Department for Education

Online Education Accreditation Scheme

Government consultation response

June 2020

Note: The proposals contained within this document are applicable to providers of online education services that operate online-only on a permanent basis. This scheme does not impact on schools delivering remote education as a result of the Covid-19 pandemic.

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Introduction

As part of the Government's commitment to all children in education in England, including those already being placed in online provision, we published the consultation document: Online schools accreditation scheme in September 2019. The consultation recognised the growing market of online education services for children in England, many of whom offer a full curriculum and may represent a child's main or only source of formal education. As this type of provision is currently unregulated, the Department for Education (the department) sought views on an accreditation scheme to reassure children, parents and local authorities of the quality of education and safeguarding arrangements in using such services.

The consultation made two key proposals:

- the establishment of a voluntary online education accreditation scheme
- the establishment of non-statutory standards for online education provision

As part of the proposals, we consulted on the appointment of a Quality Assurance Body (QAB) to provide an inspection service for the online settings that join the accreditation scheme. The consultation document also included the draft standards; views were requested on their suitability and practical application.

The consultation ran from 5 September to 8 November 2019. Those who wished to participate were invited to visit www.education.gov.uk/consultations to submit their response. If for exceptional reasons, respondents were unable to use the online system, for example because they were using specialist accessibility software that is not compatible with the system, respondents were able to submit a consultation response by post or by email.

The department also held engagement meetings with some stakeholder groups. These meetings took place during the consultation period and were designed to give an opportunity to seek clarification on the proposals outlined in the consultation.

The consultation received 72 responses. 67 of these responses were received via the online system and 5 were received by other means. Of the responses received by other means, 3 responded to the questions set out in the consultation, while the remaining two provided responses centred on specific areas or issues of interest. The numerical analysis of responses in this document is based on the 67 responses received online and the 3 responses received by other means. However, the comments in this document about responses also take account of issues arising from the remaining responses, comments submitted in addition to an online response and those made during engagement meetings with stakeholder groups.

In addition to analysing the views expressed by respondents, this response sets out how we will proceed with the proposals put forward. It also details changes to the original proposals that have been informed by the feedback received.

The action we will take forward encourages all those providing a qualifying service to register for the scheme, with a view to becoming accredited providers of online education. The development of this scheme is a defining moment for online education provision in England. It marks the first time that the sector will have the opportunity to receive accreditation from the department and provide assurance to parents, pupils and local authorities about the minimum standards offered through online education services. For those who expressed uncertainty about the suitability of an online education, we want to provide reassurance that the department does <u>not</u> promote the idea that online provision is a suitable alternative to traditional settings in all cases. However, the department is aware of specific circumstances where an online education is suitable and may represent a child's best opportunity to receive a full and balanced curriculum.

The department is also aware that this is a growing sector. Providers are currently operating and expanding in an unregulated environment. It is neither sustainable nor desirable for children – including vulnerable children – to be in full-time education settings that lack effective oversight. Accreditation is the most effective way of delivering this in the short-term in the online space. As the scheme matures and we learn more about the sector and its impact, we will evaluate options including the possibility of moving to a statutory solution.

Finally, the circumstances created by the COVID-19 emergency provide further justification for moving forward with the scheme. Teachers, parents, pupils and local authorities have all had to adapt quickly during the emergency and to lockdown conditions. We have seen the creation of several innovative solutions that have moved teaching and resources online at speed. One example of this is Oak National Academy, which quickly brought together dozens of teachers and organisations through a collaboration designed to support pupils online. We are aware that excellent and innovative online provision has existed for many years; endeavours forged under emergency circumstances further reinforce the idea of an agile and responsive sector that needs the foundation of minimum standards.

Notes on interpretation

In analysing responses, we have sought to identify common threads, capture the broad weight of opinion, and consider the relative weight of the most common themes. This allows us to identify the breadth of opinion across themes, rather than the exact number of people who hold those views. As such, the results are intended

to be illustrative rather than statistically reliable. Consultation samples are not representative of public opinion and often contain responses from a wide range of respondent types. In this case, the consultation received responses from providers, individuals in education, parents, as well as representative bodies on behalf of their members. It is therefore not desirable to provide a precise indication of the proportion of respondents who hold a certain view (and may not be possible where the number of respondents expressing a view is low and may allow the identification of respondents).

This report provides some reference to weight of opinion for broad themes of analysis by providing references, where appropriate, to the percentage of support or opposition to key themes and questions. In addition, we also use phrases such as "a few" or "some" to reflect views which were mentioned infrequently and "many" or "most" when views are more frequently expressed. Any proportions used in our qualitative reporting (e.g. a "couple of" or "a few" participants), should always be considered indicative, rather than exact. It should be further noted that the consultation was designed to seek suggestions in relation to a defined set of draft proposals. Many respondents expressed broader concerns about some of the proposals, alongside suggestions for improvement. Many responses also expressed mixed views on the proposals, being supportive of some whilst opposed to others. It is therefore important to note that suggestions for improvement, or comments on design or delivery, do not always indicate support for the overarching policy, and that support or opposition to particular proposals cannot be taken as support or opposition to the policy as a whole.

Percentage figures

Some percentage figures quoted have been rounded, possibly resulting in minor numerical disparities when seeking to sum to 100%.

Use of the term 'provider'

Where we refer to a 'provider', we are referring to a provider of online education services. This term is not to be interpreted as meaning a provider of education under the Education and Skills Act 2008 or any other relevant Act. Providers of online education services will often be commissioned services that hold responsibility for the delivery of education services only; other education providers, such as independent schools, may have additional responsibilities as a result of their operation from physical premises and the physical presence of pupils.

Consultation overview

The consultation received a total of 70 responses from a wide range of individuals and organisations, as outlined below.

%	Number	Respondent type / notes
36%	25	Individuals / organisations who work in the online education sector. In order to simplify the analysis, this group is referred to throughout as 'providers'
23%	16	Local authorities
20%	14	Parents of pupils who use, or have used, online education. This group is referred to throughout as 'parents'
19%	13	Individuals / organisations that work in or with the broader education sector, including education policy groups, inspectorates, and those who work in registered education settings. This group is referred to throughout as 'broader education sector'
3%	2	Responses that do not fall into the above categories. This group is referred to throughout as 'other'

A table detailing responses for each question, in percentage terms, is included at *Annex A* and a list of the organisations that responded to the consultation is included at *Annex B*. Below, we discuss the key issues raised.

Areas of substantial support

There is substantial support across the various groups for an accreditation scheme – with over 90% supporting the principles of the proposed scheme. Below is a summary of areas where we found significant support:

- **94%** of all respondents agreed that there is a need for a quality assurance scheme in some form – **96%** of providers, **100%** of local authorities, **86%** of parents and **100%** of the broader education sector;
- there is **91%** support overall for the principles of the accreditation scheme we have proposed – **96%** from providers, **94%** from local authorities, **93%** from parents and **83%** from the broader education sector;
- there is also strong support for basing standards on the Independent School Standards (ISS) – **83%** support overall, including **100%** support among local authorities. Although there was less certainty about whether we had identified the correct standards, **68%** of respondents overall felt that we had, including **80%** of local authorities;
- **89%** felt that it is appropriate for online providers to have regard to *Keeping Children Safe in Education* (KCSIE) guidance.

- there is strong support for the department to appoint a QAB to inspect online settings and providers (**94%** overall, **96%** from providers, **92%** from parents, **92%** from the broader education sector and **100%** from local authorities);
- there is strong support for publishing all reports – whether standards have been met or not. This found **89%** support overall, including **100%** of parents and local authorities; and
- there is strong support for giving providers four weeks to submit an action plan if an inspection found they were not meeting all required standards. **83%** overall said that this was an appropriate timeframe, including **79%** of providers, **81%** of local authorities, **90%** of the broader education sector and **92%** of parents.

Areas where substantial issues were raised

There were a number of areas where concerns were expressed, and/or where there was a higher degree of uncertainty in responses, relative to those outlined above. We received several responses raising issues about the suitability of online education in a broad sense, including the following:

…the proposed accreditation scheme appears to give DfE's official approval to online settings that offer full-time education to children. There is a risk that this is perceived as deeming online schools as an equivalent or desirable alternative to mainstream schools. While receiving solely or largely online education may be appropriate in a very limited range of circumstances (for example, on a short-term basis, while a child is ill and unable to attend school), [the respondent is] concerned that it is unlikely to be appropriate for most children. When so little is known about its effectiveness, online schooling must not be encouraged as an easy and low-cost way of educating vulnerable children with complex needs… Receiving all or most of their education online is likely to limit children's social and cultural development, and may have a negative impact on their mental welfare by isolating them from their peers.

The department acknowledges that broader concerns do exist about online provision in the context of when it is – and is not – an appropriate setting for full-time education. The department does not promote the idea that online provision is a suitable alternative to traditional settings in all cases. However, we are aware of circumstances where an online education is suitable and may represent a child's best opportunity to receive a full and balanced curriculum. For instance, we are aware of very vulnerable children who are unable to access mainstream education for various reasons including long-term illness, exclusion and bullying. An online provision can deliver significant benefits to these pupils, and in some cases, prepare them for a return to traditional settings.

Some respondents suggested delaying the scheme in order to conduct further research into the impact of this type of provision, and/or to learn more about the sector, as per the following:

In [the respondent's] view, the proposal is therefore premature and, before it proceeds any further, DfE should gather and evaluate the evidence about the effectiveness of online schooling, so that any future proposals can be based on a proper understanding of the circumstances in which online schooling is in the best interests of children, and those in which it is not.

The department's view is that, the fact that this sector is heavily represented by vulnerable children makes it critical to proceed with the scheme. It is clear from the feedback received that pupils, parents and local authorities are seeking assurances about the quality of education and suitability of safeguarding arrangements in these settings. Accreditation, which will distinguish good online provision from that which has not demonstrated that it meets the minimum standards, provides immediate reassurance and protection. It also gives the department, the appointed QAB and stakeholders the opportunity to learn more about the sector and its impact and refine the scheme whilst we evaluate options, including the possibility of moving to a statutory solution in the future. In addition, the department can see no reason why further research could not take place alongside the new scheme.

