

Formal consultation: Ofsted's role in the Online Education Accreditation Scheme

Are you responding on behalf of an organisation?

Yes - please provide name of organisation (optional)

NASUWT - The Teachers' Union

Please tell us in which capacity you are completing this survey (please choose one option):

Other (please specify):

Trade union official

Do you think that our plans for suitability checks on proprietors of online providers are proportionate?

Not sure

What is your reason for that answer?

The suitability checks appear to be proportionate. However, we have concerns that some individual proprietors may seek to game the system if they have something to hide. It must be clear that unsuitable proprietors cannot use delegation to other individuals or a committee to avoid having their suitability checked. Also see our comments about accreditation in the further comments section.

Do you agree that the information we plan to look at when assessing the suitability of proprietors is relevant?

Yes

What is your reason for that answer?

We welcome the intention to conduct enhanced DBS checks of providers who are in active contact with children and undertaking regulated activity at least 3 out of 30 days or who have responsibility for managing others who are in contact with children receiving online education. We also welcome the intention to conduct basic DBS checks of other proprietors. This information is relevant in determining whether a proprietor is suitable. We believe that it will be important to inform parents to how suitability is established and what that means. We also believe that parents are told who they should contact if they have concerns about the suitability of a provider which comes to light when their child is receiving online education from the provider.

Do you agree that we should carry out suitability checks on all proprietors who have decision-making responsibilities for a provider?

Yes

What is your reason for that answer?

Yes but see comments above in response to proposal 1

Do you agree that, 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?

Yes

What is your reason for that answer?

It is vital that Ofsted focuses on the best interests of the pupil and is assured that the provider is working in the best interests of that child. The NASUWT has concerns that this is an area that could be open to abuse. For instance, there is a risk that providers may fail to adapt resources to meet the particular needs of some children such as those children with particular SEN and/or disabilities. Equally, it is possible that commissioners of provision may fail to focus on the best interests of the child and so be reluctant to identify suitable provision when the child is ready to move, including reintegration back into a mainstream school. While the provider of the online education has a responsibility to work with the commissioner of that provision and to inform the commissioner that they believe that they are no longer best placed to meet the child's needs. Ultimate responsibility rests with the commissioner. It is vital that information gathered from accreditation visits is used to inform judgements about whether schools and settings are making appropriate use of specialist provision and serving the best interests of the pupils accessing that provision.

Do you agree that 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)?

Yes

What is your reason for that answer?

The NASUWT agrees that Ofsted should make judgements about the social and emotional support provided to pupils as well as how the provider develops pupils' self-esteem and self-confidence and whether the provider is supporting the development of pupils speaking and listening skills. However, it is also vital that providers offer pupils a broad and appropriate curriculum that meets their academic needs. Inspectors must make a holistic judgement that addresses pupils' social and emotional needs as well as their academic

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needs.

Do you agree that we should require providers to attain at least a basic cybersecurity certification (such as Cyber Essentials) as part of our assessment of safeguarding?

Yes

What is your reason for that answer?

But the NASUWT does not believe that the basic cybersecurity certification addresses all elements of the safeguarding of children for which the provider should be responsible. The cybersecurity certificate addresses technical aspects of managing online education and does not address internal management processes for keeping children safe. It is vital that some assessment is undertaken of the measures taken to safeguard children receiving online education from the provider. [The NASUWT notes that this is also something for which the commissioner has a responsibility, but believes that the provider must be able to demonstrate that they are aware of the issues and comply with safeguarding legislation].

Please provide any representations/evidence of the impact of our proposals for the purposes of the Public Sector Equality Duty (Equality Act 2010).

While a provider could be a commercial company based outside the UK, they will be delivering education on behalf of a commissioner, most probably a school or local authority. Like Ofsted, schools and local authorities are subject to the public sector equality duty as is any provision that schools, local authorities or settings commission. Therefore, the NASUWT believes that the accreditation process for online education must include a judgement as to whether the provider is actively working to eliminate unlawful discrimination, advance equality and foster good relations between groups who share a protected characteristic and others who do not share the protected characteristic.

The NASUWT is very concerned that vulnerable children are the main users of online education, including children who have been excluded from school and children who have SEN and/or disabilities. It is vital that providers of online education develop and adapt their online education resources so that they cater for the needs of these children. This means that providers should demonstrate that they anticipate needs and adapt resources to meet different needs – it would be totally unacceptable for a provider to say that they cannot meet the needs of a child because the child has a disability. The accreditation process should examine this issue and inspectors should be assured that a provider is not adopting such an approach.

It is vital that the relationship between commissioner and provider and the responsibilities

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of both parties is considered when reaching a judgement about whether the provider is supporting the child to move on to the next stage of their education or next placement. This must include consideration of equality matters such as those relating to the needs of a child who has a disability and/or SEND. It should also include an examination of data to establish whether there are patterns or issues for particular groups of pupils who share a protected characteristic. Finally, it is essential that evidence from accreditation visits about whether the needs of children with a protected characteristic are being met coheres with and informs inspection judgements about provision in school college or setting under S5 and S8 inspections.

Your comments

The NASUWT has concerns about the limited nature of the accreditation process and in particular that it is non-statutory. While this is a matter for the commissioner of the accreditation process (i.e. the DfE), we believe that it is crucial that we raise this concern. The cost of gaining accreditation (estimated to be around £7,200 for small to medium size providers and around £11,200 for larger providers) is significant and is likely deter many providers from seeking accreditation. The fact that accreditation will only last for 3 years means that this is a significant, recurring expense.

Even if some providers do seek accreditation, the reality is that other providers are unlikely to do so and will still be able to provide online education to children who are among the most vulnerable and disadvantaged in England. The NASUWT considers this to be completely unacceptable. It is also an indicator that the Government is failing to comply with the United Nations (UN) sustainable development goal for education, SDG4 (ensure inclusive, quality and equitable education, and promote lifelong learning opportunities for all). We believe that all fulltime online should be accredited and that schools, colleges and other providers should only be able to commission provision that has been accredited.