

Unregistered Schools Strategy

January 2019

1. Purpose of the Unregistered Schools Strategy for Cambridgeshire and Peterborough. **It is everyone's responsibility to safeguard the children and young people of Cambridgeshire and Peterborough.**

1.1 The purpose of our strategy is to reduce the risk of unregistered schools and providers operating in Cambridgeshire and Peterborough by pooling information across departments within both Councils and our communities. Students who receive their education at an educational establishment which is operating as an unregistered, unregulated school are at risk.

1.2 Local businesses and providers that have established themselves across our region, and provide educational services to support our children and young people, must ensure that they comply with the independent school standards and registration processes.

1.3 The aim of this strategy is to assist us with "knowing the unknown" by gathering, collating and analysing intelligence, including from, our partners and communities to establish those businesses operating as unregistered schools and provision and ensuring there is a coordinated, proportionate response to these.

1.4 Timescales:

First draft – December 2018 - Complete

Adoption and implementation of strategy – April 2019

Review of strategy – November 2019

1.5 Resources:

Anna Wahlandt, County Alternative Education Provision Officer will be the Lead Officer for the Unregistered Schools Strategy. An Unregistered School Hub Team will meet on a termly basis to oversee, quality assure and review the strategy and related actions.

The team will include the County AP Manager – Anna Wahlandt, the County Attendance and Behaviour Manager Karen Beaton who has responsibility for Elective Home Education, Cambridgeshire and Peterborough Education Safeguarding Managers – Sara Rogers and Gaynor Mansell, Cambridgeshire and Peterborough Virtual Heads – Claire Hiorns and Dee Glover, Strategic Policy and Early Years

Operations Manager- Sam Surtees, Acting Head of SEND Services 0-25 – Marian Cullen. All Council employees across Cambridgeshire and Peterborough will have access to the strategy and will be expected to report activity which may fall into the area of unregistered schools.

2. Introduction

2.1 Unregistered, unregulated schools not only present a significant safeguarding risk to all children and young people but can raise issues in relation to health and safety compliance, risks associated with adults working with the students, online safety and radicalisation.

2.2 All schools that are either state-funded or independent must be registered with the Department of Education and are regulated by OFSTED.

2.3 Independent schools need to meet the Independent School Standards covering a wide range of regulations linked to safeguarding, health and safety, communication and curriculum. Ofsted will inspect these schools to establish the extent to which standards are met.

2.4 A person who conducts an independent school that is not registered is guilty of an offence under section 96 of the Education and Skills Act 2008.

2.5 Under section 97 of the Act, if Her Majesty's Chief Inspector (HMCI) has reasonable cause to believe that an offence under section 96 is being committed, he has the power to enter and inspect the premises.

2.6 Cambridgeshire County Council and Peterborough City Council have a statutory duty to safeguard all of the children and young people who live in the areas over which they have responsibility, whether they are educated in school or otherwise.

3. Context of Cambridgeshire and Peterborough

3.1 Every child and young person is entitled to a high quality, regulated education. We know that attending school is an important protective and safeguarding factor, giving children stability, boundaries, friendships and security which can sometimes be insufficient or absent at home.

3.2 We commit our energies and resourcing across Cambridgeshire and Peterborough to ensure that every child can access suitable high quality education, whatever their needs and circumstances.

3.3 We have accurate systems to identify the number of school-aged children requiring a school place provision. The first stage in managing educational entitlements is the admissions process. Both Local Authorities have a Fair Access Protocol, established in accordance with the statutory School Admissions Code 2014. Children either moving into or within Cambridgeshire and Peterborough without a school place and who cannot secure one through the normal admissions processes, are referred to the

respective authority's Fair Access Panel as quickly as possible for a decision on their school placement with the aim of minimising the time they are out of school.

4. What is an Independent School and Full Time Education?

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) for at least one pupil of that age who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989) or has a statement of special educational needs or an education, health and care plan'.*

4.2 The Department for Education's (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."

- If a setting is providing full time education for a looked after child (LAC) 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 pupils of statutory school age then it should be registered as a school.
- It is a criminal offence to operate an unregistered school.

