

Complaints procedure

Raising concerns and making complaints about Ofsted

We hope to carry out most of our work smoothly and without incident. However, we know that occasionally people may have concerns about some areas of our work, or the conduct of our staff.

We, and the other inspectorates that we work with, take complaints seriously. We view them as an important way of improving what we do. Complaints can let us know about difficulties or problems in our systems and may lead us to issue guidance to inspectors.

This factsheet explains how users can make complaints about Ofsted.

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The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory Support Service (Cafcass), schools, colleges, initial teacher training, work-based learning and skills training, adult and community learning, and education and training in prisons and other secure establishments. It rates council children's services, and inspects services for looked after children, safeguarding and child protection.

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Raising concerns and making complaints about Ofsted

Our complaints procedure covers concerns and formal complaints about our inspection and regulation work and the work of our staff including:

- childminding and day care
- social care services for children
- children's homes
- family centres
- adoption and fostering services and agencies
- the Children and Family Court Advisory and Support Service (Cafcass)
- children's services in local authorities
- maintained schools
- independent schools and the Independent Schools Inspectorate
- initial teacher training
- further education colleges and provision for students aged 14 to 19
- work-based learning and funded training
- education and training in prisons and other secure establishments, and adult and community learning
- children's services inspections in Comprehensive Area Assessments. .

Principles of the complaints procedure

We want our complaints procedure to be easily accessible, well publicised and easy to use.

We will handle complaints in line with the principles below.

- We will handle complaints speedily and with rigorous standards for action and keeping people informed.
- The process will be consistent, treating people in similar circumstances in similar ways.
- We will investigate complaints thoroughly.
- We will consider and respond to complaints in a fair and even-handed way.
- We will provide a full response which tackles all the issues raised.
- We will keep the identities private, of those who complain and those who are the subject of a complaint.
- We will provide clear information on what to do if people are unhappy with the response, including further internal and independent review.
- We will regularly monitor complaints.

- We will identify what we need to do to improve.

Introduction

We hope to carry out most of our work smoothly and without incident. However, we know that occasionally people may have concerns about some areas of our work, or the conduct of our staff.

We, and the other inspectorates that we work with, take complaints seriously. We view them as an important way of improving what we do. Complaints can let us know about difficulties or problems in our systems and may lead us to issue guidance to inspectors.

We will investigate any complaint rigorously and deal with the issues as quickly as possible. We will admit that we are mistaken if the facts clearly prove this or if we agree that there are serious factual errors in our work or our reports. However, we will not change our judgements because they are unpopular, because improvements are promised at some time in the future or because of developments after the inspection.

We aim to keep people's identities private and we ask anyone making a complaint to be aware that complaints about inspections can identify individuals.

Her Majesty's Chief Inspector has overall responsibility for complaints about our work. If you address complaints directly to the Chief Inspector, she will make sure they are dealt with in the way this document describes so that everyone is treated fairly.

Our definition of a complaint is any expression of dissatisfaction about our actions that needs a response. We can sort out many concerns informally, as described below. We will deal with a formal complaint made in writing under the formal complaints procedure described on pages 7 to 9.

Safeguarding (looking after) children is a central part of our business and that of our inspection partners. Our definition of safeguarding covers what is commonly understood as child protection – anything that involves an assault on a child, or any action (or lack of action) that may cause physical or emotional harm. We do not deal with concerns about safeguarding children under our complaints procedure. If your complaint is about children's safety, you should contact us immediately on 08456 404040 and we will refer the issue to one of our responsible safeguarding officers. You can read more about our commitment to protecting children in our safeguarding policy: www.ofsted.gov.uk/publications/20070046.

Sorting out concerns informally

Talking to the lead inspector

We encourage anyone involved in, or affected by, an inspection to raise any concerns as soon as possible so that we can deal with them quickly while the inspection is taking place. You should speak to the inspector leading the inspection, or ask someone to speak to the lead inspector for you. The lead inspector will do all he or she can to sort out the matters raised, carrying out any discussions needed and asking for advice where necessary.

Inspectors, and the lead inspector in particular, should do everything possible to make sure that everyone involved in, or affected by, the inspection can raise any concerns while the inspectors are there. Inspectors should also note concerns about the inspection or its findings expressed during feedback and (if this applies) when you are given the draft inspection report. When dealing with your concern, the inspection team can get support and guidance from colleagues.

If you feel that inspectors have ignored significant evidence, you should raise this concern as early as possible (including after feedback and at draft report stage, if this applies) so that inspectors can try to sort the matter out informally before the end of the inspection and the report is published.

If we cannot sort out the concerns informally; if you do not feel that we have dealt with your concern; or if you want an independent view, then you, or someone acting for you, should contact our helpline on 08456 404040.

Contacting the helpline

The helpline staff will try to sort out your concerns during your phone call or shortly after. Wherever possible, the helpline staff will work to finish the case before the end of the inspection or before the report is published.

The helpline staff will listen to your concerns, check what action has already been taken and, where necessary, ask questions to make sure they clearly understand your concerns and the action you want us to take. If necessary, they will then contact those best placed to help. This will be through one or more of the following channels. The helpline staff may:

- talk to the lead or other inspector for their views on the situation
- talk to someone you have suggested they contact
- talk to the contractor for the inspection (see note 1 below)

Note 1 Inspectors often work for independent organisations called Regional Inspection Service Providers (RISPs).

