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Open consultation

Consultation on Ofsted's role in the Online Education Accreditation Scheme

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About Ofsted

The Office for Standards in Education, Children's Services and Skills (Ofsted) inspects services that provide education and skills for learners of all ages and inspects and regulates services that care for children and young people.

Definitions used in this consultation

The Online Education Accreditation Scheme is for providers of full-time online education to school-age children in England. 'Online education' means education provided remotely through digital technologies.

In this consultation, we refer to those who provide full-time online education to school-age children in England as 'online providers' or 'providers'.

We regard online education as 'full time' when a pupil receives all, or substantially all, of their education at the provider. This most often means that the pupil is only receiving education online and is not attending a school.

'Proprietor' means the individual(s), governors, partners, members, trustees and directors responsible for managing an online provider.

Purpose and background to the consultation

In September 2019, the DfE published a consultation document in which it proposed:

- to establish a set of non-statutory Online Education Standards for online education provision ('the standards')
- to create a scheme through which providers that meet the standards could be accredited

The government confirmed that it would take forward these proposals in June 2020. The revised standards are set out in 'Online Education Accreditation Scheme: government consultation response'.

Ofsted was appointed as the quality assurance body for the scheme in 2021. Our role is to:

- carry out suitability checks on the proprietors of providers that apply for accreditation
- visit providers to find out whether they meet the standards
- publish a report that sets out which of the standards a provider met and which it failed to meet at the time of our visit

This consultation runs from 24 November 2021 to 26 January 2022. The aim is to gather feedback on our plans for our role in the scheme. We will use the responses to refine our plans. To ensure transparency and to help respondents to reach informed opinions on our proposals, we have published the following documents alongside this consultation:

- the draft handbook for our visits to online providers
- the draft equality, diversity and inclusion statement

We hope that the draft handbook will also give online providers that are planning to apply for accreditation an early indication of what the quality assurance process is likely to involve. We will consider the responses to this consultation before we publish the 'final' handbook for the scheme.

Overview of the quality assurance

process

To register for accreditation, online providers will first apply to the DfE. The DfE will confirm that the provider is eligible for the scheme before commissioning Ofsted to quality assure it. We will then contact the provider to ask for:

- further information about the education it offers and its pupils
- the personal details of the proprietor(s) and information on their role(s) in managing the provider
- explicit consent from the proprietor(s) for Ofsted to carry out suitability checks on them

We will then charge providers a fee for the suitability checks. The size of this fee will depend on the number of proprietors that we need to check. We will charge £600 for the first person, and another £200 for each additional person.

The purpose of suitability checks is to establish whether proprietors of online education providers are suitable to manage a service offering full-time education to school-age children in England. More information on the checks we propose to carry out is given below. To ensure that proprietors remain suitable, we will carry out suitability checks every time a provider applies for accreditation or re-accreditation, and when the proprietor of an accredited provider changes.

If we decide that the proprietor(s) is suitable, we will notify the DfE and the provider. When we do this, we will charge the provider a fee for an accreditation visit. The size of the visit fee will depend on the number of inspectors needed. In most cases, the fee will be approximately £6,000. However, if providers have a large number of pupils in England (usually more than 250), this fee will be approximately £10,000.

Accreditation visits to a provider with fewer than 250 pupils in England will normally be led by 1 inspector and will take place over 2 days at the provider's premises. Ofsted's role is to inspect education providers in England, and we will therefore quality assure provision for pupils in England only. After an accreditation visit, we will publish a report that sets out whether the provider has met the standards, and, if not, which standards it has failed to meet and why.

The DfE, as the accrediting body, will decide whether to accredit a provider. Providers will be accredited for their provision for pupils who live in England only. The DfE's intention is that accreditation should last for 3 years.

Based on the charges set out above, we estimate that a provider with fewer than 250 pupils in England would normally be charged around £7,200 in total during the quality assurance process (based on 4 proprietors needing to be checked). Providers with a large number of pupils in England would normally be charged around £11,200 (again, based on 4 proprietors needing to be checked). The fees we will charge reflect the cost of the work to Ofsted.

