



Department
for Education

Online education accreditation scheme

Guidance on how the scheme works

January 2023

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Summary

This publication provides non-statutory guidance from the Department for Education ('the Department'). It has been produced to help providers of full-time online education understand how to apply for accreditation under the non-statutory Online Education Accreditation Scheme which has been developed by the Department. It also contains non-statutory guidance for providers and commissioners of online education.

Expiry or review date

This guidance will be reviewed by the Department before the end of 2023 and may be amended from time to time to ensure that the Online Education Accreditation Scheme operates effectively.

Who is this publication for?

This guidance is for providers and commissioners of online education, the parents of pupils receiving an online education who are not being educated in schools, and for inspectors deployed by Ofsted, the quality assurance body for the Online Education Accreditation Scheme.

Section 1 of this document sets out how the Online Education Accreditation Scheme will work. It is principally aimed at providers of full-time online education who intend to apply for accreditation, though it may also be useful for commissioners of online education and parents.

Section 2 of this document sets out the circumstances in which the use of online education might be appropriate and provides guidance on the legislation that may apply to online providers. This advice is aimed at providers and commissioners of online education, and for parents whose children are educated online.

This guidance is not about remote education delivered by schools in the exceptional cases where it is not possible, or contrary to government guidance, for some or all pupils to attend face-to-face education. For remote education provided by schools, please refer to [Providing remote education: guidance for schools](#).

Main points

This document offers guidance on the Online Education Accreditation Scheme. This is a non-statutory scheme run by the Department, through which providers of full-time online education to pupils of compulsory school age in England can apply to be accredited.

Providers that apply for accreditation will need to agree to the terms and conditions for the scheme and to be inspected by Ofsted, the quality assurance body for the Online Education Accreditation Scheme.

Ofsted's role in the scheme is to:

- carry out suitability checks on the proprietors of providers that apply for accreditation
- visit providers that apply for accreditation to assess whether they meet the online education standards set out by the Department
- publish a report that sets out which of the standards a provider met and which it failed to meet at the time of the visit.

Following the completion of the quality assurance process, the Department will decide whether a provider should be accredited. The standard term for which a provider is accredited is 3 years.

The Department encourages all eligible providers to apply for accreditation and recommends that, from autumn term 2023 or as soon as practicable, commissioners of full-time online education for school-age pupils in England should only use accredited providers.

Enquiries

Any enquiries about this guidance can be sent by email to:

OEAS.enquiries@education.gov.uk.

Definitions used in this document

'Online education' means education provided remotely through digital technologies.

The Online Education Accreditation Scheme is for providers of full-time online education to compulsory school-age children in England. This document uses the term 'online provider' to refer to these organisations. This term is not to be interpreted as covering a provider of education which is subject to regulation under Chapter 1 of Part 4 of the Education and Skills Act 2008 or which constitutes a 16 to 19 Academy, a maintained school, a pupil referral unit or a non-maintained special school, any provider (or institution) falling within paragraphs (d) to (f) of the definition of 'relevant institution' in what was paragraph 1(8) of Schedule 17 to Coronavirus Act 2020, or any other type of provider which the Department considers it is inappropriate to be covered by the Online Education Accreditation Scheme because education provided by it is or would be regulated under an Act of Parliament or subordinate legislation or other instrument.

The term 'proprietor' means the corporate body of persons responsible for managing an online provider. The eligibility criteria for the Online Education Accreditation Scheme

require providers to be registered with Companies House or the Charity Commission. In most cases the Department expects applicants to be registered as limited companies, charities, or limited liability partnerships (LLPs).

The use of the term 'pupil' simply refers to any person of compulsory school age being educated by an online provider. Therefore, the term is not to be given the same meaning as in section 3 of the Education Act 1996.

Eligibility criteria

The scheme will be open to providers that:

- teach online only on a permanent basis
- provide a full curriculum or represent a child's main or only source of education
- have at least one full-time pupil of compulsory school age on roll based in England (irrespective of the number of learners based overseas)
- have a physical presence in England, registered with [Companies House](#) or the [Charity Commission](#).

Section 1: The Online Education Accreditation Scheme

A note on the drafting of this section

Both the Online Education Accreditation Scheme and the online education standards are non-statutory. Where Section 1 of this document says that providers ‘must’ take a course of action, this does not necessarily imply a legal requirement or duty (though there may also be a requirement in law to the same effect). In this section ‘must’ means that the provider will fail to meet the eligibility criteria for the scheme, the terms and conditions of the scheme, or one of the online education standards unless the provider takes that course of action.

The background to the scheme

In September 2019, the Department consulted on a proposal to establish a non-statutory accreditation scheme for providers of full-time online education. The consultation recognised the growing market of online education services for children in England, many of whom offer a full curriculum and may represent a child’s main or only source of formal education. As this type of provision is currently unregulated, the Department sought views on an accreditation scheme which would enable providers to demonstrate commitment to high standards in the quality of education and safeguarding arrangements in such services, which would increase public confidence and help to inform commissioning decisions.

The consultation made two key proposals:

- the establishment of a voluntary online education accreditation scheme
- the establishment of non-statutory standards for online education provision.

Based on the broad and substantial levels of support for some form of quality assurance framework for the online education sector, the Government announced in June 2020 its intention to develop and launch the Online Education Accreditation Scheme. **The scheme is not designed to cover all forms of online education but to focus on the part of the sector where the need for quality assurance is most pronounced: providers that offer full-time education to pupils of compulsory school age.**

Ofsted is the quality-assurance body (QAB) for the scheme. It has published a [Handbook for accreditation visits](#) to online providers as part of the Online Education Accreditation Scheme (‘Ofsted’s handbook’).

