

Surrey County Council Unregistered schools Strategy.

September 2019 v1

Review Date
September 2021

1. Introduction

- 1.1. This strategy states how Surrey County Council will deliver its statutory duty to safeguard all children and young people whether they are educated in school or otherwise.
- 1.2. This strategy describes Surrey County Council's intent to work collaboratively with government, multi-agency services, partnerships and stakeholders to ensure that children are safe and are receiving a suitable education.
- 1.3. It can be difficult to identify unregistered/unlawful schools and settings, Surrey County Council welcomes the commitment of all agencies and communities with this task.

2. Definition of an unregistered school

2.1. There are different types of schools: primary, infant, junior, secondary and all through; community, voluntary controlled, trust, foundation voluntary-aided, academies, free schools; state-funded and independent. All schools whether state-funded or independent must be registered with the Department for Education and are regulated by Ofsted in accordance with the Education and Skills Act 2008.

2.2. If an education provision provides full-time education:

- a) to five or more pupils of compulsory school age; or,
- b) to one or more pupils with an Education, Health and Care Plan, with a statement of special educational needs, or a pupil who is "looked after" by the County Council.

It does not matter whether an education provision also provides education to pupils who are under or over compulsory school age. The key is that it provides full time education to five or more pupils of compulsory school age.

An education provision must not be maintained by a County Council, or be a special school maintained by a County Council.

Alternatively,

If an education provision provides part time education:

- a) to one or more children of compulsory school age; and,
- b) an education provision would be an independent school as detailed above, but for the fact that the education provided for the part-time learners or a learner is part-time rather than full-time.

If an education provision falls outside the categories given above, it cannot be registered as an independent school. However, the County Council will need to be satisfied that children of compulsory school age who are attending the provision are receiving full-time education suitable to their age, ability, aptitude and any special educational needs they may have, including any education provision being made in parallel.

3. Context

- 3.1. *It is a criminal offence to operate an unregistered school.*
- 3.2. Currently, the Department for Education's policy position with respect to full time education is contained within Part A of the departmental advice 'Registration of independent schools' January 2016: *"There is no legal definition of 'full time'. However, we would consider an establishment to be providing full-time education if it is providing education which is intended to provide all or substantially all, of a child's education. Generally, we consider any institution that is operating during the day, for more than 18 hours per week, to be providing full-time education."*
- 3.3. The Children's Commissioner, in her report *Skipping School: Invisible Children* February 2019 states that some parents who claim they are home educating their children are sending them to illegal schools or tuition centres. The report describes the Department for Education definition of an illegal school as 'hazy' stating that this has allowed many such provisions to operate off grid. The Commissioner calls for decisive action against unregistered schools and advises that the law should be strengthened so that it is easier to prosecute illegal schools.
- 3.4. Ofsted has raised concerns about parents who use home education as a means to enable them to use illegal schools, for example those offering a predominately or exclusively religious education. Ofsted also warns that settings learn how to avoid registration by keeping within the legal definition of what constitutes "full time" education.
- 3.5. The Children's Commissioner and Ofsted both call for a clearer definition of "full-time education" in law, so that unregistered settings can no longer exploit loopholes to evade prosecution.
- 3.6. Ofsted may inspect a setting it considers could be operating as an unregistered independent school. In such cases, Ofsted will assess whether the setting meets the definition of an independent school, which will include assessing whether or not the setting is providing all or substantially all of a child's education, taking into account any other forms of education that might be provided from other sources.
- 3.7. Independent schools are required to meet the Independent School Standards, these are a range of regulations linked to curriculum, communication, safeguarding and premises. Ofsted inspect these schools to establish the extent to which the Independent School Standards are met.
- 3.8. Tuition centres, or other education establishments which do not provide full time education to children or young people are not necessarily classed as schools and therefore not always subject to the same regulations. Education establishments, which do not need to register as schools because they are not providing full time education, are currently unregulated.

4. Special Educational Needs or Disability (SEND) and independent special schools and colleges

4.1. There are many schools which are broadly referred to as independent schools, these schools often have provision available for children and young people with SEN.

