

Natspec response to Ofsted's post-inspection arrangements and complaints handling

September 2023

Proposal number + link to full details	Question	Natspec response
One	To what extent do you agree or disagree with our proposal to enhance on-site professional dialogue during inspections to help address any issues before the end of the inspection visit?	<p>Agree</p> <p>Natspec welcomes the proposal that there should be specific times before and during inspection when providers can ask questions or raise concerns can be raised through professional dialogue. We are pleased to see the introduction of a more formalised approach. Members report that some lead inspectors already offer such opportunities to nominees; however, this is not currently the case across the board. Making it a routine part of inspection activity will ensure greater consistency in approach and a fairer experience for providers. The proposal is likely to be of particular benefit to less experienced or less confident nominees or senior leaders who might be reluctant to raise concerns or ask questions without first being invited to do so.</p> <p>We recommend that Ofsted sets clear expectations for its inspectors to ensure that the invitation to raise concerns is a substantive item on the pre-inspection call and end of day meetings agendas, with appropriate time allocated. The invitation also needs to be made in such a way that providers feel their feedback is being actively sought. It would be all too easy for inspectors to end a meeting after an exhausting day's activity with a sentence such as, 'Unless anyone's got any issues they want to raise, we'll see you in the morning.' Providers are unlikely to interpret that as a genuine invitation to raise concerns.</p> <p>It will also be important that inspectors are receptive to the questions and comments they receive and, where appropriate, adjust their approach. Ofsted will need to ensure consistency across inspection teams in this regard, so that regardless of region, provider type or inspection team, all providers have of a positive experience of this professional dialogue. For example, if a</p>

		<p>provider raises a concern that Ofsted is forming an inaccurate opinion of an aspect of their provision based on incomplete evidence, inspectors must be open to the provider presenting supplementary evidence or making suggestions for additional inspection activity. While lead inspectors will need to exercise professional judgement in responding to such requests, Ofsted should set clear expectations of its inspectors to ensure providers are being treated equally and fairly. Natspec recommends that inspectors keep a formal log of issues raised through professional dialogue and of their responses. This will enable quality auditors to determine the consistency with which inspectors are engaging in professional dialogue and it may provide useful evidence in situations where formal complaints or challenges are later made.</p> <p>There must also be a clear process for providers and inspectors to follow if professional dialogue alone does not resolve the provider’s concern(s). In recent months, a number of specialist FE colleges have raised concerns that inspectors have not had sufficient understanding of PMLD provision to make accurate judgements about their provision. Natspec would like inspectors to have access to on-duty Ofsted specialists whose expertise they could draw on in a scenario where a provider raises a concern requiring specific expert knowledge that goes beyond of that of the inspection team. Resolving as many of such issues as possible in-situ, rather than having to escalate them into a formal complaint, would seem to be desirable for all concerned.</p>
<p>Two</p>	<p>To what extent do you agree or disagree with our proposal to introduce a new opportunity for providers to contact Ofsted the day after an inspection if they have any unresolved concerns?</p>	<p>Agree</p> <p>Natspec welcomes the proposal to introduce an opportunity for next-day contact with Ofsted to raise any questions or issues arising from inspection. Providers are often exhausted at the end of inspection and not fully able to reflect on their inspection experience until the inspection team has left the site. While we understand the value of offering a time-critical opportunity to raise unresolved concerns, we think that providers would benefit from having a two-working-day (rather than one day) post-inspection period to contact Ofsted. Larger providers, providers with multiple sites or providers with larger numbers of part-time staff would all benefit from having slightly more time to reflect together before contacting Ofsted if appropriate.</p> <p>Ofsted will need to develop protocols for how it responds to issues raised through this next-day contact, so that providers are treated consistently and fairly. Providers would benefit from some case study examples of the types of concern that might reasonably be raised through this means and what they can expect in terms of a response from Ofsted. It would be helpful if Ofsted distinguishes when a provider might normally raise a concern through this route and when it would be more appropriate to file a formal complaint. There should be no expectation that a</p>

