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

Sir Michael Wilshaw
Her Majesty's Chief Inspector

Dear Secretary of State

Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, in respect of suspected illegal schools

I have written to you on a number of previous occasions to alert you to my concerns about the safety of children who are being educated in unregistered schools. Following my most recent letter to you on 11 December 2015, I accepted your invitation to establish a new taskforce within Ofsted to investigate suspected illegal schools and pursue those individuals responsible for operating them.

I am grateful for the additional resources you have made available for this important work and for the support we continue to receive from your officials.

I agreed that I would keep you regularly informed of the progress we are making to identify, investigate and inspect these schools and to prepare cases for possible prosecution.

In January, I recruited a team of seven experienced inspectors to work exclusively on this critical area of child safety. Since then, these inspectors, working closely with Department for Education (DfE) officials, have identified more than 100 suspected unregistered schools across the country. Members of this taskforce are now carrying out visits to these settings, using my powers under section 97 of the Education and Skills Act 2008 to conduct inspections.

The evidence that they have gathered so far during this short period firmly reinforces my belief that there are many more children hidden away from the view of the authorities in unregistered schools across the country than previously thought.

Last month, inspectors issued seven warning notices to suspected illegal schools operating in London, Birmingham, Luton, Wolverhampton and Staffordshire. They have also interviewed a number of individuals under caution in relation to suspected offences. In total, around 350 children or young people were found to be on the premises during these visits.

Inspectors continue to be deeply alarmed by what they are finding during some of their visits, including:

- serious fire hazards, including obstructed exits and inaccessible fire escapes
- unsafe and unhygienic premises, including in one case, chemicals and chemistry equipment in an unlocked food cupboard in a room where children ate their lunch
- staff and volunteers who have not been properly checked or cleared to work with children.

What we have found so far is likely to represent only a small proportion of the illegal schools operating across the country. Inspectors are hearing about suspected new cases every week. I therefore remain extremely concerned about the number of children and young people attending these schools who may be at significant risk of harm and indoctrination.

Evidence inspectors have gathered over recent weeks has also reaffirmed my belief that there is a clear link between the growth of unregistered schools and the steep rise in the number of children recorded as being home educated in England over the past few years.

I have previously voiced concern that many of those operating unregistered schools are unscrupulously using the freedoms that parents have to home educate their children as a cover for their activities. They are exploiting weaknesses in the current legislation to operate on the cusp of the law. Many are charging parents thousands of pounds to send their children to these unregistered schools.

In doing so, many are providing a sub-standard education, placing children at risk and undermining the government's efforts to ensure that all schools are promoting British values, including tolerance and respect for others.

I know we both share a determination to take swift and decisive action against those who are operating illegal schools and thereby putting children at risk of harm, including the risk of exposure to extremism and radicalisation.

It is also very important that local authorities, who have overall responsibility for the safety of all children in their area, are playing their part. They need to show vigilance and share their local intelligence with other agencies, including Ofsted, to ensure these establishments are identified and investigated as quickly as possible.

Ofsted will support the DfE and Crown Prosecution Service (CPS) in taking forward prosecutions, by pursuing investigations into illegally operating schools vigorously and preparing strong cases against the individuals involved.

To enable local authorities to fulfil their statutory function, I have asked inspectors to write to the relevant council immediately following any inspection of an unsafe and unsuitable setting. Whenever necessary, they will also provide a list of the children found to be attending the setting. This will help local authorities perform their duty under section 437(1) Education Act 1996 to serve notices on parents whose children may not be receiving a suitable education.

I welcome the new legislation that the government intends to bring forward on unregistered and supplementary schools. I would also welcome the opportunity for my officials to work with yours on the current legal framework around home education to consider how the arrangements should be strengthened.

Thank you for your continuing support.

Sir Michael Wilshaw
Her Majesty's Chief Inspector