These are:

- **Independent schools** – these are mostly controlled by charities however, there are some with private proprietors. The provision is not standardised across the sector as it is for the state sector. They include prep schools, public schools, and private nurseries (early years provision). Some private schools are registered as *specially organised to make provision with pupils for SEND*. However, for legal purposes independent schools are neither special nor mainstream, but all simply *independent*.
- **Non-maintained special schools** – all charitable foundations. This type of school admits both children with and without Education, Health and Care Plans but in practice almost 100% of their pupils are publicly funded through Education, Health and Care Plans.
- **Section 41 schools** – These are independent special schools which have been approved by the Secretary of State under section 41 of the Children and Families Act 2014 as schools which a parent or young person can request to be named in an Education, Health and Care Plans.

4.2. The Department for Education publishes online lists of all independent schools and colleges for children with special educational needs or disability (SEND), including schools and colleges approved under [section 41 of the Children and Families Act 2014](#) in England and Wales and independent special schools in England, including non-maintained special schools (NMSS). NMSS are schools that the Secretary of State for Education has approved under [section 342 of the Education Act 1996](#).

4.3. The SEND Code of Practice states that for children with an Education Health and Care plan, the child's parent or the young person has the right to request a particular school, college or other institution of the following type to be named in their EHC plan:

- maintained nursery school
- maintained school and any form of academy or free school (mainstream or special)
- non-maintained special school
- further education or sixth form college
- independent school or independent specialist colleges (where they have been approved for this purpose by the Secretary of State as above).

The child's parent or the young person may also make representations for places in non-maintained early years provision or at independent schools or independent specialist colleges or other post-16 providers that are not on the lists mentioned above and Surrey County Council **must** consider their request. Surrey County Council is not under a conditional duty to name the provider but **must** have regard to the general principle in section 9 of the Education Act 1996 that children should be educated in accordance with

their parents' wishes, so long as this is compatible with the provision of efficient instruction and training and does not mean unreasonable public expenditure.

- 4.4 In order to reduce the risk of children attending unregistered provision Surrey County Council SEND Case Officers will not promote any provision other than those that are a:
- maintained nursery school
 - maintained school and any form of academy or free school (mainstream or special)
 - non-maintained special school
 - further education or sixth form college
 - independent school or independent specialist colleges - where they have been approved for this purpose by the Secretary of State in the published lists

Where a parent/child make representations for a placement outside of the above, the Surrey County Council will apply the tests:

- That the provision has a place available and would admit the child
- That the provision is compatible with the provision of efficient instruction and training
- The provision does not mean unreasonable public expenditure
- The provision has fully effective safeguarding arrangements in place.

For the tests above to take place the placement shall not be a full time provision (DfE definition Registration of Independent Schools January 2016) and Surrey County Council will undertake regular robust quality assurance activity regarding unregistered provision. In addition Surrey County Council should provide additional education provision to discharge its legal responsibility to provide a full time education.

The quality assurance activity with each provider will be regular (at least termly) and cover:

- Robust assessment of the quality of the education provision
- Robust assessment of safeguarding arrangements
- A commissioned personalised plan agreed by parents and child that includes transition to full time registered provision and that is regularly reviewed with senior management oversight (half termly).

5. Surrey County Council Policy Statement

- 5.1. Safeguarding the children and young people of Surrey is everyone's responsibility.
- 5.2. Surrey County Council is committed to keeping children safe in and out of school.
- 5.3. Surrey County Council has a statutory duty to safeguard all children whether they are educated in a state school, independent school or at home.
- 5.4. Surrey County Council recognise that nationally there has been a rise in the number of institutions operating as unregistered schools; this may involve a criminal offence and conduct that may be putting children at risk of harm, denying them a suitable education, and limiting their life chances.
- 5.5. Children who attend unregistered schools are vulnerable and are at greater risk due to the lack of regulation of these education provisions. Unregistered schools present a safeguarding risk to children, including risks associated with lack of scrutiny in the

recruitment of staff, health and safety compliance, exposure to extremism, radicalisation and online safety. Addressing the issue of unregistered schools is everyone's responsibility.

5.6. Preventing and taking action against the operation of unregistered schools is a Surrey County Council priority.

6. Purpose

6.1. This strategy will reduce the safeguarding risk to Surrey children attending unregulated, unregistered education provision.

