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Consultation outcome

# Changes to Ofsted's post-inspection arrangements and complaints handling: report on the responses to the consultation

Updated 24 November 2023

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## Introduction

On 12 June 2023, we launched a public [consultation on proposals for changes to Ofsted's post-inspection arrangements, including how we handle complaints about our work](#). The proposals intended to build on current arrangements to support a 'right first time' approach to inspections and to allow us to consider and resolve any issues during the inspection process, where possible.

The consultation ran for an extended period until 15 September 2023. This was so that any providers that were closed over the summer period were able to contribute.

## The consultation method

We sought feedback and comments through an online survey. The consultation was open to all. We particularly invited responses from:

- providers that we inspect and regulate
- service users
- those involved in the work that we carry out

In total, we received 1,576 online responses. This was an increase of over 150% from the 622 responses we received from our previous consultation in 2020 on the same subject.

We received responses from provider-representative bodies including teaching unions, individual providers and other service users. We also received a small number of responses in correspondence from provider-representative bodies.

In their responses, respondents could record that they worked in one or more of the remits that we inspect and regulate. If respondents said they worked in multiple remits (for example, in early years and schools), we counted and considered their responses once in the overall figures and also under each of the separate remit areas, for completeness. If respondents did not identify themselves as working in any remit we inspect (for example, they are a parent), we counted and considered their responses as part of the overall figures only.

We considered fully all responses and comments when deciding on the changes we will make.

Of the 1,576 survey respondents:

- 37% responded on behalf of an organisation

- 28% said that they had previously made a complaint about Ofsted
- 70% led a setting that we inspect or regulate; 17% were employed at a setting; 3% responded on behalf of a professional organisation; 3% were parents of service users
- 59% identified themselves as being from schools; 25% from early years; 6% from social care; 5% from further education and skills; and 11% did not identify themselves as being linked to a remit

All respondents could make free-text, narrative comments alongside their view on the specific proposals. Most comments related directly to the proposals. However, some were more widely about our inspection processes and complaints handling.

In deciding how to proceed, we have taken into account:

- the responses to the consultation questions, both positive and negative
- all free-text comments
- written responses received outside of the online consultation process
- our duties under the Equality Act 2010

As a result, we consider that the consultation exercise met the standards expected of a public body.

## Summary of responses

Overall, responses to all 4 proposals in the consultation were very positive. In total, over 80% of respondents supported proposals 1, 2 and 4 by stating that they 'strongly agree' or 'agree'. Just under 80% supported proposal 3.

This strong support for the proposals was broadly consistent across all the remits that we inspect and regulate. More than 75% of respondents in each remit supported each proposal.

