



Department  
for Education

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**Date: 21 July 2016**

Dear Dr Herbert

I am writing as agreed to confirm the department's position as regards RBAir, which is the distance learning operation which runs alongside Red Balloon's registered independent schools.

The department's attitude to the desirability of registering virtual schools, as they are sometimes known, is neutral. However, at present it is not possible for such a school to be included on the register of independent schools even if the education is full-time and there are five or more pupils of compulsory school age. This is because such registration requires that all the independent school standards set in regulations are likely to be met when a school is open. However, a virtual school which has no building where pupils are taught full-time cannot, by definition, meet Part 5 of the standards (premises). We also consider that there are other standards which would be very difficult to inspect, particularly in relation to welfare. The upshot is that we have refused to consider applications for registration of such schools.

The effect of this is that virtual schools are not under regulation. The department does not see any reason why RBAir should not cater for children placed by local authorities or schools, if a placement would be beneficial for the children concerned. The closest analogy would be with those alternative provision establishments which are not registered as independent schools because their provision is not full-time, but nonetheless provide the bulk of education for the children placed with them by local authorities.

We are aware that some virtual schools continue to be interested in registration as independent schools in order to help clarify their status in the eyes of local authorities and other agencies. The department is continuing to keep this issue under review; but any change, if thought to be desirable, would require legislation and will therefore only occur in the medium term, if at all.

I hope this clarifies the department's position. We are happy for you to show this letter to any relevant agencies.

Yours sincerely



Stephen Bishop (Independent Education and Boarding Team)

