

Consultation outcome

Proposed changes to ISI's complaints procedure and post-inspection arrangements

September 2024

Full report

Contents

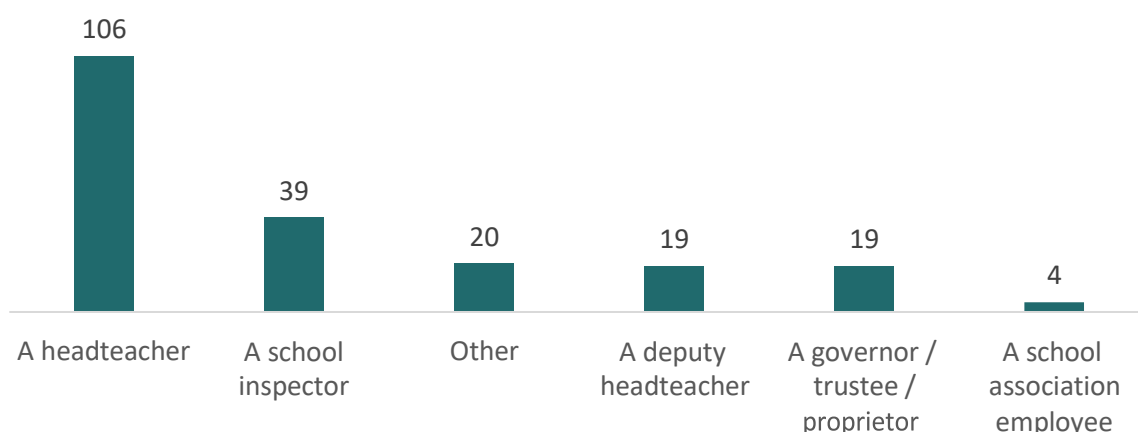
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Introduction

1. ISI is [appointed](#) by the Department for Education to inspect association independent schools in England and British schools overseas. We are also appointed by the Home Office to inspect private further education colleges and language schools in England and Wales.
2. This consultation relates to proposed changes to ISI's complaints procedure and post-inspection arrangements.
3. The consultation window opened on 21 February 2024 and closed on 26 April 2024.
4. ISI delivered a range of activities to inform schools and other stakeholders about the proposals and how they can have their say. This included direct correspondence to senior leaders at all association independent schools and a [webinar](#) led by senior ISI staff.
5. Further information about the scope of the consultation and pre-consultation process can be found in the [consultation document](#).
6. This report includes a statistical summary of closed question responses and a thematic summary of open question responses for each proposal. It also provides an organisational response to the findings of each proposal and how ISI intends to proceed.
7. For reporting and analysis purposes, individual responses were treated as anonymous and comments were only categorised into a particular respondent group e.g. headteachers. ISI has taken every step to ensure that any sensitive information which could be attributed to a particular school or historic complaint is not subject to publication or disclosure.
8. Responses were securely backed up at regular intervals throughout the consultation window. This was done in line with requirements of the Data Protection Act (2018) and ISI's own [privacy notice](#) and other [internal policies](#) around how we collect, handle and manage data.
9. ISI undertook two initial screening equality impact assessments. These covered the consultation and an evaluation of the impact of proposed changes on different groups. The proposals were not deemed to adversely impact on the grounds of the nine protected characteristics as laid out by the Equality Act 2010.
10. The handling of consultation responses and analysis of feedback was carried out by ISI staff who were not involved in any decision-making relating to consultation outcomes.
11. The outcome of this consultation has been used to draft an updated version of [ISI's complaints policy](#). This will come into effect from 1 September 2024.
12. In line with the terms of ISI's [approval to inspect](#), any changes to our complaints procedure must be agreed with the Department for Education – the regulator for independent schools in England. Due to the pre-election period of sensitivity, this resulted in a delay to the consultation outcome report and draft complaints policy being approved and published.

Number of responses

13. Participants were invited to complete a questionnaire, which was available online or as a hard copy. Participants could also take part in the consultation by email or by letter in the post.
14. All questions were optional apart from the initial categorisation screening questions.
15. In total, **172** individuals completed the consultation questionnaire. Respondents identified themselves into the following groups¹:



16. ISI also received organisational submissions from the following school associations:
 - a. Girls' Schools Association (GSA)
 - b. Independent Association of Prep Schools (IAPS)
 - c. Independent Schools Association (ISA)
 - d. Independent Schools Council (ISC)
17. The Heads' Conference (HMC) did not provide responses to individual consultation questions. However, it wrote to inform ISI that it considers “the proposed changes to be sensible and is in support of them”. It added: “we believe that these adjustments will enhance the transparency and efficacy of the inspection process, benefiting both the schools and ISI.”
18. The Society of Heads (SoH) informed ISI that they were “aligned with the ISC response”.
19. Members of staff from the Independent Schools' Bursars Association (ISBA) submitted individual responses, along with encouraging members to complete the online questionnaire.
20. Feedback from school associations has been mapped against relevant consultation questions / proposals. Any additional feedback² about ISI’s proposals or current complaints procedure and post-inspection arrangements is summarised within the [other feedback](#) section.