This guidance has been published as part of the launch of the scheme in January 2023 alongside guidance on the interpretation of the [Online Education Accreditation Standards](#). Online providers that intend to apply for accreditation should read these guidance documents (and Ofsted’s handbook) carefully before doing so. They will want

to ensure that they meet the eligibility criteria for the scheme and all of the online education standards at the point that they apply for accreditation. From the point at which they apply, they will also be asked to accept – and be expected to comply with – the terms and conditions for the scheme.

The aims of the scheme

The Department does not support the idea that full-time online education is a suitable alternative to traditional settings in all cases or for all children. It acknowledges that legitimate concerns exist about the use of full-time online education for some children and about the quality of education delivered in this emerging sector. However, evidence is emerging that:

- a small but growing number of school-age pupils in England appear to be receiving an education from online providers, with some pupils enrolled on a temporary basis and others a long-term basis;
- some home educating parents in England are choosing to use online providers to discharge their duty to secure a suitable education for their child while they are of compulsory school age;¹
- local authority commissioners², often in conjunction with a child's school, use online provision as a form of alternative provision for children with a medical condition or school refusal where necessary adjustments have not been appropriate;
- local authorities can, as a last resort, provide online education for children who are new to an area and are awaiting a school place.

In some of the limited and exceptional cases described above, online provision may temporarily represent a pupil's best opportunity to receive a full and balanced curriculum with the intention of returning to school as soon as is possible. It should be noted that local authorities have a statutory duty to ensure that there are sufficient school places for all children in their jurisdiction and therefore any placements associated with children awaiting a school place must be time limited. Schools should not use online education as a form of alternative provision to improve a child's behaviour through an offsite direction.

While priority should be for pupils to receive high-quality face-to-face education in schools, the Department hopes that the existence of the scheme will increase our understanding of the online education sector and give commissioners assurance that

¹ Section 7 of the Education Act 1996.

² Section 19 of the Education Act 1996.

online providers are run by suitable people providing education of an appropriate standard.

Section 2 of this document offers non-statutory guidance for commissioners of online education, to help them use online education appropriately. **The Department recommends that, from autumn term 2023 or as soon as practicable, commissioners of full-time online education for school-age pupils in England should only use accredited providers.**

The Department will review the operation of the scheme to establish whether any changes are needed to ensure that it operates effectively. This review will encompass the standards for the scheme, the eligibility criteria for the scheme, the terms and conditions for the scheme, guidance documents maintained by the Department and Ofsted relating to the scheme, and the policy options for improving the education received by children in full-time online education.

Eligibility for the Online Education Accreditation Scheme

The scheme is open to providers that:

- **teach online-only on a permanent basis**
- **provide a full curriculum or represent a child's main or only source of education**
- **have at least one full-time pupil of compulsory school age on roll based in England (irrespective of the number of learners based overseas)**
- **have a physical presence in England**
- **are registered with Companies House or the Charity Commission**

The Department will not accept applications for accreditation from providers that do not meet these eligibility criteria. It is the responsibility of the provider to ensure that this is the case.

The terms and conditions for the scheme require applicants for accreditation and accredited providers to notify the Department if they become ineligible for the scheme. In most cases, the Department will reject a provider's application for accreditation and/or rescind a provider's accreditation in these circumstances. More information on this is found under the 'Expectation of applicants for accreditation and of accredited providers' section below.

More information on how each of the eligibility criteria for the scheme will be interpreted by the Department is given below.

What it means to ‘teach online-only on a permanent basis’

The requirement for the education provided to be ‘online only’ is intended to exclude providers whose pupils ordinarily attend a physical site for part of their education.

Generally, a provider will not be eligible for the scheme if part of the education they offer takes place ‘onsite’ at a physical premises and that element is frequent and regular (e.g. daily, weekly or monthly) or mandated (i.e. at least some pupils are expected to attend). However, a provider will also be eligible for the scheme solely on the basis that they offer:

- occasional and optional opportunities for pupils outside the normal course of their education. For example, sports days, educational trips, or interview practice;
- non-educational activities which are delivered at the pupil’s home;
- in-person education offered on a time-limited basis for a small number of pupils, for example, where some in-person teaching is used to assist pupils with a planned return to a mainstream education setting. It is the expectation of the Department that any such use of in-person teaching should only make up the minority of the education provided – both in terms of the number of education hours provided and the number of children so educated.

These examples are intended to be illustrative only. The Department will assess eligibility on a case-by-case basis, with reference to the information it receives from the provider and any other relevant information received during the application process or following accreditation.

It is important that all providers that intend to apply for accreditation read [Registration of independent schools: guidance for proprietors](#) and [Policy statement: prosecuting unregistered independent schools](#). They should take care to ensure that if any in-person activities they offer cause their provision to fall within the definition of an independent school,³ they apply for registration as an independent school. It is a criminal offence to conduct an unregistered independent school and any person who does so is liable on summary conviction to a fine and/or imprisonment. We would encourage any provider with concerns about this to seek legal advice.

It is the responsibility of providers to ensure that they follow the legal requirements that apply to them at all times. Accreditation under the Online Education Accreditation Scheme does not change those requirements. Where a provider has failed to meet legal

³ A school that provides full-time education for five or more pupils of compulsory school age, or at least one pupil of that age for whom [an EHC plan *is maintained or for whom*] a statement is maintained under section 324 [or an individual development plan is maintained], or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989 [or section 74 of the Social Services and Well-being (Wales) Act 2014]), and which is not a school maintained by a [local authority] [non-maintained special school]. For further guidance, please visit [Independent school registration](#).

requirements that apply to it, the fact that it has applied for accreditation or been accredited will not avert prosecution or any other legal action that may result. The Department will share application information with any relevant agency where it believes that an offence may have been committed.

