

Children's Services

Arrangements for managing the risk of unregistered schools

1. Context and scope

As a commissioner of packages of support from providers that are unregistered (i.e., are not a school registered with Ofsted) Dorset Council has in place arrangements to:

- Identify providers we have placements with that may be at risk of being classed as unregistered schools ¹
- Prompt referrers and schools who may use AP to consider the risk of unregistered provision as part of their decision making
- Take appropriate steps to investigate concerns that a provider may fall with the definition of an unregistered school

Overview of arrangements

What	Officer responsible	Intended impact
All providers reminded of the risk of being an unregistered school – issued with framework or spot contract; alongside helpful information on becoming registered	Contract Officer or Brokerage Officer	
Standard agenda item at all contract monitoring meetings with all unregistered providers	Contract Officer	Providers are reminded of the need for due diligence
Monthly spot check on use of unregistered providers (on framework and spot purchase) using data from Brokerage spreadsheet	Service Development Officer	Dorset Council is proactively aware of any providers potentially at risk of being an unregistered school
Check termly reports from providers to identify any risk	Contract Monitoring Officer	
Investigate any providers identified as being potentially at risk of being an unregistered school	Contract Officer	

<p>1 week deadline for provider to confirm:</p> <ol style="list-style-type: none"> 1) Provider to confirm If all CYP at the provision are less than 18 hours? 2) Referring teams to confirm if each package with the provider is the sole provision/education <p>Escalate up to CW for decision if required</p>		
<p>Schools' AP toolkit with a section on unregistered schools; further promotion to take place</p>	<p>Contracts Team</p>	<p>Schools are aware of the risk of unregistered schools and the steps they can take to mitigate/manage the risk</p>
<p>Brokerage paperwork includes an alert regarding putting in place packages which may contribute to a provider being deemed to be an unregistered school</p>	<p>Team Leader – Brokerage (education)</p>	<p>Referring teams proactively consider if a package is being requested which may contribute to a provider being deemed to be an unregistered school</p>

2. Definitions

2.1 Unregistered ('illegal') school: a setting that is operating as an independent school but is not registered with the Department for Education (i.e., not just about quality or safety)

Independent or private schools provide full-time education to either:

- **5 or more pupils** of compulsory school age
- at least **one pupil who has an EHCP or who is looked after** by a local authority

2.2 No legal definition of what constitutes 'full-time' education. Ofsted consider if it is **intended to provide, or does provide, all, or substantially all, of a child's education**. Relevant factors include:

- a) number of hours per week that is provided - including breaks and independent study time
- b) the number of weeks in the academic term/year the education is provided
- c) the time of day it is provided

d) in practice precludes the possibility that full-time education could be provided elsewhere

2.3 Generally, Ofsted consider any institution that is operating during the day, for more than 18 hours per week, to be providing full-time education. This is because the education being provided is taking up the substantial part of the week in which it can be reasonably expected a child can be educated, and therefore indicates that the education provided is the main source of education for that child.

Source:

[Report an unregistered school - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Independent school registration guidance \(publishing.service.gov.uk\)](http://publishing.service.gov.uk) (see p6)