¹ Respondents were asked to select all groups that applied

² Any general comments that were considered outside of scope have been shared with relevant teams internally and will be considered as part of wider ongoing organisational feedback. However, they do not feature in this document or the consultation analysis

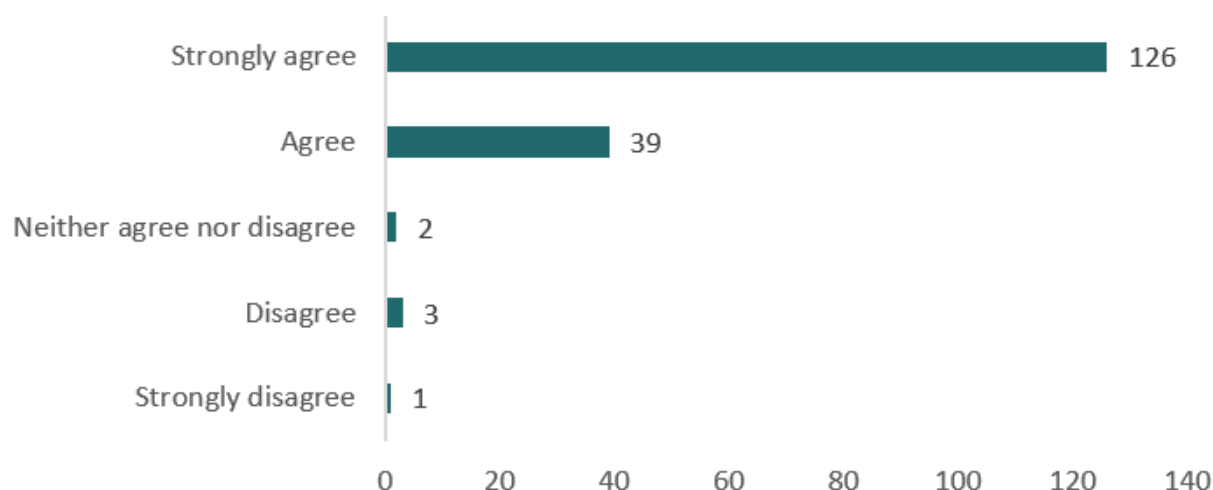
Consultation feedback and ISI’s response

21. This section contains a summary of responses to each consultation question and ISI’s response to the feedback received. This includes whether the proposal will be taken forward.

Feedback during the onsite inspection

22. **Question one:** To what extent do you agree or disagree that headteachers should be provided with the phone number for a member of staff at ISI’s head office to contact during onsite inspections to raise any serious concerns about the inspection?

Option	Total	Per cent
Strongly agree	126	73.68
Agree	39	22.81
Neither agree nor disagree	2	1.17
Disagree	3	1.75
Strongly disagree	1	0.58
	171	100.0



23. The majority of respondents strongly agreed or agreed that headteachers should be provided with the phone number for a member of staff at ISI’s head office to contact during the onsite inspection (96.49 per cent). This was the case across all groups.

24. In open responses (85) there was a general consensus around the importance of schools having the opportunity to escalate any serious issues during the onsite inspection. A high number of respondents indicated that this would be useful in certain situations and provide increased reassurance around the inspection process. It was also felt having this option could reduce stress on headteachers and allow some issues to be resolved before the post-inspection complaints process.

25. Conversely, a few respondents suggested this proposal could result in issues not being raised with the reporting inspector in the first instance. It was suggested that there needs to be clear criteria on when headteachers should contact ISI head office during the onsite inspection.
26. Some respondents suggested that schools should also be able to contact this number within one working day of the end of the onsite inspection. It was felt this would provide an opportunity to discuss any issues before deciding whether to make an informal complaint.