Standard 1.3 of the online education standards requires that the full-time education which is provided to pupils of compulsory school age must be 'supervised'. Clearly, the word 'supervised' does not indicate physical supervision in this context. However, it does indicate that the teacher must have a means of communicating with the pupil, checking their understanding, and ensuring they are applying themselves to their work. Pupils must have a means of communicating with their teachers in real time. Providers that solely or largely make use of 'asynchronous' teaching methods (where the education provided takes place without live supervision from a teacher) will therefore not meet standard 1.3. Where providers make use of asynchronous teaching methods in addition to 'live' teaching, they should ensure that this does not hinder them from meeting all of the standards before applying for the scheme, paying particular attention to standard 1.3, as well as standards 2.3, 2.8 and 4.1.

What it means to 'provide a full curriculum or represent a child's main or only source of education'

The scheme is not designed to cover all forms of online education but to focus on the part of the sector where the need for quality assurance is most pronounced: providers that offer full-time education to pupils of compulsory school age. Supplementary providers such as online tutoring services or agencies will not be eligible to apply to the scheme.

Pupils who are educated part-time by a provider will be outside the scope of Ofsted's quality assurance, though Ofsted may consider evidence relating to part-time pupils where it is relevant to full-time pupils (for example where both part-time and full-time pupils participate in the same teaching activities).

What it means to 'have at least one full-time pupil of compulsory school age on roll based in England (irrespective of the number of learners based overseas)'

The Department regards online education as 'full-time' when a pupil receives all, or substantially all, of their education from a provider. Generally, the Department considers 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.

Compulsory school age has its normal meaning in this context. A child begins to be of compulsory school age if he or she attains five years of age on one of the prescribed days, or on the next prescribed day following his or her fifth birthday. The prescribed days are currently 31 August, 31 December and 31 March. A child ceases to be of compulsory school age on the school leaving date for any calendar year if he or she attains the age of 16 on (or will do so by) that date, or will do so after that date but before the beginning of the next school year. The school leaving date is currently set as the last Friday in June.

The scheme is intended to cover full-time online education services for children in England only. Ofsted will quality assure provision for pupils in England only and the Department will only accredit providers for the provision they deliver to children living in England.

However, Ofsted may consider evidence relating to pupils living outside England where it is relevant to pupils living in England (for example where both groups of pupils participate in the same teaching activities).

In cases where inspectors deployed by Ofsted learn (during quality assurance activities) that a pupil who lives outside the UK is at risk of harm, the inspector will refer this information to the Department. If the child is a British Citizen, the Department will then consider whether to refer the case to Foreign, Commonwealth and Development Office consular services and, if the child is located in a state which is a Contracting State to [the 1996 Hague Protection of Children Convention](#), the Department will consider whether to refer the case to the International Child Abduction and Contact Unit (ICACU) Central Authority, in the Office of the Official Solicitor and Public Trustee (OSPT).⁴ Both of these referral routes are also open to providers. Before making a request under Chapter V of the 1996 Hague Convention, the requester must have considered Article 37 of the Convention.⁵ If a child is not located in a Contracting State, the Department will consider any other action available to it on a case by case basis.

⁴ ICACU is the operational administrative unit for some international family law treaties and is the 'Central Authority' for England under the 1996 Hague Protection of Children Convention. This means that it has responsibility for making requests to the Central Authorities of other Contracting States for cooperation under the 1996 Convention, Article 32 of which provides that 'On a request made with supporting reasons by the Central Authority or other competent authority of any Contracting State with which the child has a substantial connection, the Central Authority of the Contracting State in which the child is habitually resident and present may, directly or through public authorities or other bodies, a) provide a report on the situation of the child; b) request the competent authority of its State to consider the need to take measures for the protection of the person [...] of the child.' A list of Contracting States to the 1996 Hague Protection of Children Convention can be found here: [HCCH | #34 – Status table](#). The ICACU request form and guidance can be found here: [International child abduction unit: request for co-operation form](#).

⁵ Article 37 states that: 'An authority shall not request or transmit any information under this Chapter if to do so would, in its opinion, be likely to place the child's person or property in danger, or constitute a serious

What it means to ‘have a physical presence in England’

Accreditation visits will take place at the provider’s premises in England. This must be the headquarters of the provider’s operations in England, and must be:

- the premises from which a substantial part of the provider’s leadership or staff operate; and
- a suitable place for Ofsted to undertake a two-day accreditation visit.

The Department appreciates that some providers may deliver much of their provision from domestic residences. This is not a bar to eligibility for the scheme, so long as the premises meet the criteria set out above. For example, the home of the person in charge of the provider on a day-to-day basis (i.e. the ‘head teacher’) could meet the criteria above. The home of a teacher who has no leadership role in the provider would not meet the criteria above (unless leaders are also based there); nor would a forwarding address or a PO Box number in England. The Department and / or Ofsted may ask for additional information from providers where it is needed to determine whether they meet this element of the eligibility criteria.

What it means to be ‘registered with Companies House or Charity Commission’

In most cases the Department expects applicants to be registered as limited companies, charities, or limited liability partnerships (LLPs). The registration form will seek details of the provider’s registration number and / or other relevant details about their registration with Companies House or the Charity Commission.

Registration with Companies House means incorporation at Companies House under the Companies Act 2006. Registration with the Charity Commission means a charitable organisation registered in accordance with section 30 of the Charities Act 2011.

Applying for accreditation

Registration with the Department for Education

Providers will apply for accreditation by submitting information to the Department at OEAS.enquiries@education.gov.uk. When they do so, they will be asked to provide basic information, including the following:

- Name of provider
-

threat to the liberty or life of a member of the child's family.’ The full text of the Convention can be found here: [HCCH | #34 - Full text](#)

- Address of UK headquarters
- Name of person responsible for management of the provider on a day-to-day basis
- Name of proprietor body
- Number of teachers employed by provider
- Names of teachers employed by provider
- Age range of pupils
- Gender of pupils
- Website
- Telephone
- Key stages of education
- Number of full-time pupils on roll in England
- Religious ethos (if any)
- Admissions policy
- Post-16 provision
- Opening date
- Number of pupils with an Education, Health and Care Plan (EHC Plan)
- Registration details with Companies House and / or the Charity Commission
- Information on any occasional in-person provision the provider offers
- Name, date of birth, National Insurance number, recent employment history, email address, and photographic likeness of persons who make up the proprietor body
- Evidence of whether each member of the proprietor body has decision-making responsibility for the online education provision

They will be asked to confirm that they have read this guidance and that they agree to comply with the terms and conditions of the scheme.

