

## **Consultation: Changes to Ofsted's post-inspection arrangements and complaints handling: proposals 2023**

### **Response of the Confederation of School Trusts**

#### **A. Introduction**

1. The Confederation of School Trusts (CST) is the national organisation and sector body for academy and multi-academy trusts in England. Representing over 1100 trusts, we are in turn responsible for more than 70% of the sector and the education of over 3 million children and young people. This places CST in a strong position to consider this issue from the viewpoint of the system's leaders in self-governing organisations.

#### **B. Proposal 1: Enhance on-site professional dialogue during inspections to help address any issues before the end of the inspection visit.**

2. We strongly agree that introducing formalised opportunities for leaders to voice any concerns and raise queries is a positive and encouraging change to the current system. This increased discourse would provide a valuable opportunity for both parties to respond to and potentially resolve issues during the inspection process.
3. We feel that more frequent discourse between leaders and Ofsted is likely to have a positive impact on the quality of the inspection and potentially limit the burden of future complaints by providing an early opportunity for resolution during the inspection. We feel that in turn, this opportunity would foster a more amiable environment during the inspection where schools feel as though they are able to be heard.

#### **C. Proposal 2: Introduce a new opportunity for providers to contact Ofsted the day after an inspection if they have any unresolved concerns.**

4. The pressure and scale of inspection can make it hard for schools to have every opportunity to share the evidence they would wish to, which is particularly concerning when doing so is essential for addressing inaccuracies or challenging lines of enquiry. For example, we are aware that inspectors must gather a significant range of evidence and that this can, on occasion, result in inspections ending late on the final day and time running out for deeper deliberation.

5. Furthermore, we also know that sometimes it is only after a period of reflection – perhaps overnight after the inspection has ended– that leaders feel confident enough to raise a concern or query with inspectors.
6. We therefore welcome this proposal because it should allow more issues that arise during an inspection to be dealt with whilst still fresh and without requiring recourse to a formal complaints process in the first instance. If managed well by Ofsted, and if leaders’ legitimate concerns are listened to and acted upon, this extra opportunity for leaders to contact Ofsted could help to reduce the pressure on leaders during the inspection itself as well as in the immediate aftermath.

**D. Proposal 3: Introduce new arrangements for finalising reports and considering formal challenges to inspection outcomes.**

7. The impact of this proposal will depend on how well it is implemented by Ofsted. On one level it does not seem to represent a significant change to the current complaints procedure; schools can already access a complaints process and the factual accuracy check.
8. However, as was emphasised in the response to Proposal 2, we welcome opportunities for complaints to be handled and resolved in a timely manner. We therefore agree that this proposal has the potential to make a beneficial change to the current complaints procedure, provided the steps outlined are followed in a genuine spirit of engagement and openness by the investigating Ofsted inspector.
9. Accordingly, we would expect there to be instances where these enhanced processes resulted in changes to inspection outcomes and reports. Currently, many leaders worry that post-inspection processes very rarely result in tangible change. While it should not be the objective to see a great many inspection outcomes being overruled at this stage (as to do so might indicate systemic insecurities in the inspection process), a fair complaints process might be expected to see changes happen with more regularity than is perceived by many leaders. Ofsted should consider how it might build confidence in the system in this regard.
10. One further point we would make is that, for a long time, the complaints process has been seen by schools and trusts as difficult to navigate. We would therefore like to stress the importance of the new procedures being clearly laid out so that schools fully understand the processes. We would encourage Ofsted to consider setting out the processes in a diagrammatic form to support clarity of understanding in the sector.

**E. Proposal 4: Direct escalation to ICASO and adding a periodic review of closed complaints using external representatives from the sectors we inspect.**

11. We agree that the removal of the internal review removes an unnecessary hurdle in the complaints procedure.
12. Although we agree that the removal of the internal review is a positive step, we believe that Ofsted could go further by granting the independent review stage the power to re-open inspections if it is determined that a complaint about the inspection process raises concerns over the accuracy of the inspection.

**F. Conclusion**

13. CST feels that the focus on an increased opportunity for schools to raise concerns and queries during and immediately after the inspection process is a welcome and positive change which will be beneficial both to providers and to Ofsted.
14. We welcome any opportunity to reform the complaints procedure in a way that provides more opportunity for schools and trusts to raise concerns. We would like to see the new post-inspection procedures presented with clarity.
15. We feel that the decision to remove the internal review, although a principally positive step, could go further by allowing the independent investigator to re-open inspections in prescribed circumstances.