



# Consultation outcome

## Equality, diversity and inclusion statement

Updated 16 July 2020

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## Introduction

This document sets out how our changes to post-inspection processes and complaints-handling arrangements will enable us 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 our 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 revised document as part of the report on the responses to the [‘Changes to Ofsted’s post-inspection processes and complaints handling’ consultation](#). This statement sets out our updated assessment of the equality, diversity and inclusion implications linked to the new arrangements after we considered the responses to the consultation. As set out in the consultation report, we considered carefully all comments received that raised matters related to equality, diversity and inclusion, alongside all other comments received. Based on an analysis of all relevant factors, we will be taking forward the implementation of the new arrangements as set out below.

## New arrangements

Building on the strength of our existing post-inspection and complaints-handling arrangements, we had proposed the following:

- proposal 1 – provide greater consistency in post-inspection arrangements across our work
- 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
- proposal 3 – consider and respond to formal complaints from inspected providers before we publish their inspection report, if these complaints are submitted promptly
- proposal 4 – retain current arrangements for internal reviews into complaints handling, including the scrutiny panel

Under proposal 3, we had stated that we would consider and respond to formal complaints from inspected providers before we publish their inspection report, if they submit these complaints within 2 working days. On reviewing the responses to this proposal, it was clear that there was strong support for us to consider any complaint before we publish a report on our website. However, several respondents across all remits were of the view that 2 working days was not sufficient time to submit a formal complaint. As a result, we have decided to extend the period for all providers to submit a complaint to 5 working days from when we issue the final draft report to the provider.

We have decided that this extended period is sufficient for a provider to submit a complaint because it mirrors the period that providers have to comment in response to receiving the draft report, while minimising delay in the publication of the final inspection report. This amendment will support those with protected characteristics who might have found it difficult to meet the deadline initially proposed. It also supports advancing equality of opportunity and developing good relations between Ofsted and all our service users.

Ofsted will now take forward the implementation of these updated changes to its post-inspection and complaintshandling arrangements.

## How will the updated new arrangements impact on those with protected characteristics and the 3 PSED aims?

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

As stated above, 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 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 the new arrangements will have a positive impact overall for all providers, including those with protected characteristics. Where appropriate, we will make further reasonable adjustments for those who require them. Respondents to the consultation were also very supportive of the new arrangements, as set out in the consultation report.

We have considered again the impact of the new arrangements on individuals or groups with any protected characteristics through the consultation process.

## Age, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, sex and sexual orientation

We believe that the new arrangements are appropriate and that there is suitable provision to deviate from the normal process when necessary. We do not believe that the new arrangements disadvantage anyone because of any of these protected characteristics. There were no explicit comments raised in consultation responses that implied that the new arrangements would disadvantage individuals or groups with these protected characteristics in any way.

After considering all consultation responses, we believe the new arrangements to be appropriate.

## Disability

We believe that the new arrangements are appropriate and that there is suitable provision to deviate from the normal process when necessary. Should someone struggle to access the new arrangements because of a disability (for example, if a disability prevents access to the online complaints form), then we can make reasonable adjustments. There were no explicit comments raised in consultation responses that implied that the new arrangements would disadvantage individuals or groups in any way because of disability. Our decision to extend the period in which a provider can comment on their draft report, and the extension through the consultation process to the period in which a provider can raise a formal complaint, will support those who might struggle to access our processes.

After considering all consultation responses, we believe the new arrangements to be appropriate.

## Religion or belief

We believe that the new arrangements are appropriate and that there is suitable provision to deviate from the normal process when necessary. We do not believe that the new arrangements disadvantage anyone because of religion or belief.

There were a small number of comments received in consultation responses citing concerns about how our inspection process unfairly disadvantages faith schools. Some respondents stated that inspectors are not always aware of or respectful towards faith communities, while others commented that there was a bias towards an increased secularisation of education. We reject these assertions and that there is any bias in our work with faith settings. There is no evidence, either from inspection grades or from within complaints information, that we are biased against faith schools and that these schools are not inspected fairly and reasonably. In fact, the inspection grade profile is more positive for faith schools than for non-faith schools, with latest inspection outcomes showing that 88% of faith schools are graded good or better compared to 85% of non-faith schools.

Inspections and regulatory activities are subject to a range of rigorous quality assurance steps. If we receive an allegation through a complaint in relation to any aspect of our work, we will deal with this fairly, thoroughly and efficiently. If we find that a mistake has been made, we will take prompt action to put things right. Our decision to extend the period in which providers can comment on their draft report, and the extension through the consultation process to the period in which providers can raise a formal complaint, will support those who might not be operating on ‘working days’ due to religious festivals.

After considering all consultation responses, we believe the new arrangements to be appropriate.

## Having due regard to the 3 aims of the General Duty (section 149) of the Equality Act 2010

In developing the new arrangements, we have considered the 3 aims of the General Duty.

## Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act

We do not believe that the new arrangements would cause anyone to be discriminated against, harassed, victimised or disadvantaged in any way.

After considering all consultation responses, we believe this to be the case.

## Advance equality of opportunity between people who share a protected characteristic and people who do not share it

We believe that the new arrangements provide the same opportunity for everyone to contribute to the process of report finalisation and to submit a complaint about our work. When a move away from the normal process is needed to support individual needs, this is possible and we will consider this on a case-by-case basis.

After considering all consultation responses, we believe this to be the case.

## Foster good relations between people who share a protected characteristic

We believe that the new arrangements encourage all providers to contribute to the process of report finalisation more than they can do currently and provide an opportunity for everyone to submit a complaint about our work.

After considering all consultation responses, we believe this to be the case.

## Monitoring and evaluation

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

The consultation process provided the opportunity for all stakeholders to raise any concerns that they may have had in relation to equality, diversity and inclusion. We published an equality, diversity and inclusion statement with the consultation, which we have subsequently revised in light of the responses received. We are now publishing the revised version alongside our report on the outcome of the consultation.

We will monitor the implementation of our new post-inspection arrangements to ensure that they effectively support all providers and complainants, that they do not lead to any unintentional indirect discrimination and that no particular group is affected negatively.

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