Specific issues relating to consultation questions and areas of focus are summarised below:

- there is some uncertainty about the registration process, with **43%** overall 'unsure' if it would work in practice (**44%** of providers and **50%** of parents said 'unsure'). However, **54%** overall still answered 'yes' to the question of whether arrangements would work. We think that this number will reduce once the arrangements and appropriate supporting guidance is put in place. This is discussed in detail in *Part 2*;
- there is some uncertainty about whether it is right for providers to pay inspection costs – **32%** overall were 'unsure', **23%** said 'no', although **45%** still answered 'yes' to this question. Understandably, **40%** of providers were 'unsure' about this question, although **44%** said 'yes', and only **16%** said 'no'. We are sympathetic to the uneasiness on this issue; however, we do not think it can be resolved until there is more certainty about the fees structure, which will be determined though the QAB procurement process – please refer to the Invitation To Tender (ITT) that has been published alongside this document for details. We maintain that the scheme will be accessible and low cost, with fees charged proportionately to the actual costs of providing the due diligence and inspection service. This is discussed in detail in *Part 2*;

- questions relating to safeguarding showed a greater level of uncertainty relative to most other consultation questions. **41%** of respondents overall said they were unsure if we had identified standards that would adequately safeguard children, although **52%** answered 'yes' and only **8%** 'no'. **60%** overall said they were unsure that safeguarding arrangements would work in practice, including **73%** of local authorities. However, only **8%** answered that they would not work, including just **7%** of local authorities. This degree of uncertainty suggests that there is a need for better definition and guidance from the department on this important issue, particularly around a provider's responsibility and how it will keep children safe online. This is discussed in detail in *Part 4*;
- on the question of whether there are other standards which would better ensure children are safeguarded, **58%** overall answered 'no', including **60%** of providers. However, **60%** of local authorities answered 'yes' to this question. This is discussed in detail in *Part 3*;
- **75%** of respondents overall were concerned about the additional difficulties of including overseas-based providers in the scheme, including **94%** of local authorities. Only **6%** overall said that they did not identify additional difficulties. Due to the level of concern raised in feedback, we will restrict the scheme to providers with a physical presence in the UK only. This is discussed in detail in *Part 1*;
- there was less certainty about whether remote inspections are likely to work in practice. **44%** overall said that they were 'unsure'. **44%** also answered 'yes' and **12%** 'no'. Whilst not minded to prohibit remote inspections entirely, in response to feedback we will indicate a strong preference to the QAB for physical inspections. All initial inspections will be carried out in person. This is discussed in detail in *Part 6*;
- we examined whether to widen the scope of the scheme to include providers such as those teaching pupils abroad, part-time or supplementary providers, tutors, and alternative provision settings. Ultimately, we must find a balance between widening the scope to encompass as many providers as possible and ensuring that the QAB is able to inspect providers that fall within certain specifications. For this reason, we propose to proceed with the scope outlined in proposals at this stage. This is discussed in detail in *Part 1*;
- we detected some misunderstanding about possible sanctions for non-compliance, in the context of a non-statutory scheme. This suggests there is a need for guidance from the department to ensure that all parties are clear about how the scheme will work. This is discussed in detail in *Part 5*;

How we plan to proceed

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Based on the broad and substantial levels of support for some form of quality assurance framework for the online education sector, we are proceeding with the creation of the Online Education Accreditation Scheme. The aim of the scheme will be to incentivise online education providers to meet high standards of education and care for their students and, through public reporting, to share best practice around the sector.

We expect that the scheme will be operational from September 2020, with an independent QAB appointed in August 2020 through an open competition. The ITT published alongside this consultation response includes detailed timelines.

The scheme will work in a way which is broadly similar to that proposed in the consultation:

- providers will register for the scheme by submitting relevant information online, utilising the department's existing online systems;
- the department will pass registration details on to the QAB so that it can carry out due diligence and, subject to the outcome of those checks, schedule an inspection of up to two days in duration (depending on size and nature of the setting);
- by registering, providers will need to agree to the requirements of the scheme, which will include public reporting on inspection findings and to a process of due diligence to be carried out on proprietors by the QAB and reported on to the department;
- the QAB will inspect settings against the agreed standards, included at *Annex C* and report on its findings;
- the QAB will charge a fee for the due diligence and inspection service, to be paid by providers. The fee structure will be determined during the procurement process;
- following a successful inspection, providers that meet the standards will be accredited by the department. The provider may begin to use the term 'accredited provider';
- accredited providers will:
    - be placed by the QAB onto the routine schedule for a re-accreditation inspection.

- appear on the Get information about schools (GIAS) register of schools and colleges in England, hosted on GOV.UK and be assigned a unique reference number (URN) and a DfE number

Substantive changes

Based on consultation feedback, we will make the following substantive changes to the initial proposals:

- exclude overseas-based providers and restrict the scheme to those with a physical presence in the UK;
- whilst not prohibiting remote inspections entirely, we will indicate a strong preference to the QAB for physical inspections. All initial inspections will be carried out in person;
- provide clear guidance on safeguarding, highlighting the distinction between the roles and responsibilities of those for the online safeguarding (sometimes referred to as 'online safety') and the roles and responsibilities of those for the physical safeguarding. It should be noted that the term 'physical safeguarding' used throughout is intended to cover a wide range of safeguarding aspects – not only those limited to preventing physical harm or abuse. The exact definition of physical safeguarding will differ depending on the individual circumstances and location of the child. In practice, this will signify that the online provider is responsible for the online safeguarding only; the physical safeguarding will rest with the adults present at the site where the online education is being provided;
- change the name of the scheme to the 'Online Education Accreditation Scheme'. This is to more accurately reflect the difference between providers in this sector and traditional school settings. We will therefore avoid the use of the term 'school' altogether and refer instead to 'online education settings', 'online education services' and 'online education providers'. The standards will also be amended accordingly. The full text of the standards, with amendments annotated, is found at *Annex C*;
- assess to what extent it is workable to add additional information requirements at the registration stage – outlined in *Part 2*;
- make a technical change whereby due diligence is carried out by the QAB, rather than the department. The QAB will report the outcome of due diligence checks to the department.

The consultation outlined a set of principles that have guided the development of the scheme and which will continue to do so as it becomes operational:

- it will be voluntary at this stage. We may seek to proceed with a statutory approach down the track;
- the appointed QAB and the department will support schools in understanding the scheme requirements and how to meet them;
- providers will not be unduly burdened by bureaucracy in the registration process. It will utilise the department's existing online systems and will be streamlined, where possible, to eliminate the collection of unnecessary information;
- the scheme will be accessible and low cost, with fees charged to be proportionate to the actual costs of providing the due diligence and inspection service;
- the standards which form the basis of accreditation will be suitable and flexible for different types of settings;
- the scheme will be designed to improve over time, informed by ongoing engagement with providers, proprietors, sector representatives, parents, students and other stakeholders.

Analysis of consultation responses

Part 1: Proposal

This section analyses consultation questions 1 to 8.

The department's position is that an online education setting cannot be registered as an independent school, even if the education is full-time and for more than five children of compulsory school age (or one child for whom an education, health and care plan is maintained or who is a looked-after child). This is because a virtual setting which has no building where pupils are taught full-time cannot, by definition, meet Part 5 of the Independent School Standards (ISS), relating to physical premises. The department also considers that other standards, particularly in relation to welfare and physical education, could be difficult to inspect under existing frameworks for either maintained or independent schools.

In the consultation, we detailed our proposal for a separate accreditation scheme for online settings, designed to provide effective oversight of this emerging sector, to be made operational relatively quickly, and without the need for legislation in the first instance.

The department's proposal was supported by a significant proportion of respondents, and as such, we plan to proceed with the establishment of the Online Education Accreditation Scheme.

Question 1: Do you think there is a need for a quality assurance accreditation scheme for providers of online schools, and do you broadly agree with our proposals for a registration scheme? If not, why not?

94% overall agreed with our view that there is a need for a quality assurance scheme, and broadly supported our proposals. It is worth noting that 100% of local authorities and the broader education sector agreed with the need for such a scheme, alongside 96% of online providers.

Question 2: Do you think we have adopted the right scope and definition of online schools within our approach to this proposed scheme, i.e. that the scheme should be limited to those providers offering education to pupils living in England, regardless of where their organisation is based, and that the education is full-time or the main source of a child's education? If not, why not?

69% said we had adopted the right scope and definition of online schools. However, a range of opinions were expressed – even among those who answered 'yes' – relating to the scope of the scheme, and in particular, which providers should be

included and how many pupils should be on roll to classify as an online provider. The opinions of respondents can broadly be categorised as follows:

- those espousing the view that proposals are too narrow and that they should also encompass one or more of the following additional groups:
    - providers based in England but teaching pupils abroad
    - part-time or supplementary providers
    - tutors or tutor associations
    - alternative provision 'extensively using online materials' *(also see Q4)*
- those questioning the inclusion of overseas-based providers, citing concerns about the effectiveness of carrying out due diligence;
- those with the view that proposals are too restrictive and not accurately reflective of online provision as currently available. These respondents tended to agree with the principles outlined but questioned whether the proposed standards and/or scope would be able to capture supplementary providers or those who provide asynchronous learning. This group is mainly composed of individuals and organisations in the online education sector;
- those of the view that the proposals should not be implemented. The main reasons given include concerns over safeguarding *(see Part 4)*, a desire not to legitimise online education as a 'school' and the impact of online-only education on pupils (particularly vulnerable pupils).

Overseas-based providers

Of the groups outlined above, it is worth noting that just over 75% of respondents expressed concerns around the inclusion of providers based overseas. The most common concerns are outlined below, alongside selected extracts:

- inconsistency of standards and legislative frameworks for teaching/safeguarding in overseas jurisdictions

Local authority: There would be issues around organisations based outside of the UK and different legislative frameworks. Perhaps an "international" version of accreditation is needed?

- an inability to carry out appropriate DBS checks for teachers and/or proprietors and school leaders

Broader education sector respondent: …we believe there are significant risks associated with the accreditation of providers based overseas, for example, in conducting appropriate due diligence checks and assessments of proprietor suitability.

Local authority: Ensuring correct safeguarding checks are in place could be problematic dependent on where the [provider] is based.

- a belief the organisation would be more difficult to monitor

Broader education sector respondent: There are also major challenges associated with the retention of personal information – particularly about children – and how this may be used and shared by organisations overseas. These organisations would not fall within UK legislation so DfE could not impose expectations on them. Nor would it be possible for any quality assurance body to be satisfied that they have been able to access all the information held by a provider.

- an inability to carry out physical inspections at provider premises, should that be necessary

Provider: Our view would be that any organisation based overseas should be required to have a location based in the UK that could be visited for purposes of inspection or the DfE should devise a reciprocal inspection procedure with relevant countries.

- differences in culture/beliefs and the teaching of British Values

Local authority: For schools based outside of the United Kingdom, they might struggle to understand or interpret standards associated with 'British Values'.

The key issues cited were around the complexity of overseeing adequate safeguarding arrangements, alongside the inability to carry out appropriate due diligence on providers and leaders. These concerns are discussed in further detail in *Q24*.

Our view is that the concerns outlined are entirely legitimate. For UK-based providers, the same level of due diligence and background checking can be carried out as that undertaken in other sectors, such as independent schools. Parents and local authorities can also be reassured on standards, monitoring and issues around the teaching of British Values. The department also agrees that there must be a location in the UK that can be visited to inspect safeguarding arrangements, and to investigate serious concerns.

Based on feedback, we have taken the decision to restrict the scheme to providers with a physical presence in the UK only. This will require the provider to be registered with Companies House or the Charity Commission. Providers without a physical presence in the UK will not be eligible for this scheme, whilst overseas-based providers with a physical presence in the UK will still be eligible for the scheme.

Definition of full-time education

A further issue raised was the definition of full-time education. For the purposes of giving clarity to providers, we will consider a setting to be providing full-time education if it is intended to provide, or does provide, all, or substantially all, of a child's education. The relevant factors in determining whether education is full-time will include:

- the number of hours per week being provided – including breaks and independent study time;
- the number of weeks in the academic term/year education is being provided;
- the time of day it is being provided, although in the case of asynchronous or staggered teaching patterns, we will disregard this in favour of other factors; and
- whether the education provision in practice precludes the possibility that full-time education could be provided elsewhere.

Further widening of scope

We have examined whether to widen the scope of the scheme to include other providers operating in the online space, such as those teaching pupils abroad, part-time or supplementary providers, tutors and alternative provision settings. Ultimately, we must find a balance between widening the scope to encompass as many providers as possible and ensuring that the QAB is able to inspect providers on a level playing field – allowing for like-for-like inspection. Our view is that failure to consider this would ultimately result in a loss of confidence in the scheme. For this reason, we propose to proceed with the definitions and providers-in-scope outlined above, with a view to assessing options as the scheme matures.

Question 3: Should there be a minimum number of pupils for accreditation? i.e. should a school be providing education for five or more pupils, or one or more with an EHC plan or who is looked after in order to register, or is it sufficient if there is only one learner, given that numbers can fluctuate rapidly?