Once the provider has made an application, the Department will confirm that the provider is eligible for the scheme. If the provider is eligible, the Department will assign them a Unique Reference Number (URN) and will commission Ofsted to undertake quality assurance on the provider. The Department may also carry out its own due diligence checks as appropriate.

The Department may decide to reject applications for accreditation without commissioning Ofsted to carry out quality assurance. This is most likely to occur where a provider is ineligible or has, under its current leadership, a history of serious breaches of any regulatory requirements or standards (irrespective of the source of these, for example, whether under a contract or other agreement or legislation or guidance) connected to one or more of the Department's remits, or breached the terms and conditions for the scheme or the requirements set out in this guidance.⁶

The terms and conditions for the scheme and standard 6.10 of the online education standards require providers to cooperate fully with Ofsted during the quality assurance process. This may include signing a statement of candour to provide Ofsted with

⁶ Therefore, this is not limited to the OEAS but also covers remits of the Department such as that related to independent educational institutions or that related to academies or other settings (irrespective of whether they are for providing education- for example, that related to the provision of childcare)

assurance that the proprietor and staff members will share information with Ofsted freely throughout the quality assurance process. Providers must also pay any fees due to Ofsted in full and on time. A schedule of fees that must be paid to Ofsted before the quality assurance process takes place is set out in Annex B to Ofsted's 'Handbook for accreditation visits to online providers as part of the Online Education Accreditation Scheme' ('Ofsted's handbook'). The fees that are charged reflect the cost of the work to Ofsted. Ofsted will review its fees regularly and may change them in future to reflect changes in the cost of quality assurance activities.

Providers should not apply for accreditation until they believe they meet all of the online education standards. They should read the Department's guidance on the interpretation of the online education standards carefully. Where they have pre-existing service-level agreements or contracts that involve the delivery of full-time education that would not meet the online education standards, they should renegotiate these agreements with commissioners before applying. If this is not possible, they should ensure that future agreements they enter into with commissioners are compliant with the online education standards and apply once all of the provision they offer is compliant. As stated above, the Department recommends that commissioners of full-time online education for school-age pupils in England should only use accredited providers from autumn term 2023 or as soon as practicable.

Quality assurance from Ofsted

Suitability checks

The first stage of Ofsted's quality assurance process will consist of suitability checks on the person(s) that make up the proprietor of the provider. The purpose of these checks is to establish that these people are suitable to manage a service offering full-time education to school-age children in England.

Before starting its suitability checks, Ofsted will contact providers by email to verify the basic information included in the application. If it is clear from this information that the provider is ineligible for the scheme or could not meet the standards Ofsted will notify the Department. If this happens, the Department will decide whether to reject the application and will inform the applicant of this decision and the reasons for it.

Ofsted will check the suitability of all persons with a decision-making responsibility for the online education provision, in accordance with the following proprietor structures:

- Where the proprietor of a provider is a **limited company**, this means checking all directors that have decision-making responsibilities relating to the online education provision.
- Where the proprietor of a provider is a **charitable trust**, this means checking all trustees that have decision-making responsibilities relating to the online education provision.

- Where the proprietor is a **limited liability partnership** (LLP), Ofsted will check all of the members that have decision-making responsibility relating to the online education provision.

Where decision-making responsibilities have been delegated to a committee or sub-group of the proprietor body, Ofsted will seek further evidence of formal delegation and may make further enquiries to establish that the formal delegation is observed in practice before deciding which members of the proprietor body to check. Ofsted may also make enquiries about persons who are not a formal member of the proprietor body, for example a person acting as a shadow director of a limited company. The aim of these enquiries will be to ensure that Ofsted is able to check all of the persons who have a decision-making role in practice, or where there is cause for concern, and that Ofsted is able to charge the provider according to the number of persons who need to be checked.

Once Ofsted has determined who should be checked, it will contact the persons concerned directly to seek their consent and will make an initial charge to the provider for suitability checks. Providers must pay this fee on time and in full, according to the instructions set out on Ofsted's invoice and in Annex B to [Ofsted's handbook](#). Ofsted will not start its suitability checks until it has received payment of this fee from providers. More information on the checks that Ofsted carries out on members of the proprietor body can be found in Ofsted's handbook.

If, as a result of its suitability checks, Ofsted's assessment is that one or more of the persons it has checked is unsuitable, or if Ofsted is not able to gather enough evidence to decide whether one of the persons is suitable, or if incomplete or conflicting information has been presented, it will recommend to the Department that the application for accreditation is rejected and will share information with the Department to explain why. In these circumstances, the Department will normally reject the provider's application for accreditation. Where the Department decides that one or more of the persons checked is not suitable, the Department may choose to withhold further explanation about why it has made this decision, to avoid disclosure of sensitive information relating to individuals.

Accreditation visit

If Ofsted's suitability checks indicate that all of the persons it has checked are suitable, it will notify the Department and the provider and will charge the provider a fee for an accreditation visit. Providers must pay this fee on time and in full, according to the instructions set out on Ofsted's invoice and in Annex B to Ofsted's handbook. On receipt of the fee, Ofsted will make arrangements to carry out a two-day accreditation visit to assess whether the provider meets the online education standards.