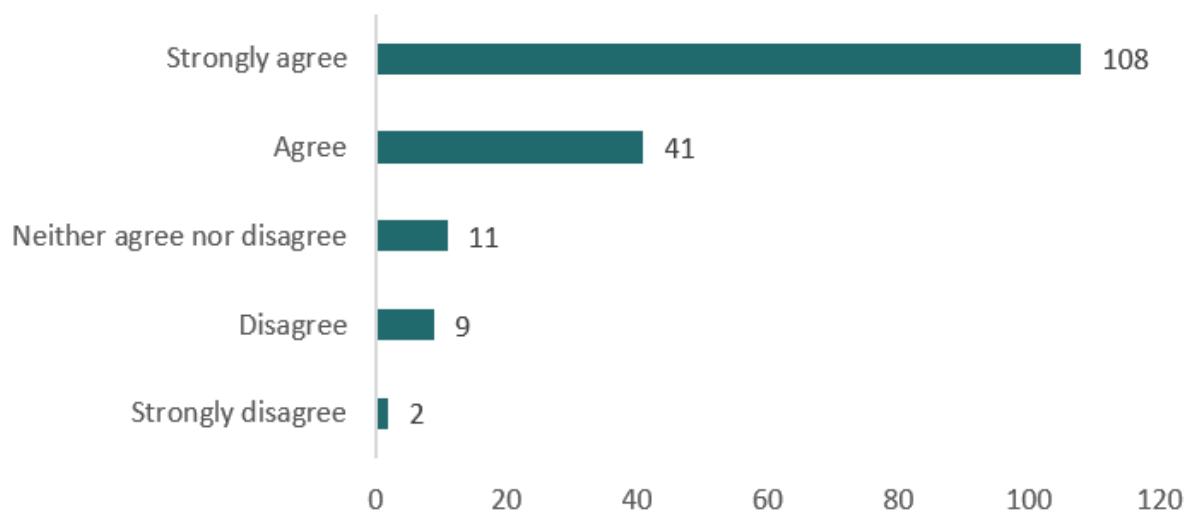
ISI response

- **ISI will be taking forward this proposal.**
- During the first phone call between the reporting inspector and headteacher before the start of the onsite inspection the reporting inspector will clearly outline the process for raising any issues during the onsite inspection. This will confirm that raising issues will not adversely affect any inspection outcome.
- On inspection, the reporting inspector will provide the headteacher with the phone number for ISI's head office. The headteacher or senior leader may phone this number to request a call back from a senior member of ISI staff during the onsite inspection. This number is provided so that the headteacher / senior leader can let us know if they have serious concerns that they feel unable to raise directly with the reporting inspector.

Stage one complaints (informal)

27. **Question two:** To what extent do you agree or disagree that the length of time a headteacher has to raise an informal complaint is extended from two term-time working days from the end of the onsite inspection to four term-time working days from the end of the onsite inspection?

Option	Total	Per cent
Strongly agree	108	63.16
Agree	41	23.98
Neither agree nor disagree	11	6.43
Disagree	9	5.26
Strongly disagree	2	1.17
	171	100.0



28. The majority of respondents strongly agreed or agreed that the length of time a headteacher has to raise an informal complaint should be extended to four term-time working days from the end of the onsite inspection (87.14 per cent). This was the case across all groups.
29. In open responses (83) there was broad support for this proposal. Respondents commented on the importance of school leaders having additional time to liaise with colleagues before deciding whether to submit an informal complaint. A number of respondents highlighted the emotional and physical demands of an inspection, and the benefits of additional time for reflection, particularly if the inspection outcome was not positive.
30. A small number of respondents suggested that there should be the opportunity to submit an informal complaint following receipt of the draft inspection report. Some respondents also suggested the deadline should either be extended further and/or additional flexibility allowed in particular cases (such as a headteacher being absent through illness).

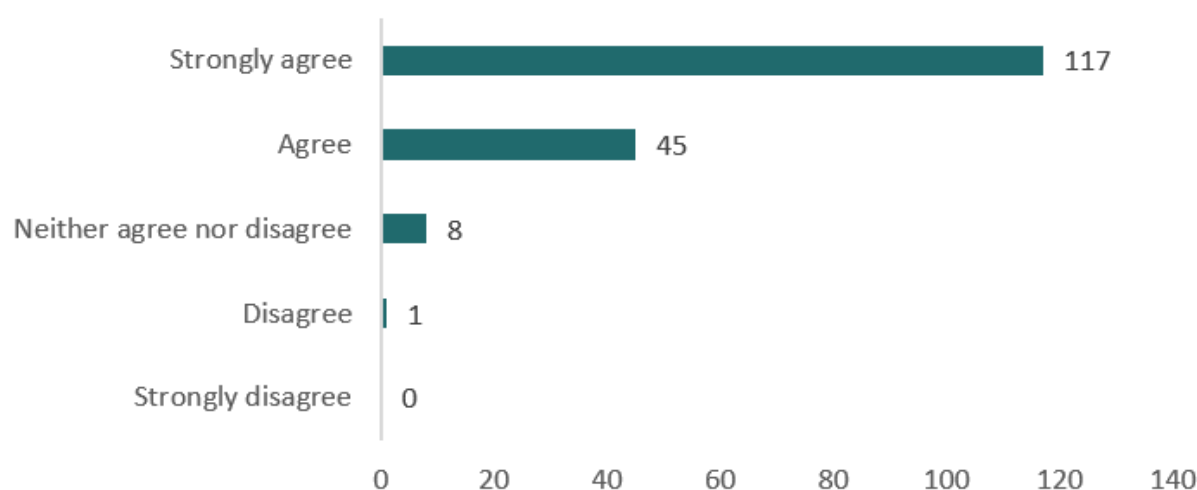
ISI response

- **ISI will be taking forward this proposal.**
- The length of time that schools have to request a phone call from ISI about any unresolved issues from the onsite inspection will be increased to four term-time working days from the end of the onsite inspection. This must be done by completing the following [online form](#).
- Following receipt of a phone call request, we will call the complainant to listen to their concerns. We will ensure the issues raised are considered by the quality assurance team within our post-inspection quality assurance process. We will try to resolve any concerns at this early stage of our inspection quality assurance processes.
- The consultation document outlined that *a member of ISI's quality assurance team will call the complainant again prior to issue of the draft report to explain the outcome of their stage one complaint*. Following further consideration and reflection on consultation feedback, the school will now receive a written summary outlining our response to the issues that have been raised with the draft inspection report.
- ISI will not accept written complaints at the informal stage.

Stage two complaints (formal)

31. **Question three:** To what extent do you agree or disagree that schools are offered the opportunity of a phone call with the internal reviewer to discuss their formal complaint?