6.2. This strategy will seek to ensure the education children receive in all education provisions is quality assured.

6.3. This strategy will provide procedures and protocols for the sharing of information by multi-agency teams, key partners and stakeholders.

6.4. This strategy will outline procedures and protocols for acting on intelligence relating to possible businesses or provisions operating as unregistered schools in order to 'know the unknown' and take appropriate action.

7. The Role of Key Partners and Stakeholders in acting on information on unregistered schools.

7.1. Key partners and stakeholders and their role in delivering the strategy are described in Annex A.

8. Procedures

8.1. Referral Procedures for all services, key partners and stakeholders are described in Annex B.

9. Information Sharing.

9.1. The information sharing protocol is described in Annex C.

10. Training for key services, partners and stakeholders.

10.1. All key services, partners and stakeholders must ensure that awareness raising of this issue is included in staff training. Surrey County Council will work and collaborate with partners and stakeholders to do this.

- 10.2. Surrey County Council will request that Multi Agency Training, education providers Designated Safeguarding Lead Network events, education providers Designated Safeguarding Leads training and school safeguarding training include unregistered schools information and procedures in training delivery by the safeguarding partnership.

11. Communication Strategy.

- 11.1. A communications action plan will be developed and delivered as part of next steps and the overall strategy delivery plan. The plan will cover all key partners and stakeholders and include flow diagrams for reporting.

12. Next Steps

- 12.1. Following consultation with Surrey Safeguarding Board and the Surrey Prevent Executive Group, a delivery plan will be developed, shared with key partners and stakeholders and actioned (October 2019)
- 12.2. A single point of referral will be developed and actioned. (October 2019)
- 12.3. Data capture mechanisms will be developed, actioned and monitored. (September 2019)
- 12.4. Reporting mechanisms to SCC Leadership, Surrey Safeguarding Children Partnership and key partners will be developed and actioned. (August 2019)
- 12.5. Detailed quality assurance mechanisms and systems procedures for services, partners and stakeholders will be developed and disseminated. (July – September 2019)
- 12.6. Raising awareness with parents that unregistered settings such as tuition centres are not regulated and so the standards and regulations parents take for granted in registered schools are not necessarily being followed. (September 2019)

13. Relevant Legislation, Powers, Guidance and Documents.

- 13.1. These documents are listed in Annex D.

Annex A

The Role of Key Partners and Stakeholders in acting on information on unregistered schools.

1. National Partners and Stakeholders.

At a national level, the following provide statutory and non- statutory guidance on the registration of unregistered schools.

- The Department for Education.
- The Office of the Children’s Commissioner
- Ofsted.
- The Local Government Association.
- NSPCC.

2. The Role of Local Partners and Stakeholders in acting on information on unregistered schools.

All those who come into contact with children and families in their everyday work, including people who do not have a specific role in relation to child protection have a duty to safeguard and promote the welfare of children (Working Together to Safeguard Children 2018).

All concerns regarding the possibility that an education provision may be unregistered must be reported to the Education Safeguarding Team using the reporting protocol in Annex C.

3. Surrey County Council.

Surrey County Council has a role as defined by the Department for Education in: -

Identifying settings

From local presence in the community, and bearing in mind responsibilities under the Prevent Duty, Surrey County Council will be aware of settings operating in its area that provide education to children and may well be the first party to identify settings that are potentially operating as unregistered independent schools. Surrey County Council will notify the Department for Education and/or Ofsted of such institutions promptly, which Ofsted can then investigate if appropriate.

Clarifying registration requirements

Where Surrey County Council has contact with an education provider that may be operating as an unregistered independent school, it is vital that:

- (a) Surrey County Council does not give the setting any impression that it is acceptable to operate unregistered, and
- (b) that it is conveyed to those operating the setting that it is a criminal offence to do so. Surrey County Council should make clear that registration is a matter for Department for Education and that those responsible for the setting should contact the Department for

Education's Unregistered Schools Team if operating, or intending to operate, as an independent school for further information and advice.