After the visit, Ofsted will publish a report that sets out which standards the provider met and which (if any) it failed to meet. For transparency and for the benefit of parents, commissioners of online education and members of the public, this report will be

published on Ofsted's website for as long as the provider remains accredited, or three years (whichever is the longer). Once an accreditation visit has taken place, Ofsted will publish a report, even if the provider subsequently withdraws its application or if accreditation is refused.

Ofsted will share its draft report and its final report with the applicant and the Department. Ofsted's handbook sets out the process through which providers will be able to comment on the content of the report, the visit process and Ofsted's findings. Ofsted will also share with the Department any information gathered during its quality assurance that does not relate to the online education standards but that may be relevant to the Department's decision on whether to accredit the provider (for example, information that suggests that the provider does not meet the eligibility criteria for the scheme).

Proprietor changes during the quality assurance process

Where the members of a provider's proprietor body change during the quality assurance process, the provider must notify the Department via OEAS.enquiries@education.gov.uk and Ofsted via online.education@ofsted.gov.uk. In this circumstance, the Department will normally commission Ofsted to carry out suitability checks on the new proprietor/s. If Ofsted is commissioned to carry out such checks before it has notified the Department of its provisional suitability assessment (as set out in under 'suitability checks' above), it will charge the provider for the additional suitability checks and will carry them out alongside the other suitability checks. If Ofsted is commissioned to carry out such checks after it has notified the Department of its provisional suitability assessment, it will charge the provider for the additional suitability checks and carry them out after a visit has taken place and the report has been published. Please note that in the event that a proprietor is found to be unsuitable following an accreditation visit, accreditation may be rejected (or withdrawn if already given) irrespective of the outcome of that visit.

Ofsted will notify the Department if, after it has notified the Department of its provisional suitability assessment (as set out in under 'suitability checks' above), it becomes aware of persons who:

- are not a formal member of the proprietor body but have decision-making authority in practice; and
- were not among the persons whose suitability were checked.

In these circumstances the Department may notify the provider that the accreditation process cannot continue without additional suitability checks. If Ofsted is commissioned by the Department to carry out checks in these circumstances, it will charge the provider for the additional suitability checks and carry them out after a visit has taken place and the report has been published.

Decisions on accreditation

When the Department takes a decision on whether a provider should become accredited, or remain accredited, it will do so in light of all relevant information it has access to. This may include (but is not limited to) the following sources of information:

- Ofsted's assessment of the suitability of the person(s) that make up the proprietor of the provider
- Ofsted's most recent report and (where relevant) any other reports published as part of the Online Education Accreditation Scheme
- any other relevant information Ofsted has shared with the Department during the quality assurance process
- any relevant complaints about the provider
- any evidence the Department has on the provider's compliance with the terms and conditions of the scheme, the provider's continued eligibility for the scheme, or the provider's compliance with UK law.
- any evidence the Department has on the provider's compliance in respect of the Department's remits ⁷
- any other relevant evidence the Department has about the provider.

Providers will only be accredited where the Department considers that:

- the provider is eligible for the scheme
- the provider has complied with, and is likely to continue to comply with, the terms and conditions of the scheme
- the persons who have decision-making responsibility⁸ for the provider are suitable to manage a service offering full-time education to school-age children in England
- the online education standards are likely to be met for the duration of the term of accreditation
- the provider has not engaged (and is not likely to engage) in conduct that would undermine public confidence in the Online Education Accreditation Scheme or in full-time online education more generally.

The Department may decide not to accredit a provider even if the provider was found to meet all of the online education standards at the time of Ofsted's accreditation visit, if it has reason to believe that accrediting the provider would not be in the public interest.

⁷ This is, therefore, not limited to the OEAS but, for example, the Department's remit related to independent educational institutions, or that related to academies or other settings (irrespective of whether they are for providing education) – such as that related to childcare.

⁸ Or any other person connected to the provider that Ofsted conducts suitability checks on.

The standard term for which a provider is accredited is 3 years. The Department may decide to withdraw a provider's accreditation during this term if there is a reasonable justification for doing so. For example, there is credible evidence that the provider does not meet the standards consistently, has broken the law, no longer meets the eligibility criteria, or has otherwise not complied with the terms and conditions of the scheme.

The Department will normally confirm a decision to accredit a provider on the same day that Ofsted publishes its report. The Department will confirm its decision in writing to the provider and to Ofsted. It will also add the following data fields to the [Get Information about Schools](#) website:

- Provider name
- Status: Open
- Provision type: Online provider
- Accreditation status: DfE accredited provider
- A link to Ofsted's latest report
- Date of last visit from Ofsted
- Date of accreditation
- Date of expiry of accreditation

Where the Department decides not to accredit a provider (based on the outcome of Ofsted's quality assurance) or to withdraw a provider's accreditation, it will give notice of this decision in writing to the provider and to Ofsted. Where the Department has decided to withdraw a provider's accreditation, it will normally do so with immediate effect.

Challenging a decision

Where a provider disagrees with the Department's decision not to accredit them or to remove their accreditation, the provider may request that the decision is reviewed. The request must be made in writing to OEAS.enquiries@education.gov.uk within ten working days of the Department giving notice in writing of its decision, and must be made by the lead contact for the provider or a member of the proprietor body. When making such a request, providers may make representations in writing to the review panel, the membership of which will not include the original decision-maker. The decision of a review panel will be final, but providers will be free to apply for accreditation again if the Department decides not to accredit them or to remove their accreditation.

Providers that have been accredited may describe themselves as an 'accredited provider of online education' – please see 'using the term 'accredited provider'' for further information.

According to the standards, providers must maintain either a link to their most recent published report under the scheme, or the report itself, on their website.

Using the term ‘accredited provider’

Once the Department has confirmed its decision to accredit a provider in writing, the provider may describe themselves as an ‘accredited by the Department for Education as a provider of online education’ alongside the use of the Department’s logo according to our branding terms. An accredited provider may do so throughout the term of its accreditation.