Option	Total	Per cent
Strongly agree	117	68.42
Agree	45	26.32
Neither agree nor disagree	8	4.68
Disagree	1	0.58
Strongly disagree	0	0.00
	171	100.0



32. The majority of respondents strongly agreed or agreed that schools should be offered the opportunity of a phone call with the internal reviewer to discuss their formal complaint (94.74 per cent). This was the case across all groups.
33. In open responses (67), this was considered a welcome and sensible proposal. Headteachers commented on the value of being able to have a conversation to ensure the context and nuance of any complaint is fully understood and considered in the final decision of the internal reviewer. Some respondents added that this has the potential to reduce the burden on both the school and ISI, including reducing the volume of formal written correspondence required between both parties.
34. Some respondents commented on the importance of the independent reviewer not being involved in the original inspection. This was considered important from the perspective of transparency and also avoiding any conflict of interest. Other respondents requested additional clarity on the timing of this call within the process and how the contents of the discussion would be recorded.
35. A few responses highlighted the importance of the internal reviewer being a senior member of ISI staff with high levels of experience and understanding of the inspection process. A couple of other responses suggested that there should be an opportunity for a face-to-face

meeting, citing comparisons and alignment to how schools handle complaints.

36. There was also a request for ISI to confirm that schools can submit a stage two complaint without having submitted a stage one complaint.

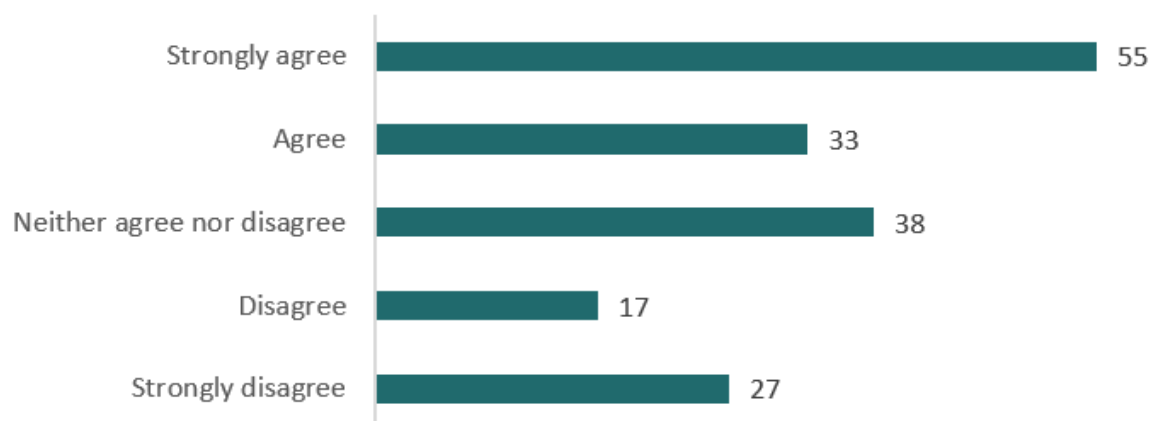
ISI response

- **ISI will be taking forward this proposal.**
- To submit a formal written complaint, the school leader must complete the following [online form](#).
- Schools may indicate on the form if they would like a phone call with the person undertaking the review to discuss their complaint.
- Schools can submit a formal written complaint even if they have not previously requested informal resolution at stage one.
- We will normally respond in writing to a stage two complaint within ten term-time working days.
- Our response will explain whether we uphold part, all or none of your complaint and why, and any steps we will take as a result.

Report publication

37. **Question four:** To what extent do you agree or disagree that the final report should be sent to the school five term-time working days before publication on ISI's website?

Option	Total	Per cent
Strongly agree	55	32.35
Agree	33	19.41
Neither agree nor disagree	38	22.35
Disagree	17	10.00
Strongly disagree	27	15.88
	170	100.0



38. In closed and open responses there was mixed sentiment towards this proposal.
39. Just over half of respondents strongly agreed or agreed that the final report should be sent to the school five term-time working days before publication on ISI's website (51.76 per cent). However, this proposal represented the lowest level of agreement across all closed consultation questions. This was particularly the case for school associations and deputy headteachers³.
40. In open responses (66) a number of respondents suggested that current arrangements work well and should not be changed. Some headteachers and deputy headteachers felt the proposed reduction to five days would not be sufficient to consult their wider senior leadership team and trustees / governors before communicating the inspection outcome to staff, pupils and parents. Some respondents suggested that this change may increase pressure on school leaders due to the reduced timeframes.
41. Some respondents, including school associations, felt that this change would make it more difficult for schools to request a postponement for the publication of the final report from the Department for Education ahead of the independent adjudicator stage. There were concerns that this could lead to inspection reports being published before the conclusion of ISI's complaints process and/or before the Department for Education had had the opportunity to review a request for postponement.
42. Conversely, other respondents commented that five term-time working days should provide sufficient time for schools to review the final report and inform their school community about the findings. A number of respondents mentioned that, in most cases, schools would start preparing their communications approach upon receiving the draft inspection report and preparing a factual accuracy response.

³ 47.37 per cent of deputy headteachers either disagreed or strongly disagreed with the proposal

ISI response

- **ISI will pilot this report publication proposal during the autumn term 2024 with two modifications.**
- The final report intended for publication will be issued to the school five term-time working days before publication on the ISI website.

