

The purpose of this document is to offer guidance on raising concerns and making complaints about joint inspections by Ofsted and the Adult Learning Inspectorate under section 71 of the Learning and Skills Act 2000, and inspections solely within Ofsted's remit under section 60 of that act.

The inspection of further education (FE) colleges, which have both students who are under the age of 19 and students 19 and over, fall within the joint remit of Ofsted and the ALI. These include all categories of FE college, including sixth form colleges, independent specialist colleges and dance and drama institutions. All of these joint-remit inspections are conducted under the direction of Ofsted, which also publishes the report. A joint inspection may be led by an Ofsted or an ALI inspector.

Ofsted and the ALI expect that most college inspections will be carried out smoothly. However, we recognise that some colleges may feel dissatisfied with some aspect of their inspection or inspection report.

We take complaints about inspection seriously. They will form part of the feedback we use to improve our work. Making a complaint will have no impact on subsequent working relationships between Ofsted or the ALI and the complainant.

This guidance explains how the inspectorates will deal with a complaint about an inspection or a report; it is designed for colleges, but is also open to others who may wish to complain.

What complaints are covered by this procedure?

This guidance covers concerns and complaints about:

- an inspection and report (i.e. evidence, judgements, communication)
- the conduct of inspectors.

It also sets out the principles that underpin the handling of complaints.

It does not cover concerns or complaints about inspection policy and practice outside the context of a particular inspection. Any general complaints of this kind will receive a response but will not be dealt with under this procedure.

Is a formal complaint necessary?

Before submitting a formal complaint, you are strongly 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. The best way to do this is for the college nominee, on whom the inspectorates rely to raise areas of concern

and to bring forward supporting evidence, to raise the issue with the lead inspector. Nominees are given opportunities to do so before inspection, at the planning stage, during inspection and at the regular team meetings. The nominee will also be present after inspection during formal feedback and when accuracy checks are made on the text of the report. The inspectorates regard constructive dialogue of this kind as an intrinsic part of the inspection process, which assists them in reaching secure judgements. Notwithstanding these arrangements, the Principal or other members of staff may also raise concerns direct with the lead inspector as soon as they arise, the important thing being that inspectors have the opportunity to try to resolve the matter informally before the end of the inspection or publication of the report. If this is not possible, you may call the Ofsted helpline (see contact details at end).

Where the concern is about judgements at any stage, including feedback and draft report stage, and the college believes that material evidence has been presented to the inspection team and neglected, this should be raised with the lead inspector, or with Ofsted helpline staff, who will take advice from senior managers in Ofsted or the ALI. In some cases, it may be appropriate for a second inspector to review part of the evidence base and any evidence the college wishes to present, provided it can demonstrate that such evidence was available to the inspection team. The college will be informed of the steps taken to address the concern and any amendments made to the draft report. Nothing here, however, is intended to prevent a college from going direct to the formal complaints procedure below.

How to submit a formal complaint

If your concern is not resolved informally as described above, and you wish to make a formal complaint, you should do so in writing to the complaints manager in your region at the address at the end of this guidance.

When can you complain?

A formal complaint may be made at any stage during an inspection or up to 30 days from the date of publication of any report. Normally, complaints will not be considered after that time, except in exceptional circumstances. Ofsted will not normally delay the publication of an inspection report while a complaint is investigated.

How to present your complaint

The grounds for complaint must be clearly stated in writing with the main areas of concern clearly set out and supported by examples. If the complaint is about judgements, only evidence that was available to the inspection team that the college believes not to have been taken into account should be included; 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. All the information you wish to be considered should be included at the outset. This will enable your complaint to be dealt with more quickly and will reduce the need to seek further information from you. Please note that your complaint will need to be disclosed to the lead inspector and any other inspectors involved. The complaint should be addressed to the complaints manager in the relevant region (see contact details at end).

How will the complaint be handled?

The complaints manager will record your complaint and acknowledge it within two working days of receipt. The complaint will be referred to an investigating officer, who will be a senior inspector in the inspectorate from which the lead inspector came, who has not been involved with the inspection. Complaints will not normally be investigated by the manager of the inspector complained about.

The investigating officer will obtain the views of the lead inspector and any other inspectors involved in the complaint. Where appropriate, the investigating officer will arrange for a review of all or part of the evidence base by a specialist inspector not previously involved in the inspection.

Outcome of complaints

You will receive a response from the investigating officer, normally within 20 working days of your complaint. Where this timescale cannot be met, the investigating officer will be in touch to explain why. The response will aim to answer all of the points of concern and reach a conclusion on each. It will make clear the evidence on which conclusions are based, and where appropriate it will contain, for example, an apology, an amendment of the report or an indication of the steps taken to put matters right. These can include amendment of the report where necessary. Where a definitive conclusion cannot be reached about any aspect of a complaint, the response will explain why.

What happens if you are dissatisfied?

If you are dissatisfied with the response, you may write to the complaints manager within one month of receipt of the response to ask for a review of the handling of the complaint. This will normally be carried out by the regional divisional manager on behalf of the director of education, consulting the director of inspection of the ALI where they have been involved at the earlier stage. The director will aim to respond to you within 20 working days.

Independent Adjudication

If, after the above procedures have been exhausted, you remain dissatisfied with the way your complaint has been handled you may ask for your complaint to be considered by the **independent complaints adjudicator (ICA) for Ofsted and the Adult Learning Inspectorate**. Any such request must be made within three months of Ofsted's final response. The ICA is independent of Ofsted and has the right to communicate directly with the public and to produce an annual report. The address of the ICA can be found at the end of this leaflet.

The ICA can consider the case only after a formal complaint has been considered in accordance with the procedures set out above. The ICA can investigate complaints about the conduct of the inspectorate's staff, implementation of inspection procedures, maladministration (e.g. mistakes and delays), the quality of response provided to a complainant or the management of a complaint. The ICA cannot investigate concerns about the judgements of an inspection team or overturn an inspector's professional judgement.

Where a complaint is accepted by the ICA, she will liaise as necessary with the regional complaints manager, who will supply relevant files and papers. Further information about the ICA's procedures for reviewing a complaint can be found on the ICA website (see end of document).

If you are dissatisfied with the ICA's decision, the **ombudsman (parliamentary commissioner for administration)** may be able to consider your case. The ombudsman may consider a case without the ICA having considered it first, but the ICA would not be able to consider a complaint subsequently.

Principles of complaints handling

Every effort will be made to resolve complaints informally. Formal 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
- complaints will be regularly monitored
- actions will be identified where necessary to secure improvements.

Contacts

Ofsted helpline

08456 404045

Complaints managers

Southern region

Ofsted education directorate
1 The Square, Temple Quay
Bristol, BS1 6HB

Northern region

Ofsted education directorate
7th Floor, West Point
501 Chester Road
Manchester, M16 9HU

Midlands region

Ofsted education directorate
3rd floor, The Frontage
Queen Street, Nottingham
NG1 2AR

Independent complaints adjudicator

Elizabeth Derrington,
9 Millfield Terrace, Hexham,
Northumberland, NE46 3EH

Tel/fax: 01434 603913

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

website: www.ofsted-aliadjudicator.co.uk

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

Head of Complaints and Legal Team
Institutional Inspections and Frameworks
Division, Alexandra House, 33 Kingsway,
London WC2B 6SE

Any questions about the handling of a particular complaint should be addressed to the regional Complaints Manager.