There was wide support for <u>not</u> restricting the scheme to providers with a minimum number of pupils. The principle of ensuring that every pupil is protected and receives a suitable education, was the most commonly mentioned justification. A further argument was made on the point that student numbers can be volatile in online settings, even more so than in 'bricks and mortar' schools, and therefore it may be difficult for small providers to ensure a minimum number of pupils, such as in the extract below:

Provider: We acknowledge that there is far greater pupil mobility in online education than is the case in a bricks and mortar school and for many small schools this may pose a challenge. Furthermore, there are surges in admissions in specific year groups, and especially at the beginning of each school term, but significant numbers of casual admissions are placed on roll throughout the school year and this can lead to considerable fluctuations in student numbers. We do not have a minimum pupil roll in mind and appreciate that for some parents a small school may be attractive.

Based on feedback and to ensure that every pupil is offered the assurance and protection of the scheme, we plan to proceed <u>without</u> setting a minimum number of pupils.

Question 4: Should this scheme apply to alternative providers who are extensively using online materials to educate pupils for medical reasons, such as hospital education?

81% of respondents, including 88% of local authorities, agreed with the proposition that alternative provision settings using online materials extensively, should be included within the scope of the accreditation scheme.

This question has been covered above *(within Q2)* and should be seen in the context of a wider desire to expand the scope of the scheme to include all those providers and pupils not currently covered by other oversight frameworks.

Question 5: Will the proposed voluntary scheme work in capturing all providers of full-time online education? a. What do you think would prevent certain providers from participating in a voluntary scheme? b. How would you characterise providers within this diverse sector, and what arrangements would be most effective for capturing all providers?

Most respondents with a strong view on this question expressed it as part of their responses to *Q2* regarding the scope of the scheme, and *Q4* regarding the inclusion of alternative provision settings.

74% overall answered 'no' to the notion that proposals would capture all providers of full-time online education, including 94% of local authorities. A narrow or restrictive scope was listed as the primary reason that some providers may not be captured.

Several respondents that answered 'no' did so because the scheme will be voluntary and therefore, it is likely that some providers may choose not to participate. The department does not propose to introduce a statutory scheme at this stage; we accept that there may be some providers that will not register for the scheme. We do think that there are compelling reasons for doing so. Accreditation is intended to distinguish good online provision from that which has not demonstrated that it meets

the minimum standards. This provides immediate reassurance to parents and local authorities and may provide a marketing advantage to accredited providers. A further reason some respondents answered 'no' is due to the qualifying requirements not allowing for additional services, such as:

- providers based in England but teaching pupils abroad;
- part-time or supplementary providers;
- tutors or tutor associations;
- Alternative provision 'extensively using online materials'.

As discussed in response to *Q2*, we have examined whether to widen the scope of the scheme to include other providers operating in the online space. Ultimately, we must find a balance between widening the scope to encompass as many providers as possible and ensuring that the QAB is able to inspect providers on a level playing field – allowing for like-for-like inspection. Our view is that failure to consider this would ultimately result in a loss of confidence in the scheme. For this reason, we will proceed with the definitions and providers-in-scope outlined above, with a view to assessing options as the scheme matures.

Question 6: What would be the incentives and disincentives for some providers to choose to sign up to the proposed voluntary scheme?

A range of views were expressed regarding potential incentives and disincentives of participation in the scheme. The main disincentives associated with the proposals were:

- a concern that the scheme could be too burdensome in terms of cost and/or workload, particularly for small providers (37 responses);
- being subject to external inspection – including fear of not meeting the standards, or not wanting to comply with set standards (30 responses);
- a desire to remain independent and not wanting government interference, particularly over specific subjects and/or teaching methods, for example, to maintain a strongly religious curriculum (18 responses);
- not believing that the scheme would make a difference to the work or profitability of individual providers (9 responses); and
- not knowing about the scheme (8 responses).

The main incentive for accreditation is the view that there may be financial and/or marketing advantages for accredited providers over those who do not participate or do not meet the standards.

Question 7: How should DfE communicate with the sector and how should the scheme be promoted?

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A wide range of views were expressed about potential ways the department could promote the scheme to help ensure that all qualifying providers are made aware of it. These views included:

- direct communication with providers. The department has already begun this process through consultation events with online providers and other stakeholders including local authorities;
- promoting the scheme through the media, social media and government websites;
- communication to home-educating parents, local authorities and other groups who use online providers;
- asking the QAB to promote the scheme on behalf of the department.

The department will consider the responses in this section to help determine how best to promote the scheme ahead of the September 2020 launch.

Question 8: Keeping in mind that the proposal is for a voluntary scheme, what, if any, consequences should there be for providers who fail to register?

Respondents did not express strong views about this issue, primarily citing the fact that the scheme will be voluntary and therefore, will offer limited potential consequences for those who fail to participate. However, some expressed the view that there may be a financial consequence as parents and local authorities look to place children with accredited providers to the detriment of those who do not participate.

Part 2: Registration process

This section analyses consultation questions 9 to 14.

The scheme we outlined in the consultation is designed to encourage participation. We sought to understand the primary concerns of providers, in particular around the workload burden of registration and possible barriers associated with cost.

Question 9: Do you agree with the principles for the new scheme? Please outline any areas where you disagree.

The consultation outlined several principles, designed to guide the final design of the scheme and inform the procurement of a quality assurance body (QAB). The principles that we outlined, and will now adopt as we make the scheme operational, are that:

- the scheme should be voluntary rather than seeking to proceed with a statutory approach immediately;
- providers should not be unduly burdened by bureaucracy;
- the scheme should be accessible and low cost, with fees charged to be proportionate to the actual costs of providing an inspection service;
- the standards which will form the basis of accreditation must be suitable and flexible for different types of settings;
- the scheme should be designed to improve over time, informed by ongoing engagement with providers, proprietors, sector representatives, parents, students and other stakeholders.

There was wide support for the proposed principles of the scheme, with 91% support overall and equally strong support from providers (96%), local authorities (94%) and parents (93%).

Question 10: Will the proposed registration arrangements work in practice? Please outline any areas where you identify specific issues or concerns.

Relative to *Q9*, there was less certainty about whether the proposed registration arrangements would work in practice, with 54% responding 'yes' and 43% 'unsure. It is worth noting that very few responded 'no'.

Our view is that this is in line with – and to be expected of – new, untested schemes. Most of the uncertainty arose from either not knowing how the sector would respond to the scheme, how effectively the department would implement the proposals or specific uncertainties that arise in subsequent questions.

Question 11: Have we identified the correct information that the DfE should ask for from proprietors in assessing their suitability to be accredited?

The consultation proposed to collect basic information at the online application stage. We will proceed with the collection of the following, with amendments annotated to reflect changes to the scheme:

- Name of ~~school~~ service
- Address (headquarters or UK office of provider)
- Headteacher/principal or the person responsible for the day to day leadership of the ~~school~~ setting
- Proprietor's name, date of birth, NI number, recent employment history and a photographic likeness
- Number of teachers/tutors employed by ~~school~~ provider
- Names of teachers/tutors employed by ~~school~~ provider
- Student age range
- Gender of students
- Establishment status (open/closed)
- Website
- Telephone
- Phase of education
- Number of pupils on roll
- Admissions policy (eg. selective)
- Religious ethos (if any)
- Sixth form provision
- Opening date
- Number of Special Pupils under a SEN Statement/EHCP

We also proposed to make the following information visible on the *Get Information About Schools* (GIAS) website after accreditation:

- ~~School~~ provision type (online ~~school~~ education setting)
- QAB name
- Link to latest QAB report
- Date of last inspection

56% responded 'yes' to the question of whether we have identified the correct information to ask for from proprietors, highest among local authorities at 75%. 33% overall were 'unsure', while only 11% overall felt we had not identified the correct information.

There was some concern about collecting the personal information about/from the proprietor and making this publicly available. To clarify, the information outlined

above is for the purpose of applying for the scheme. Not all information will be published on GIAS; of the personal details collected, only the name of the proprietor will be available publicly.

Question 11a: Is there additional information we should collect?

56% of overall respondents are of the view that additional information should be collected, including 88% from respondents in the broader education sector and 69% from local authorities. The most commonly suggested additional information included that related to:

- the curriculum or courses/exams offered;
- type of education (live, asynchronous, tutors, etc.);
- percentage of pupils based in England/overseas;
- costs (similar to independent school fees listed on GIAS).

We support the addition of this information. We will assess whether it is workable to collect some or all of this data from when the scheme commences.

There were also several responses relating to additional information needed on the head/proprietor, related to experience, qualifications, and financial stability. Our view is that this information, at the registration stage, would be surplus to requirements as we propose limiting the scheme to proprietors with a UK presence and will be in a position to carry out due diligence checks at the appropriate time. At the inspection stage, the QAB will also need to report on the following standards relating to proprietors and those with leadership and management responsibilities in order for that provider to become accredited:

- *Section 5* – relates to the suitability of proprietors, which includes individual(s), governors, trustees or directors responsible for the management of the school, and would require, among other things, that all individuals or members of proprietorial bodies are not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006; and
- *Section 8* – relates to the quality of leadership and management of providers. A provider will need to demonstrate, among other things, the suitability of proprietors and the skills and knowledge of those with leadership and management responsibilities.

Question 12: Do you think the pre-accreditation process (an online application form, due diligence checks and a pre-accreditation inspection) is the best way to provide quality assurance? If not, please outline alternative arrangements.

This question essentially sought views on whether the proposed 3-stage pre-accreditation process, including an online registration form, due diligence checks and an inspection by the appointed QAB, would be the best way to provide quality assurance, and therefore, give the department confidence in granting accredited provider status. 76% of respondents overall agreed with this proposition, including 85% of parents, 84% of providers and 75% of local authorities.

We have made a technical change to the consultation proposals, whereby due diligence checks will be carried out by the QAB, rather than the department. The QAB will report on the outcome of due diligence checks to the department. For providers, this change will have no bearing on the process and will maintain the pre-accreditation phasing.

Question 13: Do you think it's right to expect providers to pay for the costs of the inspection?

This question sought views on inspection fees and whether it would be right to expect providers to pay for the costs of inspection. We did not find absolute consensus on this issue, with a large proportion of respondents 'unsure' – 32% overall responding 'unsure', including 40% of providers. It should be noted that 45% were supportive of the proposal, including 44% of providers and local authorities and 67% of respondents in the broader education sector. The number of providers answering 'no' was relatively low at 23%. Parents were the group most opposed, with 43% answering 'no'.

We think that the concern on this issue is understandable. There is clearly unease about the lack of certainty over the level of fees, the ability of providers to pay excessive fees, and high fees acting as a disincentive to participation. There was also apprehension from parents who feel that high inspection costs may be passed on to them through tuition fees.

Question 13a: What do you think would be a reasonable fee for an inspection?

We did not find consensus on this question. 25 responses suggested either that the government should cover the cost of inspections, at least temporarily to encourage uptake, or a fee of less than £1,000. Only 4 responses suggested a fee of over £1,000. 15 responses suggested that a reasonable fee would be based on either the revenue or the size (number of pupils) of the provider.

Some respondents suggested that the department should fund the cost of inspection. We have dismissed this option on the basis that:

- it would not constitute a sustainable model; even if the department only agreed to fund the initial inspection, a sustainable model for recovering the costs of future inspections would still be required;
- the department believes that there will be a financial advantage for most providers that become accredited and that therefore, it is right that they contribute to the cost of inspections;
- the provider-funded model brings this sector into line with other sectors, such as the independent schools sector, in which schools pay for inspections

We take an open view about whether the fees should be charged as a subscription to providers, or whether they should be charged on a 'per inspection' basis. We are sympathetic to the view that any fee structure should be based on the size of the provider.

The fee structure will be determined during the procurement process. The department takes the view, in accordance with the principles outlined previously, that the scheme should be accessible and low cost, with fees to be proportionate to the actual costs of providing an inspection service.

Question 14: Do you have any other comments on either the principle of registration or practical issues related to registration on the basis proposed?

