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Open consultation

Equality, diversity and inclusion statement

Published 3 March 2020

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Introduction

This document sets out Ofsted's consideration of how the proposed changes to its post-inspection processes and complaints-handling arrangements will enable Ofsted to fulfil the requirements of the Equality Act 2010, including the public sector equality duty (PSED) set out in section 149 of the Equality Act 2010.

The PSED requires Ofsted, when exercising all its functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant

protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

We are publishing this statement as part of the 'Consultation proposals for changes to Ofsted's post-inspection processes and complaints handling'. This statement sets out our assessment of the equality, diversity and inclusion implications linked to the proposed new arrangements before consultation.

We will consider any consultation comments received that raise matters related to equality, diversity and inclusion. This may result in changes to the proposals. We will reflect any comments received in our published consultation response, and may publish a revised version of this equality, diversity and inclusion statement.

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

How the proposed new arrangements may impact on those with protected characteristics and the 3 PSED aims

We have considered how the proposed new arrangements could have an impact on individuals or groups of people with protected characteristics. We have also considered whether the proposals meet the 3 PSED aims.

Our intention is to ensure that our post-inspection processes and complaints-handling procedures are better able to support the advancement of equality, diversity and inclusion. Given that the proposed new arrangements will mean that all inspected providers will have an enhanced and consistent opportunity to comment on their inspection findings before their report is finalised, with standardised timelines and deadlines for providers across all our remits, we

believe that it will have a positive impact overall for all providers wishing to raise concerns, including those with protected characteristics.

We believe that the protected characteristics that are of particular relevance to the proposed new arrangements are:

- age
- disability
- race
- religion or belief
- sex

Eliminating discrimination and advancing equality of opportunity

As stated above, the proposed new arrangements will apply to all inspected providers, thereby providing an enhanced and consistent opportunity for them to comment on their inspection findings before their report is finalised.

New documentation will support all providers through the new processes, including an updated online form to be used should a provider or other individual wish to submit a formal complaint.

In exceptional circumstances, we will support providers and complainants outside of our normal processes. For example, if a complainant cannot access an online form or submit a complaint within the deadline set, we will consider whether to exceptionally accept a complaint outside of normal process on a case-by-case basis, as we do now. This will ensure the advancement of equal opportunity and the promoting of good relations for providers and complainants with protected characteristics.

Developing good relations

The proposed new arrangements are intended to have a positive impact on Ofsted's relations with all providers by providing all providers clarity and consistency in treatment.

The proposed changes will also ensure that we consider concerns before publication of all inspection reports.

The proposals seek to ensure a fair and transparent system for all providers.

Monitoring and evaluation

We do not anticipate that the proposed new arrangements will have a disproportionate impact on individuals or groups who share protected characteristics. We consider that we have given full and appropriate consideration to all elements of the PSED.

The consultation process on the proposed new arrangements provides the opportunity for all stakeholders to raise any concerns they may have in relation to equality, diversity and inclusion. This statement may need to be revised in the light of any responses received. If revised, we will re-publish it with our report on the outcome of the consultation.

We will also monitor the implementation of any new post-inspection arrangements to ensure that they support effectively all providers and complainants, and to ensure that no particular group is affected negatively.

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