

## Supplementary written evidence submitted by Ofsted

Dear Robin

During my recent evidence session on Ofsted's work with schools, I promised to write to the Committee to provide clarification on a number of issues.

I have set these out below.

### **Inspecting safeguarding**

We discussed the changes to school inspections announced in June, specifically that inspectors will return more quickly to schools graded 'inadequate' overall due to ineffective safeguarding arrangements, but where all other judgements were 'good' or better. The Committee asked whether this process had begun and what impact it has had.

I can confirm this new policy has been in effect since 1 September 2023. Inspectors will now return to these schools within three months of an inspection report being published and parents will be informed of this intention in the report.

To date, only one school has met the required criteria. The inspection report was published in September and the school will receive its monitoring inspection in due course.

It is too early to provide any analysis of the impact of this new policy. However, as I said to the Committee, it was a sensible and constructive change to reintroduce monitoring visits for schools in these circumstances. If a school has been able to resolve the safeguarding concerns identified, it is likely to see its overall grade improve after the monitoring visit.

## **Ofsted's complaints process**

The Committee also asked several questions about complaints.

First, we discussed our complaints procedures and recent consultation. As I confirmed in my response, we do have an external review system in place: the Independent Complaints Adjudication Service for Ofsted (ICASO). This is commissioned by the Department for Education (DfE) and is currently provided by the Centre for Effective Dispute Resolution (CEDR). ICASO publishes annual reports, which have been consistently very positive about our work. I promised to share these reports with the Committee. They are published online and available here:

<https://www.cedr.com/consumer/education/reports/>.

On Friday, we published the outcome of our recent consultation and confirmed that we will implement all four proposed changes to our post-inspection arrangements and complaints handling. These are:

1. Enhanced on-site professional dialogue during inspections to help address any issues before the end of the inspection visit.
2. A new opportunity for providers to contact Ofsted the day after an inspection if they have any unresolved queries.
3. New arrangements for finalising reports and considering formal challenges to inspection outcomes.
4. Direct escalation to ICASO and a periodic review of closed complaints using external representatives.

We received over 1,500 responses from providers across all the sectors that Ofsted inspects and regulates, and there was strong support for all four proposals. Over 80% of respondents were in favour of proposals one, two and four, and just under 80% were in favour of proposal three.

We will introduce these changes in two phases. From January 2024, we will introduce enhanced engagement during inspections and the opportunity for providers to contact us the day after an inspection if they have any unresolved queries. The new arrangements for finalising reports and handling complaints will be introduced from April 2024.

More information about these changes is available here:

<https://www.gov.uk/government/consultations/changes-to-ofsteds-post-inspection-arrangements-and-complaints-handling-proposals-2023>.

Second, the Committee asked about any difference between the information and insights Ofsted would share as part of our complaints process, and the evidence we would share under Freedom of Information (FOI).

There are important differences between the two processes. We have an effective system for responding to FOI requests, underpinned by FOI case law. Before sharing information, we need to make sure that personal and sensitive information is handled very carefully and is redacted, particularly information provided in confidence by staff, parents and pupils. This takes time, resources and care to complete.

To routinely disclose full evidence bases for each inspection at the complaints stage would require extensive redaction and resource. The time this would take is one reason why the FOI Act is not a suitable mechanism to determine what information is provided to schools in response to a complaint. The FOI regime is also firmly predicated only on disclosure of information to the wider public, rather than just to schools themselves. Reports are still in draft at the complaints stage, and we would not disclose evidence to the public under the FOI regime relating to a draft report (partly as this could lead to the perverse outcome of the public seeing an evidence base before the report is published).

Of course, we strive to make sure that inspections are as collaborative, transparent and informative as possible. Inspectors meet staff and headteachers regularly throughout the inspection process to provide updates on emerging issues and to allow the school to raise any queries or concerns. At the conclusion of an inspection, the lead inspector must ensure that the headteacher and those responsible for governance are clear about the key findings and that they have sufficient detail to understand how we have reached inspection judgements.

However, we do understand that schools sometimes want to understand more about the inspection evidence when their inspection has just finished, including during a complaint. While we cannot, under the FOI legislation, make a special case to give schools enhanced or greater access to information than we would to a member of the public, we do recognise that some schools might want to understand how the evidence relates to their inspection findings as part of a formal challenge or complaint.

As we take forward the outcome of our recent complaints consultation, we are giving careful thought to how we address these requests. Through the enhanced engagement around a complaint, we can ensure we address issues in the complaint, and identify the relevant aspects of the evidence which are in question. We are optimistic that we can improve the range of evidence we share with schools after an inspection.

I hope this information is helpful.

Yours sincerely

A handwritten signature in black ink that reads "Amanda Spielman". The script is cursive and fluid.

**Amanda Spielman**  
His Majesty's Chief Inspector

November 2023