We did detect some confusion where respondents interpreted the proposals as awarding accreditation based purely on the registration, with inspections only needed for maintaining accreditation. It is important to note that this is <u>not</u> the case. An inspection, by the appointed QAB, confirming that all standards have been met, is the only way a provider will be granted accredited status by the department. This will be made clear in accompanying guidance.

Part 3: Standards

This section analyses consultation questions 15 to 18.

The consultation outlined minimum standards that providers will need to meet before the department can grant accredited provider status. We proposed to align the online education standards to the Independent School Standards (ISS), with amendments to take account of the online context.

Following feedback, we will adopt the proposed standards in full, with minor changes relating to references to 'schools'. They will be known as the Online Education Standards (OES). The following is a summary of the 8 sections of the OES, with the full text of the standards, with amendments annotated, found at *Annex C*.

- Section 1: Quality of education provided (curriculum)
  The overall purpose of this section is to ensure that a provider has a curriculum which covers a broad range of subject disciplines, delivered through teaching that will enable all pupils to make good progress according to their abilities and that such progress is properly assessed as part of a continuous process which feeds back into lessons.
- Section 2: Quality of education provided (teaching)
  The purpose of this section is to ensure that a provider has a suitable teaching structure which covers a broad range of subject disciplines and will enable all pupils to make good progress according to their abilities.
- Section 3: Spiritual, moral, social and cultural development of pupils
  The purpose of this section is to ensure that pupils' development in non-academic terms will enable them to play a confident, informed role in society, have a fully developed value system and be able to interact with other people in a positive way.
- Section 4: Welfare, health and safety of pupils
  This section is intended to substantiate that, as far as possible, providers have plans in place to safeguard pupils online and ensure that their safety and well-being is promoted.
- Section 5: Suitability of staff, supply staff and proprietors
  This section sets out the checks that providers will have to make to ensure that staff, supply staff and proprietors or members of proprietor bodies are suitable for the posts they occupy.
- Section 6: Provision of information
  This section sets out what information must be provided or made available to parents of pupils and parents of prospective pupils, and to certain other people or agencies. It also contains requirements about the publication of information. It is intended to encapsulate the minimum amount of information which parents and others need to form a proper picture of the setting. Nothing

in this section stops a setting providing whatever further information it wishes to.

- Section 7: Manner in which complaints are to be handled
  This section sets out the requirements of procedures to deal with complaints from parents of pupils. A provider can have a complaints process which has a wider scope or more facilities for complaint than the standards require, but to meet *Section 7* a provider must ensure that a procedure is drawn up, is clear and is implemented effectively.
- Section 8: Quality of leadership in and management of providers
  This section sets out the skills, knowledge and consistent promotion of student wellbeing expected of persons with leadership and management responsibilities in providers.

Alongside the standards, the department will publish non-statutory guidance to help providers, the QAB and other interested parties understand the obligations under the standards. This will be similar to the guidance published alongside the ISS.

As the proposed accreditation scheme is voluntary, these standards will have no statutory basis. However, the term 'accredited provider' may only be officially used by a provider that has been judged to have met the standards.

Question 15: Do you think it is a good idea to base the proposed standards, as far as possible, on the existing ISS and guidance?

There was strong support for basing the Online Education Standards (OES) on the ISS, with 83% support overall, including 100% of local authorities, 85% of parents and 83% in the broader education sector. Support was slightly lower, although still relatively high, among providers (71%). This is attributable to the risk that the ISS may not be appropriate for online settings in some circumstances. Selected extracts are included below:

Broader education sector respondent: The ISS and guidance are tried and tested and sufficiently flexible to allow effective regulation of a wide range of providers.

Provider: Yes, but amended to take account of the online context and also the [learning needs] of the children. It is not the 'usual' environment for a number of very complex reasons

Concerns were also raised about using *identical* standards, including in the following:

Local authority: The ISS and guidance are specific to a traditional definition of a school, whereby there is an overall responsibility for the pupils on roll. As highlighted in previous responses, providers of online education will often be commissioned services that hold only responsibility for delivery of education and wider safeguarding

and pastoral support are facilitated by other services. Therefore, although the ISS may be a good basis for the registration of a provider that delivers a comprehensive educational experience it may not be best suited to the breadth of the market delivering online education. That said, I agree with the use of the ISS as basis for standards that do align with the aspects of online education that relate to the wider market.

Broader education sector respondent: If online school standards are based on, and in many respects identical to, the independent school standards, this implies that online schools are of an equivalent quality to a regular, independent school. We do not think that conferring this legitimacy on online schools is appropriate or desirable, given the lack of evidence for their effectiveness

We agree that it would not be appropriate to use the ISS in full for online education. The provision of online education services is distinctive and different to traditional school settings; we recognise that standards must be suitable for these settings. For this reason, although we proposed to use the ISS as the *basis* of the standards, we have adapted the them to meet the needs of this unique environment.

A significant majority of respondents agreed with our assessment that, with some amendments to take account of the online context, the ISS are sufficiently flexible to allow effective oversight and can form the basis of the OES. We will therefore largely adopt the standards outlined in the consultation, with only minor amendments as shown in *Annex C*.

In line with the principle that the scheme should be designed to improve over time, on scheme commencement we will continue to engage with providers, the QAB and other stakeholders, on recurrent or persistent issues.

Question 16: Do you agree that we have identified the correct standards?

68% overall agreed that we had identified the correct standards, with 22% 'unsure' and only 11% saying 'no'. 80% of local authorities answered 'yes', as did 75% of the broader education sector, although this was lower for providers at 58% (29% 'unsure') and parents at 62% (31% unsure). Most respondents who responded 'no' or 'unsure' expressed concerns or suggested modifications around safeguarding. We cover this in *Part 4*.

It is clear that there are various models of delivery being employed by providers, with some teaching lessons in real time, some delivering lessons asynchronously and others utilising a combination approach. Some respondents expressed the view that, whether or not lessons are live may have an impact on how the QAB assesses compliance with the standards. It is therefore important for the scheme to be flexible

enough to accommodate various types of provision in order to capture all providers effectively.

A further risk that was expressed by some respondents, relating to those providers not offering a full-time education or full curriculum, but providing an 'AP-style' education to children with complex needs. While these providers could still meet the criteria for registration under the scheme (through being the main source of a child's education), concerns were raised about the ability of the standards to fit their style of provision. For example:

Provider: "We respond to the curriculum needs of the commissioner…[and offer] a wide range of products and subjects, but cannot provide something that is not commercially viable just to achieve [a] standard."

Ultimately, this is a question about the interpretation of the standards, as they apply to different teaching models and styles of provision, rather than about the standards themselves. These issues will be subject to ongoing engagement between the department and the QAB, with a view to ensuring that any interpretation is effective in capturing all delivery models, and that it is properly communicated to providers. We will also work with the QAB where it advises that the standards themselves require revision or clarification.

Given the strength of overall support for the standards put forward, we intend to proceed without further changes at this stage. As with *Q15*, on scheme commencement we will continue to engage with providers, the QAB and other stakeholders to ensure that recurrent issues are addressed.

Question 17: Are there any standards that you think it would be difficult or impossible for an online school to meet? If so, what are they and why?

A number of respondents raised concerns about the interpretation of safeguarding standards – these are covered in *Part 4*. There was also some concern, mainly from individuals/organisations in the online education sector, about the suitability of the standards to accommodate various types of online learning, including asynchronous teaching and learning methods and supplementary education:

Parent: You need to take into account that some students are 'library learners' i.e. they access lessons which are not live but at a later date that are suitable to them. This could be due to health conditions/appointments, etc. These lessons are obviously not interactive for the student but still highly educational and so you would need to ensure these students and their parents were not excluded from [these standards].

Several respondents outlined specific curriculum areas where an inflexible interpretation of the standards would be problematic:

Provider: [In relation to 1.3] Online providers are able to provide learning in theories about sports, health and fitness but it is unrealistic to expect extensive provision for practical physical education programmes… some sports and exercises, such as yoga and stretching exercises, can be successfully delivered online but there are obvious limitations to teaching physical education online. We need to recognise that some students who access online education do so because of significant physical disabilities that make attending a physical school, and participating in physical activities, impossible.

Local authority: The nature of online education lends itself to a tailored education. As such the breadth of curriculum offer may not reflect the breadth of learning of the end user and to some degree cannot be enforced where this is supporting home education (that is unregulated). Certainly this would be relevant in relation to the spiritual, moral, social and cultural development of pupils.

The interpretation of the standards and how providers can meet them, will be outlined in accompanying guidance. As such, we do not propose to change the standards, or to add any new ones at this stage beyond the minor language changes outlined in the version at *Annex C*. The department acknowledges the legitimate concerns expressed; we are aware of the different teaching and learning methods employed by online providers and therefore, the need for flexibility to be built into the standards. We are also aware of the constraints of online education in relation to specific curriculum areas such as physical education and are determined to ensure – through engagement with providers, the QAB, and stakeholders – that the interpretation of the standards is sympathetic to the limitations presented by online learning.

Question 18: Are there any other standards that you think we should add?

Most respondents do not feel that additional standards are required, with 63% overall saying 'no', including 71% of local authorities, 63% of providers and 62% of parents. We therefore intend to proceed without the addition of further standards at this stage.

Part 4: Safeguarding

This section analyses consultation questions 19 to 25.

The consultation outlined that the sector's support for difficult-to-reach and Special Educational Needs and Disability (SEND) student groups, makes a clear and robust safeguarding approach critical. We outlined the intention behind *Section 4* relating to the welfare, health and safety of pupils, and each of the individual standards within this section that will need to be met for accreditation. These are shown in the table below, as amended. The full text of the standards, with amendments annotated, is found at *Annex C*.

4.1	Effective arrangements are made to safeguard and promote the welfare of pupils at the ~~school~~ setting which have regard to any guidance issued by the Secretary of State
4.2	Good behaviour amongst pupils is promoted by ensuring that a written behaviour policy is drawn up that, amongst other matters, sets out the sanctions to be adopted in the event of pupil misbehaviour
4.3	The behaviour policy is implemented effectively
4.4	A record is kept of the sanctions imposed upon pupils for serious misbehaviour
4.5	Bullying ~~at~~ within the ~~school~~ setting is prevented, in so far as reasonably practicable, by the drawing up and implementation of an effective online anti-bullying strategy
4.6	A relevant health and safety policy is drawn up and effectively implemented
4.7	Appropriate admission and attendance registers are maintained
4.8	The welfare of pupils ~~at~~ within the ~~school~~ setting is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and appropriate action is taken to reduce risks that are identified
4.9	Effective action is taken to minimise the risk of pupils ~~at~~ within the ~~school~~ setting accessing inappropriate material or sites online and pupils are supported to remain safe online

We recognise that the scheme needs to address the legitimate concerns about online risks, but also, it must recognise the practical implications for providers and

the role of parents, carers and those who commission places at online providers in ensuring the safety of their own children.

Ultimately, the standards that we adopt must be linked to the objectives of the scheme. As the key objective of *Section 4* is to ensure that providers have appropriate policies and processes in place to safeguard pupils, our view is that the outlined standards are suitable. The key will be that providers have regard to guidance issued by the Secretary of State and in particular:

- have clear polices that set out how they will ensure the online safety of children, including ensuring that any material or content is age-appropriate; and
- have clear policies on how staff will look for signs of abuse and neglect in children and how they should report such concerns.

As with all other sections of the OES, there is a question of how *Section 4* is interpreted as it applies to different teaching models and styles of provision. This will be subject to ongoing engagement between the department and the QAB, with a view to ensuring that any interpretation is effective. We will also work with the QAB where it advises that the standards themselves require revision or clarification.

Question 19: Do you think we have identified standards that will adequately safeguard children?

