effect on judgements should be demonstrated.

8. The Complaints Manager will assess the complaint in order to determine who will have responsibility for conducting the investigation and will send an acknowledgement within two working days of receipt of the complaint. This will also confirm what we will be doing and who will be responsible for contacting you again.
9. We will send a response which is informative and aims to answer all of the points of concern within 20 working days, including details of how to ask for further internal and independent review.

Internal review

10. If, having received a response to their complaint a complainant remains dissatisfied, they should write to the Complaints Review Manager and ask for an internal review. The request should normally be received by Ofsted within one month of the date of the original complaint response, and should make clear which aspects of the original complaint and the response require further review, and why.
11. Requests for an internal review should be addressed to:

The Complaints Review Manager
Alexandra House
33 Kingsway
London
WC2B 6SE

12. The Complaints Review Manager will assess the request for an internal review in order to determine who will have responsibility for conducting it and will send an acknowledgement within two working days of receipt of the request. This will also confirm what we will be doing and who will be responsible for contacting you again.
13. The internal review will be carried out by a Senior Manager within Ofsted and where necessary, further investigation will be undertaken into both the complaint itself and the processes we followed. We will aim to respond in full to the complainant within 20 working days.

Independent review

14. Following the internal review, should the complainant be dissatisfied with the way their complaint has been considered, they may appeal to the Independent Complaints Adjudicator (ICA) for Ofsted:
 - By post: PO Box 3124 Swindon SN6 8WD

- By email: e.derrington@adjudicator.fsnet.co.uk
15. 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 inspectors, other members of the inspectorate's staff, implementation of inspection procedures, maladministration (for example, mistakes and delays), the quality of response provided to a complainant 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.
 16. Further information about the ICA's procedures and remit can be found at: www.ofsted-aliadjudicator.co.uk
 17. Should a complainant be dissatisfied with the ICA's decision then the Parliamentary and Health Service Ombudsman may be able to consider the case. Details of the Ombudsman are available at www.ombudsman.org.uk.