The accreditation is awarded by the Department for Education. Providers must not describe themselves as ‘accredited by Ofsted’ or ‘inspected by Ofsted’ and must not use the Ofsted logo on their websites or marketing literature. Ofsted takes action against any third parties using its logo without express permission, including any claims that the third party or their products are ‘Ofsted approved’ or ‘Ofsted endorsed’. More information can be found in Ofsted’s guidance on ‘Using Ofsted logos and copyright’.

Providers must not state or imply that their accreditation covers other services that they may offer, such as part-time provision, full-time provision for pupils that live outside England, or tutoring services. Providers must also not imply that they are accredited while any accreditation process is ongoing except where undertaking a re-accreditation process prior to expiry (see ‘Applying for re-accreditation’ below).

Withdrawing an application for accreditation

Providers may withdraw their application for accreditation at any point by providing written notice to the Department via OEAS.enquiries@education.gov.uk and Ofsted via online.education@ofsted.gov.uk. As set out in [Annex B to Ofsted’s handbook](#), Ofsted will not refund any payments made if a provider withdraws its application for accreditation. Once an accreditation visit has taken place, Ofsted will publish a report, even if the provider subsequently withdraws its application for accreditation.

Expectation of applicants for accreditation and of accredited providers

Providers must observe the terms and conditions for the scheme from the point that they apply for accreditation. Providers that do not comply with these requirements are likely to have their application for accreditation rejected, or their accreditation removed. In accordance with the terms and conditions of the scheme, providers **must**:

- **notify the Department if they subsequently become ineligible for the scheme** (for example because they no longer have a physical presence in England) or **if they intend to offer in-person activities or education to pupils in England, beyond those that were declared at their last application for accreditation or re-accreditation**. This will allow the Department to decide whether it agrees that the provider is no longer eligible and how to proceed. In most cases, the

Department will rescind a provider's accreditation if they become ineligible for the scheme. However, the Department will not normally rescind a provider's accreditation solely because the provider has ceased to educate at least one full-time pupil of compulsory school age based in England, as long as the provider intends to do so and is likely to do so during the term for which they have been accredited.

- **notify the Department if certain information that they have supplied as part of the registration process changes, as per the 'notifiable information' part of this guidance.** In these circumstances, the Department will normally update the information about the provider that is held on its internal systems and on [Get Information about Schools](#). Depending on the information received, the Department may commission Ofsted to carry out an additional visit to the provider to ensure that the online education standards continue to be met. The Department should be notified of such changes in advance of their confirmation or as soon as soon as possible afterwards.
- **notify the Department if an incident takes place which could bring the suitability of a proprietor or proprietors into doubt.** In these circumstances, the Department may commission Ofsted to undertake suitability checks on the proprietor or proprietors. Ofsted will charge the provider for this process and will advise the Department on the suitability of the proprietor or proprietors concerned, so that the Department can decide whether the provider should remain accredited.
- **notify the Department of serious safeguarding incidents, including any referral that may be made to the Disclosure and Barring Service (DBS)** where a provider believes that a person has caused harm or poses a future risk of harm to vulnerable groups, including children. The DBS has published [guidance on such referrals](#).
- **notify the Department if their proprietor or membership of the proprietor body changes** (for example because new directors are added to their company board of directors, or because a director has been replaced by another person). The Department should be notified of such changes in advance of their confirmation or (where this is not possible) as soon as the appointment of the new proprietor has been confirmed. In these circumstances, the Department may commission Ofsted to undertake suitability checks on the proprietor or proprietors. Ofsted will charge the provider for this process and will advise the Department on the suitability of the proprietor or proprietors concerned, so that the Department can decide whether the provider should remain accredited.
- **notify the Department if they are no longer able to meet the online education standards.** Accredited providers are expected to meet all applicable standards continually. The Department may revise the online education standards where this is necessary to keep the standards in line with practice across the education sector. Wherever practicable, such changes will be announced in advance of their introduction. Accredited providers (and providers that have applied for accreditation) must comply with changes to the online education standards from the point that such changes are introduced.

- **cooperate fully with Ofsted during any quality assurance activities**, including by disclosing any information that may be relevant to an accreditation visit or additional visit from Ofsted, and by paying any fees due to Ofsted in full and on time, according to the guidance set out in Annex B to Ofsted’s handbook.
- **observe the restrictions set out under the ‘using the term ‘accredited provider’’ part of this guidance**, which are designed to ensure that providers do not give users and potential users of their services false assurance about the extent of Ofsted’s quality assurance or the Department’s accreditation.

The Department may update the terms and conditions of the scheme from time to time, to ensure that the scheme operates effectively. The new terms would become applicable to an accredited provider at the point at which they apply for re-accreditation.

In rare cases, the Department may commission Ofsted to carry out an ‘additional visit’ to an accredited provider during the term for which it has been accredited. The purpose of an additional visit is for Ofsted to report to the Department on whether the provider meets certain standards. This would normally be because of a complaint or other information received by the Department that raises a concern about the safeguarding of pupils. The standards to be checked will be set out in the Department’s request to Ofsted. There is no charge to a provider for an additional visit.

An additional visit can take place at any time. Accredited providers must admit Ofsted’s inspectors to their premises for additional visits, and assist them, including by disclosing any information relevant to the visit. Providers that do not comply with these requirements will normally have their accreditation withdrawn.