Modification one

- If a school submits a formal complaint (stage two) within five term-time working days of receiving their draft report, ISI will **not** issue the final report for publication until the school has received a written response to their complaint. This reflects a continuation of current practice; however, this will be made explicit within ISI's updated complaints policy.

Modification two

- If a school submits a request for postponement of publication to the Department for Education within **three term-time working days** of receipt of ISI's response to a stage two complaint, then ISI will **not** publish the inspection report until a decision has been made by the Department for Education. This will be clarified in ISI's updated complaints policy.

Additional comments from ISI decision makers

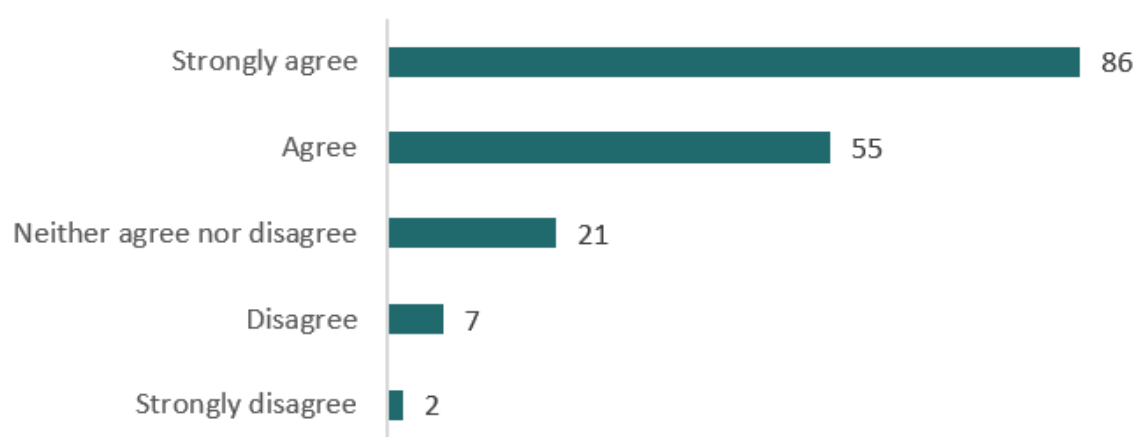
- The rationale for this proposal is to accommodate the additional timeframes that have been added to facilitate listening and dialogue at an early stage, while keeping to the overall publication timeframe.

⁴ This will allow a potential maximum of ten term-time working days between the final report intended for publication being issued to the school and publication on the ISI website

The independent adjudicator

43. This section had four consultation questions.
44. **Question five:** To what extent do you agree or disagree that the name and career background of the independent adjudicator should be supplied to the school?

Option	Total	Per cent
Strongly agree	86	50.29
Agree	55	32.16
Neither agree nor disagree	21	12.28
Disagree	7	4.09
Strongly disagree	2	1.17
	171	100.0



45. The majority of respondents strongly agreed or agreed that the name and career background of the independent adjudicator should be supplied to the school (82.45 per cent). This was the case across all groups.
46. In open responses (59) there was a general consensus that this change would improve transparency and openness around the independent adjudicator stage. In turn, it was felt that this would enhance confidence in the process and provide increased levels of reassurance to schools that their referral was being treated independently and fairly.
47. Conversely, other respondents felt this was not appropriate and would deter suitably qualified people from wanting to become an independent adjudicator.

48. Some responses included a perspective on the competency, skills and experiences that they felt should be reflected on ISI's panel of independent adjudicators. This included some requests for increased information around the recruitment process and selection criteria.
49. A few respondents requested additional clarity on what the process would be if a school identifies any conflict of interest upon notification of their independent adjudicator.

ISI response

- **ISI will be taking forward this proposal with two modifications.**
- The career background of the independent adjudicator allocated to review the complaint will be supplied to the school.

Modification one

- The name of the independent adjudicator allocated to review the complaint will **not** be supplied to the school.

Modification two

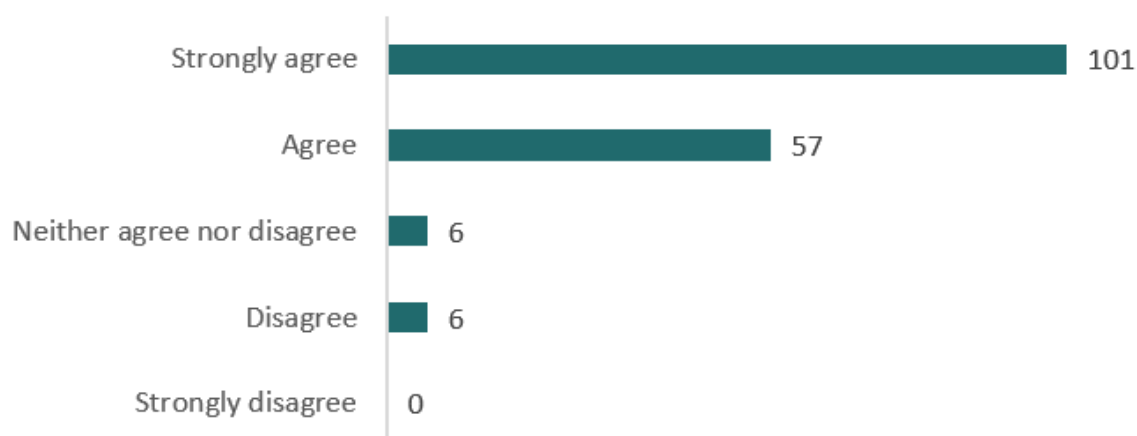
- ISI will publish information about the recruitment process and personal specification criteria for the independent adjudicator role on the ISI website.

