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Open consultation

Changes to Ofsted's post-inspection arrangements and complaints handling: proposals 2023

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Applies to England

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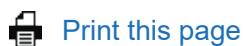
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This consultation seeks your views on our proposals for changes to Ofsted's post-inspection arrangements, including how we handle complaints about our work. We are seeking the widest possible range of views to make sure our revised procedures are closely matched to the needs of those we regulate and inspect (who we refer to collectively as 'providers' of education and care) and those making complaints. Your feedback will help us refine and improve our proposed approach ahead of implementation.

The closing date for this consultation is Friday 15 September 2023.

About Ofsted

Ofsted is the Office for Standards in Education, Children's Services and Skills. We inspect services providing education and skills for learners of all ages. We also inspect and regulate services that care for children and young people.

Purpose and background to the consultation

In September 2020, following a [formal consultation](#), we introduced new post-inspection and complaints-handling arrangements across all areas of our inspection work. These are set out in our inspection handbooks and on our website. Since then, we have carried out over 50,000 inspections using the current processes.

We keep all our processes under review to make inspections as collaborative and transparent as

possible. To help us do this, we listen to the experiences of those we inspect, as well as to our inspectors. Building on current arrangements, we are now proposing some further improvements to post-inspection arrangements and how we handle challenges to inspection outcomes.

It is important to us to have a 'right first time' approach to inspections. We want to consider and resolve any issues during the inspection process, where possible. We also want providers to be able to seek a review of inspection judgements or raise other concerns about the inspection process.

In designing changes to the current arrangements, we want to keep the process simple and not overly burdensome for providers. We also want to maintain pace, so that decision-makers, parents and others are not left waiting too long for inspection outcomes to be published. Importantly, we want providers to feel that the process is fair and gives them a chance to contribute effectively, and that any challenge will be considered thoroughly. Any new process must also be deliverable within the resources and scope of Ofsted.

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

The consultation runs from Monday 12 June 2023 to Friday 15 September 2023. We will publish a report on the outcome of the consultation on our website in due course.

Proposals

We propose to:

- enhance on-site professional dialogue during inspections to help address any issues before the end of the inspection visit
- introduce a new opportunity for providers to contact Ofsted the day after an inspection if they have any unresolved concerns
- introduce new arrangements for finalising reports and considering formal challenges to inspection outcomes
- replace our current internal review process with a direct escalation to the [Independent Complaints Adjudication Service for Ofsted \(ICASO\)](#) and add a new periodic review of closed complaints, using external representatives from the sectors we inspect

Proposal 1: Enhance on-site professional dialogue during inspections to help address any issues

Effective communication is key to successful inspections. Our inspection handbooks set out how inspectors will engage positively and professionally with providers. This professional relationship

helps to make sure that we can quickly address any queries, misconceptions or concerns during the inspection visit.

Inspectors routinely check with providers throughout the inspection whether they have any queries or concerns. We propose formalising this by asking inspectors to check with providers at a few specific stages of the inspection visit, where appropriate:

- during the pre-inspection notification call or when an inspector arrives on site
- at end-of-day meetings
- at the final feedback session

Inspectors can then address any issues providers raise at the time, rather than after the on-site part of inspection.

Proposal 2: Introduce a new opportunity for providers to contact Ofsted

We know that inspections are busy and that providers might reflect afterwards and think of important points that they want to raise.

We propose a new opportunity for providers to call Ofsted on the day after the end of an inspection visit, to discuss any unresolved issues. This can include:

- raising informal concerns about the inspection process and its likely outcome
- queries about what happens next
- highlighting information that they feel was not fully considered during the inspection

We will direct these calls to inspectors relevant to the type of inspection, but separate to the inspection in question. The inspectors will then discuss any issues with the provider so that they can be resolved at the earliest opportunity.

Proposal 3: Introduce new arrangements for finalising reports and considering formal challenges to inspection outcomes

The vast majority of our inspections do not raise concerns for providers, and post-inspection quality assurance processes are completed quickly. This means we can publish reports promptly for the benefit of providers, parents and other service users.

However, sometimes a provider might want to formally challenge the inspection findings. In these cases, we consider any challenge fully before we finalise and publish the report.

We propose 2 new routes that providers can go down when they receive their draft inspection report from us:

If providers want to highlight some minor points of clarity or factual accuracy, we will consider these promptly and finalise the report. We expect the vast majority of providers to follow this route. If providers choose this route, they will not normally have a later opportunity to raise a formal complaint or challenge.

If providers want to seek a review of the inspection findings and judgements, they can submit a formal complaint.

If a complaint is submitted, we will select a member of Ofsted staff independent of the inspection to investigate the challenge. We propose that this investigation includes a telephone call to the provider to explore their concerns fully and, where possible, resolve issues quickly. This will allow providers to highlight any information that they feel was not fully considered as part of the inspection process. The outcome of an investigation could result in:

- no change to a report
- changes only to the report's text
- changes to a grade, including the overall effectiveness grade
- the inspection being deemed to be incomplete and confirmation that there will be a further visit to gather additional evidence

We will also revise complaint outcome letters to be clearer for providers about the reasons for decisions made. We will send outcome letters to providers with their final report, before we publish it.

Proposal 4: Direct escalation to ICASO and adding a periodic review of closed complaints using external representatives from the sectors we inspect

We consider that the proposals in this paper, if agreed, will help us achieve a 'right first time' approach to inspections and will strengthen current complaints-handling arrangements.

As a result, we propose to remove the current internal review step in our complaints process. This is a review by Ofsted staff of how we handled the original complaint. It does not include a further investigation of the issues raised. Under the current process, complainants need to go through this step before they can contact the Independent Complaints Adjudication Service for Ofsted (ICASO)

to ask for an independent review of how their complaint was handled.

We propose instead that if complainants are concerned that we have not correctly followed our complaints-handling process, they can raise it directly with ICASO. This will reduce the burden on providers raising concerns. Instead of the current escalated levels of review, Ofsted will consider any formal complaints once, and thoroughly.

We will also introduce periodic reviews of how we handled complaints. We will take a sample of closed complaints about inspections and submit them to a panel of external reviewers. The panel will include external representatives from the sectors we inspect. They can provide challenge and transparency on how we have handled complaints about our work.

Consultation process

We welcome your responses to this consultation paper. The consultation opens on Monday 12 June 2023 and closes on Friday 15 September 2023.

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 in due course.

Respond to the consultation

Please submit your response to the consultation using our online survey.

[Respond to the consultation](#)

If you have any difficulties using the SmartSurvey tool, please email Plconsultation2023@ofsted.gov.uk with the details.

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