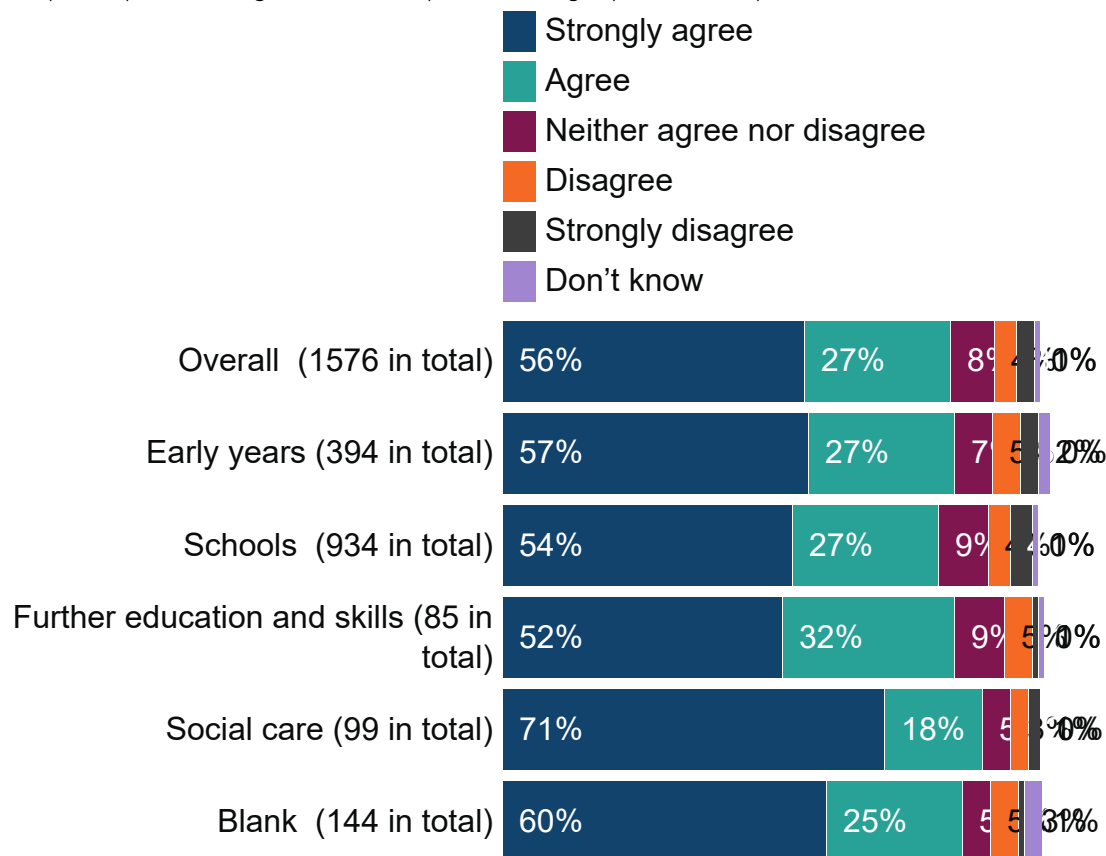
## Findings in full

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

#### Figure 1: Responses to proposal 1

[Change to table and accessible view](#)





Note: some respondents claim links to multiple remits. Percentages are rounded so may not add up to 100.

Responses to this proposal were very positive. Eighty-three per cent agreed that we should enhance on-site professional dialogue during inspection visits. This will help inspectors to address any queries, misconceptions or concerns as soon as possible.

It is reassuring that many respondents commented that good professional dialogue is already in place during inspections, at least some of the time. Some respondents commented that formalising this process will help to ensure that it happens routinely. Others emphasised that this important dialogue should continue throughout the inspection visit and not just at a few specific stages.

Although most respondents supported this proposal, some highlighted concerns about inconsistency in the inspection process based on their own experiences. They stated that it was sometimes difficult to challenge the views of an inspector or inspection team, or that their comments were disregarded.

