Ofsted Consultation

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Providers of services inspected by Ofsted, including independent schools, children's homes, and fostering agencies, should take note of its current consultation, which is due to end on 31 March 2020.

The consultation makes four proposals in relation to the way inspection reports are finalised and how concerns are handled, with a view to achieving greater consistency across the types of services Ofsted inspects.

The consultation details proposals that include providers seeing their draft report within 18 working days following inspection and final reports being issued within 30 working days. It is proposed that providers will have five working days within which to challenge the accuracy of their draft report and providers will also be allowed two working days following receipt of the final report to raise a formal complaint, if they remain dissatisfied following the factual accuracy process. During this time, Ofsted would delay publication of the final report until the complaint is resolved but would not consider any complaint received after those two working days as this would be considered 'out of time'. Under its current complaints process, Ofsted allows providers ten working days to lodge any formal complaint. However, it does not usually withhold publication of a report whilst a complaint is considered.

Whilst it would clearly be beneficial for the publication of an inspection report to be withheld pending consideration of a formal complaint, the timescales proposed by Ofsted are very short and, if strictly imposed, may disadvantage a number of providers. If a draft report has a number of inaccuracies within it, five working days is not a great deal of time within which to challenge those inaccuracies. Furthermore, if a provider does have serious concerns and wishes to raise a formal complaint following receipt of the final draft report, two working days is unlikely to be sufficient time, particularly if relevant people are absent or on leave.

Whilst seemingly positive proposals are being submitted, they are not without their drawbacks and we, therefore, encourage all affected providers to respond to the consultation to ensure that their voice is heard.

The outcome of the consultation is expected before 8 May 2020 and it is envisaged that any new proposals will be in place by September 2020.

If you would like more information, please contact our healthcare solicitors by calling 01202 786161 or emailing online.enquiries@la-law.com.

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