

Unregistered Schools Strategy - LBHF

April 2018 (revised October 2021)

1 Purpose of the Unregistered Schools Strategy

- 1.1 The purpose of this strategy is to reduce the risk of unregistered schools operating in the London Borough of Hammersmith and Fulham (LBHF) by sharing information across departments in the council.
- 1.2 Safeguarding the children and young people of LBHF is the responsibility of everyone. Children and young people who receive their education at an educational establishment which is operating as an unregistered school may be at risk as these settings are unregulated.
- 1.3 Businesses which exist to provide educational services to support children and young people can be included in the definition of an unregistered school. Educational providers which are unknown to the Department for Education also provide a reputational risk to the council.
- 1.4 The aim of this strategy is to draw upon the range of Council departments which can contribute to identifying businesses operating as unregistered schools and work to ensure any parents who are allowing their children to access such provision are informed and provision is either closed or registered.

1.5 Resources:

Children's Services will oversee the implementation of the Unregistered Schools Strategy, working alongside other key council departments. A referral form (Appendix A) is available on the Council website for council employees and members of the wider community to report enterprises that may fall into the definition of unregistered schools.

2 Introduction

- 2.1 There are several different categories of regulated schools including primary, secondary, voluntary-aided, academies, private and free schools. They fall into two categories: state-funded and independent.
- 2.2 All schools whether state-funded or independent must be registered with the Department for Education and are regulated by Ofsted in accordance with the Education and Skills Act 2008 (Part 4, Chapter1).
- 2.3 Independent schools need to meet the Independent School Standards, covering a wide range of regulations linked to curriculum, communication, safeguarding and premises. Ofsted inspect to establish the extent to which the Independent School Standards are met.
- 2.4 It is a criminal offence to operate a 'school' which is not registered with the DfE.

- 2.5 Tuition centres, or other educational establishments which *do not provide full time* education to children or young people are *not* classed as schools and therefore not subject to the same regulations.
- 2.6 Ofsted may inspect a setting it considers could be operating as an unregistered school. In such cases, Ofsted will assess whether the setting meets the definition of a school, which will include assessing if the setting is providing all, or substantially all, of a child's education, considering any other forms of education that might be provided from other sources.

3 Why the London Borough of Hammersmith and Fulham need a strategy

- 3.1 LBHF takes its safeguarding responsibilities seriously and has a statutory duty to safeguard *all* children whether they are educated in a state school, independent school or at home. Children who attend unregistered establishments are considered at greater risk due to lack of regulation of these settings.
- 3.2 Unregistered schools present a safeguarding risk to children and young people, including risks associated with adults working with children with no DBS checks, health and safety compliance and online safety. They may also not be offering a broad and balanced curriculum. Addressing the issue of unregistered schools is everyone's responsibility and does not just rest with one department.
- 3.3 If LBHF do not have an accurate idea of the number of school aged children in the Borough it is more difficult to accurately plan for school place provision.

4 Definition of an independent school

- 4.1 An independent school is defined in section 463 of the Education Act 1996:

In this Act 'independent school' means any school at which full-time education is provided for:

(a) five or more pupils of compulsory school age, or

(b) at least one pupil of that age for whom a statement is maintained under section 324, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989) and which is not a school maintained by a local education authority or a special school not so maintained.

- 4.2 The DfE's policy position with respect to full time education is contained within Part A of the departmental advice 'Registration of independent schools' (January 2016), as follows:

"There is no legal definition of 'full time'. However, we would consider an establishment to be providing full-time education if it is providing education which is intended to provide all or substantially all, of a child's education.

Generally, we consider any institution that is operating during the day, for more than 18 hours per week, to be providing full-time education."

4.3 Education establishments which do not need to register as schools because they are not providing full time education, are unregulated.

4.4 In summary:

- If a setting is providing full time education for a looked after child or a child with an EHCP (Education, Health and Care Plan), then that setting should be registered as a school.
- If a setting is providing full time education for five or more children of statutory school age at any given time, then it should be registered as a school.
- It is a criminal offence to operate an unregistered school.

5 Councillors role

5.1 Councillors are in touch with developments within their wards and may be aware of community groups or individuals who establish businesses providing education services such as tuition.

5.2 Councillors support their communities' commitment to improving educational outcomes for children in a variety of ways and may encourage entrepreneurship. However, Councillors will be mindful of the importance of safeguarding of children and the risk to the reputation of the council presented by unregistered schools.

5.3 Councillors can also encourage community leaders in their wards to share information they have regarding possible unregistered schools directly with the Safeguarding, Review and Quality Assurance team using the agreed form.

6 Planning applications/Council tax/Non-Domestic Rates Billing Officers role

6.1 Colleagues working in these areas are well-placed to become aware of premises which may be operating or looking to operate as possible unregistered schools.

6.2 This could include planning applications for change of use or officers noticing premises which appear to be offering education to school aged children during the school day.

6.3 Council Officers who think a business or premises might be providing education services to children follow the common reporting protocol (Appendix A) and make a referral to the Safeguarding, Review and Quality Assurance team.

6.4 Using the common reporting protocol does not in itself reflect any judgement on the operating business. It should help to support education services/businesses in avoiding being inadvertently caught by the unregistered school's definition.

