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11 December 2015

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

Sir Michael Wilshaw
Her Majesty's Chief Inspector

Dear Secretary of State

Advice letter from Sir Michael Wilshaw, Her Majesty's Chief Inspector, on unregistered schools

I wrote to you on 10 November 2015 to express my continuing concern about the safety of children who are being educated in unregistered schools.

One of my recommendations was for you, as Secretary of State, to 'continue to work with Ofsted to ensure that we have the necessary resources to identify and support the prosecution of illegally operating schools'. I am grateful for your positive response to what I consider is a serious and growing threat to the safety and well-being of hundreds of children in several English regions.

I agreed to keep you regularly informed on the progress we are making in identifying settings that may be operating as unregistered schools. I also accepted your formal invitation to undertake the necessary case investigation and preparation required to pursue, without delay, prosecutions of individuals found to be operating illegal schools.

Last month, my Regional Director for the West Midlands identified three settings in Birmingham where she suspected unregistered schools may be operating. I authorised the use of my powers under section 97 of the Education and Skills Act 2008 and we carried out three inspections, without notice, in the weeks commencing 2 and 9 November 2015.

Inspectors found:

- clear evidence that all three settings were operating as unregistered schools
- a total of 94 children being educated in the three unregistered settings
- serious fire hazards, including a blocked fire escape and obstructed exits
- a narrow Islamic-focused curriculum
- inappropriate books and other texts including misogynistic, homophobic and anti-Semitic material
- unhygienic and filthy conditions in one of the settings
- staff not suitably checked or cleared to work with children.

Her Majesty's Inspectors (HMI) informed officials at the DfE and the local authority of our findings and concern for the welfare of the children. I travelled to Birmingham to meet the local authority safeguarding officers and my regional inspection team to insist that every possible action was taken to force these settings to immediately cease their unregistered operations.

HMI conducted further inspections, without notice, of all three settings on Monday 30 November. All were found to still be operating as unregistered schools. HMI cautioned those suspected of operating unregistered provision to the standards required under the Police and Criminal Evidence Act 1984.

With the support of officers from the local authority, HMI remained at the premises until they were satisfied that the settings had ceased operating and alternative arrangements, in registered schools, had been made for all of the children. This was achieved in spite of your officials providing, what I believe to be, confusing and unhelpful advice to the proprietors that they could now apply to register their provision. This allowed the proprietors to believe they could continue to operate, without registration, while their respective applications were submitted and considered.

This sends out an entirely wrong message of what the DfE perceives to be acceptable practice. Indeed, it could have the unintended consequence of encouraging others to open such schools.

I can confirm that in respect of these three unregistered settings, I am conducting further investigations to support the prosecutions of the individuals suspected of operating unregistered schools. We have been working closely with your officials on which public body will actually bring prosecutions before the courts. I am firmly of the view that it should be Ofsted.

I remain concerned that the number of children being educated in unregistered schools in parts of the country is far higher than is currently known by local authorities or the DfE. Ofsted's work to ensure that all maintained and independent schools promote British values is being seriously undermined by the growth of these settings. That is why, with your support, I have commissioned a team of HMI to focus exclusively on identifying, investigating and supporting the prosecution of those found to be operating unregistered schools.

Given our shared determination to ensure that **all** schools are appropriately registered or immediately closed down, I recommend that as Secretary of State you:

- urgently, with Ofsted and local authority representatives, review the policies and procedures, including those of the DfE, for ensuring that we disrupt and close down illegally operating schools and do not allow the registration process to be used as a means to continue to operate illegally
- agree that Ofsted be the public body responsible for bringing a prosecution case before the courts.

Yours sincerely

A handwritten signature in black ink that reads "Michael Wilshaw".

Sir Michael Wilshaw