Additional comments from ISI decision makers

- Throughout this consultation ISI has aimed to give balanced consideration to all responses, including more nuanced comments. A number of respondents highlighted a range of potential unintended consequences of publishing the names of individuals who are independent adjudicators.
- We have reflected on these comments carefully and decided on a change that we believe balances:
 - the need for openness around how complaints are handled at stage three
 - reassurance as to the independence and appropriateness of those who undertake the independent adjudicator role
 - minimising the risk of potential negative consequences of naming individual independent adjudicators; and
 - the ongoing attractiveness of the role for high quality candidates.
- As a result, during the initial referral, the school will receive anonymised details of the career background of the independent adjudicator allocated to review their complaint. The name will **not** be disclosed throughout the process.

49. **Question six:** To what extent do you agree or disagree that the school should be copied in on the referral to the independent adjudicator?

Option	Total	Per cent
Strongly agree	101	59.41
Agree	57	33.53
Neither agree nor disagree	6	3.53
Disagree	6	3.53
Strongly disagree	0	0.00
	170	100.0



50. The majority of respondents strongly agreed or agreed that the school should be copied in on the referral to the independent adjudicator (92.94 per cent). This was the case across all groups.

51. In open responses (56) there were high levels of support for this proposal. A considerable proportion of respondents focused on the importance of this change to improve transparency, openness, and confidence in the process. It was felt this would provide reassurance to schools that their full statement had been shared with the independent adjudicator and that their referral was being represented fairly.

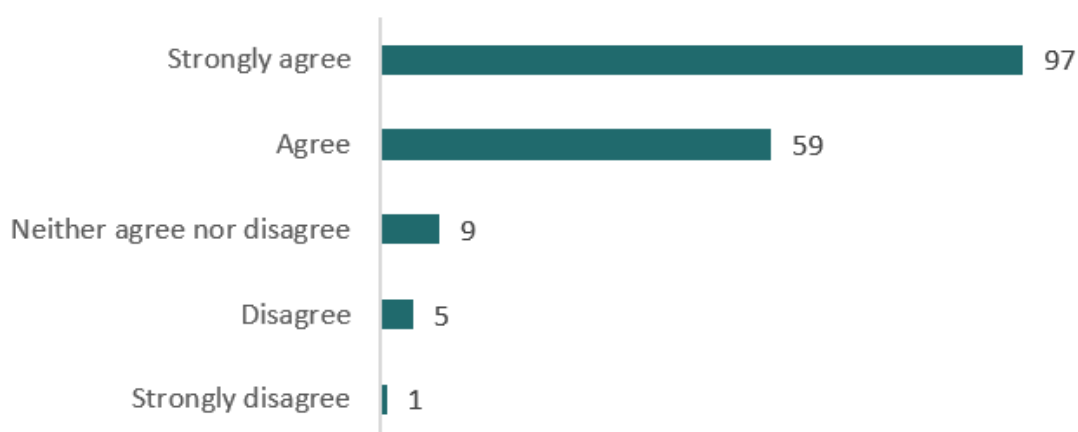
52. Some respondents requested additional information about what information about the inspection and complaint would be shared with the independent adjudicator and whether the school would have the opportunity to challenge anything included within the referral and/or provide additional information.
53. A small number of respondents felt this practice may prevent some potential adjudicators from acting in this role for fear of unsolicited additional contact from schools. It was suggested this may also prompt challenge from schools about the suitability of the adjudicator.

ISI response

- **ISI will be taking forward this proposal.**
- The school will be copied in on the referral to the independent adjudicator.
- Confidential or restricted information (such as inspection evidence) will be sent directly by ISI to the independent adjudicator without being copied to the school.

54. **Question seven:** To what extent do you agree or disagree that the complainant should receive a response to their referral directly from the independent adjudicator?

Option	Total	Per cent
Strongly agree	97	56.73
Agree	59	34.50
Neither agree nor disagree	9	5.26
Disagree	5	2.92
Strongly disagree	1	0.58
	171	100.0



55. The majority of respondents strongly agreed or agreed that the complainant should receive a response to their referral directly from the independent adjudicator (91.23 per cent). This was the case across all groups.
56. In open responses (48) there was a general consensus that this change represents good practice and will increase confidence in the process. Headteachers felt this would further enhance transparency and clarity, whilst avoiding the risk of any miscommunication or misrepresentation of the adjudicator’s findings. A small number of respondents also suggested that this may help to improve the speed of the process.
57. There were some requests for clarity on whether the response would be received at the same time as ISI and by what means this would be received.
58. A few respondents suggested that ISI should be trusted to do this and have the opportunity to consider and reflect on the findings before issuing a response to the school and how they plan to respond to the outcome.

