

Second prosecution of its kind following Ofsted investigation for running an illegal school

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20 September 2019

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Nadia and Arshad Ali were found guilty of illegally running Ambassadors High School ("the School"), which charged £4,500 per year and had 45 children of compulsory school age on the roll. Mrs Ali was sentenced to 120 hours of unpaid work and fined £1000. Mr Ali and the company were also fined.

Under section 96 (1) of the Education and Skills Act 2008 ("the Act") *"a person must not conduct an independent educational institution unless it is registered"*. The offence is a summary offence and currently carries a maximum penalty of 6 months' imprisonment, an unlimited fine or both.

In September 2018 the School had attempted to register as an independent school. In February 2019 Ofsted carried out a Pre-registration Inspection in which serious safeguarding issues were found. It judged that the school would not meet the required standards.

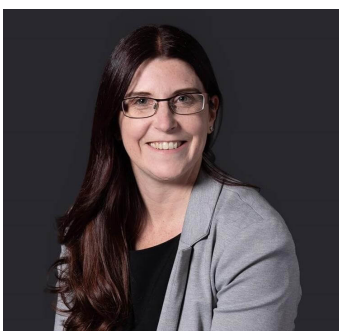
HM Chief Inspector for Ofsted believes this is the *"tip of the iceberg"* and has said several times over the past few years that Ofsted urgently needs stronger investigatory powers and believes the Government needs to tighten up the legal definition of a school. She also commented that Ofsted are committed to continuing to *"expose these places, and make sure they either close or become properly registered and subject to regular inspection."*

Ofsted are actively investigating at least 8 possible unregistered schools while more settings continue to be identified.

This case highlights the risk of non-compliance with the legal requirements and Ofsted's decision not to register the school. If found guilty of breaching section 96(1) of the Act an individual is liable on summary conviction to a term of imprisonment and/ or a fine.

The mood at Ofsted also suggests that there will be more cases like this and clients should ensure that their school is compliant with all current legislation. This follows calls for the Government to tighten up the legal definition of school.

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