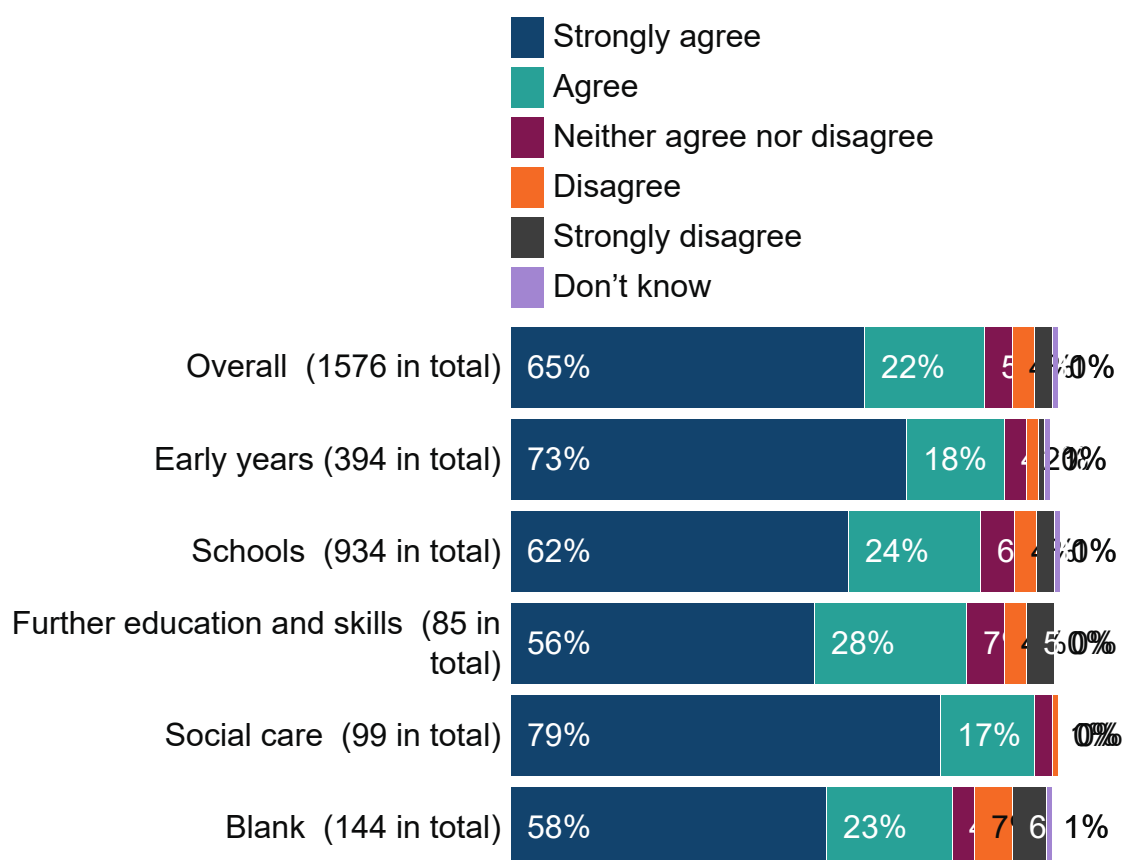
We have considered all responses and we are pleased that there has been broad support for this proposal. Effective communication is crucial to successful inspections. We help inspectors to communicate more effectively through clear guidance, regular training and developmental quality assurance arrangements. Formalising our feedback arrangements during an inspection visit will enhance this further. It will improve consistency in our inspection practice and will also ensure that providers are fully engaged in the inspection process, understand any inspection findings as they emerge and can promptly raise any queries or concerns to us.

We will be taking this proposal forward.

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

**Figure 2: Responses to proposal 2**

[Change to table and accessible view](#)



Note: some respondents claim links to multiple remits. Percentages are rounded so may not add up to 100.

Responses to this proposal were overwhelmingly positive. Eighty-seven per cent of respondents agreed that we should introduce a new opportunity for providers to call Ofsted the day after the end of an inspection visit if they have any unresolved issues.

Many respondents commented positively that the opportunity to contact Ofsted after the on-site inspection visit would be a welcome and helpful addition to current arrangements. They said that this would allow providers to highlight any issues quickly and enable us to consider them without waiting for the formal complaints process to begin. However, some respondents commented that this should be allowed beyond the day after the end of the on-site inspection visit.

There was a mixed response on who should receive these calls to Ofsted. Some respondents commented that they welcomed the opportunity to speak to an inspector independent of the inspection. They believed this would give providers additional confidence to raise queries or matters of concern. However, others commented that an inspector independent of the inspection would not know the context of the inspection or the detail of the inspection findings, and so might be unable to respond effectively to the issues raised.

We have considered all responses and we are pleased that there has been broad and strong support for this proposal. We recognise that inspections are busy and that, despite our planned

further on-site professional dialogue, some providers might reflect afterwards and think of important points that they want to raise with us without needing to make a formal complaint. However, the inspection visit cannot be open-ended. We believe that allowing contact only on the day after the end of an inspection visit is a helpful and appropriate approach.