5. Alternative Providers and Commissioning Models.

Alternative Provision (AP) is for children of compulsory school age who do not attend full time mainstream or special schools and who would not otherwise receive suitable education. AP is provided through full or part time and shorter or longer-term placements.

5.1 Since 2009 Cambridgeshire has had in place a devolved approach to the provision of alternative education for secondary aged children. Schools use the funding they are allocated to commission and secure suitable alternative education for those pupils with needs and behaviour that have become unmanageable within the mainstream setting, or have medical needs which mean they are unable to access mainstream lessons. The model means that children remain on the roll of their school and school leaders retain responsibility for their attendance, attainment and outcomes.

5.2 In contrast, Peterborough has a centrally funded Pupil Referral Service, which comprises an OFSTED Registered 4-16 PRU split over three sites. The Service also delivers the Authority's statutory duties relating to permanent exclusion and Fair Access. This single seamless service model means pupils are on the roll of the PRU

and pupil attendance, progress, attainment and outcomes are the responsibility of the PRU. The PRU has some capacity to provide short stay placements aimed at preventing exclusion and these are accessed via a referral to the early intervention Behaviour Support Panel delivered by the Service. These placements are dual registered and the placing school pays the top up element of the place funding for the duration of their stay.

- 5.3 In both models, schools have an obligation to procure services in line with their own arrangements for Contract Procedures Rules and their responsibility to be compliant with EU Procurement Regulations.
- 5.4 It is the responsibility of the commissioning school and alternative provider to ensure that they comply with the independent school standards and regulations processes. Guidance from OFSTED has been shared with all of our secondary schools and providers within our Cambridgeshire and Peterborough County AP Directory.
- 5.5 It is the responsibility of each individual commissioning school to reassure themselves of the quality and suitability of any alternative provision. The County Directory explains the quality assurance checks that have been undertaken by the Local authority as a quality measure and provides direction towards good quality and local availability of provision. The Directory does not suggest that all providers within the directory are OFSTED registered and regulated.
- 5.6 If an Alternative Provider provides full time education for a child with a Statement of Special Educational Needs (SEN) or an EHCP, or for a child in care, then it must register as a school.
- 5.7 If an Alternative Provider does not wish to register as a school, then it must make sure that it is not the sole provider of education for any of the children and young people on their roll. In these cases, the children and young people must also be receiving education from another provider.
- 5.8 Children and young people who attend an Alternative Provider which is not a registered school must do so as part of wider education provision through a registered school – this could be their mainstream school or the AP academies.
- 5.9 It is not the aim or intention of Cambridgeshire and Peterborough authorities to ensure that all alternative provision are registered schools – it is often the case that the reason they are successful with some of our alternative provision pupils is because they do not operate as schools.

6. Elective Home Education

6.1 Background

Education is compulsory for all children from the start of the school term following their fifth birthday. Whilst education is compulsory, school is not. Parents can choose to provide their child with a suitable education at home and this is known as Elective Home Education (EHE). The responsibility for a child's education rests with their parents. Section 7 of the Education Act 1996 states that:

a)The parent of every child of compulsory school age shall cause him to

receive efficient full-time education suitable to his age, ability and aptitude, and
b) to any special educational needs he may have, either by attendance at school or otherwise.

6.2 Guidance For Local Authority

The guidelines for local authorities on Elective Home Education 2007 & 2013, helps local authorities manage their relationships with home education parents and aims to clarify the balance between the right of the parent to educate their child at home and the responsibilities of the local authorities

These guidelines explicitly state that:

- Parents who are home educating their children are under no legal duty to register with, or otherwise inform, the local authority;
- The local authority may make informal enquiries of parents who are home educating their children but parents are under no legal duty to respond to these enquiries;
- The local authority may request information from parents who are home educating their children but parents are under no legal duty to respond to these requests;
- The local authority may request that parents who are home educating their children agree to a home visit or other meeting with a local authority officer in order that the provision being made for the children may be assessed but parents are under no legal duty to agree to these requests;
- The local authority has no legal right of access to children who are being home educated by their parents;
- The local authority may serve a School Attendance Order "if it appears" that a home educated child is not in receipt of suitable education (reference to Section 437 of the Education Act 1996).