In general, we found lower levels of certainty from respondents on the issue of safeguarding, relative to other areas we consulted on. On *Question 19*, although 52% overall indicated that we had identified standards that will adequately safeguard children, 41% overall said they were 'unsure', including 50% of providers. 50% of local authorities said we had identified the right standards, whilst 38% were 'unsure'. Parents were marginally more assured, with 69% satisfied and 31% 'unsure'. It should be noted that the percentage of respondents answering 'no' was low – 8% overall, 4% of providers, 13% of local authorities, 20% of the broader education sector and 0% of parents.

Based on feedback, we have formed the view that the added uncertainty on this issue is due to several factors, outlined below with selected extracts.

- concern that safeguarding standards/guidance/interpretation are not specific enough to online settings and their unique characteristics:

Broader education sector respondent: The standards identified are the same as those for registered independent schools. These take no account of the unique nature of online provision. There are no additional expectations around online safety.

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References to the use of filters and monitoring of online activity are taken from existing statutory guidance.

Broader education sector respondent: Traditional schools also play a central role in the identification and monitoring of pupils who are at risk or need support, and their Designated Safeguarding Leads are part of the wider safeguarding network. The online contact with pupils is different than that in traditional schools, where the pupils demeanor, behaviour and interaction with peers is much easier to observe. However, there is evidence that pupils are more likely to disclose abuse/concerns in an online environment. This clearly indicates that safeguarding in online schools needs to be considered in its own context, taking into consideration the different circumstances and dynamics it brings. Merely adapting the traditional approach is not likely to be the most effective way to safeguard pupils.

- a lack of detail for how policies would be policed or checked at inspection:

Local authority: The majority of information required to make a judgement could be provided by form filling, existence of policies and observations of online … [but] this would however rely on providers giving accurate information.

- the difficulties in forming relationships with multiple local authorities and children's services across the country, many of whom will have different arrangements:

Broader education sector respondent: Effective safeguarding is very dependent on relationships with the local Children's Services and other statutory and non-statutory services, which work together to both identify risk and offer support and interventions to those learners who are at risk. Online schools will not be geographically located in the same areas as their pupils in many/ all cases. This will make creating relationships with the statutory agencies and understanding the provision of help and support in the area where the pupil resides much more complicated. This is further complicated by the fact that there are a wide variety of local arrangements for support and intervention in different areas.

- how responsibility would be attributed to providers for safeguarding children that they are not physically in contact with. Some noted the distinction between online safety and physical safeguarding, and called for greater clarity on the interpretation of both:

Broader education sector respondent: There needs to be absolute clarity of where the Child protection and safeguarding roles, responsibility and accountability lies. As the children will not be on site it is not possible for the education service provider (online school) to physically safeguard the child. Currently this is responsibility of the school the child is on roll with. If the child is not on roll then it falls to the parent/carer.

The online service provider is not in a position to do this. Most online school providers have safeguarding procedures which clearly set this out and with absolute clarity as to how "disclosure" and incidents are reported, handled and interventions made. If we move to the children being on roll with the online school then it needs to be clear who will be responsible for the physical Safeguarding of the Children. It would make sense to differentiate between Home educated and Alternative Provision. LA or local mainstream schools will have the responsibility in the Alternative Provision situation and Parent/carers in the Home Educated position.

Provider: Many of our students are educated in their home environments on their own PCs. Parents have the responsibility for filtering content and monitoring usage. We can give advice, I suppose (which may be what you are proposing), but we cannot be responsible unless we supply hardware.

Parent: I don't think it is possible for an online setting to monitor [pupil welfare]. They can of course flag concerns, but the only place for that would be the LEA as it may not be appropriate to talk to parents, if that is where the concern is. From my experience of online schooling, I think it is unlikely that a teacher would pick up on issues in the way a teacher might when meeting the child in person.

It was clear that the greatest concerns, especially for providers and local authorities, were in relation to where responsibility for safeguarding lies, the distinction between online safety and physical safeguarding and the application of this distinction in practice. It should be noted that the term 'physical safeguarding' used throughout is intended to cover a wide range of safeguarding aspects – not only those limited to preventing physical harm or abuse. The exact definition of physical safeguarding will differ depending on the individual circumstances and location of the child.

This was primarily in the context of commissioned places where schools and/or local authorities use an online provider for their pupils. This led to questions about who was primarily responsible for and what was expected in terms of the safeguarding/pastoral care of the pupil by providers and how/whether this would relate to existing legislation or guidance, if at all. Similar questions were raised, although less frequently, relating to where demarcation lines lie in terms of the responsibility of the online provider and those of the parent/s of a pupil.

We see a clear need for safeguarding guidance; the accompanying guidance will clarify the responsibility attributable to different parties i.e. providers, local authorities, parents. The guidance will detail that **we do <u>not</u> think that an online service can be responsible for most aspects of physical safeguarding.**

There is a clear distinction between *online safety*, which is an area that an online setting can be held to account for and *physical safeguarding* which will rest with the

adults present at the site where the online education is taking place. As stated earlier, the exact definition of physical safeguarding will differ depending on the individual circumstances and location of the child. Online providers cannot be responsible for all aspects of physical safeguarding in the same way that a traditional school is, where physical presence may create additional safeguarding responsibilities on one hand and allow staff clearer opportunities to identify harm or abuse on the other. However, there is to be a clear expectation that in order to meet *Section 4* of the standards, providers must have regard to guidance issued by the Secretary of State, including (but not limited to):

- clear polices that set out how they will ensure the online safety of children, including ensuring that any material or content is age-appropriate; and
- clear policies on how staff will look for signs of abuse and neglect in children and how they should report such concerns.

In summary, we are sympathetic to the concerns expressed by respondents on this issue and understand the need for further clarity on the interpretation and application of the standards. Given the low percentage of respondents who answered 'no' on this question, our view is that we will be able to address most concerns through the accompanying guidance. We do not think it is appropriate to add clarification to the standards themselves, which should act as a framework rather than a detailed description. It is right that the detail regarding the application and interpretation of the standards should appear in accompanying guidance. We will therefore largely adopt the standards outlined in the consultation, with only minor amendments as shown in *Annex C*.

Question 19a: Are there any other standards which would better ensure children are safeguarded?

A majority of respondents did not identify other standards which would lead to better safeguarding outcomes, with 58% overall, 60% of providers, 50% of the broader education sector and 77% of parents responding 'no'. Only local authorities answered majority 'yes', with 60%. Of the latter, respondents suggested the addition of standards referencing KCSIE and information governance:

Local authority: A 'comprehensive safeguarding policy' could be interpreted broadly – it may be helpful to make some suggestions as to what it would need to cover in line with KCSIE 2019, for example, it should specifically address how to respond to child protection concerns. Electronic information governance in line with GDPR should be addressed e.g. where is learner's data stored, how it is processed, who has access etc. International providers may have to adhere to different legal requirements for storing data, the provider should as a minimum evidence that they are able to meet the requirements set out under GDPR.

Whilst we agree with the importance of these issues, our view is that the right place for the details of specific items, systems and matters to be checked during inspection is in the accompanying guidance. The guidance will reflect the principles covered by KCSIE statutory guidance – as outlined within *Q22*. We will therefore largely adopt the standards outlined in the consultation, with only minor amendments as shown in *Annex C*.

Question 20: Will the proposed safeguarding arrangements work in practice?

We found a degree of uncertainty on this question, with 60% overall saying they were 'unsure', compared to only 32% saying 'yes'. Local authorities were the least certain, with 73% saying 'unsure', followed by 70% of the broader education sector, 54% of parents and 48% of providers. Numbers saying 'no' were low – with only 8% overall, including 20% of the broader education sector, 9% of providers, 7% of local authorities and 0% of parents.

Based on feedback, we have formed the view that the added uncertainty on this question is due to the factors discussed in *Q19*. We think the accompanying guidance will offer reassurance regarding the practical application and interpretation of the standards.

Question 21: Are you satisfied that, through the proposed standards, safeguarding arrangements will be clear to staff, parents and children?

A majority of respondents felt satisfied that safeguarding arrangements would be clear to staff, parents and children, with 75% overall responding 'yes', including 88% of providers, 85% of parents and 75% of local authorities. Only respondents from the broader education sector disagreed, with 70% responding 'no'.

Our view is that the accompanying guidance will offer clarity regarding the practical application and interpretation of the standards, ensuring that all groups are clear about safeguarding arrangements. The guidance will be clear on a provider's responsibility, how it can keep children safe online and also the responsibilities of others involved in the education of the child – as outlined within *Q19*.

Question 22: Is it right that online schools should have regard to Keeping Children Safe in Education? If so, what should happen if this is disregarded?

There is significant support for online settings to have regard to KCSIE, with 89% support overall, including 92% of parents, 90% of the broader education sector, 88% of local authorities and 88% of providers. Some response did raise concerns that small sections of the KCSIE guidance would not fit with online education. Our view is that having regard to KCSIE should be mandatory for online providers who wish to

register with this scheme and our guidance will provide clarity if individual paragraphs could not apply to the online sector.

Question 23: Do you have any other comments about the concept of a duty on the proprietors of settings to keep accurate information about children who participate in their settings and fall within scope of the registration requirement, and also about staff by maintaining a single central register?

A majority of respondents felt that a single central register (SCR) should be required as part of the scheme. The main reasons given were to ensure appropriate checks were carried out on all staff, for ease of inspection of records and to create consistency with school settings. For example, one respondent stated that:

Local authority: The requirements should be the same as they are for any education provider. For transparency, all staff involved in the online platform must be registered and DBS checked and registered. The online platforms should be required to follow legislation set out under GDPR.

This is a requirement under *Section 5* of the OES (5.24). The department is of the view that a SCR is essential and all providers will need to demonstrate that they meet this standard in order to become accredited.

Question 24: Do you think there are additional potential difficulties associated with an organisation and/or its tutors based overseas? How might we overcome any such challenges?

A significant proportion of respondents expressed concerns about the additional difficulties of including overseas-based providers in the scheme. 75% overall expressed concerns, including 94% of local authorities. Only 6% overall said that they did not identify additional difficulties.

A key issue cited is the complexity of overseeing adequate safeguarding arrangements. The following are selected respondent extracts regarding this issue:

Provider: The global nature of this form of education almost invariably comes up against different welfare and safeguarding standards

Local authority: This does create questions over safeguarding and compliance - there would need to be strict monitoring of organisations [and] people operating in this way.

Further concerns were expressed on the issue of carrying out DBS checks on staff members, and appropriate due diligence on proprietors and school leaders:

Broader education sector respondent: If there is no requirement for providers or staff to be based in the UK, it is unclear that the recruitment checks proposed would be likely to uncover the relevant information about suitability. If a member of staff has never lived in the UK, it is unlikely that an enhanced DBS check or a check on whether the person is subject to a prohibition from teaching in England will turn up any information. This will not be solved simply by requesting a criminal record check for that person from the country in which they are based. The robustness of other countries' criminal records checking system will vary widely, and further checks may be needed to verify if that person is, for example, banned from teaching in another country. For staff based abroad, further consideration would therefore need to be given to the appropriate checks required to ensure that only those safe to work with children can be recruited. In [our] view, it may not always be possible to establish the suitability of someone living abroad.

Local authority: Ensuring correct safeguarding checks are in place could be problematic dependent on where the [member of staff] is based.

Local authority: This holds a risk around the rigour applied to safer staffing. It should be acknowledged that children accessing online learning are often some of the most vulnerable.

Our view is that these concerns – both relating to safeguarding oversight and the due diligence of proprietors – are entirely legitimate. For UK-based providers, it will be possible to carry out the same due diligence and background checks as that undertaken in other sectors, such as independent schools. The department also agrees that there must be a location in the UK that can be visited to inspect safeguarding arrangements and investigate serious concerns.

