

Consultation proposals for changes to Ofsted's post-inspection processes and complaints handling

Response of the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) represents over 19,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million young people in more than 90 per cent of the secondary and tertiary phases, and in an increasing proportion of the primary phase. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the opportunity to contribute to this consultation.

B. Key points

3. The proposals to improve consistency in the step 2 handling of complaints are welcome, as is the proposal to withhold publication of reports pending investigation of complaints.
4. However, ASCL remains deeply concerned about the absence of any authority beyond step 2 of the process to order revised judgments or a reinspection. This makes the upper end of the complaints process toothless and is a major reason why school and college leaders lack faith in the complaints policy. This part of the process should be reconsidered.

C. Answers to specific questions

Proposal 1: provide greater consistency in post-inspection arrangements across our work

To what extent do you agree or disagree with the proposal to provide greater consistency in post-inspection arrangements across our work?

- Strongly agree
- **Agree**
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

5. ASCL welcomes Ofsted's proposal to provide greater consistency in post-inspection arrangements. Ensuring that all providers see their draft report within 18 working days of the end of the inspection will give schools greater clarity over what happens if they complain about an inspection. The aim to issue all final reports to providers within 30 days is also welcome as this will help to ensure schools, parents and communities receive prompt information about the inspection. However, this must not come at the expense of a rigorous and fair consideration of complaints submitted by schools.

Proposal 2: allow all inspected providers 5 working days to review their draft report and submit any comments about issues of factual accuracy and the inspection process for us to consider before we finalise the report

To what extent do you agree or disagree with the proposal to allow all inspected providers five working days to review their draft report and submit any comments regarding issues of factual accuracy and the inspection process for consideration by us before the report is finalised?

- Strongly agree
 - **Agree**
 - Neither agree nor disagree
 - Disagree
 - Strongly disagree
 - Don't know
6. The decision to extend the factual accuracy window to five days is right; indeed, ASCL has urged Ofsted to do exactly this. With inspections continuing to be too high stakes it is vital that schools have every opportunity to set out any concerns, which might include factual inaccuracies in the report or issues relating to the inspection process.
 7. Also, many schools are part of multi-academy trusts and it is important to ensure that executive leaders working across schools have sufficient time to work with leaders within their Trust to ensure reports are accurate. Such discussions take time and the 5-day window should be helpful in this regard.
 8. However, clarity needs to be provided to schools and colleges that 'submitting any comments about...the inspection process' is not the same as issuing a formal complaint (step 2 of Ofsted's policy). Therefore, as part of Ofsted's response to any such comments, providers should be routinely reminded of the opportunity to pursue concerns through a formal complaint.

Proposal 3: consider and respond to formal complaints from inspected providers before we publish their inspection report, if these complaints are submitted promptly

To what extent do you agree or disagree with the proposal to consider and respond to formal complaints from inspected providers before their inspection report is published, if these complaints are submitted promptly?

- **Strongly agree**
- Agree
- Neither agree nor disagree
- Disagree

- Strongly disagree
 - Don't know
9. Given the high stakes nature of inspection, and the potential for an inaccurate report to cause reputational damage, schools and colleges must be given sufficient opportunity to resolve concerns prior to publication of the report. ASCL strongly supports Ofsted's proposal to withhold publication of reports pending investigation of formal complaints. As noted under proposal 1, however, it is important that this does not come at the expense of a rigorous and fair consideration of any complaints.

Proposal 4: retain current arrangements for internal reviews into complaints handling, including the scrutiny panel

To what extent do you agree or disagree with our proposal to retain current arrangements for reviews into complaints handling, including the scrutiny panel?

- Strongly agree
 - Agree
 - Neither agree nor disagree
 - Disagree
 - **Strongly disagree**
 - Don't know
10. ASCL remains deeply concerned about the absence of any authority beyond step 2 of the process to order revised judgments or a reinspection.
11. Holding an internal review at step 3, with the inclusion of an external sector representative, is welcome but it appears to be a toothless process: it can draw conclusions about whether the process was followed at step 1 and 2, but it does not appear to be able to issue an amended inspection judgement or even to instruct a reinspection. Many school and college leaders lack faith in Ofsted's complaints process as a result.
12. This is further exacerbated by the lack of an external authority with the power to change judgements or order a reinspection. The Independent Complaints Adjudication Service can do neither of these things. It can make recommendations to Ofsted but in the context of the high stakes judgements made about schools this is insufficient.
13. We recognise that resolving this is not straightforward. For example, introducing an external authority with the power to issue amended judgements may in itself pose further challenges. However, ASCL believes these are the issues that should be being considered and consulted on. We are disappointed that this consultation seems to assume the upper end of the consultation process is fit for purpose – this is not our view.
14. We would welcome the opportunity to work with Ofsted to explore how the internal review (step 3) and the external review might be improved so the process gains the trust of school and college leaders.

Do you have any additional comments on our proposed changes to Ofsted's post inspection processes and complaints handling?

15. Firstly, the wording of the complaints policy continues to be confusing for stakeholders, especially regarding how/when schools in a category of concern can make a complaint. We make two recommendations to Ofsted in this regard:
 - 1) Review the wording to make sure it has absolute clarity, particularly paragraph 16 of the current guidance. The difference between 'contributing to this process' (extended quality assurance) and submitting a formal complaint needs to be made clearer, with clear instructions as to how and when these actions can be taken.
 - 2) We continue to be of the view that a simple flow chart should be added into the complaints policy which will help schools to understand how and when actions within the process should be undertaken.
16. Secondly, some responses to step 2 complaints uphold multiple specific complaints but conclude that each individually did not affect the outcome of the inspection, and therefore the judgement is deemed to be secure. Such a view fails to grasp that this might indicate systemic failure of the process. Whilst no single aspect might have affected the judgement, when taken together it might be reasonable to conclude that the process itself was undermined and the judgement is, therefore, insecure. We would encourage Ofsted to consider this point when multiple concerns are upheld and to provide guidance and training for those investigating complaints about when an inspection might be deemed insecure on this basis.

D. Conclusion

17. The proposals outlined in the consultation will make helpful but relatively minor changes to the complaints handling process.
18. The proposals do not go far enough. Further changes are required, including the ability of the internal and external review processes to change judgements or instruct a reinspection.
19. I hope that this response is of value to your consultation. ASCL is willing to be further consulted and to assist in any way that it can.

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