Disrupting unsafe settings and tackling concerns identified

Surrey County Council and partners have a role in considering whether to engage one or more of a range of other powers, outside of its education and safeguarding powers, to address any concerns raised about settings or the children within them. For example, through a range of statutory powers held related to health and safety, planning, fire etc.

Supporting prosecutions

Surrey County Council may be a key partner in any prosecution of a person conducting an unregistered independent school in its area.

Under the Criminal procedure and Investigations Act Code of Practice, officials from Ofsted (as investigators) have a duty to pursue all reasonable lines of inquiry and as a consequence, may seek access to material held by Surrey County Council, which might be relevant to a prosecution. For example, Surrey County Council may have information of interest relating to previous contact it has had with the institution as well as any information on the setting or the children attending it.

Early engagement with the Department for Education and Ofsted over any person being investigated is therefore essential so that relevant material held by Surrey County Council is identified, disclosed and processed by Ofsted in a timely manner, and last minute requests are avoided at a later point in proceedings. Given that such disclosure is for the purpose of a criminal investigation, this should be done confidentially and using secure means.

Safeguarding children

Surrey County Council has a duty to investigate where it has reasonable cause to suspect that a child who lives or is found in its area is suffering, or likely to suffer, significant harm. It must make, or set in train, whatever enquiries it considers necessary to enable it to decide whether it should take any action to safeguard or promote the child's welfare.

Where, in the course of enquiries being made, Surrey County Council or any person authorised by Surrey County Council to act on their behalf in connection with those enquiries, is either refused access to the child concerned or is denied information as to the child's whereabouts, the authority may apply for an emergency protection order (s44 Children Act 1989), a child assessment order (s43 Children Act 1989), a care order or a supervision order unless it is satisfied the child's welfare can be satisfactorily safeguarded otherwise (s31 Children Act 1989).

Supporting families to ensure children are receiving a suitable education

Where unregistered independent schools are identified, it is likely to be in the children's best interests, in terms of both education and safety, for them to move as quickly as possible into properly regulated schools.

Parents have the responsibility to secure a suitable education for their children, and where this is not being provided, Surrey County Council can be instrumental in facilitating the movement of children into maintained schools, academies, or registered independent schools, both through the exercise of the formal school attendance functions or through co-operation with parents and independent schools.

Where children live in other County Council areas, the County Council where the setting is located should share information with those other authorities and encourage them to take similar action to secure alternative school places for the children.

4. Local Safeguarding Partnership Arrangements.

There is a shared responsibility between organisations and agencies to safeguard and promote the welfare of all children in a local area.

The purpose of these local arrangements is to support and enable local organisations and agencies to work together in a system where:

- children are safeguarded and their welfare promoted
- partner organisations and agencies collaborate, share and co-own the vision for how to achieve improved outcomes for vulnerable children
- organisations and agencies challenge appropriately and hold one another to account effectively
- there is early identification and analysis of new safeguarding issues and emerging threats
- learning is promoted and embedded in a way that local services for children and families can become more reflective and implement changes to practice
- information is shared effectively to facilitate more accurate and timely decision making for children and families.

5. County Council, Borough and District Councillors.

Councillors may be aware of developments within their wards and community groups or individuals who establish businesses providing education services such as tuition.

When Councillors become aware of an education provider, which may need to register as a school as they are offering services to children and young people during the school day, they must inform the Surrey County Council Education Safeguarding Team using the reporting protocol.

Councillors support their communities' commitment to improving educational outcomes for children in a variety of ways and may encourage entrepreneurship. However, Councillors will be mindful of the importance of safeguarding of children.

Councillors can also encourage community leaders in their wards to share information they have regarding possible unregistered schools directly with the Education Safeguarding Team using the reporting protocol.

6. Surrey County Council, Borough and District Services.

Many colleagues are well placed to become aware of premises which may be operating or looking to operate as possible unregistered schools.

This could include planning applications for change of use, or civil enforcement officers noticing premises, which, appear to be offering education to school, aged children during the school day.

Officers who think a business or premises might be providing education services to children follow the reporting protocol.

