

Annual Report 2021

7 March 2022

Dear Ms Spielman

Independent Complaints Adjudication Service for Ofsted: Annual Report 2021

In view of the limited level of activity of the service within the year, I am sending you this brief report of our work rather than the usual formal annual report. I confirm that I am content for this letter to be published as our report for 2021.

Historically, complaints to ICASO have largely arisen from concerns about the conduct of, or outcomes from, Ofsted's work inspecting providers. In the past two years, the pandemic has had a significant impact on that core work and we saw a knock-on effect with a significantly reduced number of complaints coming to us. In 2021, we handled just six complaints, a marked reduction from the 17 considered the previous year.

Of those six complaints, three related to Early Years providers, two to Further Education Colleges, and one to a Voluntary Adoption Agency. One of the Early Years complaints was made by a parent and one by a family member of a provider whilst the remaining four came from senior representatives of the institutions concerned.

As we have seen in previous years, the majority of referrals to ICASO contain a number of heads of complaint. This year, the six referrals contained a total of 26 individual heads of complaint, of which 14 related to matters which fell outside our scope (such as the professional judgments or decisions made by Ofsted, and complaints about other agencies). The remaining 12 heads of complaint broke down as follows:

	2021	2020
Alleged failure to follow procedures	1	4
Alleged failure to respond in a timely manner	-	1
Alleged discourtesy	-	5
Alleged discrimination	1	2
Alleged failure to apologise or accept mistakes	-	-
Inspector/staff conduct	5	6
Alleged failure in complaint investigation	5	14
Total	12	32



Although we were only looking at a very small proportion of Ofsted's overall caseload, it is worth noting that we have not seen any change in the nature or pattern of individual complaints notwithstanding the operational changes that had to be made in the context of the COVID-19 situation. Furthermore, and for the first time in our experience of many years of working with Ofsted, we did not uphold any of the complaints received, and our adjudicators made no recommendations to improve Ofsted's systems and policies.

In summary, our experience of working with the Ofsted team has been very positive. We recognise that it was a difficult year for all but, from our perspective at least, all the signs are that Ofsted was able to maintain its high standards of complaints handling. This is to the credit of all staff involved in that process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Graham Massie', written in a cursive style.

Graham Massie
Chief Adjudicator

Appendix – About ICASO



ABOUT THE ICASO

Remit

The ICASO is entirely independent of Ofsted and our contract for this service is with the Department for Education. The service is available to anyone who has previously made a complaint to Ofsted and is dissatisfied with the response.

We can investigate the manner in which Ofsted has dealt with a complaint, and we can provide advice and recommendations to improve Ofsted's systems and practices for dealing with complaints. These may include methods for addressing failings particular to a complaint or generally to improve complaint handling procedures.

The ICASO adjudicators can investigate complaints into:

- alleged failure to follow procedures;
- alleged failure to respond in a timely manner;
- alleged discrimination;
- alleged discourtesy;
- alleged failure to apologise or accept mistakes; and
- alleged failure to handle concerns about inspector/staff conduct.

We cannot investigate complaints into issues relating to government policy or legislation; or issues where there are clear rights of appeal through a Court or Tribunal.

Powers

The ICASO cannot overturn individual Ofsted inspectors' professional judgements, nor can we award any financial damages or compensation.

Our recommendations are not binding upon Ofsted. However, if Ofsted decides not to comply with any recommendation, it must state publicly the reasons for doing so.

The procedure

The ICASO can only look at complaints which have first been through all stages of the internal complaints process operated by Ofsted.

People may contact the ICASO by telephone, e-mail or letter, but wherever possible we ask them to complete a formal application form to begin the process. The application form asks them to set out full details of their complaint and also that they supply us with all supporting information.

Upon receipt of an application, the ICASO administrator will contact Ofsted to ensure that the complainant has exhausted the internal complaints process. Once this confirmation is received, an ICASO Adjudicator will be appointed by the ICASO administrator within 48 hours and details of the appointment will be confirmed to both Ofsted and the complainant.

Our initial contact with Ofsted will include a copy of the application and a request that Ofsted supply a summary of what has happened so far in the complaint process within 21 working days.



The Ofsted summary will be sent to the ICASO Adjudicator who will send this to the complainant. The complainant will then be given five working days to submit any comments on the Ofsted summary. Comments must be limited to observations about the summary and cannot include any new information or re-argument of the case.

Upon receipt of the comments, if any, the ICASO Adjudicator will consider all documentation and in doing so decide if further information is required from the parties.

The ICASO Adjudicator will issue their report and brief written recommendations. These will be sent to both Ofsted and the complainant within 21 working days of the ICASO Adjudicator being in receipt of all information.

Provider organisation

ICASO is run by CEDR, the Centre for Effective Dispute Resolution.

CEDR is an independent, non-profit organisation with a mission to cut the cost of conflict and create choice and capability in dispute prevention and resolution. Since its founding in 1990, CEDR has worked with 300,000 parties in commercial disputes and helped resolve over 100,000 consumer complaints across 30 sectors.

It operates a number of mediation and adjudicative processes for local and national government, and for other public sector parties, as well as those in the commercial sectors. It also provides training and consultancy in mediation, conflict management and negotiations skills.

The ICASO adjudication team is:

- Claire Andrews
- Joanna Cavell
- Tony Cole
- Eisei Higashi
- Graham Massie
- Uju Obi

Key performance indicators

CEDR's contract with the Department for Education contains a number of Key Performance Indicators relating to its operation of ICASO; these cover such matters as our speed of response to correspondence and enquiries, and the length of time taken by our adjudicators to issue their report once all relevant information has been provided to them. No performance issues were identified during the year.