Proposals

In this consultation, we are proposing that:

- we should base our assessment of proprietor suitability on a wide range of information, including checks with the Disclosure and Barring Service (DBS) (where applicable) and with local authorities' social services departments
- we should carry out suitability checks on all proprietors who have management responsibility for a provider
- when looking at leadership, we should gather evidence about how a provider assesses whether it continues to be in the best interests of a pupil to receive their education online and how the provider supports its pupils to move to their next educational placement
- we should consider the impact that the provider's method of delivery has on the social and emotional well-being of pupils (under standard 8.4), the development of pupils' self-esteem and self-confidence (under standard 3.2) and the development of pupils' speaking and listening skills (under standard 1.4)
- we should require online providers to prove that they have at least a basic cybersecurity certification (such as Cyber Essentials) as part of our assessment of safeguarding (under standard 4.1)

Proposal 1: The suitability checks we plan to carry out

In our view, the checks that we carry out should allow commissioners, parents and members of the public to be confident that proprietors of accredited providers:

- have sufficient integrity to take decisions that impact on the education and welfare of children and young people (for example, through the appointment of members of staff)
- are suitable to come into contact with children and young people, if this is part of their role

We therefore plan to carry out a range of checks similar to those we carry out for responsible individuals and managers in our work as the regulator of early years and children's social care services. This includes:

- open-source checks such as searches of Companies House and the Charity Commission
- asking the relevant local authority's social services department for any information it holds that may be relevant to the proprietor's suitability
- where a proprietor has lived abroad in the last 5 years, additional evidence of suitability, such as a certificate of good conduct from the embassy of every country where the person has lived during that period

- checks that the person is not prohibited from participating in the management of an independent school (due to an order or direction made under section 128 of the Education and Skills Act 2008) or prohibited from teaching (under section 142 of the Education Act 2002)
- checks with the DBS

If a proprietor engages in regulated activity in relation to children as part of their role, or manages others on a day-to-day basis who engage in regulated activity in relation to children, we will carry out an enhanced DBS check and a check of the children's barred list.[footnote 1] Broadly speaking, our view is that a proprietor will be in regulated activity with children if their role gives them the opportunity for virtual contact with children on more than 3 days in any period of 30 days. If a proprietor has the opportunity for virtual contact with children less regularly than this, and does not manage others who engage in regulated activity, they will be eligible for an enhanced DBS check but not a check of the children's barred list. If a proprietor does not have the opportunity for virtual contact with children and does not manage others who engage in regulated activity, we will carry out a basic DBS check.

Our view is that most health conditions are not relevant to a person's suitability to act as a proprietor of an online provider. However, if a proprietor has declared a health condition that may be relevant to our decision on their suitability, or if a concern has been identified through another check, we may ask them to supply further details by completing a declaration form countersigned by their GP.

If any of the checks we carry out give us cause for concern, we will normally arrange a telephone or video call to discuss the information with the person concerned. This call will be made by staff with the appropriate experience and training to discuss sensitive information with applicants.

We will take all relevant information into account before deciding whether a proprietor is suitable. If, for any reason, we are not able to obtain the necessary information to conclude that a person is suitable, we may recommend to the DfE that the application for accreditation is rejected.

We welcome views on the relevance of the information we propose to consider, and whether the checks we propose to carry out on proprietors are proportionate.

Proposal 2: Whose suitability we plan to check

In our view, it is in children's best interests for us to carry out suitability checks on all proprietors who have decision-making responsibilities for a provider.

We therefore propose that we should carry out suitability checks on all individual proprietors. In cases where the proprietor is a corporate body, a charitable trust or

a partnership, we propose to carry out checks on all those with decision-making responsibilities. This means we will carry out checks on all of the directors of a company, all of the trustees of a charity and all of the partners or members of a partnership, unless decision-making responsibilities have been delegated to an individual or a committee. If we have evidence that responsibilities have been properly delegated, we will carry out checks on the appropriate individual(s) or members of the committee.

We welcome views on this proposal, and how we can best give parents and others assurance that the proprietors of accredited providers are suitable.

Proposal 3: Assessing the quality of leadership in online providers

Since full-time online education is not suitable for all pupils and may be suitable for some on a temporary basis only, we propose that we should consider how a provider assesses the suitability of placements and supports its pupils to move to their next educational placement.

In our view, providers should be expected to:

- refuse a commission from a local authority or school (or arrange to end such a placement at an appropriate time) if it is not able to meet a child or young person's needs
- identify when it is no longer in a pupil's best interests to be educated online, and raise this with the commissioner of the placement
- work with the commissioner of the placement to support pupils as they move to their next educational placement

This would form part of the assessment of leadership under standard 8.4 ('Persons with leadership and management responsibilities at the school… actively promote the well-being of pupils… within the meaning of section 10(2) of the Children Act 2004'). [footnote 2] We welcome views on this proposal.

