

Complaints about Ofsted

Raising concerns and making a complaint about Ofsted

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Corporate member of
Plain English Campaign
Committed to clearer communication

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Introduction

1. We aim to carry out all of our work to a high standard but recognise that, occasionally, concerns may arise about our actions or the conduct of our staff. This policy sets out our approach and procedures for handling complaints about Ofsted.
2. Our definition of a complaint is an expression of dissatisfaction about our actions that requires an investigation. We take complaints seriously and do what we can to resolve issues of concern promptly.
3. However, importantly, we will not change our inspection judgements or regulatory decisions simply because they are disappointing to the provider or user of a service, or because improvements in provision have been made since the inspection or are promised in the future.

Principles

4. If you complain to us, we will:
 - deal with your complaint fairly, thoroughly and objectively
 - where appropriate, acknowledge if our work has not met our usual high standards and take steps to remedy the situation
 - learn from complaints to improve the way we work and how our staff carry out their roles
 - respect confidentiality as far as possible, both for those who complain and those who are the subject of a complaint. However, the identity of complainants will be revealed to the persons complained about when their response is essential in order for us to investigate and respond fully and fairly to your concerns
 - aim to resolve your complaint without the need for you to seek advice from third parties.

Step 1. Resolving concerns quickly and informally

5. We expect that all concerns about our work will be raised, wherever possible, as soon as they arise and directly with the individuals involved. This provides an opportunity to clarify any misunderstanding or to resolve matters of concern quickly and informally.
6. If your concern is about an Ofsted inspection or inspector, you should raise it with the lead inspector as soon as possible during the inspection visit. This includes any concern about the inspection process, how the inspection is being conducted, or the provisional inspection judgements. In most cases, concerns can be considered and resolved before the inspection is completed.

7. If your concern cannot be resolved directly with the individuals involved, you should ask to speak with an Ofsted manager about it.
8. There is an opportunity for providers to comment on the factual accuracy of an inspection report before it is finalised and published.

Step 2. Making a formal complaint

9. If your concerns about an inspection or other area of our work have not been resolved at step 1, you can raise a formal complaint with us.
10. You should submit your full complaint online as soon as possible and no later than 10 working days following the incident of concern. If your concern is about an inspection, we recommend that you wait until you have received the final version of the report before submitting a formal complaint. This is because we will not normally accept additional information after the complaint process has begun. In this case, a complaint should be submitted no more than 10 working days following the publication of the report. We consider a 'working day' to be any weekday other than a public holiday, not the days on which an inspected provider may operate. We will not normally consider complaints submitted after the 10-working-day period because they will be deemed 'out of time'. This is to ensure that concerns can be investigated promptly.
11. For Ofsted to consider a complaint, you must:
 - submit your full concerns using the online complaints form (www.gov.uk/government/organisations/ofsted/about/complaints-procedure), which enables you to set out your concerns clearly and enables us to handle your complaint effectively
 - provide a concise account of your concerns, details of any actions already taken to resolve these, and what you expect should happen as a result of your complaint
 - provide contact details and indicate your availability for an investigating officer to contact you. If you give the inspected provider's telephone number for us to contact you on, please also provide an alternative contact number in case the provider is closed when we call.
12. You will receive a formal acknowledgement from us to confirm when the investigation of your complaint will be completed and who to contact if you have any queries.
13. We will normally only investigate one complaint from each inspected provider. If more than one complaint is received, we may choose to undertake a single investigation of all complaints, which may result in a single response.
14. We will not normally investigate a complaint about an inspection (or any other action we have taken) that we receive from a third party not directly involved, such as a parent or other user of the service. This is because we do not explain

our inspection findings to third parties other than by publishing the inspection report. So if you are a third party, you should raise any queries about an inspection directly with the inspected provider. Those involved in the inspection are best placed to explain the inspection process, the findings of the inspectors and the action that they intend to take.

15. We do not normally withhold publication of an inspection report or withdraw a published inspection report while we investigate a complaint, unless there are exceptional circumstances. This is because there is a public interest in the prompt publication of all reports. It is important for users or prospective users of the inspected provision, who are aware that an inspection has taken place, to be informed about the findings of the inspection within our published timescales. Her Majesty's Chief Inspector (HMCI) also has a legal duty to publish or report the findings of certain inspections and investigations. We consider whether to withhold publication or to withdraw a published report on a case-by-case basis. A challenge to the inspection process or disagreement with the inspection findings alone are not normally considered to be exceptional circumstances.
16. If your complaint is about the inspection of a school that was judged to have serious weaknesses or to require special measures, the judgements made will not be reconsidered under step 2 of this policy. This is because all such judgements are subject to extended quality assurance procedures before being authorised on behalf of Her Majesty's Chief Inspector. The school contributes to this process and may comment on the inspection findings as well as factual accuracy before the report is published. One or more of Her Majesty's Inspectors who are independent of the inspection scrutinise the judgements and consider any comments received from the school. However, once the report has been finalised, any complaints about inspector conduct or the inspection process can be considered under step 2 of this policy. Schools can then request a review of the process for confirming the inspection judgements under step 3 of this policy, after the step 2 complaint investigation is complete.
17. When carrying out the investigation, the investigating officer will consider the information that you have submitted and the issues that you have raised. In the case of complaints about inspections, this will include, as appropriate, a review of the inspection evidence and responses from the inspection team to the concerns raised. We will not normally consider any additional concerns or documentation that we receive after you submit your complaint.
18. The investigating officer will try to contact you by telephone to discuss your concerns and to establish if any, or all, aspects of your complaint can be resolved quickly. Wherever possible, we will attempt to resolve complaints through professional dialogue as part of this telephone discussion. Investigating officers will confirm to you the agreed main aspects of your complaint that will be subject to investigation. If they are not able to speak with you, they will base their investigation on your online complaint submission and any supporting documents you have provided.