Notifiable information

Providers must notify the Department in writing if certain information that they have supplied as part of the registration process changes. Changes that providers must notify the Department about are:

- Name of provider
- Address of UK headquarters
- Name of person responsible for management of the provider on a day-to-day basis
- Name of proprietor body
- Age range of pupils
- Gender of pupils
- Website
- Telephone
- Key stages of education
- Religious ethos (if any)
- Admissions policy
- Post-16 provision
- Registration details with Companies House and / or the Charity Commission
- Information on any occasional in-person provision the provider offers

- Name, date of birth, National Insurance number, recent employment history, email address, and photographic likeness of persons who make up the proprietor body
- Evidence of whether each member of the proprietor body has decision-making responsibility for the online education provision

Providers must supply written notice of changes to the above via OEAS.enquiries@education.gov.uk. In some instances, providers may be able to edit their information on [Get Information about Schools](#) directly. Where this is possible, we would encourage providers to do so. However, the department must be notified via the email address above in all instances, even where an edit has already been made by the provider.

Applying for re-accreditation

It is the responsibility of an accredited provider to ensure that they apply for re-accreditation in good time, so that the quality assurance process can be carried out and a decision on re-accreditation taken before the expiry date (that is, the date at which a provider's term of accreditation is due to end).

The Department advises accredited providers to apply for re-accreditation between four and six calendar months before the expiry date. If the provider has applied for re-accreditation in this window, but Ofsted is not likely to publish a report by the expiry date, Ofsted will notify the Department. In these circumstances, the Department may decide to extend the provider's accreditation until Ofsted has published its report. There is no obligation on the Department to extend such a grace period. Where a grace period has been granted and the Department subsequently decides that the provider should be accredited for another term, that term will normally end three years from the original expiry date. This means, in effect, that the grace period will be counted as part of the subsequent term of accreditation.

If a provider does not apply for re-accreditation at least four calendar months before the expiry date, their status as an accredited provider may lapse before a decision on reaccreditation can be taken.

The Department will not normally accept applications for re-accreditation that are made more than six months before the expiry date. This is to ensure that the quality assurance process takes place shortly before the expiry date, when the Department's decision on re-accreditation will become effective.

Complaints about accredited providers

Parents whose children are educated by accredited providers should complain to the provider in the first instance. The online education standards require accredited providers to have a written complaints procedure, which is clearly set out, and to make this available to parents of pupils, who may make a formal complaint in writing if they are not

satisfied with the provider's initial consideration of their complaint. Where a parent is not satisfied with the response to a formal written complaint, they may request a hearing before a panel consisting of at least three people who were not directly involved in the matters detailed in the complaint, including one who is independent of the management and running of the provider.

Parents may also complain to the Department about an accredited provider. Before doing so, they should check that the provider is accredited by searching the [Get Information about Schools](#) service. The Department will not consider or retain complaints about online providers that are not accredited (though it will share these with the relevant agencies where they raise concerns about children's safety).

Where a complainant is not a parent of a pupil, they may not be able to complain directly to an accredited provider. However, they may complain to the Department if their complaint relates to an accredited provider.

Depending on the nature of a complaint, the Department may:

- ask Ofsted to carry out an additional visit to assess whether the provider meets certain standards (as set out in paragraphs 71 – 72 of this document)
- ask Ofsted to take minor complaints into account in assessing whether the provider meets the standards if the provider applies for reaccreditation

Section 2: Non-statutory guidance for commissioners and providers of full-time online education and advice for parents

A note on the drafting of this section

In this section, the use of the word ‘must’ indicates a requirement in law. The word ‘should’ is used where the Department recommends that a particular course of action should be followed.

This section does not summarise all of the legislation that may apply to providers of full-time online education.

Guidance for all commissioners of full-time online education

Parents are responsible for ensuring that their children of compulsory school age receive a suitable education, and others commissioning online education are also likely to have responsibilities for the quality and safety of the education they commission.

Responsibility for the alternative provision used at online settings rests with the commissioner, and the commissioner must ensure, on an ongoing basis, that the education provided is suitable for the children’s needs and that it is safe.

Whilst this guidance does not override existing local authority obligations under the Children and Families Act 2014 or section 19 of the Education Act 1996, the Department’s view is that commissioners of full-time online education for school-age pupils in England should use accredited providers for new places wherever possible. Commissioners can check whether a provider is accredited by accessing the [Get Information about Schools](#) service. They can also access Ofsted’s reports on the [Find an Inspection Report website](#).

The accreditation status of a provider and Ofsted’s reports should inform quality assurance by commissioners, but commissioners should carefully consider the date of quality assurance activities carried out by Ofsted and whether they need to seek further assurance on provider quality themselves. For example, an online provider may have extended the age range they teach since the accreditation visit, in which case Ofsted would not have quality assured all the ages or key stages of education offered.

Commissioners should consider whether the type of education a particular provider offers is appropriate to the circumstances and needs of each individual pupil. The fact that a provider has been accredited does not necessarily indicate that the education they provide is suitable for a particular child. Placements should be kept under review and (unless children are receiving suitable education through elective home education)

reintegration into a registered provider of in-person education should be an explicit aim of most placements.

Guidance on placements in online alternative provision

Local authorities have a duty to arrange suitable education for children of compulsory school age who, because of exclusion, illness or other reasons, would not otherwise receive suitable education.⁹

Local authorities may commission full-time online education in exceptional circumstances for children who would not otherwise receive a suitable education (pursuant to the duty). This will only be necessary in a small number of cases, either where a child has health needs that prevent them from attending an education setting in person, or as a last resort where the local authority is identifying a suitable school place for a child who is new to the area.

The Department has published [statutory guidance on alternative provision](#) and [statutory guidance on ensuring a good education for children who cannot attend school because of health needs](#). Local authorities must have regard to both of these documents, which contain guidance on planning and reviewing placements and maintaining ongoing contact with the provider and pupil.

Before commissioning a placement in full-time online education for any child of compulsory school age, local authorities should:

- consider whether it would be the most appropriate placement for the child, or whether a placement in a school would be more appropriate for that child's needs
- take into account the views of professionals (such as social workers), parents or carers and the child
- assess the child's suitability for independent learning and their home circumstances (for example, the availability of suitable technology and the safety of their home environment)
- give particular consideration to the support that will be provided for any special educational needs or disability a child or young person may have, as well as their social, emotional and physical development.