7 Safeguarding in Education Team role

7.1 Unregistered schools present a safeguarding risk because they are not regulated.

- 7.2 Any information about a premise that appears to be an educational establishment is passed to the Safeguarding, Review and Quality Assurance team for cross-checking with the ACE team. If the establishment is not known, the ACE team will report it to Ofsted for their investigation.
- 7.3 The Safeguarding, Review and Quality Assurance team will keep senior colleagues in Children's Services informed of any suspected unregistered schools and any contact with Ofsted.
- 7.4 The Safeguarding, Review and Quality Assurance team will coordinate a multidisciplinary response to assess risk and agree next actions.

8 Corporate Health and Safety Team & Food, Safety & Environmental Team role

- 8.1 Educational establishments which are not schools are not required to follow school safety regulations.
- 8.2 Environmental Health Officers can make recommendations to an unregistered educational establishment, but have no enforcement powers.
- 8.2 Fire Officers can close premises if deemed unsafe.
- 8.3 The Health and Safety Executive should be informed of any serious breach of expected H&S standards.

9 Elective Home Education (EHE) and the role of the Home Education Adviser

- 9.1 The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not. Parents have a right to educate their children at home.
- 9.2 In LBHF there are well established and robust procedures which aim to ensure all EHE children are in receipt of a suitable education.
- 9.3 If a parent or child indicates that the child is receiving some or all of their education at an educational establishment, whether that is supplementing home tuition or fully providing their education, the ACE team will check with the database of established educational providers to make sure the provision is registered.
- 9.4 If the provision is not registered, the ACE team informs the Ofsted/DfE unregistered schools division.
- 9.5 The fact that a child attends an unregistered provision does not automatically mean that the education is not suitable. However, parents should be made aware that the provision is not registered and therefore not regulated.
- 9.6 If a child attends a known unregistered provision as part of their home education, the Head of ACE/Admissions will inform the parents in writing of this fact stating that there is a risk it may be considered not suitable, even if the EHE overall is deemed satisfactory.

10 Children's Social Care

- 10.1 Current legislation allows for parents to withdraw their child from school for the purposes of home education even if safeguarding concerns have been raised with social care.
- 10.2 Colleagues who work with children and young people through social care referrals should not assume the named education provider is registered. If the education setting is not a maintained school or academy, or if it is not a known independent school, then the social worker should report the setting to the Safeguarding, Review and Quality Assurance team.

11 School Admissions Team role

- 11.1 Maintained schools and independent schools must inform the LBHF School Admissions team when a pupil is taken off roll for any reason, using the established 'starters and leavers' protocol. If the reason is to EHE, the admissions team inform the ACE team. If the child has an EHCP then SEND colleagues must be informed.
- 11.2 When Admissions are informed, either by a school or a parent, that a child is transferring to another educational establishment, the Admissions Officer checks that the educational establishment is a registered school.
- 11.3 If a child transfers to an unregistered school, the Admissions officer informs the ACE team who informs Ofsted.

12 Professionals outside LBHF e.g. Headteachers, Healthcare professionals, Fire service etc

- 12.1 If a headteacher or other educational professional becomes aware of an establishment which they suspect is providing education during the school day to school-age children, then they should report it to the Safeguarding, Review and Quality Assurance team.
- 12.2 If a healthcare, or other professional encounters children who they believe may not be in receipt of education, they should refer them to the ACE Team to be checked against the EHE and CME database.
- 12.3 If a professional organisation such as those involved with fire safety or other aspects of premises, becomes aware of a setting which appears to be providing education to school age children during the day then they should report it to the Safeguarding, Review and Quality Assurance team.

13 Business and Consumer Services

- 13.1 Colleagues who receive applications for change of premises use, business licences etc which indicate the business is providing some kind of education service for children or young people should report this to the Safeguarding, Review and Quality Assurance team.

14 Next steps – Unregistered School notified to Safeguarding, Review and Quality Assurance Team

14.1 When an establishment is suspected of being an unregistered school, the Safeguarding, Review and Quality Assurance team *will* coordinate a multidisciplinary professionals meeting to agree on the response and course of action needed.

14.2 When an establishment is suspected of being an unregistered school, the professionals group *may* decide/agree to inform all or some of those listed below:

- Joint Qualification Council (if registered as a centre with an exam board)
- Charities Commission
- Corporate Health and Safety Team
- Food, Safety & Environmental Team
- Health and Safety Executive
- Prevent Officer
- Human Rights and Equalities Commission

Appendix A – Information Sharing Protocol

Information Sharing Protocol – Potential Educational Establishments, Schools and Tuition Centres

Objective:

To enable information and concerns that are identified by Council officers, other professionals or members of the public regarding potential education establishments and tuition centres to be shared in a quick and efficient way, to enable the correct interventions to be made and the correct measures to be taken by other council departments and any other partnership organisations.

Application:

Council officers, other professionals or members of the public access to a great wealth of information that may help identify a potential educational establishment or tuition centre. This information may come from many sources.

Reporting Mechanism:

Anyone who suspects that they may have information regarding the potential use of a property as a potential education establishment or tuition centre should complete the following referral form detailing as much information as possible. The completed form should then be forwarded to the Safeguarding, Review and Quality Assessment team.

Form for reporting possible unregistered educational establishments

Referrals should be sent to LADO@lbhf.gov.uk

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| Address | |
| Information received, activity observed. | |
| Suggested action | |
| Intended outcome | |
| Any contact details | |
| Officer | |
| Date reported to SRQA Team | |
| Senior Officer's Name | |
| Feedback to reporting person | |