The guidelines, set within the overall context of section 437 of the 1996 Education Act, suggest that, unless it has reasons to believe otherwise, the local authority should accept that parents who state that they are providing a suitable education for their children at home are indeed providing such an education.

6.3 Parental Responsibilities

Section 3.31, Elective Home Education Guidelines 2007 (13) highlights:

"Parents are required to provide an efficient, full-time education suitable to the age, ability and aptitude of the child. There is currently no legal definition of "full-time". Children normally attend school for between 22 and 25 hours a week for 38 weeks of the year, but this measurement of "contact time" is not relevant to elective home education where there is often almost continuous one-to-one contact and education may take place outside normal "school hours".

The type of educational activity can be varied and flexible. Home educating

Parents are not required to:

- Teach the National Curriculum
- Provide a broad and balanced education
- Have a timetable
- Have premises equipped to any particular standard
- Set hours during which education will take place
- Have any specific qualifications make detailed plans in advance
- Observe school hours, days or terms
- Give formal lessons
- Mark work done by their child
- Formally assess progress or set development objectives
- Reproduce school type peer group socialisation match school-based, age-specific standards.

Local authorities should offer advice and support to parents on these matters if requested.

When families of whom we have no previous knowledge and/ or contact are brought to the Local Authority's notice, we are required to act in response to our legal duty to identify, as far as it is possible to do so, children missing education (CME) and get them back into education. If on investigation we receive confirmation that families are home educating, we do follow up and try to correspond with the parents. However the EHE guidelines make it very clear and explicit to home educating parents that they are under no legal duty to register with or otherwise notify the local authority of their presence or intentions.

Parents can express an intention to home educate when it would appear that there is no motivation to educate their child, but to escape the pressure from either the school, education Welfare officer or both. There are also cases where the decision to home educate can be seen as a defence against child protection concerns.

6.4 Local Authority Offer

An Elective Home Education administrator ensures that all interventions with home educating parents are recorded on the Local Authority data base. The administrator liaises with parents to facilitate information sharing and to provide updates on the Local Authority offer. The Administrator regularly meets with the Behaviour and Attendance Manager to review the register of home educated children and based on the information held make a decision on the child's vulnerability.

To develop a more inclusive service the following outlines the interventions now being delivered to the EHE community as part of an informed offer:

- Area based workshops to be attended by parents on a voluntary basis
- Focused workshops/sessions to the Traveller community - still in the planning phase
- Focused sessions to parents of children with SEN
- Support schools to increase their rigour in reporting parents who intend to home educate

- Continue to maintain an Elective Home Education register and monitor the register on a regular basis and to support vulnerable children and broker appropriate support from the relevant services
- Fund GCSE examination fees. If a maintained school or academy welcomes external candidates their results will not affect school exam results or other indicators in performance tables.
- Develop on-line facilities to offer information advice and help broker guidance and support – still in the planning phase
- Increased borrowing rights at local libraries

We continue to build on the work delivered to engage with local Elective Home Education parent groups.

Under Regulation 8 of the Education Pupil Regulation 2016 schools have a duty to inform the Local Authority on all 15 occasions when removing a child from school roll. In circumstances where a child is moving to another education provider we expect the school to check that the establishment is Ofsted Registered before removal.

In cases where a child is not registered at a school and we fail to establish that a home education is being provided we will refer the case for an EWO to commence CME investigations

If parents indicate to the that they have engaged a tutor we inform the parents that it is their responsibility to ensure that any tutor has the appropriate valid Disclosure & Barring Service check (DBS)

If a parent informs us or we receive information that a 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 CME officer will investigate by checking with the database of established educational providers to make sure the provision is registered and by completing the Unregistered Schools Investigation Form and updating the Unregistered School Spreadsheet.