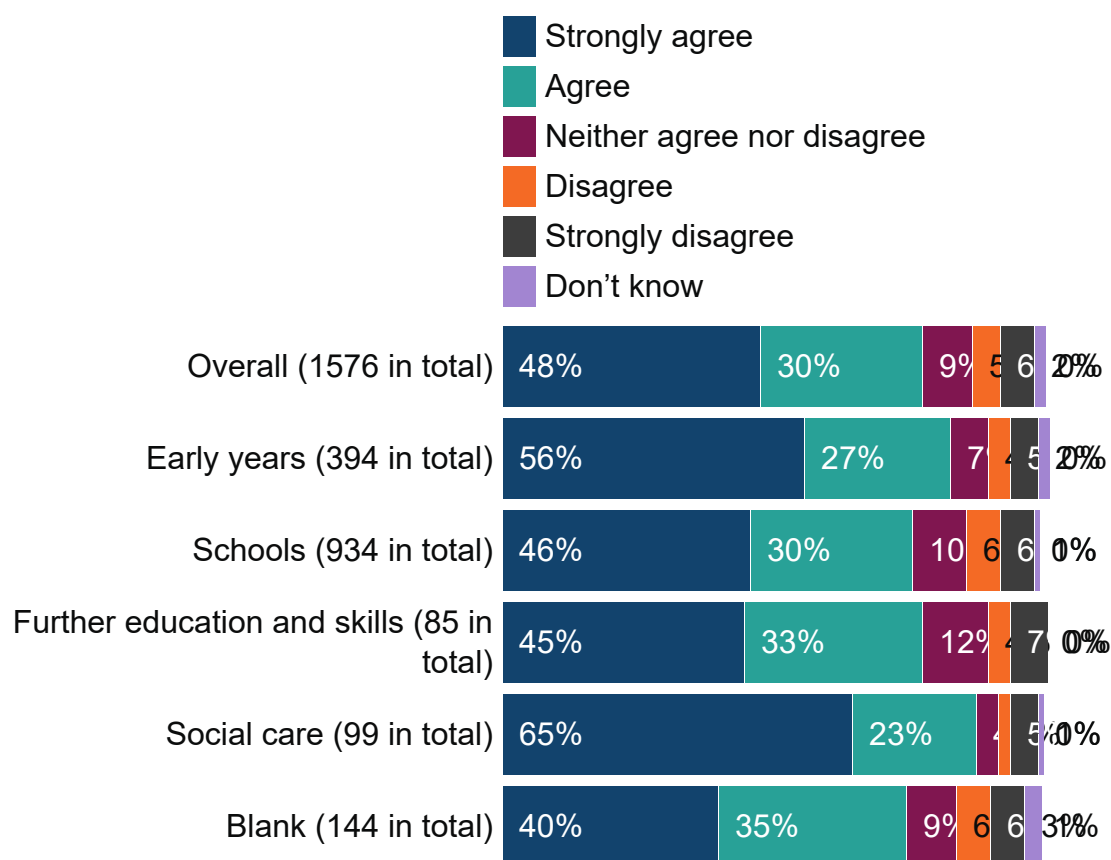
We have also considered who is best placed to discuss and respond to any contact from providers. Noting the comments received and wanting providers to be confident in contacting us, we believe that it should be an experienced inspector who is independent of the inspection in question. Where appropriate, this inspector may contact the lead inspector to help understand the context of any issues raised.

We will be taking this proposal forward.

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

**Figure 3: Responses to proposal 3**

[Change to table and accessible view](#)



Note: some respondents claim links to multiple remits. Percentages are rounded so may not add up to 100.

Responses to this proposal were very positive. Seventy-eight per cent of respondents agreed that we should introduce the proposed new arrangements for finalising inspection reports and considering formal challenges to inspection outcomes.

Some respondents welcomed the proposal for 2 new routes that providers can take on receipt of their draft report. They acknowledged the benefits of separating existing processes and that most cases are likely to involve providers raising minor points of clarity or factual accuracy. However, some were concerned that providers would not normally be able to make a formal complaint or challenge if they had already chosen to highlight only minor points. They requested further clarity on this. In particular, they wanted to know when a provider might be able to make a complaint in these circumstances.