- ask the advice of professional staff in the regional base or elsewhere
- suggest you talk to the lead inspector again, and
- ask other staff, including the managing inspector where relevant, to talk to you or others involved.

Occasionally, particularly if the concern could affect how the inspection is completed, we may need to arrange a visit to an inspection.

If the inspection is a joint inspection with other inspectorates, we will usually need to contact the other inspectorates if the concern is about their inspectors. We will issue joint guidance by the inspectorates on how we will handle complaints about joint inspections.

Helpline staff will not pass your call to others, or refuse to become involved, unless dealing with the concern is outside our power. They can advise, but cannot tell the lead inspector how to act. The helpline staff will keep a written record of each case, so that it can be used if any further investigation is needed. We will make sure you are satisfied that we have done everything possible to sort the concern out through the helpline.

If you feel that the matter has not been sorted out, we will tell you how to make a formal complaint.

Formal complaints procedure

1. If it has not been possible to sort out your concerns informally, you may decide to make a formal complaint. Complaints could be about our inspection; our regulation; our administration processes, for example processing of your application, or a call to our contact centre; our report, for example, evidence, judgements, communication; the conduct of our staff, or a combination of these.
2. You may make a complaint at any stage during an inspection or up to 30 calendar days from the date a report is published – or 30 days from the end of the inspection where there is no report. Where there is good reason, we may look at complaints up to three calendar months from the inspection.
3. We will not normally delay publishing an inspection report while we investigate a complaint though we may decide to do so in exceptional circumstances. This is because we feel that it is important for users of the inspected provider, who will be aware that an inspection has taken place, to receive a copy of the report within our published timescales. If you decide to start legal proceedings against us while we are considering a complaint, we will reserve the right to suspend the complaints procedure, to avoid any confusion about the process to be followed.

4. You should address complaints to:

The National Complaints Team
Ofsted – National Business Unit
2nd Floor
Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA.
5. You must make a complaint in writing – this includes email. If you make a complaint by phone, we will make a detailed record, but we will not take any formal action until we receive a written complaint.
6. If you have special circumstances which mean that you cannot send us a complaint in writing, we will offer a transcription service. Please call 08456 404040 if you would like more details about this service.
7. It is important that we have all the information, with all the points you want us to consider, from the start of the process. This will allow us to deal with your complaint more quickly and will reduce the need to ask for more information. You must give the reasons for your complaint clearly, with the main areas of concern set out and supported by examples. If the complaint is about judgements, it should include evidence that was available to the inspection team that you believe has not been taken into account. If you believe that the way the inspection was carried out negatively affected the judgements, you should provide evidence to support your claim.
8. The complaints manager will assess your complaint and decide who will carry out the investigation. You will be sent an acknowledgement within two working days of us receiving the complaint. We will also say what we will do next and who will contact you again.
9. We will reply and try to answer all of your concerns, within 20 working days. This will include details of how to ask for an internal review. When we cannot answer concerns within 20 days, we will keep you informed about when you will receive a response.

Internal review

10. If you are not satisfied after you have received a response, you should write to the complaints manager and ask for an internal review. You can ask for an internal review within one month of the date of our original answer to your complaint. You should be clear which parts of the original complaint and the response you want us to review, and why.

11. If you would like us to review your complaint you should contact:

The Complaints Manager
Quality Assurance Team
Ofsted – National Business Unit
2nd Floor
Royal Exchange Buildings
St Anne's Square
Manchester
M2 7LA

12. The complaints manager will look at your request and decide who will carry out an investigation. We will send an acknowledgement within two working days of receiving your request. We will also confirm what we will do next and who will contact you again.
13. The internal review will be carried out by a senior manager and, if necessary, we will carry out another investigation into the complaint itself and the processes we followed. We will aim to reply in full to you within 20 working days. This will include details of how to ask for an independent review.

Independent review

14. Following the internal review, if you are not satisfied with the way we have handled your complaint, you may appeal to the Ofsted Adjudicator Service.

15. You can write to:
- Ofsted Adjudicator Service
70 Fleet Street
London
EC4Y 1EU

or email:
info@ofstedadjudicationservice.co.uk

16. The adjudicator can look at the case only after we have considered a formal complaint using the procedures above. The adjudicator can look at complaints about:
- how inspectors and other members of the inspectorate's staff have behaved
 - how inspection procedures have been followed
 - poor administration, for example, mistakes and delays)
 - the quality of response given to you, and
 - how we have managed a complaint.

The adjudicator will look at conduct and procedure, including how the complaint has been handled by Ofsted. The adjudicator cannot change the professional judgements of Ofsted or its inspectors. You can send your complaint to the adjudication service within three months from the date of the internal review response letter.

17. You can get more information about the Ofsted adjudicator service process and procedures at www.ofstedadjudicationservice.co.uk.
18. If you are not satisfied with the outcome of the Ofsted adjudicator service, you can contact the Parliamentary and health service ombudsman. You can find details of the ombudsman at www.ombudsman.org.uk.