Using the reporting protocol does not reflect any judgment on the operating business. It should help to support education services businesses in avoiding being inadvertently caught by the unregistered schools definition

7. Children's Services.

Current legislation allows for parents to withdraw their child from school for the purposes of home education even if safeguarding concerns have been raised with social care.

Surrey County Council staff who work with children and young people should not assume that a named education provider is registered. If a member of staff is not certain that the education setting is a maintained school or academy, or one of Surrey County Council's known independent schools, then the social worker should raise an enquiry to the Education Safeguarding Team.

8. Elective Home Education.

The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not.

Parents have a right to educate their children at home. Section 7 of the Education Act 1996 provides that:

"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable –

*(a) to his/her age, ability and aptitude,
and*

(b) to any special educational needs he/she may have, either by regular attendance at school or otherwise."

Parents are not required to register or seek approval from the County Council to educate their children at home unless they have an Education Health and Care Plan.

There are many approaches to educational provision, not just a "school at home" model - what is suitable for one child may not be for another, but all children should be involved in a learning process.

Local authorities have a statutory duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children in their area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (for example, at home, privately, or in alternative provision).

Local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis. However, under Section 437(1) of the Education Act 1996, local authorities shall intervene if it appears that parents are not providing a suitable education. This section states that: "*If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.*"

Maintained schools, and independent schools, inform Surrey County Council when a pupil is taken off roll for home education. In each case, the Education and Inclusion Service reviews the information. If a child is known to children's social care the Social Worker is informed and if the child has an Education, Health and Care Plan the SEND Case Officer is informed.

Surrey County Council's Vulnerable Learners Service ensure officers undertake home visits in accordance with the 2013 guidance to assess the suitability of education provided.

If a parent or child indicates that the child is receiving some or all of their education at an educational establishment, whether that is supplementing home tuition or fully providing their education, the visiting officer must check the database of established educational providers to make sure the provision is registered.

If the provision is not registered, the officer must inform the Education Safeguarding Team

The fact that a child attends an unregistered provision does not automatically mean that the education is not suitable. However, parents must be made aware by the Education Safeguarding Team that the provision is not registered and therefore not regulated

If parents choose to engage another person to educate their child (e.g. a tutor) it is the parents' responsibility to ensure that those whom they engage are suitable to have access to children. Surrey County Council will encourage the parents to take up appropriate references and provides advice to parents on the Surrey County Council website.

If a child attends a known unregistered provision as part of their home education, officers will inform the parents in writing of this stating that there is a risk it may not be considered suitable provision. This should also be reported to the Education Safeguarding Team.

Additionally, the Education Safeguarding Team will liaise with the Vulnerable Learners Service regarding children identified in the course of their duties as not registered at a school or as home

educated.

9. The Health and Safety Executive

The Health and Safety Executive will be informed of any serious breach of expected Health and Safety standards. However, the Health and Safety Executive consider all educational establishments, whether registered or not to be regulated by Ofsted and the Department for Education and so it is unlikely they will investigate further.

10. Access to Education

Access to Education officers and teachers deliver education in family homes and youth centres. If a member of staff suspects that children are attending other unregistered provision in addition to Access to Education delivery, they must report it to the A2E area lead who will report the concerns to the Education Safeguarding Team.

11. School Admissions

When School Admissions are informed either by a school or a parent that a child is transferring to another educational establishment, Admissions Officer must check that the educational establishment is a registered school.

If a child transfers to an unregistered school in Surrey the School Admissions Team must inform the Education Safeguarding Team.

If a child transfers to an unregistered school outside Surrey, the School Admissions Team must inform the Education Safeguarding Team who will inform the appropriate admissions authority and Ofsted.

12. The Contact Centre, Early Help Hubs, Family Safeguarding Hub, CSF Area/County Teams.

If the Contact Centre, Children's Single Point of Access (C-SPA), Early Help Hub, Family Safeguarding and Children, Families, Lifelong Learning and Culture Area/County Teams become aware of a possible unregistered provision they must report it to the Education Safeguarding Team.

If a healthcare, or other, professional encounters children who they understand do not attend school, they should refer them to the Vulnerable Learners Service for enquiries to take place.

13. Professionals outside Surrey County Council e.g. Head teachers, other professionals in Schools, Healthcare professionals, Fire service, Police etc.