Many respondents commented on the importance of independence in handling complaints. They were therefore pleased that Ofsted staff who are independent of the inspection will continue to investigate any challenges. Some also suggested that complaints should be considered by a staff member working in a different Ofsted region to ensure as much independence as possible. However, a small number of respondents commented that complaints should be investigated by an independent body. They expressed the view that Ofsted should not 'mark its own homework'.

Some respondents commented positively on the proposal that complaint responses should be clearer for providers about the findings of investigations and why decisions have been made. They thought this was important because, although providers may still not agree with the outcome of a complaint, they should be able to understand the reasons behind that outcome.

We have considered all responses and we are pleased that there has been broad support for this proposal. The vast majority of our inspections do not raise concerns for providers. We want to complete post-inspection processes efficiently so that we can publish the inspection report promptly. However, we recognise that, sometimes, a provider might want to formally challenge our inspection findings. We will continue to consider these fully.

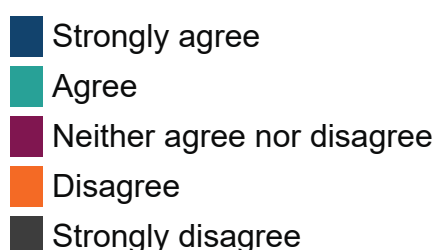
We note the need for clarity in guidance so that providers can understand how the new arrangements will work. This will be set out in new policy documents in due course. The addition of a telephone call as part of the investigation process, as well as clearer outcome letters, will help providers to better understand how we have handled complaints and reached decisions.

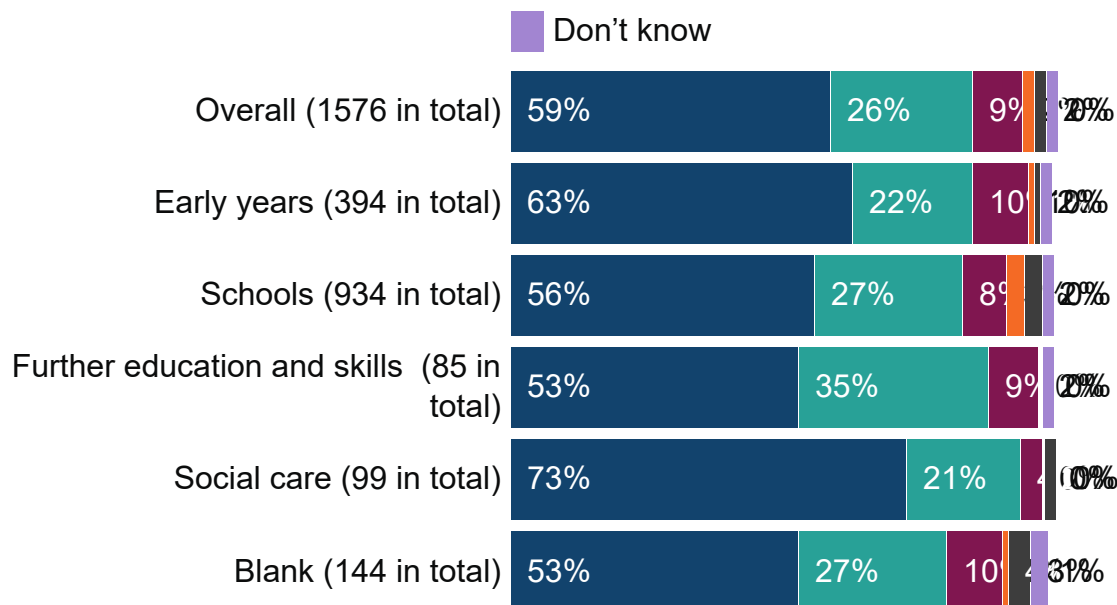
We will be taking this proposal forward.