ISI response

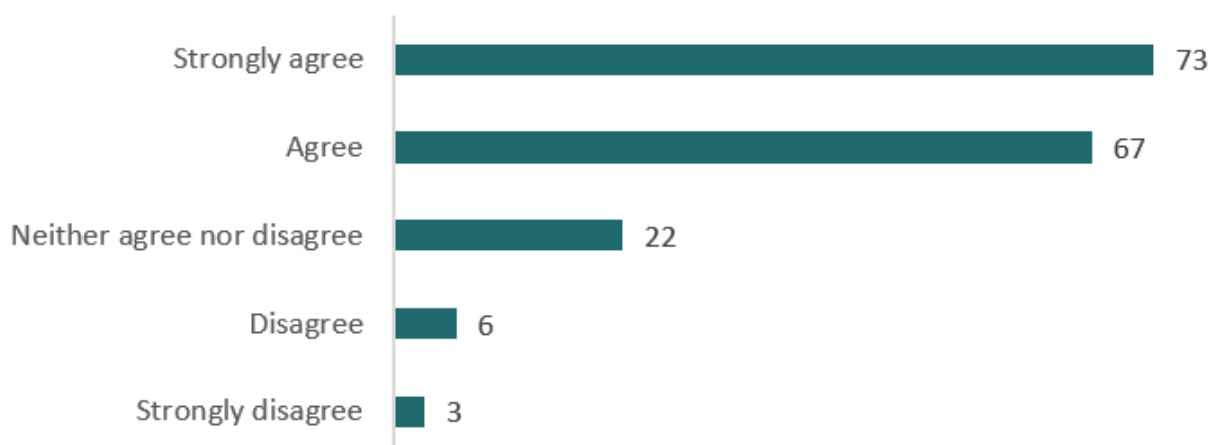
- **ISI will be taking forward this proposal.**
- The complainant will receive a final response directly from the independent adjudicator. ISI will receive the final response at the same time.
- The independent adjudicator will send their draft response to ISI. If we consider that any part of the independent adjudicator’s response goes beyond the scope of our complaints policy, we will inform the independent adjudicator within two working days. ISI will not comment on the conclusions and/or any recommendations drawn by the independent adjudicator that are within the scope of ISI’s complaints policy.

ISI response

- If the independent adjudicator finds that ISI did not follow its complaints policy and/or reach a reasonable decision in response to a complaint, the independent adjudicator will tell the complainant why, and refer the complaint back to ISI for reconsideration. We will write to the complainant to outline the steps ISI will take as a result within five term-time working days of receiving the response from the independent adjudicator

59. **Question eight:** To what extent do you agree or disagree that the length of time for the independent adjudicator to reach a decision should be reduced from 30 term-time working days to 20 term-time working days?

Option	Total	Per cent
Strongly agree	73	42.69
Agree	67	39.18
Neither agree nor disagree	22	12.87
Disagree	6	3.51
Strongly disagree	3	1.75
	171	100.0



60. The majority of respondents strongly agreed or agreed that the length of time for the independent adjudicator to reach a decision should be reduced from 30 term-time working days to 20 term-time working days (81.87 per cent). This was the case across all groups.

61. In open responses (54) the majority of respondents felt this was a positive and proportionate change.
62. Headteachers highlighted the importance of reaching a timely decision and the negative impact of long timeframes and/or any delays on their wellbeing. It was felt that this change would help minimise stress and allow the school to move on and focus on other priorities.
63. A smaller number of respondents felt that reaching a reasonable and accurate decision is more important than meeting a specific timeframe. It was suggested that cases may vary in the amount of evidence / information that the adjudicator will be required to review, thus affecting the time required to make an informed decision. Some respondents advocated for increased levels of flexibility.
64. A few respondents suggested that 20 term-time working days still feels like a long time to reach a decision, particularly if a formal complaint is made towards the end of the summer term. Some also made comparisons to the timeframes that schools are expected to meet in handling complaints and suggested that ISI aims to align to these.

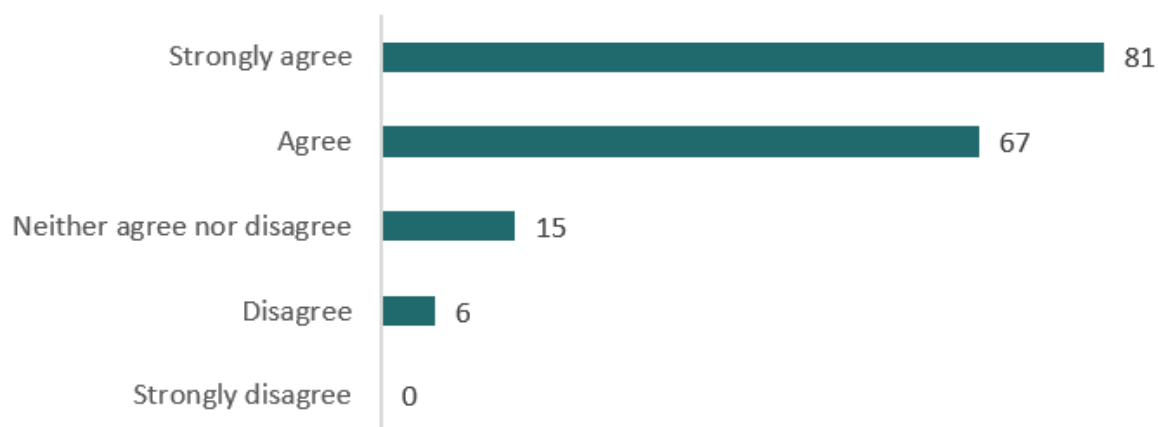
ISI response

- **ISI will be taking forward this proposal.**
- The independent adjudicator will aim to send the final response within 20 term-time working days of a complaint's referral, subject to the availability of an independent adjudicator to complete the review within this timeframe. If this is not possible, we will let you know the revised timeframe.