If a placement at an online provider is determined to be in the best interests of the child then the nature of the intervention, its objectives and the timeline to achieve these objectives should be agreed and clearly defined. Progress against these objectives should be frequently monitored, appropriate reviews should be built in and continuity into the next stage in the child's life should be considered. In nearly all cases then

⁹ Section 19 of the Education Act 1996.

reintegration to a school should be the objective, and there should be agreement on how to assess when the pupil is ready to return, and the school should provide an appropriate package of support to assist their reintegration. These objectives and plans should be agreed with providers, set out in writing and regularly monitored, including through frequent visits to the provider.

The commissioner of the placement is responsible for ensuring that a child placed in online education has the necessary technology to access the education provided, and that they are entered for any public examinations.

Elective Home Education Guidance

The Department has published [guidance for local authorities and parents who have decided \(or are deciding whether\) to home educate their children](#). The guidance given above in relation to placements commissioned by local authorities and schools may also offer a source of good practice for home educating parents who decide to commission full-time online education for their child, in order to fulfil their duty (set out in section 7 of the Education Act 1996) to ensure that their child receives a suitable education.

The Equality Act 2010

The Department's view is that online providers fall under the definition of a 'service provider' for the purposes of Part 3 of the Equality Act 2010 and that the legal requirements for service providers set out in that Act apply to them.

During accreditation visits to online providers, Ofsted will assess whether they meet:

- **standard 2.10**, 'Teaching does not discriminate against pupils because of their protected characteristics as if the relevant provisions of Part 6 of the Equality Act 2010 applied to the service', with the 'relevant provisions' being section 85 paragraph 2, sub-paragraph (a) to (f),¹⁰ and section 85, paragraph 6¹¹ of the Equality Act 2010;
- **standard 3.7**, 'Respect for other people is encouraged, paying particular regard to the protected characteristics set out in the Equality Act 2010'.

During the quality assurance process, Ofsted may become aware of wider breaches of a provider's duties (as a service provider) under the Equality Act 2010 that do not result in

¹⁰ 'The responsible body of such a school must not discriminate against a pupil— (a) in the way it provides education for the pupil; (b) in the way it affords the pupil access to a benefit, facility or service; (c) by not providing education for the pupil; (d) by not affording the pupil access to a benefit, facility or service; (e) by excluding the pupil from the school; (f) by subjecting the pupil to any other detriment.'

¹¹ 'A duty to make reasonable adjustments applies to the responsible body of such a school.'

either of these standards being failed. Ofsted will note any concerns of this kind to the Department after the visit has concluded. This information will be considered by the Department when deciding whether to accredit the provider (see the 'decisions on accreditation' part of this guidance).

Special educational needs and disabilities

Online providers should notify the commissioner of the placement where they believe that special educational provision needs to be made for a pupil. Depending on the terms of the original commission and the nature of the special educational provision that may be needed, renegotiation between the provider and the commissioner may be necessary to ensure that the provision is adequately funded.

Online providers should notify the local authority where the pupil is wholly or mainly resident if they believe an EHC needs assessment may need to be made (in accordance with section 36 of the Children and Families Act 2014). Where possible, this should be done with the knowledge and, where possible, the agreement of the child's parent or the young person.

Section 38 of the Children and Families Act 2014 sets out the processes that a local authority must follow if it has decided, following a needs assessment, to prepare a draft Education, Health and Care Plan ('EHC Plan'). It also sets out how parents and young people can make representations on the content of a draft EHC Plan and make a request for a particular institution to be named in the plan, provided that the institution is of a type listed in section 38(3). Online providers are not listed in section 38(3). This means that, where a parent or a young person makes representations for a placement in an online provider to be specified in the plan, the local authority will not be under a conditional duty to name that provider in the plan (as it would have been had the parent or young person made a request for a section 38(3) school or institution to be named in the plan). Online provision may be commissioned under various circumstances for a child or young person with an EHC Plan, one example could be where local authorities arrange special educational provision that they have decided is necessary for a child or young person otherwise than in a school under section 61 of the Children and Families Act 2014. Under that section, a local authority must consider whether it is satisfied that it would be inappropriate for any special educational provision (or part thereof) to be made in any school and must consult the child's parent or the young person before arranging the provision.

Those persons or bodies listed in section 77(1) of the Children and Families Act 2014 must have regard to the [SEND Code of Practice](#) when exercising their functions under Part 3 of the 2014 Act as must others who exercise functions for the purpose of the

exercise by those persons or bodies of their functions under that Part.¹² This means that if an online provider is exercising functions for the purpose of the exercise by a local authority of its functions under Part 3 of the 2014 Act, then it must have regard to the Code.

During accreditation visits to online providers, Ofsted will assess whether they meet a range of standards that are designed to ensure that all pupils are making good progress, and to reflect the provider's engagement with (and support of) those who have duties under Part 3 of the Children and Families Act 2014 and associated regulations. These standards include standard 1.2,¹³ standard 2.1,¹⁴ standard 6.9¹⁵ and standard 6.13.¹⁶

¹² Section 77(4)-(5) of the Children and Families Act 2014.

¹³ 'The written curriculum policy, plans and schemes of work (i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan; and (ii) do not undermine the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.'

¹⁴ 'Teaching enables pupils to acquire new knowledge and make good progress according to their ability so that they increase their understanding and develop their skills in the subjects taught.'

¹⁵ 'Where a pupil with an education, health and care plan ("EHC plan") wholly or partly funded by a local authority or other body through public funds is registered at the service, such information as may reasonably be required for the purpose of the annual review of the EHC plan is provided to the responsible local authority and, on request, to the Secretary of State.'

¹⁶ 'The service's policies on educational and welfare provision for pupils with EHC plans and pupils for whom English is an additional language are made available.'



Department
for Education

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