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Open consultation

Consultation proposals for changes to Ofsted's post-inspection processes and complaints handling

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This consultation seeks your views on our proposals for changes to Ofsted's post-inspection processes and complaints handling, including how we handle complaints about our work. We are seeking the widest possible range of views to ensure that our revised procedures are closely matched to the needs of inspected providers and those making complaints. Your feedback will help us refine and improve our proposed approach. The closing date for this consultation is 31 March 2020.

About Ofsted

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people and in education and skills for learners of all ages.

Purpose and background to the consultation

Following a review of post-inspection arrangements across all of our work, we are proposing some improvements to the way that we finalise our inspection reports and handle any complaints received. This includes complaints about inspections and the conduct of our staff.

These proposals, if agreed, will enhance our current arrangements to deal with any queries or concerns about an inspection quickly and before an inspection report is finalised.

It is important that providers of the services that we inspect and regulate, service users and those involved in the work that we carry out have a chance to offer their views, and we welcome your feedback on our proposals.

The aim of the consultation

The aim of the consultation is to seek feedback on our proposed changes for improving the way that we finalise our inspection reports and our complaints-handling arrangements.

We will use the responses to inform our new arrangements that we aim to introduce from September 2020. The consultation runs from 3 March 2020 to 31 March 2020.

A report on the outcome of the consultation will be published on our website before 8 May 2020.

Proposals

Building on the strength of our existing post-inspection and complaints-handling arrangements, we propose to:

- provide greater consistency in post-inspection arrangements across our work
- allow all inspected providers 5 working days to review their draft report and submit any comments about issues of factual accuracy and the inspection process for us to consider before we finalise the report
- consider and respond to formal complaints from inspected providers before we publish their inspection report, if these complaints are submitted promptly
- retain current arrangements for internal reviews into complaints handling, including the scrutiny panel

Proposal 1: provide greater consistency in post-inspection arrangements across our work

As set out in our inspection handbooks and on our website, we have different post-inspection arrangements in place across and also within the remits that we inspect.

We are proposing to provide greater consistency in post-inspection arrangements across our work. This will include implementing a new and consistent post-inspection timeline that will apply across all inspection remits. This will mean that, for example, all providers should expect to see their draft report within 18 working days of the end of their inspection, and we will aim to issue all final reports to providers within 30 working days of the end of the inspection.

Proposal 2: allow all inspected providers 5 working days to review their draft report and submit any comments about issues of factual accuracy and the inspection process for us to consider before we finalise the report

We recognise the importance of getting our inspection judgements right.

An important part of our post-inspection arrangements is sharing a draft of the report with the inspected provider before we finalise it. However, we currently have different arrangements for this across the remits that we inspect. This limits the opportunity for some inspected providers to have as effective an input into the finalising of their reports as they might want.

As a result, we are proposing to allow all inspected providers 5 working days to review their draft report and submit any comments about issues of factual accuracy and the inspection process for us to consider before we finalise the report.

This extended period will allow all inspected providers the same opportunity to

raise any issues of factual inaccuracy in their draft report, or to comment on any aspect of the inspection process. We will consider all submitted comments before we issue the final inspection report to a provider.

Proposal 3: consider and respond to formal complaints from inspected providers before we publish their inspection report, if these complaints are submitted promptly

Our current complaints procedure requires inspected providers to submit formal complaints within 10 working days of the issue of concern happening. In addition to this, we will not normally withhold publication of an inspection report while we consider a complaint, because there is a public interest in the prompt publication of all inspection reports.

However, this does mean that, on occasion, we need to take action after we have published a report when a complaint investigation highlights an error in the inspection process.

As a result, we are proposing to consider and respond to formal complaints from inspected providers before we publish their inspection report, if these complaints are submitted promptly.

Given that we are introducing an improved opportunity for inspected providers to submit any comments before we finalise their inspection report, we expect that most concerns will be resolved without the need for a formal complaint to be submitted. So that the publication of a report is not overly delayed, if an inspected provider wants to raise a formal complaint, they will need to submit this within 2 working days of them being issued with their final report. If an inspected provider submits a formal complaint within this period, we will withhold publication of the inspection report until we have considered and responded to the complaint. We will not normally consider a complaint from an inspected provider outside of the complaint deadline, because the submission will be deemed to be 'out of time'.

Proposal 4: retain current arrangements for internal reviews into complaints handling, including the scrutiny panel

If a complainant remains dissatisfied and chooses to escalate their concerns further, the last step in our complaints-handling process is an independent review of the process carried out. Significantly, to add further scrutiny and independence, this includes an external sector representative contributing to a panel discussion. This external view has added transparency to how we handle complaints, and

external panel members have commented very positively on how we have handled concerns about our work.

As a result, we are proposing to retain these current arrangements for reviews into complaints handling, including the scrutiny panel. This will allow external sector representatives to continue to contribute to a final review of escalated complaints cases, ensuring that the complaint-handling process remains independent, thorough and transparent, and continues to feed into organisational learning. When a scrutiny panel finds fault in the complaints-handling process, this may lead to us further considering the issues of concern.

Consultation process

We welcome your responses to this consultation paper. The consultation opens on 3 March 2020 and closes on 31 March 2020.

The information you provide us with will inform our new post-inspection arrangements and how we handle complaints about our work.

We will publish on our website a report on the outcome of this consultation before 8 May 2020.

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