Learning from complaints to continuously evaluate and improve ISI's work

65. **Question nine:** To what extent do you agree or disagree that ISI should introduce a complainant satisfaction survey?

Option	Total	Per cent
Strongly agree	81	47.93
Agree	67	39.64
Neither agree nor disagree	15	8.88
Disagree	6	3.55
Strongly disagree	0	0.00
	169	100.0



66. The majority of respondents strongly agreed or agreed that ISI should introduce a complainant satisfaction survey (87.57 per cent). This was the case across all groups.
67. In open responses (47) there was a general consensus that collecting feedback is important to inform improvements to ISI’s complaints process. The publication of increased information about complaints in the annual report was also considered important from an accountability perspective.
68. Some respondents commented that the effectiveness of the survey will depend on the questions asked and how the feedback is used internally within ISI to drive improvement. There were some requests for additional clarification around the extent that data would be shared and how this would be used to support further improvements.
69. A small number of respondents felt this was not necessary and it is more important that issues are resolved effectively in the first instance. Other respondents suggested that the outcome of the complaint will influence the feedback provided, regardless of whether the complaint was well handled or not.

ISI response

- **ISI will be taking forward this proposal.**
- ISI will introduce a complainant satisfaction survey. This will provide a formal mechanism for ISI to collect feedback around the experience of school leaders who submitted a formal complaint. ISI will also publish more information about complaints within our annual report from the 2024-25 academic year. This will include data about the types of complaints received and any organisational learnings from the complaints process.

Other feedback

70. This section provides an overview of general feedback about ISI's proposals or current complaints procedure and post-inspection arrangements (50).
71. Any general comments that were considered outside of scope⁵ have been shared with relevant teams internally and will be considered as part of wider ongoing organisational feedback. However, they do not feature in this document or the consultation analysis.
72. A number of respondents commented that, overall, the changes feel like a positive step forward and will improve the experiences of schools going through ISI's complaints procedure and post-inspection process.
73. A small number of respondents commented on the importance of ISI adhering to indicative timeframes and deadlines within both the complaints and report quality assurance processes.
74. A small number of respondents requested clarity on the role of the Chief Inspector in the complaints process.
75. A small number of respondents were unclear whether there will be one or multiple independent adjudicators.
76. A small number of respondents felt that the remit of the independent adjudicator is too limited, and the current threshold of a *reasonable decision* is too low.
77. A few respondents suggested that the five-day period to make a formal complaint should have been considered inside of scope for this consultation. This was the same for the reduction to three days for schools to request a deferral of publication for an inspection report.
78. A few respondents mentioned some of the barriers to raising concerns with reporting inspectors during the onsite inspection. It was felt that [proposal one](#) would be helpful to address these; however, there was still a potential gap in addressing low level concerns, where escalation is not necessarily required.
79. A few respondents, while agreeing that the complaints process should be non-adversarial, felt it was important for ISI to acknowledge that school inspection is high stakes for schools and there is a need for schools to feel that all their concerns have been properly listened to.

⁵ The scope of this consultation relates to complaints made by schools and other education providers about ISI inspections. It also covers procedural aspects of ISI's internal quality assurance and post-inspection arrangements. The process for complaints about ISI's non-inspection work is considered outside of scope

80. A couple of respondents requested confirmation from ISI that reporting inspectors are not involved in reviewing complaints. Others highlighted the importance of the internal reviewer being completely independent from the inspection and holding significant inspection experience.
81. A couple of respondents suggested that the post-inspection surveys should be made anonymous. It was also felt that these should be sent to all school staff involved in inspection activities, as opposed to just the headteacher.
82. A couple of respondents commented that the reporting inspector should always be consulted in discussions about complaints in order to provide context and balance.
83. A couple of respondents requested clarity around the use of *term-time working days* for ISI's internal process.
84. A couple of respondents suggested that the overall time for the onsite inspection ending to report publication could be further reduced.
85. A couple of respondents expressed concern about informal complaints being handled by members of ISI's quality assurance team.
86. A couple of respondents commented that there should be more flexibility in being able to raise an informal complaint, particularly when a school feels that the draft inspection report does not align with the feedback provided at the end of the onsite inspection.
87. A couple of respondents suggested that the complaints process should be entirely independent of ISI and there should be a right of appeal following the decision of the independent adjudicator.
88. One respondent suggested that the eligibility for who can submit a complaint to ISI is updated to include school leaders who were in post at the time of an inspection, although have subsequently left the school.

Additional information

89. ISI would like to thank all individuals and organisations who engaged in this consultation process.
90. We have given conscientious consideration to all responses received and the feedback has been valuable in helping to inform our decision making.
91. The next steps following the conclusion of this consultation are outlined within the [introduction](#).
92. If you have any questions about this consultation process, please email consultation@isi.net.

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