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10 November 2015

Sir Michael Wilshaw
Her Majesty's Chief Inspector

Rt Hon. Nicky Morgan MP
Secretary of State for Education
Department for Education
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Dear Secretary of State

Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on unregistered schools

I wrote to you earlier this year to express my serious concern about the safety of children who find themselves being educated in unregistered schools.

The fact that these so-called schools are unregistered means that they are hidden from the view of local authorities, the Department for Education (DfE) and Ofsted. **It is vital, therefore, that when we do identify such illegal activity, the full force of the law is brought to bear on these institutions to stop them operating without delay.**

Since September 2014, your officials have requested that Ofsted check 28 institutions where you have suspected an unregistered school may be operating. Her Majesty's Inspectors (HMI) have visited each institution, without notification, at least once and notified you in 15 cases where we found evidence that an unregistered school was operating. In total, **more than 800 pupils were found to be in these premises during these visits.** From conversations with some of the children and young people my inspectors spoke to, there is evidence to suggest some of these schools are using the freedoms afforded to genuine home educators as a cover for their activities.

In one deeply troubling case, HMI recently visited Bordesley Independent School¹ in Birmingham for the fifth time. Following each previous visit, HMI reported the serious

¹ This refers to Bordesley Independent School (Apollo House, Doris Road, Bordesley Green, Birmingham B9 4SJ) not Bordesley Green Girls' School and Sixth Form (Bordesley Green Road, Birmingham, West Midlands, B9 4TR).

concerns they had for the welfare of the children being educated in this unregistered school. At the most recent visit, inspectors were intentionally obstructed from entering the premises for an hour. During this time, inspectors observed a number of female students to be on the premises. When inspectors finally gained entry, the girls had left the building by an alternative exit. The staff on site informed inspectors that these girls were attending a local library and that they would return later in the day. They did not return and the staff were unable to account for their whereabouts for the duration of the inspection visit.

Inspectors also found:

- squalid conditions, including three single mattresses covered in filthy sheets in one room and no running water in the toilet areas
- lesson timetables demonstrating that provision was made for at least 20 hours a week
- clear evidence of segregation, with separate classrooms for boys and girls
- no evidence of appropriate vetting checks being carried out on staff
- pupils being taught a narrow curriculum that was failing to prepare them for life in modern Britain
- no information about the whereabouts of the young people who have since left the unregistered school.

My inspectors were so concerned by what they had witnessed at Bordesley that the Ofsted Regional Director requested an emergency meeting with senior officers from the local authority, Birmingham City Council. While recognising the urgency of the situation and the need to gain access to the premises, the local authority advised Ofsted that it did not have the automatic powers of entry commensurate with its duty to safeguard children. In order to protect these vulnerable children, I instructed the use of the powers of entry afforded to me under section 97 of the Education and Skills Act 2008 to conduct an immediate follow-up visit. On this occasion, I arranged for police officers from the West Midlands force to accompany inspectors to facilitate entry to the premises.

Local authority officials have today advised me that this unregistered school has now closed and the pupils transferred to a registered setting. I will continue to closely monitor this situation.

Local authorities are not acting swiftly enough to identify unregistered provision and ensure that all children and young people are kept safe.

While our findings in respect of unregistered schools, and particularly Bordesley, are deeply worrying, my Regional Directors continue to express concern that there are far greater numbers of children hidden away from view in unregistered schools across the country. Local authority officers acknowledge the problem, but too often use the excuse of bureaucracy, legislation or lack of resources as a reason for inaction. I remain particularly concerned about the lack of action taken in response to these issues by Birmingham City Council.

The arrangements for closing down unregistered schools are inadequate.

Despite our reported findings, I understand that no individual has ever been prosecuted for operating an unregistered school. Difficult as it may be to build a legal case that may have a reasonable prospect of success in court, I remain concerned that not enough is being done to stop this illegal activity. Too many children remain at significant risk of harm. I will continue to do all that I can to identify and inspect unregistered schools.

Colleagues in the DfE have recently requested further support from Ofsted for building the necessary legal case in order to prosecute those who operate unregistered schools. I offer my full support to work with all agencies necessary to bring a halt to this illegal practice. **All schools must be registered or closed down.**

Given the seriousness of the current situation, I recommend that as Secretary of State you:

- urgently review the arrangements between the DfE and local authorities for safeguarding children in premises confirmed by Ofsted as unregistered schools
- review the arrangements for home education to ensure that they cannot be exploited in order to avoid registration
- continue to work with Ofsted to ensure that we have the necessary resources to identify and support the prosecution of illegally operating schools.

Yours sincerely

A handwritten signature in black ink that reads "Michael Wilshaw". The signature is written in a cursive style with a long, sweeping underline.

Sir Michael Wilshaw

Her Majesty's Chief Inspector
Ofsted