		<p>provider should have raised an issue through next-day contact before making a formal complaint. Likewise, there should be no expectation that a provider should have first sought to resolve a concern through professional dialogue before using the proposed next-day contact. As issues will emerge at different stages, including several days after an inspection has ended, it will be important that options for raising issues with Ofsted remain open to providers.</p> <p>Natspec recommends that Ofsted records and analyses concerns raised through this process to identify any emerging themes or patterns, for example relating to region, provider or provision type, or particular personnel. This should be done at national rather than regional level. Findings should be used to improve or update training of inspectors, inform any revisions to inspection methodology, frameworks or handbooks including to improve information or advice offered to providers on inspection practice.</p>
<p>Three</p>	<p>To what extent do you agree with our proposal to introduce new arrangements for finalising reports and considering formal challenges to inspection outcomes?</p>	<p>Agree</p> <p>Natspec is pleased that Ofsted is planning to revise its arrangements for finalising reports and considering formal challenges to inspection outcomes, although from the limited information provided in the consultation document, the proposals do not seem substantially different from current arrangements. Provider dissatisfaction with draft reports is quite often related to a particular finding, the inclusion of specific examples or the balance of the report, rather than with judgements or overall grade. It is not clear how a provider would raise issues of this nature. Natspec recommends that Ofsted either introduces a third, 'middle route' for providers in this position or that it expands the proposed formal challenge to inspection outcomes to include findings as well as judgements.</p> <p>It should be possible for a provider to raise issues of factual accuracy <i>and</i> to make a formal complaint if they are dissatisfied with the findings and judgements in the report. The separation of the two distinct routes does not make it clear that this is the case. Where a provider has cause to make a formal complaint, they should also be able to use this opportunity to alert Ofsted to inaccuracies in a report. Greater clarity from Ofsted on what it considers to be a 'minor point of clarity or factual accuracy' would help providers determine which route they should follow if they are dissatisfied with their draft inspection report.</p> <p>We welcome the plan to hold a telephone conversation with any provider making a formal complaint; this should allow them to explain their concerns more fully and potentially for some of these to be resolved within the conversation. Providers will also appreciate more detailed</p>

		<p>complaint outcome letters so that they can better understand Ofsted’s decision-making process and more easily determine whether a further escalation of their concerns to ICASO is warranted. We are pleased to see that a complaint could result in a range of different actions on Ofsted’s part from changes in the text of a report to declaring an inspection incomplete and re-visiting the provider. This demonstrates Ofsted’s intention to consider provider complaints seriously.</p> <p>No timings about raising issues with draft reports are provided in the proposals. Having to respond within five working days of receiving a draft or final report (with no opportunity to supplement an initial response) can leave providers feeling rushed into action at a time of high stress, without having sufficient time to think through their response. Providers’ frustration about these current timings is compounded by the fact that Ofsted is not bound to respond to the issues they have raised in any set timeframe, meaning that publication of a report can be indefinitely delayed while stress levels continue to rise within the provider setting. Natspec recommends that providers are given ten working days to respond to a report and that Ofsted commits to respond in a set period that is both reasonable for the provider and workable for the inspectorate.</p>
<p>Four</p>	<p>To what extent do you agree or disagree with our proposal for direct escalation to ICASO of concerns regarding our complaints handling, and adding a periodic review of closed complaints, using external representatives from the sectors we inspect?</p>	<p>Strongly agree</p> <p>Natspec welcomes the proposal for direct escalation to IACSO of concerns about complaint handling. This should reduce the time in which complaints are resolved and the associated bureaucracy, remove an unnecessary barrier to raising issues about Ofsted practice, and make the complaint-handling process more transparent. We also welcome the proposal to review closed complaints and to involve sector representatives in the review. Ofsted should seek to identify any emerging themes or patterns within the complaints received – and particularly those upheld - for example relating to region, provider or provision type, or particular personnel. This should be done at national rather than regional level. Findings from this exercise should be used not only to improve complaint-handling processes but also to improve or update training of inspectors and to inform any revisions to inspection methodology, frameworks or handbooks.</p>
	<p>Please provide any representations/evidence of the impact of our proposals for the purposes of the Public</p>	<p>Ofsted should consider what additional steps may be needed to ensure that providers offering education and training to learners with more complex needs, including those with the PMLD label, benefit equally from these proposals. There needs to be a greater understanding within Ofsted of the needs of these learner groups, how they learn and, what constitutes effective practice in meeting their needs, including specialist pedagogy. While it may not be practical for every inspection team deployed to inspect such provision to include specialists in all types of</p>

	Sector Equality Duty (Equality Act 2010).	need represented in the setting, inspectors should have access to relevant expertise during the course of the inspection to help resolve any in-situ concerns raised, and Ofsted personnel deployed to investigate complaints relating to highly specialist provision must have the appropriate expertise in complex needs to consider the complaint fully.
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