## **Proposal 4: Direct escalation to the Independent Complaints Adjudication Service for Ofsted and adding a periodic review of closed complaints using external representatives from the sectors we inspect**

### **Figure 4: Responses to proposal 4**

[Change to table and accessible view](#)





Note: some respondents claim links to multiple remits. Percentages are rounded so may not add up to 100.

Responses to this proposal were very positive. Eighty-four per cent of respondents agreed on our introducing direct escalation to the Independent Complaints Adjudication Service for Ofsted (ICASO) and a periodic review of a sample of closed complaints.

Many respondents were positive about our removing the current internal review step in our complaints process. They commented that this would make the process easier to navigate for providers and reduce the stages that they have to go through. However, some noted that the ICASO's role is to review whether the complaints process was carried out properly, not to review the inspection itself. A small number of respondents commented that there was no independent body reviewing Ofsted's inspection work.

Some respondents commented positively on the new panels to review a sample of closed complaints. They stated that this could be very helpful in supporting continuous improvement. Some asked how we would select external representatives from the sectors we inspect. They highlighted the need for remit expertise. Some were also keen to be involved and volunteered their services.

We have considered all responses and we are pleased that there has been broad support for this proposal. We recognise the concerns raised about our current complaints-handling arrangements. We believe that removing the current internal review process will reduce the burden on providers raising concerns. We are pleased that this has been supported through the consultation. We also welcome support for the new panels and the independent scrutiny that these will bring.

We will be taking this proposal forward.

## Next steps

After thoroughly considering all consultation responses and analysing other relevant factors, we will be taking forward all 4 proposals. We will update inspection handbooks and other published



guidance in due course.

We would like to implement these changes as soon as possible. However, the new complaints-handling arrangements will require updates to our IT systems. We will therefore implement the changes in 2 phases.

## **Phase 1: from January 2024**

From January, we will put proposals 1 and 2 in place.

We will give all inspectors guidance on developing and formalising the important discussions and professional dialogue that are essential for successful inspections.

As part of all inspections, we will let providers know that they can contact us with any unresolved issues on the day after the end of the inspection visit.

## **Phase 2: from April 2024**

From April, we will put proposals 3 and 4 in place.

We will introduce the new arrangements for finalising inspection reports and for considering formal challenges to inspection outcomes. When they receive their draft report, providers will be able to highlight minor points of clarity or factual accuracy, or raise a formal complaint to seek a review of the inspection findings and judgements awarded.

We will also remove the current internal review step in our complaints process. If complainants are concerned that we have not correctly followed our complaints-handling process, they will be able to escalate their concerns directly to the ICASO. We will also introduce the periodic reviews of closed cases. We will set up the panels with external sector representatives.

## **Equalities impact assessment**

As part of the consultation, we published a draft [equalities impact assessment](#). Through the consultation process, we asked for comments on the impact of our proposals in relation to equality. We have carefully considered all feedback and free-text comments for any equalities concerns.

Only 15% of respondents answered this question. Some simply said 'no comment' or 'not applicable'. Many of the more substantive comments were about issues outside of the consultation proposals. This included statements about our broader inspection and regulatory processes.

Of the responses that were about the consultation proposals, many were positive. These included

comments that the proposals seem to bring positive change to the inspection process. They welcomed the fact that we had raised awareness of equalities issues in the proposed arrangements.

We did not receive any comments that implied that individuals or groups would be disadvantaged by the new arrangements because of any protected characteristic. However, some respondents queried why all 9 protected characteristics from the Equality Act 2010 were not listed in the equalities statement as being particularly relevant.

The original equalities statement explained that we believe that the proposals will have a positive impact overall for all providers, including those with protected characteristics. However, for clarity we have updated this to remove reference to specific protected characteristics being particularly relevant to the new arrangements.

Through this process, we consider that we have met the aims of the public sector equality duty and will continue to do so as we implement these changes.

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