

Complaints about independent school inspections

Raising concerns and making complaints about Ofsted inspections to independent schools under section 162A of the Education Act 2002

Age group: All

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Ofsted expects that most inspections will be carried out smoothly. However, we recognise that some schools may feel dissatisfied with some aspect of their inspection or inspection report.

We take complaints about inspection seriously. They will form part of the evidence we use to improve our work. Making a complaint will have no impact on subsequent working relationships between Ofsted and the complainant.

This guidance explains how Ofsted will deal with a complaint about an inspection or a report; it is designed for schools, but is also open to others who may wish to complain.

What complaints are covered by this procedure?

This guidance covers concerns and complaints about:

- an inspection and report (i.e. evidence, judgements, communication)
- the conduct of inspectors.

It also sets out the principles that underpin the handling of complaints.

It does not cover concerns or complaints about inspection policy and practice outside the context of a particular inspection. Any general complaints of this kind will receive a response but will not be dealt with under this procedure.

Is a formal complaint necessary?

Before submitting a formal complaint, you are strongly encouraged to raise any areas of concern as soon as they arise so that they can be resolved as quickly as possible

while the inspection is taking place. The best way to do this is to talk to the lead inspector, who will do all he or she can to resolve matters, taking advice where necessary. This can be during the inspection, after feedback and at draft report stage, the important thing being that inspectors have the opportunity to try to resolve the matter informally before the end of the inspection or publication of the report. If this is not possible, you may call the regional helpline for support in resolving the concern (see details at end).

How to submit a formal complaint

If your complaint is not resolved informally by discussions with the lead inspector and helpline, and you wish to make a formal complaint, you should do so in writing to the Divisional Manager, Institutional Inspections and Frameworks Division (IIFD), at the address at the end of this guidance.

When can you complain?

A formal complaint may be made at any stage during an inspection or up to 30 days from the date of publication of any report (or the end of the inspection where there is no report). Complaints will only be considered after that time in exceptional circumstances, up to a maximum of three calendar months from the inspection. We will not normally delay the publication of an inspection report while a complaint is investigated, though we may decide to do so in exceptional circumstances.

How to present your complaint

The degree of detail in a letter of complaint is, of course, a matter of judgement. However, it is important that we have all the information, with all the points you wish to be considered, from the outset. It is helpful if the main areas of concern are clearly stated,

grouped under headings and supported by examples. Where it is thought that the inspection framework or the code of conduct for inspectors (web link) has been breached, it may be helpful to relate the headings to the relevant sections. Please note that your letter will need to be disclosed to the lead inspector and any other inspectors involved in the complaint.

How will the complaint be handled?

Your complaint will be recorded and acknowledged by the IIFD Divisional Manager within 2 working days of receipt. It will then be allocated to an investigating officer for investigation. For HMI-led inspections, that will be a senior inspector in Ofsted, normally an Assistant Divisional Manager. For an inspection led by an additional inspector, the complaint will be investigated by the inspection service provider. Complaints will not normally be investigated by the manager of the inspector complained about.

The investigating officer will obtain the views of the lead inspector and any other inspectors involved in the complaint and, where appropriate, will arrange for a review of all or part of the evidence base by an inspector not previously involved in the inspection.

Outcome of complaints

You will receive a response from the investigating officer, normally within 20 working days of your complaint. Where this timescale cannot be met the investigating officer will be in touch to explain why. The response will aim to answer all of the points of concern and adjudicate on each. It will make clear the

evidence on which conclusions are based, and where appropriate it will contain an apology and an indication of the steps taken to put matters right. These can include amendment of the report where necessary. Where a definitive conclusion cannot be reached about any aspect of a complaint, the response will explain why.

What happens if you are dissatisfied?

If you are dissatisfied with the response, you may write to the Divisional Manager, IIFD, within one month of receipt of the response to ask for an internal review. This will normally be carried out by the Divisional Manager on behalf of the Director, Education, who will aim to respond to you within 20 working days.

Independent Adjudication

If, after the above procedures have been exhausted, you remain dissatisfied with the way your complaint has been handled you may ask for your complaint to be considered by the **Independent Complaints Adjudicator (ICA) for Ofsted and the Adult Learning Inspectorate**. Any such request must be made within three months of Ofsted's final response. The ICA is independent of Ofsted and has the right to communicate directly with the public and to produce an annual report. The address of the ICA can be found at the end of this leaflet.

The ICA can consider the case only after a formal complaint has been considered in accordance with the procedures set out above. The ICA can investigate complaints about the conduct of the inspectorate's staff, implementation of inspection procedures, maladministration (eg. mistakes and delays), the quality of response provided to a

complainant or the management of a complaint. The ICA cannot investigate concerns about the judgements of an inspection team or overturn an inspector's professional judgement.

Where a complaint is accepted by the ICA, she will liaise as necessary with the Divisional Manager, who will supply relevant files and papers. Further information about the ICA's procedures for reviewing a complaint can be found at (link – ICA website).

If you are dissatisfied with the ICA's decision, the **Ombudsman (Parliamentary Commissioner for Administration)** may be able to consider your case. The Ombudsman may consider a case without the ICA having considered it first, but the ICA would not be able to consider a complaint subsequently.

Principles of complaints handling

Complaints will be handled in accordance with the following principles:

- complaints will be handled speedily and with rigorous standards for action and keeping people informed
- the process will be consistent, treating people in similar circumstances in similar ways
- investigation of complaints will be thorough and objective
- we will consider and respond to complaints in a fair and even-handed way
- a full response will be provided which addresses all the issues raised
- we will respect confidentiality, both with regard to those who complain and those who are the subject of a complaint

- clear information will be provided on what to do if people are unhappy with the response
- complaints will be regularly monitored
- actions will be identified where necessary to secure improvements.

Contacts

The addresses and telephone numbers you may need are:

Helpline

Tel: 08456 40 40 45

Divisional Manager
Institutional Inspections and Frameworks Division
Alexandra House
London WC2B 6SE

Independent Complaints Adjudicator
Elizabeth Derrington
PO Box 3124
Swindon SN6 8WD

Tel/fax: 01793 710819

Email: e.derrington@adjudicator.fsnet.co.uk

Website: www.ofsted-aliadjudicator.co.uk

Any queries relating to the content of this guidance or the handling of complaints in general should be addressed to:

Head of Complaints and Legal Team
Institutional Inspections and Frameworks Division
AH, etc

Any questions about the handling of a particular complaint should be addressed to the Divisional Manager, IIFD.