If a professional organisation such as those involved with fire safety or other aspects of premises, becomes aware of a setting which appears to be providing education to school age children during the day then they should report concerns using the reporting protocol.

If a headteacher, health practitioner or other professional becomes aware of an establishment which

they suspect is providing education during the school day to school-age children, then they should report it using the reporting protocol.

14. Parents

Parents are responsible for ensuring their children receive suitable education at school or otherwise. Parents should be advised of the questions to ask if they are considering using an alternative provider such as an unregistered tuition centre, as these are unregulated. Informing parents will be included in the communication plan.

Parents will be advised to ask questions of education providers and report any concerns to the County Council.

15. Business and Consumer Services

Colleagues who receive applications for change of premises use; business licenses etc. which indicate the business is providing some kind of education service for children or young people should report this it using the reporting protocol

16. Alternative Provision

Alternative Providers must be cautious that they do not operate as unregistered schools as this is unlawful. However, often the fact that these settings are very different to schools provides an opportunity of success for some children and young people.

It is not the aim of Surrey County Council to ensure that all Alternative Providers are registered as schools.

Children and their individual needs are the priority of Surrey County Council. Surrey County Council will support whatever provision best meets their individual needs. However, Surrey County Council is also committed to ensuring all children access their entitlement to a high quality education.

If an alternative provider meets the requirements for registration, then the provider must register as a school. In order to successfully register as a school, it must meet the Independent School Standards, which include requirements to deliver a broad and balanced curriculum.

The full list of Independent School Standards can be found at

http://www.legislation.gov.uk/uksi/2014/3283/pdfs/uksi_20143283_en.pdf

If an Alternative Provider does not wish to register as a school then it must ensure that it is not the sole provider of education for the children and young people on roll. This is particularly important for children with an Education, Health and Care Plan or children in care. In these cases, the children and young people must also be receiving most of their education from a registered provider, unless there are exceptional circumstances that are agreed by senior managers. This ensures that a) the children are not receiving full time education from an unregistered provider b) the children receive a

broad and balanced curriculum across a range of providers.

Children and Young People who attend an alternative provider, which is not a registered school, must do so as part of wider education provision through a registered school. This could be their mainstream school or through a Pupil Referral Unit.

It is the responsibility of the registered education provider (mainstream school or through a Pupil Referral Unit) to undertake due diligence, quality assurance and regular child- centred reviews of alternative provision.

Quality assurance activity must ensure that robust safeguarding arrangements,- both organisational and in respect of needs of the individual child are in place and the teaching and learning activity is appropriate, of good quality and meets the needs of the child.

In addition to the quality assurance activity there should be a personalised plan for the child that includes transition arrangements to return to full time education in school and regular reviews of the placement (at least half termly) that include school, provider, parents and child to measure progress and suitability of the alternative provision placement.

Annex B

Procedures.

The Surrey County Council Education Safeguarding Team:

Education Safeguarding Team Manager
Education Safeguarding Advisor x3
School Family Workforce Development Advisor

Education Safeguarding contact details:

Email: education.safeguarding@surreycc.gov.uk

1. Taking Action.

Reporting a possible unregistered educational provision.

If any professional becomes aware of an establishment which they suspect is providing education during the school day to school-age children, then they should report it to the Education Safeguarding Team at education.safeguarding@surreycc.gov.uk using the reporting form. (Annex C)

If a healthcare, or other, professional encounters children who they understand do not attend school, they should report this via the single contact point [Report it online - Children Missing Education](#) to ensure enquiries are made.

If a professional organisation such as those involved with fire safety or other aspects of premises, becomes aware of a setting which appears to be providing education to school age children during the day, then they should report it to the Education Safeguarding Team at education.safeguarding@surreycc.gov.uk using the reporting form.

Business and Consumer Services Colleagues who receive applications for change of premises use; business licenses etc., which indicate the business is providing some kind of education service for children or young people, should report this to the in Education Safeguarding Team at education.safeguarding@surreycc.gov.uk

2. When an establishment is suspected of being an unregistered school, in the first instance the Safeguarding Education Team will inform.

