



Department
for Education

Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Email: peter.swift@education.gov.uk

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Dear Colleague,

As part of our joint working with Ofsted's Unregistered School team we have identified some Independent Learning Providers (ILPs) who are providing the main source of education (including training) to 14-16-year-olds (for 18 hours or more per week). These are likely to be vulnerable young people and local authorities may have commissioned their education.

Our guidance on independent school registration sets out the statutory definition of what constitutes an 'independent school' and, therefore, which institutions require registration as such. An independent school is defined as any school, other than a school maintained by a local authority or a non-maintained special school, at which full time education is provided (a) for five or more pupils of compulsory school age, or (b) one or more such pupils with an Education Health and Care plan or a statement of special educational needs or who is "looked after" by a local authority. A setting meeting these criteria must register with the Secretary of State by law. The system for the regulation of registered independent schools ensures that pupils receive an education that meets certain minimum legal standards, including ones relating to quality of education and the safety, health and welfare of pupils.

Ofsted is not able to inspect the quality of education provided by ILPs to 14-16-year-olds that are not also registered independent schools whether or not a local authority and/or the ESFA fund the provision. We want to make clear that any ILP that constitutes an independent school must be registered and that any person conducting an unregistered independent school may be liable to prosecution for the offence in section 96 of the Education and Skills Act 2008.

Therefore, we recently put a message out in the EFSA news bulletin (Post 16 and Schools Editions) to advise any ILPs that are operating as unregistered independent schools to register now. Otherwise, they must arrange to transfer continuing learners to a lawful alternative education provider (or otherwise cease to be an independent school), working with the local authority concerned if it has commissioned the provision.

It is important that the relevant staff in your authority understand that they must not place children in any unregistered independent school, as there is no assurance about the safeguarding of children in such settings. In addition, a local authority placement into an unregistered independent school can prejudice our actions to enforce the law against such a setting.

I would appreciate your support in ensuring that the staff in your authority understand these implications and that the authority does not place children in unregistered independent schools going forward.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Peter Swift', with a stylized flourish at the end.

Peter Swift
Independent Education Division