Based on feedback, we have taken the decision to restrict the scheme to providers with a physical presence in the UK only. Providers without a physical presence in the UK will not be eligible for this scheme, whilst overseas-based providers with a physical presence in the UK will still be eligible for the scheme.

Question 25: Is there any relevant good safeguarding practice which you would like to share?

Very few respondents took the opportunity to outline specific safeguarding practice in response to this question. All good practice received will be reviewed and will be taken into account when producing accompanying guidance.

Part 5: Compliance

This section analyses consultation questions 26 to 29.

The consultation detailed that, following the initial inspection, a public report would be prepared for the provider and the department. The report will identify the strengths of the setting, as well as any areas which require action to improve – in a similar way to schools in other sectors. The consultation also detailed sanctions that could be used in cases of non-compliance. As respondents indicated strong support for our proposals, we will proceed on the basis outlined in the consultation.

Action plan and follow-up monitoring

Should the inspection identify issues to be addressed in order to achieve compliance with the standards, the provider will be given four weeks to identify how it will remedy shortcomings identified in the report by producing an action plan to be submitted to the department. This timeframe will align the online sector with the independent schools sector. The same timeframe will apply for shortcomings identified at the initial inspection or any other inspection.

Within the four-week period, providers will be required to submit an action plan to the department, which will outline changes to be made to meet the standards and the timeframe for completion. The appointed QAB will provide appropriate follow-up monitoring to ensure that action has been taken to comply with the standards. A brief follow-up report confirming/re-confirming the school's accreditation will be published.

Follow-up inspections will focus solely on the non-compliance issues. We originally proposed that inspectors could conduct follow-up monitoring remotely on some issues. More serious issues, such as those relating to safeguarding, would likely require further physical inspection, usually at provider premises. Whilst not prohibiting remote inspections entirely, we will indicate a strong preference to the QAB for physical inspections in most instances.

The fees structure for follow-up inspections will be determined though the QAB procurement process. It is the department's priority to ensure that the scheme is accessible and low cost, with fees charged to be proportionate to the actual costs of providing the inspection service.

Sanctions for non-compliance

The consultation outlined that, as this will remain an unregulated sector for the time being, enforcement action, similar to other sectors, will not be legally possible and will be limited to non-statutory sanctions. These will include:

- withdrawal of permission to use the term 'accredited provider';
- removal from the GIAS register; and
- direct communications by the department with relevant stakeholders, such as local authorities. This will be reserved for exceptional circumstances, such as in the event of pupils found to be at risk.

These sanctions will be separate to any action that may arise from unlawful activity.

Question 26: How long should we allow schools to put right any failings against the standards?

The majority of responses stipulated that providers should be given somewhere between half a term to one term to put right any failings, with only a small number of responses believing a longer period of more than 3 months would be needed.

Question 26a: Is four weeks right to produce an action plan?

The majority of respondents agreed that four weeks is an appropriate timeframe for producing an action plan. 83% overall said 'yes' to the four-week timeframe, including 92% of parents, 90% of the broader education sector, 81% of local authorities and 79% of providers. We continue to believe it is appropriate to proceed on the basis outlined in the consultation.

Question 26b: How long should there be between the action plan and the follow-up inspection – one month, three months or longer?

Three months was the most supported response to the question of how long there should be between the action plan and the follow-up inspection. The responses were largely in-line with the proposals outlined, based on the current 'warning notice' response to independent school failings. As such, we will proceed on this basis.

Question 27: What sanctions should be imposed for non-compliance against the standards?

This question saw a wide variety of proposed sanctions for non-compliance. However, the majority of responses would be outside of the department's powers for this scheme, including:

- closing a setting;
- imposing fines; or
- suspending a provider's ability to operate.

As the scheme will be voluntary and non-statutory, the department will not have the legal powers necessary to consider these options. The aim of the accreditation scheme is to provide effective oversight, delivered in the first instance without the

need for legislation. However, should we decide to legislate in future to create a statutory scheme, additional sanctions, such as those suggested above, will be considered.

Of the sanctions available to the department under existing powers, the most popular options for non-compliance were:

- refusal/removal of accreditation;
- publishing of either a list of unsuccessful applications or a list of all inspection reports on GOV.UK, or other appropriate websites, such as the QAB website; and/or
- direct communications with local authorities and appropriate bodies, including law enforcement agencies, in cases of serious misbehaviour, abuse, or risk to pupils.

The scheme will utilise all of these options as appropriate. In addition, providers who fail to take action on shortcomings within the agreed timeframe will be removed from the GIAS register. We are investigating options for keeping a publicly accessible record of removal from GIAS.

Question 28: Should DfE take different action for non-compliance with the welfare, health and safety of pupils standards in Section 4 than for non-compliance with other standards?

Respondents were uncertain about whether we need to take different action for non-compliance of safeguarding standards (*Section 4* of the OES) than for all other standards. Overall, 44% said 'different' and 34% 'same'. Local authorities were equally divided, with 47% saying both 'different' and 'same', and 42% of parents said 'different' against 33% 'same'. The greatest differences were among providers, with 56% responding 'different' against 24% 'same' and the broader education sector, with 10% responding 'different' against 60% 'same'.

Given the disparity of responses, we will *mostly* take the same action regardless of which section of the standards the non-compliance relates to. The exception to this will be in cases of serious misbehaviour, abuse or risk to pupils relating to *Section 4*. In these cases, we will communicate directly with local authorities and law enforcement agencies as appropriate.

Question 29: Do you have any comments on how we should specifically deal with sanctions to overseas-based proprietors, acknowledging the difficulties in taking action against organisations and individuals located elsewhere, but ensuring that all proprietors receive equal treatment?

A majority of responses re-iterated concerns associated with the inclusion of overseas-based providers in the scheme. These concerns have been discussed in responses to *Questions 2 and 24*.

Due to the significant issues raised about the inclusion of overseas-based providers, we have taken the decision to restrict the scheme to providers with a physical presence in the UK only. As such, providers without a physical presence in the UK will not be eligible for this scheme.

Part 6: Inspections

This section analyses consultation questions 30 to 33.

In the consultation, we proposed an open competition to appoint a QAB to carry out inspections of online schools.

We detailed that an inspection framework would be agreed with the QAB that will:

- outline the roles and responsibilities of the appointed QAB;
- detail the expected outcomes of inspections, including subsequent published reports;
- detail mechanisms for rapid response in relation to serious concerns;
- set out a fee structure;
- set out a complaints procedure; and
- detail any other relevant considerations to ensure the adequate oversight of the sector, such as the inclusion of basic checks of corporate governance and financial sustainability.

Since no significant issues were identified with our proposals, we will proceed on the basis outlined. The ITT, which details the department's expectations of the QAB, has been published alongside this response.

Remote inspections

In the consultation, we sought views on the practical issues of carrying out physical inspections. In particular, we anticipated that the inclusion of overseas-based providers would pose a significant challenge in this area and necessitate the need for remote inspections.

Due to the significant issues raised about the inclusion of overseas-based providers, discussed in *Questions 2, 24 and 29*, we have taken the decision to restrict the scheme to providers with a physical presence in the UK only. A clear benefit of this restriction will be the ability to carry out physical inspections at provider headquarters or premises. Whilst we will not prohibit remote inspections entirely, we will indicate a strong preference to the QAB for physical inspections. All initial inspections will be carried out in person.

In relation to expectations of providers at inspection, we will proceed with proposals outlined in the consultation that will require providers to:

- make key senior staff available;
- make teaching sessions available;
- make student work available;

- make students available, where necessary; and
- supply all requested materials – either electronically or through some other means if an electronic solution is not available Inspection experience suggests that a detailed advice document would be useful for schools. We will publish non-statutory guidance, similar to that issued for the ISS, to help online schools meet their obligations under the standards.

These expectations are essential for meeting the operational needs of inspectors.

Inspection cycle

In the consultation, we sought views on the inspection cycle and proposed that:

i) The routine inspection cycle should be risk-based and should take place no less than every two years, and no more than every four years

ii) Providers deemed to meet the standards could be subject to remote monitoring annually against key criteria, provided no significant concerns have been raised in the interim

iii) The appointed QAB should have in place mechanisms for rapid response in relation to serious concerns. However, as the sponsor of the scheme, the DfE would need to be the recipient of any concerns raised by parents or local authorities

Since no issues were identified, we will proceed on the basis outlined on points i and iii. On point ii, remote annual monitoring will not take place on providers deemed to meet the criteria; follow-up monitoring or inspections will focus solely on issues of non-compliance, such as to ensure that action agreed between the provider and the department has been taken. This was discussed in more detail in *Part 5*.

Question 30: Do you agree that DfE should appoint a suitably qualified QAB to inspect online schools?

94% of respondents overall agreed with our proposal to appoint a QAB, including 100% of local authorities, 96% of providers and 92% of both parents and the broader education sector.

We did, however, detect some concerns about a range of factors relating to the QAB, including:

- the suitability of the appointed body;
- the training that inspectors would receive, in the context of the provision of online learning; and
- its understanding of the sector, including the technology and methods used by providers.

We are sympathetic to these concerns and have sought to address them through the criteria outlined in the ITT, which has been published alongside this document. The department's intention for the scheme is that it should improve over time, informed by ongoing engagement with the QAB, providers, proprietors, sector representatives, parents, students and other relevant stakeholders – it will therefore make efforts to reassure the sector of any residual concerns. Additionally, the QAB and the DfE will support schools in understanding the requirements and how to meet them.

Question 31: Do you agree that remote inspections would work in practice?

There was uncertainty about whether remote inspections are likely to work in practice, with a split of those saying 'yes' (44% overall) to those 'unsure' (also 44% overall). Although 54% of parents answered 'yes', 46% were also 'unsure'. Providers were split with 42% saying 'yes' but a further 58% responding either 'no' (17%) or 'unsure' (42%). Similarly, 44% of local authorities answered 'yes', but 56% responded either 'no' (12%) or 'unsure' (44%). Whilst some responses were positive or neutral on this issue, such as the following:

Broader education sector respondent: Remote inspections would work in most instances and the scheme should be set up to ensure that they can be supplemented by visits commissioned as additional inspections where necessary, at the discretion of the DfE.

Most responses expressed concerns, as outlined in the selected extracts below:

Local authority: They would never be as robust as physical inspection and an on-line presence would not, of itself, be evidence of quality of provision and safeguarding.

Broader education sector respondent: We have serious concerns about the proposal that inspections could take place remotely. While it may be possible to gather evidence about many aspects of the provision remotely, the inspection of safeguarding cannot be conducted in this way. There should always be an expectation that users are spoken to face-to-face (children and parents) without the possibility of monitoring or interference by the provider.

Broader education sector respondent: Inspectors routinely sample staff files to verify that the central register of appointments is genuine. In relation to areas such as safeguarding, bullying and complaints, there can be extensive correspondence. The impression of authenticity may be lost when presented remotely.

Local authority: [There will be] barriers, caused through technology being based on different servers, online platforms and trusting that providers have been honest in the information [they provide].

The consultation anticipated that the inclusion of overseas-based providers would pose a significant challenge in carrying out physical inspections and would likely necessitate the need for remote inspections. Following the decision to make the scheme available only to providers with a physical presence in the UK, the QAB will be able to carry out physical inspections at provider headquarters or premises.

Although we do not plan to prohibit remote inspections entirely, we will indicate a strong preference to the QAB for physical inspections, including all initial inspections. We will seek advice from the appointed QAB about the circumstances, if any, under which remote inspections may be carried out.

Question 31a: What physical locations should QAB inspectors visit, particularly where a provider is headquartered outside of the UK?

As we have taken the decision to restrict the scheme to providers with a physical presence in the UK only, the QAB will have the ability to carry out physical inspections at provider headquarters or premises.

Question 31b: What sort of information (relating to the standards) do you think would still require a physical inspection, if any?