- CFL¹ Director of Education, Life Long Learning and Culture and the Assistant Directors

¹ Children, Families & Learning

- CFL Director for Quality & Performance
- CFL Assistant Director Safer Communities
- ELLC² Service Manager for School Relationships and Support
- ELLC Service Manager for School Admissions and Transport
- ELLC Service Managers for Education and Inclusion.

3. When an establishment is suspected of being an unregistered school, the Safeguarding Education Team will initiate enquiries by: ,

The Education Safeguarding Team will have access to a database of education providers including any establishments suspected of being unregistered schools. The Education Safeguarding Team will crosscheck with SCC's established database of recognised education providers.

If the establishment is not known to Surrey County Council, the Education Team Safeguarding will report to Ofsted and the Department for Education that they have received a report and that they are undertaking enquiries. (registration.enquiries@education.gov.uk; or Unregistered Schools Team, Department for Education, Bishopsgate House, Feethams, Darlington, DL1 5QE)

If Surrey County Council does not know the establishment, the Education Safeguarding Team will contact the setting and ensure that it understands that it is not acceptable to operate unregistered and that it is conveyed to those operating the setting that is a criminal offence to do so. Surrey County Council will make clear that registration is a matter for Department for Education and that those responsible for the setting should contact the Department for Education's Unregistered Schools Team if operating, or intending to operate, as an independent school for further information and advice.

The Education Safeguarding Team will keep senior colleagues informed progress of any enquiries related to suspected unregistered schools and any contact with Ofsted.

The Education Safeguarding team will report to Safeguarding Partnership via the Director for Education, Lifelong Learning and Culture.

Following investigation if necessary, The Education Safeguarding Team may additionally contact the following: -

- Joint Qualification Council (if registered as a centre with an exam board)
- Charities Commission
- Corporate Health and Safety Team
- Food, Safety & Environmental Team
- Health and Safety Executive
- Community Safety
- Human Rights and Equalities Commission

The Safeguarding in Education Team will take a pro-active approach towards the identification of possible unregistered education provision.

In order to actively seek possible unregistered schools to ensure they are on the radar of Surrey County Council, the Education Safeguarding Team will regularly remind key partners and stakeholders of the agreed reporting protocols through a range of means including Education

² Education, Lifelong Learning and Culture

Safeguarding Updates, Briefing Papers for partnership meetings and delivery of training to education providers and Education Designated Safeguarding Leads Network Events.

On a regular basis, the Education Safeguarding Team will interrogate the Companies House database, searching for relevant nature of business (SIC) codes listed in Section P.

Annex C.

Information Sharing.

Information Sharing Protocol – Key Partners and Stakeholders

Objective:

To enable information and concerns that are discovered by key partners and stakeholders and members of the public in regards to potential unregistered education establishments and tuition centres be shared in a quick and efficient way.

To enable the correct interventions to be made and the correct measures to be taken by other council departments and any other partnership organisations.

Application:

Key partner, stakeholders and members of the public have access to information that may help identify a potential unregistered educational establishment or tuition centre. This information may come from a number of sources.

Reporting Mechanism.

Anyone who suspects that they may have information regarding the potential use of a property as a potential unregistered education establishment or tuition centre should complete the following referral form detailing as much information as possible. The completed form should then be forwarded to the Safeguarding in Education Team.

The intention is that this form will be available on line on the Surrey County Council website.

Reporting possible unregistered educational establishments to the
Surrey County Council Education Safeguarding Team.

Address of Property.	
Information received, activity observed.	
Reported by: Name: Team: Organisation: Other:	
Contact details: Email: Mobile: Landline:	
Date sent to Education Safeguarding Team:	
Date of feedback to reporting agency/individual. Name and contact details of officer delivering feedback.	
Action taken by Education Safeguarding Team:	

Annex D.

Relevant Legislation, Powers, Guidance and Documents.

- Education and Skills Act 2008.
- Education Act 1996.
- Education (Pupil Registration) (England) Regulations 2006.
- Unregistered Independent Schools and Out of School Settings: Departmental advice for collaborative working between the Department for Education, Ofsted and local authorities (March 2018)
- Education inspection framework 2019: Inspecting the substance of education: Consultation.
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