Proposal 4: Assessing methods of delivering online education

Providers of online education use many different delivery methods to educate their pupils. Although some providers mostly teach in a virtual 'classroom' with a two-way audio and video link, others may use messaging software, pre-recorded lessons and resources or one-to-one sessions with individual pupils. Some providers use different methods to teach different pupils and subjects.

Although the standards for online education do not require providers to adopt a particular method of delivery, we think that it is important to recognise that some methods of delivering online education may:

- make effective safeguarding difficult (particularly where members of staff cannot normally see or hear the pupil)
- have a negative effect on the well-being of pupils and their preparedness for their next steps in education and for adult life

This is particularly the case where providers rely on messaging software during teaching activities, and they do not normally have an audio or video link to the pupil.

Our draft handbook therefore states that we will consider the impact of the method or methods of delivery across all of the standards, not just those related to teaching, paying particular attention to:

- the social and emotional well-being of pupils (under standard 8.4)
- the development of pupils' self-esteem and self-confidence (under standard 3.2)
- the development of pupils' speaking and listening skills (under standard 1.4)

In practical terms, this means that if a provider communicates with pupils only through messaging software during teaching activities, inspectors will pursue several lines of enquiry. They will consider whether the provider has made effective arrangements to keep pupils safe (under standard 4.1) and whether pupils acquire speaking and listening skills (under standard 1.4). They will also expect to see evidence that the provider supports pupils to develop socially, to communicate with others and to develop self-esteem and self-confidence (under standard 8.4 and standard 3.2 respectively). If the provider is not doing these things (whether through learning activities or outside of them), the inspector may conclude that it has failed to meet some of the standards.

We welcome views on how we can best give assurance to parents and others that accredited providers have chosen their method of delivering education based on a holistic assessment of their pupils' needs.

Proposal 5: Assessing cybersecurity arrangements in online providers

The latest version of ['Keeping children safe in education'](#) states that: 'Education settings are directly responsible for ensuring they have the appropriate level of security protection procedures in place, in order to safeguard their systems, staff and learners'.

Our view is that, in general, online providers are likely to have a comparatively high

level of exposure to cybersecurity risks. We have therefore considered how we could gain more assurance that providers have assessed these risks and have put appropriate cybersecurity measures in place. This would contribute to our assessment of whether providers have met standard 4.1 ('Effective arrangements are made to safeguard and promote the welfare of pupils at the setting which have regard to any guidance issued by the Secretary of State').[footnote 3]

Our preferred option would be to require providers to attain a basic industry-standard cybersecurity certification, such as Cyber Essentials. This is a scheme developed by the National Cyber Security Centre that all organisations can implement to protect against common cybersecurity attacks. It consists of a self-assessment, which is evaluated by a qualified assessor. Cyber Essentials certification for a year would cost providers around £360.

A more stringent approach would be to require providers to attain one of several industry-standard certifications that involve independent assessment of IT systems by cybersecurity professionals (such as Cyber Essentials Plus, a version of the Cyber Essentials scheme that involves a technical audit). However, as the cost of certification under these schemes can run to several thousand pounds, this approach could significantly increase the total cost to providers of accreditation under the Online Education Accreditation Scheme. This could discourage some providers from applying for accreditation.

Our view is that, since most cyber-attacks can be avoided by adopting basic preventative measures, it would be proportionate to expect providers to attain a basic certification, such as Cyber Essentials. This would be a minimum requirement and we would also accept certification against more rigorous cybersecurity standards.

We welcome views on how we can best ensure that accredited providers have appropriate cybersecurity arrangements in place to protect their pupils and staff.

Consultation process

We welcome your responses to this consultation. The consultation opens on 24 November 2021 and closes on 26 January 2022.

We plan to publish a report on the outcome of the consultation on our website in early 2022.

Ways to respond to this consultation

Please respond using our electronic survey.

1. Regulated activity in relation to children is defined in the [Safeguarding Vulnerable Groups Act 2006](#), as amended. ↵

2. The definition of 'well-being' used in [section 10(2) of the Children Act 2004](#) is broad, and includes the physical and mental health of a pupil, their emotional well-being, protection from harm and neglect, and their social and economic well-being. ↵

3. Separately, inspectors will assess whether 'Effective action is taken to minimise the risks of pupils within the setting accessing inappropriate material or sites online and pupils are supported to remain safe online' (under standard 4.9). ↵

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