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[Home](#) ▾ [Corporate information](#) ▾ [Complain about Ofsted](#)



Guidance

# Complain about Ofsted (for events that took place after 4 April 2024)

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## Applies to England

Contents

[Complain about Ofsted](#)

[Resolving concerns quickly and informally](#)

[Making a formal complaint](#)

[The process for those we have inspected recently](#)

[The process for all others](#)

[What to expect from us](#)

[How this process works alongside other procedures](#)



## Complain about Ofsted

1. We will follow this process for complaints linked to inspections or other events that took place after 4 April 2024.

2. We welcome comments and suggestions about our work. We will use feedback to improve what we do and how our representatives carry out their roles. If you complain to us, we will:

- deal with your complaint fairly, thoroughly and efficiently
- if we have made a mistake, acknowledge it and take steps to put matters right
- learn from complaints to improve the way we work.

3. Our complaints process is clear and simple to use. It is designed to enable all types of providers to access it easily, without the need for professional assistance. We handle all complaints on their merits, in line with this policy.

## Resolving concerns quickly and informally

4. We expect that, where possible, you will raise any concerns about our work as soon as they arise and directly with the individuals involved.

5. If senior leaders in a provision have concerns about inspections or regulatory events, they should raise them with inspectors during the on-site visit. If it is not possible to resolve concerns with the lead inspector, senior leaders can telephone Ofsted during an inspection or on the next working day to speak with a senior inspector. This gives us an opportunity to clarify any misunderstanding or to resolve matters of concern quickly and informally.

6. If you want to raise a complaint about the behaviour of an inspector with regard to safeguarding, please telephone Ofsted as soon as possible to speak with a senior inspector about your concerns.

## Making a formal complaint

7. If your concerns about Ofsted's work have not been resolved informally, you can raise a formal complaint using our online form. We will base our handling of your complaint on what is submitted in the form. If you cannot access the form, we will make reasonable adjustments to enable you to do so.

**Please do not use this form to complain about a provider that Ofsted inspects or regulates. There are separate steps for this, as set out in our [complaints procedure](#).**

[Raise a complaint about Ofsted](#)

## The process for those we have inspected recently

8. In most cases, if we have recently inspected your provision, you can seek a review of the inspection process, including inspector conduct and the judgements made, by submitting a formal complaint when you receive the draft inspection report. We will not normally accept a formal complaint before we send you the draft report.

9. We will only accept complaints about an inspection from the most senior leader in your provision, or the individual named in the inspection report as the responsible person, or their representative. We will ensure that those raising complaints have the authority to do so on behalf of the organisation. If you work at a provision, please raise any concerns about an inspection directly to your senior leader in the first instance.

10. You should submit any formal complaint within 5 working days of us issuing the draft report (we define a 'working day' as any weekday other than a public holiday, not the days that an inspected provider might operate). We will not normally consider any complaint submitted after this deadline.

11. We will withhold publication of an inspection report while we consider your complaint, if you have submitted it within this deadline.

12. If you have previously chosen to highlight minor points of clarity or factual accuracy when you received your draft inspection report, we will not normally accept any formal complaint or challenge later.

### Figure 1: Ofsted's post-inspection and complaints procedure



## The process for all others

13. If you are complaining about a regulatory event or a joint inspection we have carried out with other agencies, you should submit your online complaint within 5 working days (unless a different deadline is stipulated in the relevant inspection handbook or framework) of either:

- the outcome of the event being published (if there is one)

- the date of the regulatory event (if there is no published outcome)

14. If you are complaining about anything else (such as the conduct of an Ofsted representative), you should submit your online complaint within 5 working days following the incident of concern.

15. We will not normally consider any complaint submitted after these deadlines.

16. We will not normally consider a complaint about an inspection (or any other action we have taken) from a third party who is not directly involved, such as a parent or other user of the service. This is for reasons of confidentiality towards those who have participated in the inspection and because we would not provide any further explanation of our inspection or regulatory findings to a third party, other than what is already in the published inspection report or outcome. If you are a third party, you should raise any queries about an inspection or regulatory event directly with the provider. Those directly involved in the inspection or regulatory event are best placed to explain the process, the inspectors' findings and any action that the provider intends to take as a result.

## What to expect from us

17. You will receive a formal acknowledgement from us when we receive your complaint. This will confirm when we aim to respond to your complaint and who to contact if you have any queries. If we receive multiple complaints about the same issue, we may consider these together and provide a single response.

18. An investigating officer will attempt to contact you by telephone to discuss your concerns. Wherever possible, we will attempt to resolve complaints through professional dialogue as part of this telephone discussion. The investigating officer will explore the scope of your complaint during this discussion and will agree with you the key aspects for investigation. We will not normally accept further information about the complaint or enter into further dialogue with you once this conversation has taken place. This is to ensure that we consider and respond to your concerns in a timely way.

19. We will provide a written response to your formal complaint as quickly as possible, and normally within 30 working days of receiving your online form.

20. The response will link together similar issues for conciseness and clarity, and will provide a conclusion on whether each main aspect of your complaint has been upheld. If it has not been possible to reach a firm decision on an issue, we will explain the reasons for this. The response will also include an explanation of any steps that we will take as a result of your complaint.

21. If we withheld publication of an inspection report while considering your complaint, we will normally issue you with a final version soon after sending you the response letter. The final inspection report will be published on our website 5 working days later.

## How this process works alongside other procedures

22. Our complaints process sits outside [the public's right under the Freedom of Information \(FOI\) Act 2000 or Data Protection Act 2018 to access information held by Ofsted](#). The FOI Act solely concerns information being disclosed to the public. This is not an appropriate mechanism to consider requests from providers alone, as it can lead to the public obtaining inspection evidence before the report itself is published. However, complaint responses to providers themselves may refer to evidence or include extracts from the evidence itself, when appropriate, to explain the inspection or regulatory outcomes.

23. Our complaints process also sits outside the procedures for appeals against Ofsted's regulatory decisions to the [First-tier Tribunal \(Care Standards\)](#). We will not normally accept a complaint while an appeal is ongoing and we will not consider issues previously settled by a tribunal.

## Independent and external review

24. If you remain dissatisfied after our formal response to your complaint, you can refer the complaint to the [Independent Complaints Adjudication Service for Ofsted \(ICASO\)](#). The adjudication service is provided by an external organisation. It will review our handling of your complaint, but cannot consider or overturn Ofsted's inspection or regulatory findings. You must refer any case to the ICASO within 3 months of the date of the formal complaint response letter.

25. If you are not satisfied with the outcome of the review by the ICASO, you can refer your concerns to the [Parliamentary and Health Service Ombudsman](#).

## Panels

26. We will provide a sample of closed complaints to a panel for review. The panel will include external representatives from the sectors we inspect to provide challenge and transparency on how we have handled complaints about our work.

## Complaints feedback

27. If you want to give feedback on how we handled your complaint, please refer to the details provided at the end of our complaint response letters.

## Privacy notice

28. We will use the personal data you give us to handle your complaint. We will share information

from your complaint with the people whose actions you have complained about, relevant Ofsted staff who need it to do their job and other Ofsted teams and/or external agencies as appropriate. Apart from these exceptions, the complaints process is regarded as private and Ofsted will maintain the privacy of anyone who makes or is referred to in a complaint as far as possible.

29. For more information on how we use personal data and our data retention policy, see our [privacy notice](#).

[Back to top](#)

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---

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