19. We will provide written responses to all complaints investigated. The response you receive will provide a conclusion on whether or not each main aspect of the complaint has been upheld and may link together similar issues for conciseness and clarity. If there are conflicting accounts and it is not possible to independently verify either of them, it may not be possible to reach a firm conclusion. For an account to be considered independent, it must be from someone not involved in the issue of concern or inspection. In these cases, the outcome will be recorded as 'no decision could be reached' and the reasons for this will be explained.
20. Our complaints process sits outside the other procedures for disclosure of information held by Ofsted under the Freedom of Information Act 2000 or Data Protection Act 1998. Details of these procedures are at: www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act. We will not normally suspend a complaint investigation while a request for information is considered, or make a formal disclosure of any inspection evidence before or during a complaint investigation. However, complaint responses will include reference to inspection evidence when appropriate to explain inspection outcomes.
21. Our complaints process also sits outside the procedures for appeals to be made to the First-tier Tribunal (Health, Education and Social Care Chamber) against registration decisions made by Ofsted. Details of these procedures are at: www.gov.uk/government/collections/ofsteds-compliance-investigation-and-enforcement-handbooks. We will not normally carry out a complaint investigation while an appeal is ongoing and will not investigate issues that have previously been settled by a tribunal.
22. We aim to respond to all complaints investigated under step 2 of this policy as quickly as possible. We will send a written response to you as soon as is practicable and normally within 30 working days of the date that we received your complaint. The response will include an explanation of any steps that we will take as a result of the investigation outcome.

Step 3. Requesting an internal review

23. If you are dissatisfied with the way in which your complaint has been handled, you can request an internal review. This must be submitted within 15 working days of the date of the response to your original complaint.
24. The review will not be a re-investigation of the issues raised in your original complaint: it will consider how we handled your original complaint. The review will be based on information from the original investigation and is unlikely to require further telephone contact with you. New concerns raised or new evidence presented will not normally be considered as part of this review.

25. For us to consider a request for an internal review, you must:
 - submit your request using the online internal review form (www.gov.uk/government/organisations/ofsted/about/complaints-procedure), which enables you to set out your concerns about the original investigation clearly and enables us to undertake the review effectively
 - be clear on which parts of the original investigation and response you want us to review and why.
26. If your complaint is about an inspection of a school that has been judged to have serious weaknesses or to require special measures, any requests for a review of the process for confirming these judgements will be carried out under step 3 of this policy.
27. A scrutiny panel, including a sector representative external to Ofsted, will normally consider the findings of the review before they are finalised. The panel considers whether, based on the findings of the internal review, our policy and procedures on handling complaints were followed correctly to address your original concerns. The panel adds further independence to the complaints process.
28. We aim to provide a written response as soon as is practicable and normally within 30 working days of the date that we received your request for an internal review. The response will include an explanation of any steps that we will take as a result of the internal review.
29. The review outcome will be our final decision on whether or not your original complaint was investigated fairly and properly in line with our published policy. This is the final step within our internal complaints handling procedure. After we have completed the internal review, we will not normally take any further action.

Independent and external review of Ofsted's complaint handling

30. We aim to resolve your complaint to your satisfaction. However, if you remain dissatisfied with the responses we have provided, you can request an external review of the handling of your complaint from the Independent Complaints Adjudication Service for Ofsted. You must do this within three months from the date of the internal review response letter.
31. The role of the adjudicator is to investigate the way we dealt with a complaint and to provide advice to improve our complaints handling. Details of the process for submitting concerns to the adjudicator can be found at: www.ofstedadjudicationservice.co.uk. Please note that the adjudicator cannot overturn our inspection judgements or decisions.

32. If you are not satisfied with the outcome of the review by the adjudicator, you can refer your concerns to the Parliamentary and Health Service Ombudsman. Details of the process for submitting concerns to the Ombudsman can be found at: www.ombudsman.org.uk.

Complaints feedback

33. We take all complaints very seriously and try to handle concerns objectively, fairly and efficiently. You are invited to provide feedback on how your concerns were handled using an online feedback form, details of which are provided in response letters following complaint investigations and internal reviews. Feedback will be used to improve our complaints handling process and improve the quality of our investigations and responses where appropriate.



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