If the provision is not registered, the CME Officer will refer the results of the investigation to the Director of Learning or when appropriate another Local Authority.

7. The role of Cambridgeshire and Peterborough's Unregistered School's Lead Officer

7.1 Any information about premises that are operating as an educational establishment is passed to the lead officer, Anna Wahlandt and Business Support Officer – Lynn MacFarlane for cross checking with each Local Authority's database of recognised and registered providers.

7.2 If there is no record of that establishment a report will be sent immediately to OFSTED for their investigation.

7.3 Lynn MacFarlane will manage and maintain the education provider's database and will also include suspected unregistered provider details too.

7.4 The Lead Officer will inform Directors of any suspected unregistered providers and any contact with OFSTED. Information will be passed to OFSTED for them to investigate and form a judgement.

7.5 The main contact and Lead Officer for the Unregistered Schools Hub Team is Anna Wahlandt.

8. Children and Young People's Social Care and Early Help District Teams

8.1 Current legislation allows for parents to withdraw their children from school for the purposes of home education even if open to Social Care or Early Help District Teams.

8.2 Our Social work and Early Help District Team staff should not make any assumptions that named educational providers are registered. Workers should report any setting or provision that is not one of Cambridgeshire or Peterborough's maintained schools, academies or OFSTED registered AP providers to the CP SET.

9. Cambridgeshire and Peterborough Councillors

9.1 Our local councillors help to lead and champion the best interests of the local community and effectively represent the interests of the division and its residents; they are in touch with what goes on in their areas and will be made aware of established and those in the process of being established.

9.2 Councillors support our commitment to improving educational outcomes for all children and young people and must be mindful of the importance of safeguarding and the associated risks of unregistered provision.

9.3 Councillors will need to inform the CP SET of any suspicions of provision which is unregistered so further investigations can be completed.

9.4 Councillors must also encourage other community leaders in their areas to share information about possible unregistered schools and provision directly with the CP SET.

10. Other professionals and stakeholders

10.1 It is everyone's responsibility to ensure that our children and young people across Cambridgeshire and Peterborough are safe. If any other professional becomes aware of an establishment that is providing educational provision during the school day to school age children, they should report to the CP SET.

10.2 Possible alerts, triggers or warning signs, indicating the development of an educational provision, or for those colleagues involved with fire safety or other aspects of premises or for professionals who may visit a property and suspect unregistered educational activity, should report to CP SET.

11. Parental involvement.

11.1 Parents are responsible for ensuring that their children receive suitable education at school or otherwise. Parents need to have access to and be aware of the information

in relation to unregistered provision to enable them to ask questions if they are considering using alternative provision.

11.2 To inform all parents across Cambridgeshire and Peterborough, we will be launching a media campaign to raise awareness of unregistered schools and provisions, enabling and empowering parents to ask the right questions of education providers.

12. Unregistered Schools Media and Communications Campaign Brief.

12.1 – Audiences

Parents, General Public, Local Authority and District Council Staff, Members, Local Businesses and Service Providers.

12.2 – Activities and key messages we intend to use to promote.

- Checklist on flyers and posters based on unregistered provision.
- Checklist for parents who choose to send their child to a provision other than a mainstream school – making sure their child is safe and ask the right questions.
- Information and briefing sheet to key Local Authority/District Council staff and community stakeholders.
- Information to Electively Home Educated Families.
- Posters and flyers delivered to key community buildings/services – Schools, GP Surgeries, Leisure Centres, Voluntary Groups and Children Centres etc.
- Radio advert.
- Press release explaining roles and responsibilities of the Council, OFSTED, DfE, Community members and parents.
- Internal communications to key employees.

13 Review and feedback on strategy

12.1 Please send any comments and feedback on this strategy to anna.wahlandt@cambridgeshire.gov.uk

12.2 This strategy will be implemented in April and reviewed in July 2019.

Anna Wahlandt
County AP Manager – Cambridgeshire
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