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Open consultation

Equality, diversity and inclusion statement: proposed changes to Ofsted's post-inspection arrangements and complaints handling 2023

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Applies to England

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Introduction

This document sets out Ofsted's consideration of how the proposed 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), 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 statement as part of the '[Changes to Ofsted's post-inspection arrangements and complaints handling: proposals 2023](#)'. 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:

- 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

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.

We want our post-inspection processes and complaints-handling procedures to support equality, diversity and inclusion. The proposed new arrangements will mean that all providers will have further opportunities to raise any concerns or queries during the inspection process, and those who submit a formal complaint will have a new opportunity to discuss their concerns with a member of Ofsted staff as well as submit them in writing. As a result, we believe that the proposals will have a positive impact overall for all providers, including those with protected characteristics.

We believe that the protected characteristics that are particularly relevant to the proposed new arrangements are:

- age
- disability
- race
- religion or belief

Eliminating discrimination and advancing equality of opportunity

The proposed new arrangements will apply to all inspected providers. All types of provider will have the same opportunity to raise any issues regarding report accuracy or to formally challenge the inspection findings by submitting a complaint, before their report is finalised.

New documentation will support all providers through the new processes. This will include an updated online form for submitting a formal complaint.

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

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 all providers and complainants effectively, and to ensure that no particular group is affected negatively.

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