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Consultation outcome

Equalities impact assessment: changes to Ofsted's post-inspection processes and complaints handling

Updated 24 November 2023

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Introduction

This equalities impact assessment sets out Ofsted's consideration of how changes to our 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).

The PSED requires Ofsted, in exercising 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 document as part of the report on the [responses to the consultation](#). This statement sets out our updated assessment of the equalities implications linked to the new arrangements after we considered the response to the consultation.

As set out in the consultation report, we considered carefully all comments received that raised equality issues alongside other comments. Based on an analysis of relevant factors, we will be implementing 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 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

Having considered all responses to the consultation, we will now implement these changes.

How the new arrangements may affect people in terms of protected characteristics and how they meet the 3 PSED aims

We have considered how the new arrangements could affect individuals or groups of people in terms of protected characteristics. We have also considered whether the proposals meet the 3 PSED aims.

The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation
- marriage and civil partnerships

The new arrangements will give all providers further opportunities to raise any concerns or queries during the inspection process. Those who make a formal complaint will have a new opportunity to discuss their concerns with a member of Ofsted staff as well as making them in writing. We believe that these new arrangements will have a positive impact overall for all providers and will not negatively affect people in terms of protected characteristics.

Some respondents queried why we had referred, in our original statement, to some protected characteristics as being particularly relevant to the new arrangements. For clarity, we have now removed these references.

Eliminating discrimination

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

The new arrangements will apply to all inspected providers. New documentation will support all providers through the new processes. This will include an updated online form for making a formal complaint to Ofsted.

Advancing equality of opportunity

Under the new arrangements, all types of provider will have the same opportunity to raise any issues about report accuracy or to challenge the inspection findings by making a complaint, before their report is finalised.

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

Fostering good relations

The new arrangements are intended to have a positive impact on Ofsted's relations with all providers through further opportunities to raise and discuss any concerns or queries during or just after the inspection visit. Also, there will be a new opportunity for those who make a formal complaint to discuss their concerns with a member of Ofsted staff.

The proposals seek to ensure a fair and transparent system for all providers and complainants. After considering all consultation responses, we believe this to be the case.

Monitoring and evaluation

We do not expect that the 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 gave an opportunity to all stakeholders to raise any equality-related concerns. This assessment takes account of the consultation feedback.

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

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