Respondents highlighted several areas where remote inspections could be problematic, including suitability of proprietors and senior leaders, data protection, safeguarding, and serious case reviews. Respondents strongly opposed the idea that *Section 4* of the OES, relating to the welfare, health and safety of pupils (i.e. safeguarding standards) could be inspected remotely.

There was a belief that most lesson observations or discussions could take place remotely. Questions were also raised, regardless of how the inspection took place, of how pupil views or concerns could be included in the inspection process.

Due to the significant issues raised about remote inspections, discussed in *Q31*, we will indicate a strong preference to the QAB for physical inspections, including all initial inspections. The concern regarding the inclusion of pupil views in the inspection process will be subject to ongoing discussion between the department and the QAB, as issues arise.

Question 32: How often do you think schools should be inspected against the standards once they have been accredited? 2 years / 4 years / 6 years / solely risk-based?

2 years was the most popular timeframe for inspections. The following table details overall responses:

Frequency	Overall	Providers	Local authorities	Parents	Broader education sector
2 years	46%	40%	53%	58%	36%
4 years	25%	44%	20%	0%	18%
6 years	5%	8%	0%	0%	9%
Other	20%	8%	20%	33%	27%
Risk-based only	5%	0%	7%	8%	9%

Since no significant issues were identified with our proposals, we will proceed on the basis that:

- the routine inspection cycle should be risk-based and should take place no less than every two years, and no more than every four years;
- follow-up monitoring or inspections will focus solely on issues of non-compliance, such as to ensure that action agreed between the provider and the department has been taken; and
- the appointed QAB will be required to have in place mechanisms for rapid response in relation to serious concerns. As the sponsor of the scheme, the department will need to be the recipient of any concerns raised by parents or local authorities.

Question 33: Do you think schools should publish their inspection reports on their websites?

In relation to the use of the term 'schools' in the question, we are now interpreting this as 'providers'. There was strong support for publishing inspection reports on online provider websites, with 89% saying 'yes' overall, including 100% of local authorities and parents, and 80% of providers.

Based on the feedback, we will proceed on the basis that providers will be required to publish inspection reports on their websites.

Some respondents expressed concern that providers that do not meet the standards may choose to <u>not</u> publish reports, particularly where they highlight shortcomings. Where a provider is not accredited, the department would have no powers or sanctions available to force publication. To overcome this concern, we will require the QAB to also publish all reports on its website, irrespective of the outcome of the inspection.

Annex A: Percentage analysis of consultation questions

Question	All Responses (70)	Online Providers (25)	Local Authorities (16)	Parents/Home Educators (14)	Broader Education Sector (13)
Q1	94% Yes, 6% No	96% Yes, 4% No	100% Yes, 0% No	86% Yes. 14% No	100% Yes, 0% No
Q2	69% Yes, 31% No	67% Yes, 33% No	75% Yes, 25% No	77% Yes, 23% No	69% Yes, 31% No
Q4	81% Yes, 19% No	83% Yes, 17% No	88% Yes, 13% No	79% Yes, 21% No	75% Yes, 25% No
Q5	26% Yes, 74% No	36% Yes, 64% No	6% Yes, 94% No	23% Yes, 77% No	27% Yes, 73% No
Q9	91% Yes, 9% No	96% Yes, 4% No	94% Yes, 6% No	93% Yes, 7% No	83% Yes, 17% No
Q10	54% Yes, 3% No, 43% Unsure	57% Yes, 0% No, 43% Unsure	69% Yes, 0% No, 31% Unsure	50% Yes, 0% No, 50% Unsure	33% Yes, 17% No, 50% Unsure
Q11	56% Yes, 11% No,	52% Yes, 3% No,	75% Yes, 13% No, 13% Unsure	54% Yes, 0% No, 46% Unsure	42% Yes, 33% No, 25% Unsure

	33% Unsure	43% Unsure			
Q11a	56% Yes, 44% No	40% Yes, 60% No	69% Yes, 31% No	40% Yes, 60% No	88% Yes, 13% No
Q12	76% Yes, 8% No, 16% Unsure	84% Yes, 4% No, 12% Unsure	75% Yes, 6% No, 19% Unsure	85% Yes, 8% No, 8% Unsure	58% Yes, 17% No, 25% Unsure
Q13	45% Yes, 23% No, 32% Unsure	44% Yes, 16% No, 40% Unsure	44% Yes, 25% No, 31% Unsure	36% Yes, 43% No, 21% Unsure	67% Yes, 33% No
Q15	83% Yes, 17% No	71% Yes, 29% No	100% Yes, 0% No	85% Yes, 15% No	83% Yes, 17% No
Q16	68% Yes, 11% No, 22% Unsure	58% Yes, 13% No, 29% Unsure	80% Yes, 7% No, 13% Unsure	62% Yes, 8% No, 31% Unsure	75% Yes, 17% No, 8% Unsure
Q18	38% Yes, 63% No	38% Yes, 63% No	29% Yes, 71% No	38% Yes, 62% No	42% Yes, 58% No

Q19	52% Yes, 8% No, 41% Unsure	46% Yes, 4% No, 50% Unsure	50% Yes, 13% No, 38% Unsure	69% Yes, 0% No, 31% Unsure	40% Yes, 20% No, 40% Unsure
Q19a	42% Yes, 58% No	40% Yes, 60% No	60% Yes, 40% No	23% Yes, 77% No	50% Yes, 50% No
Q20	32% Yes, 8% No, 60% Unsure	43% Yes, 9% No, 48% Unsure	20% Yes, 7% No, 73% Unsure	46% Yes, 0% No, 54% Unsure	10% Yes, 20% No, 70% Unsure
Q21	75% Yes, 25% No	88% Yes, 13% No	75% Yes, 25% No	85% Yes, 15% No	30% Yes, 70% No
Q22	89% Yes, 3% No, 8% Unsure	88% Yes, 4% No, 8% Unsure	88% Yes, 6% No, 6% Unsure	92% Yes, 0% No, 8% Unsure	90% Yes, 0% No, 10% Unsure
Q24	75% Yes, 6% No, 19% Unsure	67% Yes, 4% No, 29% Unsure	94% Yes, 0% No, 6% Unsure	62% Yes, 15% No, 23% Unsure	90% Yes, 0% No, 10% Unsure

Q26a	83% Yes, 9% No, 8% Unsure	79% Yes, 13% No, 8% Unsure	81% Yes, 13% No, 6% Unsure	92% Yes, 0% No, 8% Unsure	90% Yes, 10% No, 0% Unsure
Q28	44% Different, 36% Same, 20% Unsure	56% Different, 24% Same, 20% Unsure	47% Different, 47% Same, 7% Unsure	42% Different, 33% Same, 25% Unsure	10% Different, 60% Same, 30% Unsure
Q30	94.0% Yes, 6% No	96% Yes, 4% No	100% Yes, 0% No	92% Yes, 8% No	92% Yes, 8% No
Q31	44% Yes, 12% No, 44% Unsure	42% Yes, 17% No, 42% Unsure	44% Yes, 13% No, 44% Unsure	54% Yes, 0% No, 46% Unsure	45% Yes, 9% No, 45% Unsure
Q32	46% 2yr, 25% 4yr, 5% 6yr, 5% risk-based, 20% other	40% 2yr, 44% 4yr, 8% 6yr, 0% risk-based, 8% other	53% 2yr, 20% 4yr, 0% 6yr, 7% risk-based, 20% other	58% 2yr, 0% 4yr, 0% 6yr, 8% risk-based, 33% other	36% 2yr, 18% 4yr, 9% 6yr, 9% risk-based, 27% other

Q33	89% Yes, 2% No, 9% Unsure	80% Yes, 4% No, 16% Unsure	100% Yes, 0% No, 0% Unsure	100% Yes, 0% No, 0% Unsure	91% Yes, 0% No, 9% Unsure

Note 1: As with the rest of this document, all percentages have been rounded to the nearest whole number, possibly resulting in minor numerical disparities when seeking to sum to 100%.

Note 2: For each question above, the calculation is a percentage of the respondents for that category who answered a question in a given way. Respondents who did not answer a question were excluded from that question for the purpose of the figures above.

Note 3: Percentages were only calculated for questions where a choice of answers were given in the online response form. Questions which used a 'free-text box' response are excluded from the table above.

Annex B: List of organisations that responded to the consultation

Achieving for Children

Acorn Digital Learning

Apricot Online

Association for Education Welfare Management

Association of Directors of Children's Services

Buckinghamshire County Council

Catholic Education Service

Centre for Social Justice

East Riding of Yorkshire Council

Fresh Start Direct

Hampshire County Council

Independent Schools Inspectorate

London Borough of Ealing Council

London Borough of Hillingdon Council

London Borough of Merton Council

London Borough of Redbridge Council

London Borough of Wandsworth Council

London Tutorial College

Kent County College

Madison International Institution and Business School

Moorland School

My Online Schooling

National Association of Hospital Education

National Extension College

NFA Group

Nottingham City Council

Ofsted

Oxford Home Schooling

Pearson

Red Balloon of the Air

Southampton City Council

Swindon Borough Council

The Brackenbury Group

The Helix Education Centre

TLC Education Group

Tute Education

Warwickshire County Council

Wey Education

Wokingham Borough Council

Wolsey Hall Oxford

Annex C: Standards as adopted, with amendments annotated

Section 1: Quality of education provided (curriculum)

1.1	There is a written policy on the curriculum, supported by appropriate plans and schemes of work, which is drawn up and implemented effectively.
1.2	The written curriculum policy, plans and schemes of work- (i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan; and (ii) do not undermine the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.
1.3	Full-time supervised education is provided for pupils of compulsory school age (construed in accordance with section 8 of the Education Act 1996) which gives pupils experience in linguistic, mathematical, scientific, technological, human and social, physical, and aesthetic and creative education.
1.4	Pupils acquire speaking, listening, literacy and numeracy skills.
1.5	Where the principal language of instruction is a language other than English, lessons in written and spoken English.
1.6	Personal, social health and economic education which – (i) reflects the ~~school~~ service's aim and ethos; and (ii) encourages respect for other people, paying particular regard to the protected characteristics set out in the Equality Act 2010.
1.7	For pupils receiving secondary education, access to accurate, up-to-date careers guidance that (i) is presented in an impartial manner; (ii) enables them to make informed choices about a broad range of career options; and (iii) helps to encourage them to fulfil their potential.
1.8	Where the ~~school~~ setting has pupils above compulsory school age, a programme of activities which is appropriate to their needs.

1.9	All pupils have the opportunity to learn and make progress.
1.10	The curriculum provides effective preparation of pupils for the opportunities, responsibilities and experiences of life in British society.

Section 2: Quality of education provided (teaching)

2.1	Teaching enables pupils to acquire new knowledge and make good progress according to their ability so that they increase their understanding and develop their skills in the subjects taught.
2.2	Teaching fosters in pupils self-motivation, the application of intellectual, physical and creative effort, interest in their work and the ability to think and learn for themselves.
2.3	Teaching involves well-planned lessons and effective teaching methods, activities and management of class time.
2.4	Teaching shows a good understanding of the aptitudes, needs and prior attainments of the pupils, and ensures that these are taken into account in the planning of lessons.
2.5	Teaching demonstrates good knowledge and understanding of the subject-matter being taught.
2.6	Teaching utilises effectively resources of a good quality, quantity and range, including available technologies.
2.7	Teaching demonstrates that a framework is in place to assess pupils' work regularly and thoroughly and to use information from that assessment to plan teaching so that pupils can progress.
2.8	Teaching utilises effective strategies for managing behaviour and encouraging pupils to act responsibly.
2.9	Teaching does not undermine the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.
2.10	Teaching does not discriminate against pupils because of their protected characteristics as if the relevant provisions of Part 6 of the Equality Act 2010 applied to the ~~school~~ service.

