

# Guidance for non-maintained settings: the factual accuracy check

January 2019



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**What is the purpose?**

To provide guidance to settings on checking the factual accuracy of the inspection report following inspection.

**For whom is it intended?**

All regulated non-school settings eligible for funding for part-time education and who provide care to children up to the age of twelve.

**From when should the guidance be used?**

From January 2019.

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## Background

This document offers guidance to settings on the specific focus of the factual accuracy check. It also clarifies how Estyn and CIW will respond to any issues raised by the setting through this process for joint inspections.

Estyn and CIW expects all inspection reports to be factually accurate and to set out inspection findings and narrative explaining judgements clearly and unambiguously.

Usually, Estyn and CIW reports set out their findings accurately. However, on occasions, a factual inaccuracy may occur in a draft report or the setting may perceive that the report does not convey the findings clearly. We liaise with settings through the process of the factual accuracy check to address these issues.

## What happens after the inspection

After each joint inspection and follow-up visit, the inspection findings go through a rigorous process of edit, moderation and validation within Estyn and CIW (the quality assurance of reports (QAR) process).

Before Estyn and CIW publishes a joint inspection report, we send a late draft of the inspection report to the setting by email. The setting then has five working days to read the report and to let us know if there are any factual mistakes in the report.

## What the setting should do

On receipt of the report, the setting needs to read the report closely and to focus on identifying any factual inaccuracies.

Commonly, settings pick up instances where numerical facts are incorrect, for example the proportion of children that the setting has identified as having additional learning needs. On occasions, the report may use a term that is not entirely correct, for example it may use 'responsible individual' when the provider is a 'registered person'.

In their response to Estyn and CIW, settings should list any factual inaccuracy and provide the correct piece of alternative information for the Lead Inspector to consider including in the final draft of the inspection report.

Settings should also ensure that their response to the factual accuracy check focuses on factual matters rather than matters relating to judgements. We cannot accept complaints or challenges to judgements made about a setting as part of inspection of review. Any complaints about the conduct of inspectors or the inspection process will be handled through the complaints handling policy of the relevant inspectorate.

## **What will Estyn and CIW do**

When we receive a response to the factual check from the setting, the Inspection Co-ordinator (IC) will acknowledge receipt by email. We are always grateful when settings take the time to check over the draft report.

The Lead Inspector will consider the response carefully and provide an email response to the IC, who will forward the text to the setting.

## **Addressing factual inaccuracies**

The precise focus of the check is on factual accuracy. Where the suggested changes from the setting are straightforward and uncontroversial, the Lead Inspector will often be able to accept the suggestions and make appropriate changes to the final draft of the report that Estyn and CIW will then publish on its website.

This process ensures that the report reflects the individual setting as accurately as possible.

## **Clarifying misunderstandings**

Settings sometimes raise issues in their response that suggest to the Lead Inspector that there is a misunderstanding or a lack of clarity in the communication of the report's findings. Where the Lead Inspector agrees with the setting, Lead Inspector may be able to provide some quick clarification to explain the findings further. Where the Lead Inspector considers it appropriate, the Lead Inspector may also be able to revise the text of the report to clear up any misunderstanding without altering the essence of any findings or the inspection judgements.

## **Responding where the factual check strays into challenging inspection findings or judgements**

Settings sometimes try to use the opportunity provided by the factual check to challenge other elements of the report, for example the judgements or the findings.

Where settings raise issues that are not strictly factual and not simply the result of misunderstandings or a lack of clarity in the report, the Lead Inspector will not be in a position to address these issues.

Where the response does not relate to factual accuracy or cannot be dealt with as a misunderstanding then it falls outside of the scope of the factual check process.

## **Responding to a combination of issues**

Occasionally, a setting raises a combination of issues. It may be possible for the Lead Inspector to respond to some of these (eg factual inaccuracies or misunderstandings), but it may be inappropriate for the Lead Inspector to respond to others (eg where the response has strayed into matters that relate more to the judgements or the findings).

In these cases, the Lead Inspector will consider the response from the setting and try to identify those that relate to factual inaccuracy, those that relate to a misunderstanding and those that go beyond both those considerations and thus fall outside the scope of the factual accuracy check.

The Lead Inspector will then try to address the factual inaccuracies and any misunderstandings in their response to the setting.

Where the misunderstandings are contentious, Lead Inspectors can always consult with sector lead inspectors, the lead officers for inspection policy and for quality assurance and the relevant Assistant Director in Estyn or team managers, senior team managers or the Head of Childcare and Play in CIW.

The Lead Inspector will also direct the setting to Estyn/CIW's guidance on complaints handling procedures and suggest that they take any unresolved issues forward through that route.

### **For all factual accuracy check responses**

When Estyn and CIW receives a factual check response from a setting, the Lead Inspector should always reply with an appropriate response.

The Lead Inspector should send a response to the relevant IC for them to email to the setting.

It is important that Lead Inspectors use the IC as the contact point with settings after inspections so that we can keep a clear record of the post-inspection process.

### **The end of the factual check process**

The setting normally receives the draft report for the factual check a week or two before the statutory publication date for the report. The Lead Inspector will attempt to address any factual inaccuracy or misunderstanding as quickly as possible so that Estyn and CIW can publish the inspection report on their websites on the due date.

If we do not receive a response from a setting within five days, we will assume that the setting has not identified any factual inaccuracies in the report and will move the report through to publication on the statutory publication date on that basis.

We will usually continue to publish the inspection report on the statutory date even if there are unresolved issues that are going forward through the complaints handling procedures.

The final decision on what to include in any inspection report remains with Her Majesty's Chief Inspector for Education and Training in Wales and the Chief Inspector of Care Inspectorate Wales.