2.11	There is a framework in place for pupil performance to be evaluated, by reference to the ~~school's~~ service's own aims as provided to parents or national norms, or to both.

Section 3: Spiritual, moral, social and cultural development of pupils

3.1	The fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs, are actively promoted.
3.2	Pupils are enabled to develop their self-knowledge, self-esteem and self-confidence.
3.3	Pupils are encouraged to distinguish right from wrong and to respect the civil and criminal law of England.
3.4	Pupils are encouraged to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those living and working in the locality in which they live, to society more widely, and as a global citizen.
3.5	Pupils are enabled to acquire a broad general knowledge of and respect for public institutions and services in England.
3.6	Tolerance and harmony between different cultural traditions is actively promoted by enabling pupils to acquire an appreciation of and respect for their own and other cultures.
3.7	Respect for other people is encouraged, paying particular regard to the protected characteristics set out in the Equality Act 2010.
3.8	Respect for democracy and support for the participation in the democratic processes are encouraged, including respect for the basis on which the law is made and applied in England.
3.9	The promotion of partisan political views is precluded in the teaching of any subject in the ~~school~~ setting.

3.10	Such steps as are reasonably practicable are taken to ensure that where political issues are brought to the attention of pupils -
	(i) while they participate in lessons;
	(ii) while they are taking part in extra-curricular activities which are provided or organised by or on behalf of the ~~school~~ setting; or
	(iii) in the promotion at the ~~school~~ setting, including through the distribution of promotional material, of extra-curricular activities organised by the ~~school~~ provider or others on behalf of the ~~school~~ provider
	they are offered a balanced presentation of opposing views.

Section 4: Welfare, health and safety of pupils

4.1	Effective arrangements are made to safeguard and promote the welfare of pupils at the ~~school~~ setting which have regard to any guidance issued by the Secretary of State
4.2	Good behaviour amongst pupils is promoted by ensuring that a written behaviour policy is drawn up that, amongst other matters, sets out the sanctions to be adopted in the event of pupil misbehaviour.
4.3	The behaviour policy is implemented effectively.
4.4	A record is kept of the sanctions imposed upon pupils for serious misbehaviour.
4.5	Bullying ~~at~~ within the ~~school~~ setting is prevented, in so far as reasonably practicable, by the drawing up and implementation of an effective online anti-bullying strategy
4.6	A relevant health and safety policy is drawn up and effectively implemented.
4.7	Appropriate admission and attendance registers are maintained.
4.8	The welfare of pupils ~~at~~ within the ~~school~~ setting is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and appropriate action is taken to reduce risks that are identified
4.9	Effective action is taken to minimise the risk of pupils ~~at~~ within the ~~school~~ setting accessing inappropriate material or sites online and pupils are supported to remain safe online

Section 5: Suitability of staff, supply staff and proprietors

	Staff means any person working at the ~~school~~ setting whether under a contract of employment, under a contract for services or otherwise than under a contract but does not include proprietors, supply staff or a volunteer.
5.1	No staff are barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 where that person is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act.
5.2	No staff carry out work, or intend to carry out work, at the ~~school~~ setting if to do so would be in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act, or any disqualification, prohibition or restriction were those provisions to apply to staff at the ~~school~~ setting.
5.3	Appropriate identity checks are carried out in respect of all staff.
5.4	Appropriate checks of medical fitness are carried out in respect of all staff.
5.5	Appropriate checks of right to work are carried out in respect of all staff.
5.6	Appropriate checks of qualifications are carried out in respect of all staff.
5.7	Where relevant to any staff, an enhanced criminal record check is made in respect of that person and an enhanced criminal record certificate is obtained before or as soon as practicable after that person's appointment.
5.8	In the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as are considered appropriate, having regard to any guidance issued by the Secretary of State.
5.9	In the light of the information from the checks referred to in paragraphs 1-8 above the proprietor considers that the person is suitable for the position to which the person is appointed.
5.10	The checks referred to in paragraphs 1-8 above are completed before a person's appointment except that, if a new member of staff has, during a period which ended no more than three months before the person's appointment –

	(i) worked in a school in England and was appointed on or after 12 May 2006, or was appointed before that date to a position in a maintained school which did not bring the person regularly into contact with children or young persons; (ii) worked in an institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought the person regularly into contact with children or young persons the checks need not be carried out
	Supply staff means a person offered for supply by an employment business to the ~~school~~ setting.
5.11	Supply staff only begin work when the proprietor has received written notification from the employment business that checks of identity, right to work, medical fitness and qualifications.
5.12	Where relevant to that person, an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate in response to such a check.
5.13	In the case of any person for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, such further checks are made as are considered appropriate, having regard to any guidance issued by the Secretary of State.
5.14	If the employment business has obtained such a certificate before the person is due to begin work at the ~~school~~ setting, whether it disclosed any matter or information.
5.15	A copy of any enhanced criminal record certificate obtained by an employment business is provided before the person is due to begin work at the ~~school~~ setting
5.16	A person offered for supply by an employment business only begins work at the ~~school~~ setting if the proprietor considers that the person is suitable for the work for which the person is supplied.
5.17	Before a person offered for supply by an employment business begins work at the ~~school~~ setting the person's identity is checked by the proprietor ~~of the school~~ (irrespective of any such check carried out by the employment business before the person was offered for supply)

| 5.18 | The proprietor, in the contract or other arrangements which the proprietor makes with any employment business, requires the employment business to provide –

    (i)   the notification of checks completed referred to in paragraph 1; and

    (ii)   a copy of any enhanced criminal record certificate which the employment business obtains,

in respect of any person whom the employment business supplies to the ~~school~~ setting, except that, if a new member of supply staff has, during a period which ended no more than three months before the person's appointment –

(i)   worked in a school in England and was appointed on or after 12 May 2006, or was appointed before that date to a position in a maintained school in England which did not bring the person regularly into contact with children or young persons;

(ii)   worked in an institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought the person regularly into contact with children or young persons

the checks need not be carried out. |
|---|---|
| | Proprietor means the individual(s), governors, trustees or directors responsible for the management of the ~~school~~ service. |
| 5.19 | Individual proprietors and members of proprietorial bodies are checked to ensure that they are not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of that Act. |
| 5.20 | Individual proprietors and members of proprietorial bodies do not carry out work, or intend to carry out work, at the ~~school~~ service if to do so would be in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction were those provisions to apply to staff at the ~~school~~ service. |
| 5.21 | Individual proprietors and members of proprietorial bodies are subject to an enhanced criminal records check, and checks confirming identity and right to work in the United Kingdom where applicable. |

5.22	Individual proprietors and members of proprietorial bodies living or who have lived outside the United Kingdom are subject to such further checks of suitability as are considered appropriate by the Secretary of State.
5.23	Where an enhanced criminal check is made, an enhanced criminal record certificate is provided to the Secretary of State.
Single Central Register of Appointments	
5.24	A comprehensive register is maintained of all staff (including the proprietor, or Chair or member of a proprietorial body), supply staff and volunteers who currently work in the ~~school~~ setting, or who have worked in the ~~school~~ setting in the past three years, showing when they commenced and ceased working in the ~~school~~ setting and the suitability and other checks which have been made, and the information obtained.

Section 6: Provision of information

6.1	The ~~school's~~ service's website includes the ~~school's~~ service's correspondence address, telephone number and the name of the headteacher or the person responsible for the day to day leadership of the ~~school~~ service.
6.2	The ~~school's~~ service's website includes either – (i) where the proprietor is an individual, the proprietor's full name, address for correspondence during both term-time and holidays and a telephone number or numbers on which the proprietor may be contacted, or (ii) where the proprietor is a body of persons, the address and telephone number of its registered or principal office.
6.3	The ~~school's~~ service's website includes, where there is a governing body, the name and address for correspondence of its Chair.
6.4	The ~~school's~~ service's website includes a statement of the ~~school's~~ service's ethos (including any religious ethos) and aims.
6.5	The ~~school's~~ service's website includes a copy of the latest inspection report under the voluntary accreditation scheme.

6.6	The ~~school's~~ service's website includes the ~~school's~~ service's safeguarding policy and any supporting policies.
6.7	An annual written report of each registered pupil's progress and attainment in the main subject areas taught is provided to the parents of that registered pupil except that no report need be provided where the parent has agreed otherwise.
6.8	Where a pupil wholly or partly funded by a local authority is registered at the ~~school~~ service, an annual account of income received and expenditure incurred by the ~~school~~ service in respect of that pupil is provided to the local authority and, on request, to the Secretary of State.
6.9	Where a pupil with an education, health and care plan ("EHC plan") wholly or partly funded by a local authority or other body through public funds is registered at the ~~school~~ service, such information as may reasonably be required for the purpose of the annual review of the EHC plan is provided to the responsible local authority and, on request, to the Secretary of State.
6.10	Following a quality assurance visit under the online education accreditation scheme, a copy of the report (if it has been sent to the proprietor) is published and maintained on the ~~school's~~ service's ~~internet~~ website, and provided to the parents of each registered pupil, by any date specified by the body which conducted the quality assurance visit.
6.11	Any information reasonably requested in connection with a quality assurance visit under the online education accreditation scheme which is required for the purposes of the visit is provided to the body conducting the visit.

In the following paragraphs, 'made available' means to publish on the ~~school's~~ service's website and to provide on request to a parent of a pupil or prospective pupil.	
6.12	The ~~school's~~ service's policy on and arrangements for admissions, misbehaviour and exclusions are made available.
6.13	The ~~school's~~ service's policies on educational and welfare provision for pupils with EHC plans and pupils for whom English is an additional language are made available.
6.14	The ~~school's~~ service's curriculum policy is made available.
6.15	The ~~school's~~ service's policies on promotion of good behaviour and preventing bullying and health and safety are made available.

6.16	The particulars of the ~~school's~~ service's academic performance during the preceding school year, including the results of any public examinations are made available.
6.17	The ~~school's~~ service's complaints policy and the number of complaints registered under the formal procedure during the preceding school year are made available.

Section 7: Manner in which complaints are to be handled

7.1	A written complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils.
7.2	The policy is in writing.
7.3	The policy is made available to parents of pupils.
7.4	The policy sets out clear time scales for the management of a complaint.
7.5	The policy allows for a complaint to be made and considered initially on an informal basis.
7.6	Where the parent is not satisfied with the response to the complaint made on an informal basis, the policy establishes a formal procedure for the complaint to be made in writing.
7.7	Where the parent is not satisfied with the response to the complaint made in accordance with the formal procedure, the policy makes provision for a hearing before a panel appointed by or on behalf of the ~~school~~ service and consisting of at least three people who were not directly involved in the matters detailed in the complaint, including one who is independent of the management and running of the ~~school~~ service.
7.8	The policy allows for a parent (or parents) to attend and be accompanied at a panel hearing if they wish.
7.9	The policy provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is – (i) provided to the complainant and, where relevant, the person complained about; and (ii) available for inspection on the ~~school~~ service's premises by the proprietor and the head teacher.

7.10	The policy provides for a written record to be kept of all complaints that are made in accordance with the formal procedure and - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and (ii) action taken by the ~~school~~ service as a result of those complaints (regardless of whether they are upheld).
7.11	The policy provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting a quality assurance visit under the online education accreditation scheme requests access to them.

Section 8: Quality of leadership in and management of the service

8.1	Persons with leadership and management responsibilities at the ~~school~~ service-
8.2	(a) demonstrate good skills and knowledge appropriate to their role so that the online education accreditation scheme standards are met consistently;
8.3	(b) fulfil their responsibilities effectively so that the [scheme] standards are met consistently; and
8.4	(c) actively promote the well-being of pupils ("well-being" means well-being within the meaning of section 10(2) of the Children Act 2004).